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— 1989 —

VOLUME 2

REGULAR SESSION

FIRST AND SECOND SPECIAL SESSIONS

FIFTY-FIRST LEGISLATURE

STATE OF WASHINGTON

AT

OLYMPIA, the State Capitol

1989 Regular Session Convened January 9, 1989
Adjourned Sine Die April 23, 1989

1989 First Special Session
Convened April 24, 1989
Adjourned Sine Die May 10, 1989

1989 Second Special Session
Convened May 17, 1989
Adjourned Sine Die May 20, 1989

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NINETY-SEVENTH DAY

MORNING SESSION

Senate Chamber, Olympia, Saturday, April 15, 1989

The Senate was called to order at 8:30 a.m. by President Pritchard. No roll call was taken.

The Sergeant at Arms Color Guard, consisting of Pages Michelle Memmel and Chad Memmel, presented the Colors. Steven Tonks, Olympia, Washington Stake High Councilor of the Church of Latter-Day Saints, offered the prayer.

MOTION

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

MESSAGES FROM THE HOUSE

April 14, 1989

Mr. President:

The House has passed:

SENATE BILL NO. 5250,

ENGROSSED SENATE BILL NO. 5826,

SENATE BILL NO. 5853,

SUBSTITUTE SENATE BILL NO. 5857, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

April 14, 1989

Mr. President:

The Speaker has signed:

SENATE BILL NO. 5023,

SENATE BILL NO. 5143,

SECOND SUBSTITUTE SENATE BILL NO. 5174,

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SENATE BILL NO. 5583,

SENATE BILL NO. 5595,

SUBSTITUTE SENATE BILL NO. 5681,

SUBSTITUTE SENATE BILL NO. 5868,

SENATE JOINT MEMORIAL NO. 8002, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

April 14, 1989

Mr. President:

The Speaker has signed:

SUBSTITUTE HOUSE BILL NO. 1250,

HOUSE BILL NO. 1286,

SUBSTITUTE HOUSE BILL NO. 1322,

HOUSE BILL NO. 1552,

SUBSTITUTE HOUSE BILL NO. 1952,

HOUSE BILL NO. 2013,

SUBSTITUTE HOUSE BILL NO. 2036,

HOUSE BILL NO. 2161,

HOUSE JOINT MEMORIAL NO. 4000,

HOUSE JOINT MEMORIAL NO. 4015, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

April 14, 1989

Mr. President:

The Speaker has signed:

SUBSTITUTE HOUSE BILL NO. 1426,

HOUSE BILL NO. 1794,

HOUSE BILL NO. 1802,

HOUSE BILL NO. 2051,

HOUSE BILL NO. 2075, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

April 14, 1989

Mr. President:

The Speaker has signed:

SUBSTITUTE HOUSE BILL NO. 1858,

HOUSE BILL NO. 1976,

HOUSE BILL NO. 1996,

HOUSE BILL NO. 2054,

SUBSTITUTE HOUSE BILL NO. 2088,

HOUSE BILL NO. 2135, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MESSAGE FROM THE HOUSE

April 14, 1989

Mr. President:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5352 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. (1) A budget is hereby adopted and, subject to the provisions set forth in the following sections, the several amounts specified in the following sections, or so much thereof as shall be sufficient to accomplish the purposes designated, are hereby appropriated and authorized to be incurred for salaries, wages, and other expenses of the agencies and offices of the state and for other specified purposes for the fiscal biennium beginning July 1, 1989, and ending June 30, 1991, except as otherwise provided, out of the several funds of the state hereinafter named.

(2) Unless the context clearly requires otherwise, the definitions in this section apply throughout this act.

(a) "Children's initiative fund—children's services and support account" and "children's initiative fund—K-12 education account" mean the accounts created by Initiative 102 if Initiative 102 is enacted.

(b) "Fiscal year 1990" or "FY 1990" means the fiscal year ending June 30, 1990.

(c) "Fiscal year 1991" or "FY 1991" means the fiscal year ending June 30, 1991.

(d) "FTE" means full time equivalent.

(e) "Lapse" or "revert" means the amount shall return to an unappropriated status.

(f) "Provided solely" means the specified amount may be spent only for the specified purpose. Unless otherwise specifically authorized in this act, any portion of an amount provided solely for a specified purpose which is unnecessary to fulfill the specified purpose shall lapse.

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PART I
GENERAL GOVERNMENT

NEW SECTION, Sec. 101. FOR THE HOUSE OF REPRESENTATIVES

General Fund Appropriation \$ 49,300,000

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

(1) \$150,000 is provided solely to contract for an evaluation of Seattle public schools. No portion of this amount may be expended unless at least \$150,000 from nonstate sources are contributed for this purpose.

(2) \$250,000 of the general fund appropriation is provided solely for acquisition and implementation of necessary redistricting data processing systems in conjunction with the senate and the secretary of state.

NEW SECTION, Sec. 102. FOR THE SENATE

General Fund Appropriation \$ 36,651,000

The appropriation in this section is subject to the following conditions and limitations: \$250,000 of the general fund appropriation is provided solely for acquisition and implementation of necessary redistricting data processing systems in conjunction with the house of representatives and the secretary of state.

NEW SECTION, Sec. 103. FOR THE LEGISLATIVE BUDGET COMMITTEE

General Fund Appropriation \$ 1,888,000

NEW SECTION, Sec. 104. FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE

General Fund Appropriation \$ 2,712,000

NEW SECTION, Sec. 105. FOR THE OFFICE OF THE STATE ACTUARY

Department of Retirement Systems Expense Fund Appropriation \$ 1,098,000

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

(1) The office shall provide all necessary services for the department of retirement systems within the funds appropriated in this section.

(2) \$100,000 is provided solely for implementation of the employee benefits communication project by the joint committee on pension policy.

NEW SECTION, Sec. 106. FOR THE JOINT LEGISLATIVE SYSTEMS COMMITTEE

General Fund Appropriation \$ 5,628,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation shall be transferred to the legislative systems revolving fund.

NEW SECTION, Sec. 107. FOR THE STATUTE LAW COMMITTEE

General Fund Appropriation \$ 5,983,000

NEW SECTION, Sec. 108. FOR THE SUPREME COURT

General Fund Appropriation \$ 13,486,000

The appropriation in this section is subject to the following conditions and limitations: \$5,013,000 is provided solely for the indigent appeals program.

NEW SECTION, Sec. 109. FOR THE LAW LIBRARY

General Fund Appropriation \$ 3,001,000

NEW SECTION, Sec. 110. FOR THE COURT OF APPEALS

General Fund Appropriation \$ 14,039,000

The appropriation in this section is subject to the following conditions and limitations: \$354,000 is provided solely for an additional judgeship in division I of the court of appeals. If neither Senate Bill No. 5109 nor House Bill No. 1802 is enacted by June 30, 1989, this amount of the appropriation shall lapse.

NEW SECTION, Sec. 111. FOR THE COMMISSION ON JUDICIAL CONDUCT

General Fund Appropriation \$ 620,000

NEW SECTION, Sec. 112. FOR THE ADMINISTRATOR FOR THE COURTS

General Fund Appropriation \$ 26,791,000

Public Safety and Education Account Appropriation \$ 22,874,000

Total Appropriation \$ 49,665,000

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

(1) Within the appropriations provided in this section the administrator for the courts, in conjunction with the indigent defense task force, shall review the feasibility of implementing an indigent defense cost recovery program in order to recover state expenses for the indigent appeals program. The administrator for the courts also shall prepare recommendations regarding standards for indigency to be applied uniformly among courts throughout the state. Recommendations regarding a cost recovery program and indigency standards shall be submitted to the house of representatives appropriations and the senate ways and means committees by December 1, 1989.

(2) \$4,837,000 of the general fund appropriation is provided solely for the continuation of treatment-alternatives-to-street-crimes (TASC) programs in Pierce, Snohomish, Clark, King, Spokane, and Yakima counties. In administering TASC program contracts, the administrator for the courts shall: Monitor program expenditures, conduct program audits, and develop corrective action plans as necessary for contract compliance.

(3) \$15,555,000 of the general fund appropriation is provided solely for the superior court judges program.

(4) \$50,000 of the public safety and education account appropriation is provided solely for the continuation of the indigent defense task force as provided in Substitute Senate Bill No. 5960 (indigent defense services). If the bill is not enacted by June 30, 1989, the amount provided in this subsection shall lapse.

(5) \$200,000 of the general fund appropriation is provided solely for implementing Substitute Senate Bill No. 5474 or Substitute House Bill No. 1119. If neither bill is enacted by June 30, 1989, the amount provided in this subsection shall lapse.

(6) \$250,000 of the general fund appropriation is provided solely for a foster care review pilot project. In designing the project, the administrator for the courts shall: (a) Establish control groups, one with foster care review and one without, and (b) document the comparative impacts on court costs and foster care length-of-stay.

(7) \$6,715,000 of the public safety and education account appropriation is provided solely to implement the conversion of the district court information system ("DISCIS") to a subsystem compatible with the other subsystems within the judicial information system. The amount provided in this subsection is intended to convert twenty-eight existing DISCIS sites and establish eight new sites. The administrator for the courts shall report to the legislature by January 15, 1990, on the reasonableness and feasibility of installing more DISCIS sites during the 1989-91 biennium.

(8) \$1,500,000 of the public safety and education account appropriation shall be held in reserve by the administrator for the courts until July 1, 1990.

(9) The administrator for the courts shall prepare a five-year plan for the judicial information system in conformance with the department of information services guidelines. The administrator for the courts shall submit the plan to the house of representatives committee on appropriations and the senate committee on ways and means by January 15, 1990. The five-year plan shall include but not be limited to the following items: Long range goals, objectives, and priorities; estimated equipment and software acquisition costs; an equipment acquisition schedule; estimated operating costs by fiscal year; a cost benefit analysis of planned system modifications; an analysis of the revenue impact of implementing accounts receivable modules; and descriptions of the services provided to each court jurisdiction.

(10) Within the appropriations provided in this section, the administrator for the courts shall implement Substitute House Bill No. 1565.

NEW SECTION, Sec. 113. FOR THE OFFICE OF THE GOVERNOR

General Fund Appropriation—State	\$	12,186,000
General Fund Appropriation—Federal	\$	27,779,000
Total Appropriation	\$	39,965,000

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

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

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

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

(4) The governor's office is authorized to use moneys from the general fund—state appropriation for implementation of House Bill No. 2129.

NEW SECTION, Sec. 114. FOR THE LIEUTENANT GOVERNOR

General Fund Appropriation	\$	492,000
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NEW SECTION, Sec. 115. FOR THE PUBLIC DISCLOSURE COMMISSION

General Fund Appropriation	\$	1,428,000
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The appropriation in this section is subject to the following conditions and limitations: \$124,000 is provided solely for increased auditing capabilities.

NEW SECTION, Sec. 116. FOR THE SECRETARY OF STATE

General Fund Appropriation	\$	8,070,000
Archives and Records Management Account Appropriation	\$	2,583,000
Department of Personnel Service Fund Appropriation	\$	447,000
Total Appropriation	\$	11,100,000

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

(1) \$200,000 of the general fund appropriation is provided solely for acquisition and implementation of necessary redistricting data processing systems in conjunction with the house of representatives and the senate.

(2) \$1,074,000 of the general fund appropriation is provided solely to reimburse counties for the state's share of primary and general election costs and the costs of conducting mandatory recounts on state measures.

(3) \$2,542,000 of the general fund appropriation is provided solely for the verification of initiative and referendum petitions and the maintenance of related voter registration records.

legal advertising of state measures, and the publication and distribution of the voters and candidates pamphlet.

(4) \$123,000 of the general fund appropriation is provided solely for implementation of House Bill No. 1666 (voter registration at driver's license facilities). If the bill is not enacted by June 30, 1989, the amount provided in this subsection shall lapse.

NEW SECTION, Sec. 117. FOR THE GOVERNOR'S OFFICE OF INDIAN AFFAIRS

General Fund Appropriation \$ 290,000

NEW SECTION, Sec. 118. FOR THE COMMISSION ON ASIAN-AMERICAN AFFAIRS

General Fund Appropriation \$ 312,000

NEW SECTION, Sec. 119. FOR THE STATE TREASURER

Motor Vehicle Fund Appropriation \$ 46,000

State Treasurer's Service Fund Appropriation \$ 9,234,000

Higher Education Construction Account Appropriation \$ 39,000

State Convention and Trade Center Account Appropriation \$ 76,000

State and Local Improvements Revolving Account—Waste Disposal
Facilities Appropriation \$ 58,000

Salmon Enhancement Construction Account Appropriation \$ 10,000

State and Local Improvements Revolving Account—Waste Disposal
Facilities, 1980 Appropriation \$ 200,000

State Higher Education Construction Account Appropriation \$ 25,000

State Building Construction Account Appropriation \$ 588,000

Higher Education Reimbursable Short-Term Bond Account Appropriation \$ 14,000

Outdoor Recreation Account Appropriation \$ 7,000

State and Local Improvements Revolving Account (Water Supply
Facilities) Appropriation \$ 71,000

State and Local Improvements Revolving Account (Social and Health
Services Facilities) Appropriation \$ 25,000

Economic Development Account Appropriation \$ 11,000

State Facilities Renewal Account Appropriation \$ 14,000

Puget Sound Capital Construction Account Appropriation \$ 35,000

Urban Arterial Trust Account Appropriation \$ 43,000

Total Appropriation \$ 10,496,000

The appropriations in this section, with the exception of the motor vehicle fund and state treasurer's service fund appropriations, are subject to the following conditions and limitations: The provisions of sections 807 and 808 of this act apply to the appropriations in this section.

NEW SECTION, Sec. 120. FOR THE STATE AUDITOR

General Fund Appropriation \$ 902,000

Motor Vehicle Fund Appropriation \$ 225,000

Municipal Revolving Fund Appropriation \$ 16,262,000

Auditing Services Revolving Fund Appropriation \$ 10,350,000

Total Appropriation \$ 27,739,000

NEW SECTION, Sec. 121. FOR THE CITIZENS' COMMISSION ON SALARIES FOR ELECTED

OFFICIALS

General Fund Appropriation \$ 76,000

NEW SECTION, Sec. 122. FOR THE ATTORNEY GENERAL

General Fund Appropriation—State \$ 6,284,000

General Fund Appropriation—Federal \$ 1,664,000

Legal Services Revolving Fund Appropriation \$ 70,967,000

Motor Vehicle Fund Appropriation \$ 761,000

New Motor Vehicle Arbitration Account Appropriation \$ 1,716,000

Total Appropriation \$ 81,392,000

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

(1) \$761,000 of the motor vehicle fund appropriation is provided solely to pursue highway bid-rigging anti-trust litigation and shall be expended only after the office of financial management approves plans for any expenditures.

(2) No part of the appropriations provided in this section may be used to move any attorney co-located with an agency for which the attorney provides legal services away from the agency without prior approval of the agency and the office of financial management.

(3) \$181,000 of the general fund—state appropriation is provided solely for expanding the computerized homicide information and tracking system. The attorney general shall report to the legislature, no later than January 14, 1991, on the homicide information and tracking system, as well as on the feasibility of expanding the system to include the violent crimes of rape, robbery, and arson. The report shall include a local agency financial participation analysis, a systems analysis that includes use of the incident-based reporting system (IBR) of the Washington association of sheriffs and police chiefs and of the criminal information system of the Washington state patrol, and a full-cost purchase analysis. The attorney general shall

coordinate the preparation of this report with the office of financial management, the Washington association of sheriffs and police chiefs, and the Washington state patrol.

NEW SECTION, Sec. 123. FOR THE OFFICE OF FINANCIAL MANAGEMENT

General Fund Appropriation	\$	23,300,000
Motor Vehicle Fund Appropriation	\$	101,000
Total Appropriation	\$	23,401,000

The appropriations in this section are subject to the following conditions and limitations: The director of financial management, in consultation with the department of general administration, shall report to the house of representatives appropriations and senate ways and means committees by July 1, 1990, on the savings resulting from the implementation of the report of the motor pool review team of the governor's commission for efficiency and accountability in government. The report shall provide recommendations on how the identified savings should be programmed into state agency budgets. Periodically during the biennium, the director of financial management shall direct agencies affected by the implementation of the report to place appropriated moneys in reserve status to reflect the resulting savings. By June 30, 1991, at least \$1,000,000 from general fund—state appropriations shall be placed in reserve status under this subsection. If neither Substitute House Bill No. 1355 nor Engrossed Senate Bill No. 5335 is enacted by June 30, 1989, this subsection shall have no effect.

NEW SECTION, Sec. 124. FOR THE OFFICE OF ADMINISTRATIVE HEARINGS

Administrative Hearings Revolving Fund Appropriation	\$	10,031,000
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NEW SECTION, Sec. 125. FOR THE DEPARTMENT OF PERSONNEL

Department of Personnel Service Fund Appropriation	\$	14,774,000
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The appropriation in this section is subject to the following conditions and limitations:

(1) \$670,000 is provided solely for implementation of Engrossed House Bill No. 1360, House Bill No. 2236, or the career executive management program portion of Substitute Senate Bill No. 5140. If neither bill is enacted by June 30, 1989, the amount provided in this subsection shall lapse.

(2) The department of personnel shall survey the compensation practices of comparable in-state and out-of-state law enforcement agencies. The survey shall consider the degree to which duties, skills, and working conditions are shared by classifications such as wildlife agents, fisheries agents, and members of the Washington state patrol, all of whom have full police powers. The department shall report on the survey findings to the legislature by January 1, 1990.

NEW SECTION, Sec. 126. FOR THE COMMITTEE FOR DEFERRED COMPENSATION

General Fund Appropriation	\$	527,000
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The appropriation in this section is subject to the following conditions and limitations: This appropriation is provided solely for the administration of a state employee salary reduction plan for dependent care assistance.

NEW SECTION, Sec. 127. FOR THE WASHINGTON STATE LOTTERY

Lottery Administrative Account Appropriation	\$	17,354,000
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NEW SECTION, Sec. 128. FOR THE COMMISSION ON HISPANIC AFFAIRS

General Fund Appropriation	\$	343,000
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NEW SECTION, Sec. 129. FOR THE PERSONNEL APPEALS BOARD

Department of Personnel Service Fund Appropriation	\$	870,000
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NEW SECTION, Sec. 130. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS—OPERATIONS

Department of Retirement Systems Expense Fund Appropriation	\$	22,771,000
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The appropriation in this section is subject to the following conditions and limitations:

(1) \$908,000 is provided solely for information systems projects named in this section for which work will commence or continue in this biennium. Authority to expend these funds is conditioned upon compliance with section 802 of this act. For the purposes of this subsection, "information systems projects" means the projects known by the following names or successor names: Transmittals, member account ledgers, account receivables, billing, and disbursements.

(2) \$871,000 is provided solely for reduction of the agency's backlogs.

(3) \$184,000 is provided solely for development of data security and program library management.

(4) \$50,000 is provided solely for the preparation of information on disability benefit for members of the retirement systems. In preparing this information, the department shall coordinate with the joint committee on pension policy regarding the committee's employee communications project.

NEW SECTION, Sec. 131. FOR THE STATE INVESTMENT BOARD

State Investment Board Expense Account Appropriation	\$	2,015,000
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NEW SECTION, Sec. 132. FOR THE DEPARTMENT OF REVENUE

General Fund Appropriation	\$	76,151,000
Timber Tax Distribution Account Appropriation	\$	3,382,000
State Toxics Control Account Appropriation	\$	100,000
Solid Waste Management State Account Appropriation	\$	92,000
Total Appropriation	\$	79,725,000

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

(1) \$92,000 of the solid waste management account appropriation is provided solely for implementing the provisions of Engrossed Substitute House Bill No. 1671. If the bill is not enacted by June 30, 1989, the amount provided in this subsection shall lapse.

(2) \$400,000 of the general fund appropriation is provided solely for the costs associated with expert witnesses and legal defense in defending the state in federal court.

NEW SECTION. Sec. 133. FOR THE BOARD OF TAX APPEALS

General Fund Appropriation \$ 1,329,000

NEW SECTION. Sec. 134. FOR THE MUNICIPAL RESEARCH COUNCIL

General Fund Appropriation \$ 2,212,000

NEW SECTION. Sec. 135. FOR THE UNIFORM LEGISLATION COMMISSION

General Fund Appropriation \$ 37,000

NEW SECTION. Sec. 136. FOR THE OFFICE OF MINORITY AND WOMEN'S BUSINESS

ENTERPRISES

General Fund Appropriation \$ 2,178,000

NEW SECTION. Sec. 137. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

General Fund Appropriation—State \$ 8,576,000

General Fund Appropriation—Federal \$ 1,715,000

General Fund Appropriation—Private/Local \$ 99,000

Motor Vehicle Fund Appropriation \$ 331,000

State Patrol Highway Account Appropriation \$ 229,000

Motor Transport Account Appropriation \$ 10,867,000

General Administration Facilities and Services Revolving Fund

Appropriation \$ 22,365,000

Total Appropriation \$ 44,182,000

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

(1) The motor vehicle fund appropriation and state patrol highway account appropriation are provided solely for risk management activities related to the motor vehicle fund and the state patrol highway account.

(2) \$471,000 of the motor transport account appropriation is provided solely to establish the office of motor vehicle services as provided in Senate Bill No. 5335 or Substitute House Bill No. 1355. If neither bill is enacted by June 30, 1989, the amount provided in this subsection shall lapse.

NEW SECTION. Sec. 138. FOR THE DEPARTMENT OF INFORMATION SERVICES

Data Processing Revolving Fund Appropriation \$ 2,392,000

NEW SECTION. Sec. 139. FOR THE INSURANCE COMMISSIONER

Insurance Commissioner's Regulatory Account Appropriation \$ 12,424,000

NEW SECTION. Sec. 140. FOR THE BOARD OF ACCOUNTANCY

General Fund Appropriation \$ 463,000

Certified Public Accountant Examination Account Appropriation \$ 655,000

Total Appropriation \$ 1,118,000

NEW SECTION. Sec. 141. FOR THE DEATH INVESTIGATION COUNCIL

Death Investigations Account Appropriation \$ 11,000

NEW SECTION. Sec. 142. FOR THE BOXING COMMISSION

General Fund Appropriation \$ 139,000

NEW SECTION. Sec. 143. FOR THE HORSE RACING COMMISSION

Horse Racing Commission Fund Appropriation \$ 4,544,000

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

(1) If there are more than seven hundred thirty-two racing days during the fiscal biennium ending June 30, 1991, the governor is authorized to allocate such additional moneys from the horse racing commission fund as may be required.

(2) No horse racing commission funds may be used for the purpose of certifying Washington-bred horses under RCW 67.16.075.

NEW SECTION. Sec. 144. FOR THE LIQUOR CONTROL BOARD

Liquor Revolving Fund Appropriation \$ 95,458,000

NEW SECTION. Sec. 145. FOR THE PHARMACY BOARD

General Fund Appropriation \$ 1,436,000

NEW SECTION. Sec. 146. FOR THE UTILITIES AND TRANSPORTATION COMMISSION

Public Service Revolving Fund Appropriation \$ 26,245,000

Grade Crossing Protective Fund Appropriation \$ 320,000

Total Appropriation \$ 26,565,000

The appropriations in this section are subject to the following conditions and limitations: \$347,000 of the public service revolving fund appropriation is contingent on the enactment of Engrossed Substitute House Bill No. 1671. If the bill is not enacted by June 30, 1989, the amount provided in this subsection shall lapse.

NEW SECTION. Sec. 147. FOR THE BOARD FOR VOLUNTEER FIREMEN

Volunteer Firemen's Relief and Pension Fund Appropriation \$ 315,000

NEW SECTION. Sec. 148. FOR THE MILITARY DEPARTMENT

General Fund Appropriation—State	\$	8,087,000
General Fund Appropriation—Federal	\$	6,425,000
Total Appropriation	\$	14,512,000
NEW SECTION, Sec. 149. FOR THE PUBLIC EMPLOYMENT RELATIONS COMMISSION		
General Fund Appropriation	\$	1,819,000

PART II

HUMAN SERVICES

NEW SECTION, Sec. 201. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(1) Appropriations made in this act to the department of social and health services shall initially be allotted as required by this act. Subsequent allotment modifications shall not include transfers of moneys between sections of this act except as expressly provided in this act, nor shall allotment modifications permit moneys that are provided solely for a specified purpose to be used for other than that purpose.

(2) The department of social and health services shall not initiate any services that will require expenditure of state general fund moneys unless expressly authorized in this act or other law, or unless the services were provided on March 1, 1989. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, except maternal and child health block grant moneys, those moneys shall be spent for services authorized in this act, and an equal amount of appropriated state general fund moneys shall lapse. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on explicitly defined projects or matched on a formula basis by state funds.

(3) The department of social and health services is authorized to expend federal funds made available by the federal immigration reform and control act, P.L. 99-603, for the purposes contained in that act.

NEW SECTION, Sec. 202. GENERAL VENDOR RATE INCREASES

In granting the vendor rate increases funded by appropriations in sections 201 through 217 of this act which reference this section, the department may vary percentage increases among vendor groups. In order to determine the percentage increases for each vendor group, the department may consider: The gap between the vendor group's costs and department rates; and the extent to which a disproportionate share of the vendor group's revenue or activity is dependent on department clients. The department shall ensure that the overall average rate increase on January 1, 1990, and on January 1, 1991, each does not exceed four percent. The department may transfer funds among appropriations for the purposes of this section. In no case may transfers out of a section exceed the amounts appropriated for the purposes of this section. This section shall not apply to rates for hospitals, nursing homes reimbursed under chapter 74.46 RCW, therapeutic child care providers, child placement agencies, or family foster care providers and shall not apply to any rate increase funded from children's initiative fund—children's services and support account appropriations.

NEW SECTION, Sec. 203. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—CHILDREN AND FAMILY SERVICES PROGRAM

General Fund Appropriation—State	\$	269,918,000
General Fund Appropriation—Federal	\$	167,351,000
Children's Initiative Fund—Children's Services and Support Account Appropriation	\$	56,371,000
Public Safety and Education Account Appropriation	\$	400,000
Total Appropriation	\$	494,040,000

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

(1) \$5,952,000 of the general fund—state appropriation and \$448,000 of the general fund—federal appropriation are provided solely for reduction of the average caseloads for child protective and child welfare casework staff to a standard of thirty-two cases per staff.

(2) \$5,326,000 of the general fund—state appropriation is provided solely to expand services to families to reduce the need for family or group foster care. Of the amount provided in this subsection, \$1,560,000 is provided solely for additional homemakers; \$982,000 is provided solely for family reconciliation services; \$514,000 is provided solely for the homebuilders program; \$1,000,000 is provided solely for home-based services or treatment for families receiving child protective services; and \$1,270,000 is provided solely for increased child care services.

(3) \$400,000 of the public safety and education account appropriation is provided solely to continue training programs under chapter 70.125 RCW for medical personnel regarding victims of sexual abuse. Training provided under this subsection shall be designed to develop regional expertise on identification, verification, and retention of evidence in cases of child sexual abuse.

(4) \$5,090,000 of the general fund—state appropriation and \$591,000 of the general fund—federal appropriation are provided solely to increase rates and services as follows: \$3,210,000 of the general fund—state appropriation, and \$591,000 of the general fund—federal appropriation are provided solely for increased treatment and rates for family foster

care and child placement agencies; \$500,000 of the general fund—state appropriation is provided solely for increased grants to domestic violence shelter programs; \$200,000 of the general fund—state appropriation is provided solely for increased grants to victims of sexual assault programs; and \$1,180,000 of the general fund—state appropriation is provided solely for increased rates for therapeutic child care.

(5) \$3,926,000 of the general fund—state appropriation is provided solely to increase the number of children served in the employment child care subsidy program.

(6) \$56,371,000 of the children's initiative fund—children's services and support account appropriation is provided solely to improve services to children and families including but not limited to: Reducing average caseloads for child protective and child welfare casework staff to a standard of twenty-five cases per staff; expanding shelter and counseling services for battered women and their children; increasing services under the therapeutic child care program and the women, infant, and children nutrition program; increasing and improving group home and family foster care rates; increasing child care subsidy rates; increasing family reconciliation, homebuilders, and other family support services; fully funding childhood immunization programs; and expanding the high-priority infant tracking program state-wide.

(7) \$300,000 of the general fund—state appropriation is provided solely for grants for the operation of community-based family support centers. Grants shall be administered and evaluated by the council for prevention of child abuse and neglect. Grantees shall be part of a community interagency team that provides support to families, which may include, but is not limited to, parenting education and support groups, child development assessments, and information and referral services. As a condition of receiving a grant, grantees shall provide twenty-five percent of the funding for family support centers.

(8) Any federal funds not anticipated in this act received for the purpose of maternal and child health services may be spent to increase county health department services to families with young children, including home visits, preventive health care, nutrition, and other services.

(9) \$4,964,000 of the general fund—state appropriation and \$2,190,000 of the general fund—federal appropriation are provided solely for vendor rate increases for vendors providing services to the children and family services program, as specified in section 202 of this act.

(10) \$2,350,000 of the general fund—state appropriation is provided solely for foster care diversion projects established under section 203(15), chapter 289, Laws of 1988. The department shall continue or expand those projects showing positive outcomes in both benefits to families and cost neutrality. The department shall report to the appropriate committees of the legislature by January 8, 1990, on these projects. The reports shall include a description of each project, the cost of each project, and an assessment of its effectiveness.

(11) \$250,000 of the general fund—state appropriation is provided solely for employer-related child care activities, including outreach and technical assistance to employers, by the department of social and health services or community-based child care resource and referral agencies as outlined in Engrossed Substitute House Bill No. 1133 and Second Substitute Senate Bill No. 6051. No moneys provided in this subsection may be spend for grants or loans to employers.

(12) \$500,000 of the general fund—state appropriation is provided solely for continuation of the "Continuum of Care" projects as provided for in section 203(15), chapter 289, Laws of 1988, through June 30, 1990.

NEW SECTION. Sec. 204. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES— JUVENILE REHABILITATION PROGRAM

(1) COMMUNITY SERVICES

General Fund Appropriation—State	\$	33,150,000
General Fund Appropriation—Federal	\$	134,000
Children's Initiative Fund—Children's Services and Support Account		
Appropriation	\$	3,322,000
Total Appropriation	\$	36,606,000

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

(a) \$540,000 of the children's services and support account appropriation is provided solely for up to twenty-five additional community beds.

(b) \$1,040,000 of the children's services and support account appropriation is provided solely for expansion of the community commitment program.

(c) \$367,000 of the children's services and support account appropriation is provided solely for expansion of parole diagnostic services.

(d) \$375,000 of the children's services and support account appropriation is provided solely for summer school programs in juvenile learning centers.

(e) \$610,000 of the general fund—state appropriation is provided solely for vendor rate increases for vendors providing service to the juvenile rehabilitation program, as specified in section 202 of this act.

(2) INSTITUTIONAL SERVICES

General Fund Appropriation—State	\$	47,924,000
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General Fund Appropriation—Federal	\$	871,000
Children's Initiative Fund—Children's Services and Support Account		
Appropriation	\$	576,000
Total Appropriation	\$	49,371,000

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

(a) The department shall develop a long-range plan for the future status of institutional programs and facilities. The plan shall be presented to the appropriate policy and fiscal committees of the senate and house of representatives by January 8, 1990, and shall address in detail:

(i) Offenders who can be diverted to community programs;

(ii) Community programs necessary to successfully divert offenders from state facilities;

(iii) Programs and facilities most appropriate for offenders requiring incarceration in state facilities;

(iv) The costs to state and local organizations to accomplish the plan; and

(v) Policy changes necessary to accomplish the plan.

(b) \$576,000 of the children's services and support account appropriation is provided solely for positive programming initiatives in selected institutions.

(c) \$554,000 of the general fund—state appropriation is provided solely to accommodate offender population increases resulting from the policies of the juvenile disposition standards board.

(3) PROGRAM SUPPORT

General Fund Appropriation	\$	2,905,000
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NEW SECTION, Sec. 205. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—

MENTAL HEALTH PROGRAM

(1) COMMUNITY SERVICES

General Fund Appropriation—State	\$	172,123,000
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General Fund Appropriation—Federal	\$	91,168,000
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Children's Initiative Fund—Children's Services and Support Account

Appropriation	\$	10,143,000
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General Fund Appropriation—Local	\$	3,360,000
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Total Appropriation	\$	276,794,000
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The appropriations in this subsection are subject to the following conditions and limitations:

(a) If Second Substitute Senate Bill No. 5400, as amended by the house of representatives, is not enacted by June 30, 1989, the appropriations in this subsection are subject to the following conditions and limitations:

(i) The legislature assumes that the improvements funded in this section are the first step towards building a mental health system with strong coordination within communities and between communities and the state hospitals. Should Second Substitute Senate Bill No. 5400 not be enacted, the legislature intends to proceed with the transition described in that bill. The legislature intends that counties or groups of counties will form regional support networks to provide comprehensive mental health services to their residents. Comprehensive services include short term evaluation and treatment, emergency intervention, community residential and support services, and other services needed to support the mentally ill. The legislature intends that the state hospitals will continue to play an important role in the mental health system. It is also intended that networks gradually reduce their reliance on the state hospitals for routine short term evaluation and treatment.

(ii) Beginning July 1, 1989, the department of social and health services shall track by county and by region the use and cost of state hospital and local evaluation and treatment facilities, including the use of local hospitals under medicaid. Reports shall include information on seventy-two hour detentions and fourteen-day, ninety-day, and one hundred eighty-day commitments. In addition, the report shall include information on voluntary inpatient care at state hospitals and in the community. To the extent feasible, reports shall reflect client county of residence. Reports shall be made available to regional support networks and counties at six-month intervals.

(iii) Contracts with regional support networks and service providers shall include provisions requiring such data, statistics, schedules, and information as the secretary of the department of social and health services may reasonably require. The contracts shall provide that failure to meet contract reporting requirements without good cause shall result in penalties, which may include termination of the contract, or withholding of payment. The contracts shall provide for written notice of failure to comply with reporting requirements and a thirty-day period for corrective action.

(iv) Counties or groups of counties wishing to enter into regional support network contracts with the secretary of the department of social and health services for the 1989-91 biennium, shall notify the secretary and submit a preliminary plan by October 30, 1989. The networks shall submit an overall six-year plan (including operating and capital budgets, and a timeline) in a format specified by the secretary no later than sixty days prior to the proposed contract implementation date. The secretary shall negotiate and finalize contracts with regional support networks for implementation of approved plans no later than March 1, 1990. Consistent

with legislative intent in (i) above, the secretary shall ensure that contracts reflect plans which implement the transition to local responsibility for comprehensive services. Transition steps may include but are not limited to development of local resource management, development of local evaluation and treatment programs, and development of local housing and support systems.

(v) The secretary of the department of social and health services, in consultation with affected parties, shall develop a distribution formula for the funds appropriated in this section. The secretary shall report on the formula to the appropriations and human services committees of the house of representatives and the ways and means and health care and corrections committees of the senate by October 1, 1989.

(vi) The department, in cooperation with the state congressional delegation, shall actively seek waivers of federal requirements and such modifications of federal regulations as are necessary to allow federal medicaid reimbursement for services provided by free-standing evaluation and treatment facilities certified under chapter 71.05 RCW. The department shall periodically report its efforts to the ways and means and health care and corrections committees of the senate and the appropriations and human services committees of the house of representatives.

(vii) The department shall study and report to the legislature by December 2, 1989, on expanding the use of federal Title XIX funds and the definition of institutions for mental diseases to provide services to persons who are acutely mentally ill, chronically mentally ill, or at risk of becoming so. The study shall also include an assessment of the impact of Title XIX funds and the definition of institutions for mental diseases on the use of state funds to provide needed mental health services to the chronically mentally ill.

(b) A maximum of \$33,012,000 of the general fund—state appropriation and \$16,057,000 of the general fund—federal appropriation are provided for approved regional network plans through contracts negotiated with the secretary of the department of social and health services.

(i) Contracts shall include financial plans which ensure that the ongoing cost of programs initiated during state fiscal year 1991 can be sustained by approximately the same level of resources, adjusted for inflation, in state fiscal year 1992. It is the intent of the legislature that contracting for new resources in subsequent biennia not be unduly restricted by "bow wave" costs from 1989-91 contracts. Of the amounts provided in this subsection, a maximum of \$500,000 from the general fund—state appropriation may be used for planning and technical assistance grants to counties or regions wishing to form networks. The amounts in this subsection include moneys needed to implement the omnibus budget and reconciliation act of 1987 ("OBRA"). First priority for necessary mental health services shall be given to individuals transferred from nursing homes because of OBRA. Such services shall be consistent with an individual's discharge plan and shall include residential services, if needed. Assumptions regarding the number of transfers from the nursing homes shall be incorporated into each contract and shall be consistent with the state-wide plan. The department shall coordinate OBRA transfers consistent with the provisions of each contract. The secretary shall negotiate contracts with networks from areas comprising no more than two-thirds of the state's population. Contracts shall be negotiated in at least two competitive rounds. The first round of contracts shall be effective no later than January 1, 1990. The last round of contracts shall be effective no later than March 1, 1990.

(ii) The department shall continue contracting directly for the Kitsap mental health services residential care alternative project until such time as Kitsap county becomes or joins a regional support network. The reimbursement rate per available bed-day shall not exceed \$208 in fiscal year 1990 and \$216 in fiscal year 1991. During the contract period, all eligible involuntary treatment referrals for Kitsap county residents shall be made to the project. No involuntary referrals shall be made to western state hospital except when the following conditions are met: The Kitsap residential treatment facility is filled to capacity; and the mental health division and the Kitsap county mental health coordinator concur with the referral. Priority for referral to western state hospital shall be given to individuals under ninety-day or one hundred eighty-day commitments and individuals who have exhausted all community placement options.

(iii) Chartley house may be continued as a part of a network contract or funded directly by the department.

(c) \$2,000,000 of the general fund—state appropriation is provided solely for a mental health housing reserve. The secretary of the department of social and health services shall transfer funds from the reserve to the state hospitals in any quarter in which hospital census exceeds the December 1988 forecast. Any amount remaining after March 1991 may be used for one-time grants. In making grants, the secretary shall give priority to proposals that facilitate network development, demonstrate integration with other mental health services and that are designed to reduce involuntary treatment.

(d) \$6,000,000 of the general fund—state appropriation is provided solely for increases for involuntary treatment act administration, including costs associated with involuntary medication hearings.

(e) \$2,700,000 of the general fund—state appropriation is provided solely for information system requirements associated with Second Substitute Senate Bill No. 5400 as amended.

(f) \$600,000 of the general fund—state appropriation and \$400,000 of the general fund—federal appropriation are provided solely for increasing local hospital outlier payments.

(g) \$2,000,000 of the general fund—state appropriation, \$500,000 of the general fund—federal appropriation, and \$3,000,000 of the children's services and support account appropriation are for community mental health services for children, including \$600,000 of the general fund—state appropriation to expand the primary intervention program to ten additional school districts in 1989-90. Priority for the remaining moneys shall be given to maintaining Title XIX eligibility for children's outpatient services at risk of losing federal financial participation because of lack of state match.

(h) \$6,343,000 of the children's services and support account is provided solely for the expansion of the primary intervention program.

(i) \$500,000 of the children's services and support account appropriation is provided solely for a study of children's mental health services state-wide.

(j) \$5,128,000 of the general fund—state appropriation and \$1,931,000 of the general fund—federal appropriation are for vendor rate increases for vendors providing services to the mental health program, as specified in section 202 of this act.

(2) INSTITUTIONAL SERVICES

General Fund Appropriation—State	\$ 207,447,000
General Fund Appropriation—Federal	\$ 9,869,000
Total Appropriation	\$ 217,316,000

The appropriations in this subsection are subject to the following conditions and limitations: \$9,026,000 of the general fund—state appropriation and \$560,000 of the general fund—federal appropriation are provided for improvements at state mental hospitals. Of these amounts, it is intended that:

(a) \$56,000 is for start-up of an employee day care facility to enhance staff recruitment and retention.

(b) \$500,000 is for staff recruitment, retention, and development activities which includes but is not limited to continuing education, inservice training, and scholarships for staff training to become registered nurses.

(c) \$3,170,000 is for improving housekeeping and maintenance.

(d) \$3,609,000 is for improved staffing at the state hospitals.

(e) \$2,460,000 is for research and teaching activities in cooperation with universities, colleges, community colleges, and vocational technical institutes. In developing these relationships, the secretary shall give highest priority to activities which improve staff recruitment, retention, and development and contribute to improving quality of care.

(f) \$100,000 is for the nurses conditional scholarship program established in chapter 242, Laws of 1988. The department shall transfer \$100,000 to the higher education coordinating board for the purposes of this section. The moneys transferred to the board shall be used only for nurses agreeing to serve at the state hospitals.

(3) PROGRAM SUPPORT

General Fund Appropriation—State	\$ 3,360,000
General Fund Appropriation—Federal	\$ 1,383,000
Total Appropriation	\$ 4,743,000

(4) SPECIAL PROJECTS

General Fund Appropriation—Federal	\$ 2,966,000
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NEW SECTION. Sec. 206. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—DEVELOPMENTAL DISABILITIES PROGRAM

(1) COMMUNITY SERVICES

General Fund Appropriation—State	\$ 105,496,000
General Fund Appropriation—Federal	\$ 85,743,000
Children's Initiative Fund—Children's Services and Support Account Appropriation	\$ 3,538,000
Total Appropriation	\$ 194,777,000

The appropriations in this subsection are subject to the following conditions and limitations: (a) \$992,000 of the general fund—state appropriation and \$669,000 of the general fund—federal appropriation are provided solely to provide additional funding for the Sunrise group homes congregate care facilities and the St. Margaret's Hall congregate care facility, and to establish a pilot group home project for the Special Homes organization. The department may transfer up to \$238,000 of the general fund—state appropriation provided in the long-term care services program to this subsection to provide additional funding for Sunrise group homes.

(b) \$417,000 of the general fund—state appropriation and \$477,000 of the general fund—federal appropriation are provided solely to transfer twenty-eight residents of the united cerebral palsy program to community-based residential programs.

(c) \$3,955,000 of the general fund—state appropriation and \$1,754,000 of the general fund—federal appropriation are provided solely for vendor rate increases for vendors providing services to the developmental disabilities program, as specified in section 202 of this act.

(2) INSTITUTIONAL SERVICES

General Fund Appropriation—State	\$	106,095,000
General Fund Appropriation—Federal	\$	118,394,000
Total Appropriation	\$	224,489,000

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

(a) \$1,900,000 of the general fund—state appropriation and \$1,276,000 of the general fund—federal appropriation are provided solely to fund the provisions of Engrossed Substitute House Bill No. 1051. If Engrossed Substitute House Bill No. 1051 is not enacted by June 30, 1989, the amounts provided in this subsection shall lapse.

(b) \$150,000 of the general fund—state appropriation may be used to provide day programming services to residents of the Frances Haddon Morgan Center.

(3) PROGRAM SUPPORT

General Fund Appropriation—State	\$	3,903,000
General Fund Appropriation—Federal	\$	630,000
Total Appropriation	\$	4,533,000

NEW SECTION. Sec. 207. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—
LONG-TERM CARE SERVICES

General Fund Appropriation—State	\$	452,127,000
General Fund Appropriation—Federal	\$	498,665,000
General Fund Appropriation—Local	\$	296,000
Total Appropriation	\$	951,088,000

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

(1) Nursing home rates shall be adjusted for inflation under RCW 74.46.495 by 4.7 percent on July 1, 1989, and 4.7 percent on July 1, 1990.

(2) \$5,290,000 of the general fund—state appropriation is provided solely for respite care services.

(3) The department shall provide personal care services for Title XIX categorically eligible persons, effective July 1, 1989. Personal care services shall be provided to eligible persons with one or more personal care needs who meet program eligibility standards established by rule pursuant to chapter 34.05 RCW.

(4) \$4,200,000 of the general fund—state appropriation and \$1,400,000 of the general fund—federal appropriation are provided solely to increase medical benefits for contracted chore service workers, contracted personal care workers, and contracted COPES workers.

(5) The department shall request an amendment to its community options program entry system waiver under section 1905(c) of the federal social security act to include respite services as a service available under the waiver.

(6) At least \$16,050,420 of the general fund—state appropriation shall initially be allotted for implementation of the senior citizens services act. However, at least \$1,265,000 of this amount shall be used solely for programs that use volunteer workers for the provision of chore services to persons whose need for chore services is not being met by the chore services program.

(7) \$2,179,000 of the general fund—state appropriation and \$2,464,000 of the general fund—federal appropriation are provided solely for expansion of the community options entry program.

(8) \$500,000 of the general fund—state appropriation is provided for new and expanded volunteer chore services.

(9) \$7,392,000 of the general fund—state appropriation and \$32,000 of the general fund—federal appropriation are provided solely for vendor rate increases for vendors providing services to long-term care services, as specified in section 202 of this act.

(10) \$1,000,000 of the general fund—state appropriation is provided solely to enhance quality assurance for adult family homes through enhanced survey, licensing, and contracted consultation activities.

(11) A maximum of \$2,820,000 of the general fund—state appropriation and \$3,180,000 of the general fund—federal appropriation may be expended for nursing care expenditures in excess of the nursing center cost lid. Amounts provided in this subsection, however, shall not be used to fund prospective costs related to pool or temporary staff. The legislature finds and declares that medicaid reimbursement rates, in every cost center and rate period, are and have been adequate, without enhancements, to meet costs that must be incurred by economically and efficiently operated nursing homes in order to provide quality skilled or intermediate nursing care in compliance with all state or federal health and safety standards. Each contractor shall spend or have spent the amount specified in this subsection on wages, benefits, and payroll taxes for nursing staff. The department shall determine whether each contractor has spent the amount as required by this subsection. If the contractor does not spend the amount as required by this subsection, the amounts not so spent shall be recouped at preliminary or final settlement pursuant to RCW 74.46.160. If the provision for exemptions from the

nursing center cost lid included in Engrossed Substitute House Bill No. 1864 is not enacted by June 30, 1989, the amounts provided in this subsection shall lapse.

**NEW SECTION. Sec. 208. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—
INCOME ASSISTANCE PROGRAM**

General Fund Appropriation—State	\$	391,032,000
General Fund Appropriation—Federal	\$	446,968,000
Children's Initiative Fund—Children's Services and Support Appropriation	\$	25,000,000
Total Appropriation	\$	863,000,000

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

(1) \$10,038,000 of the general fund—state appropriation and \$9,967,000 of the general fund—federal appropriation are provided solely for a two percent standard increase beginning January 1, 1990, for the aid to families with dependent children, general assistance, consolidated emergency assistance, and refugee assistance programs.

(2) Payment levels in the programs for aid to families with dependent children, general assistance, and refugee assistance shall contain an energy allowance to offset the costs of energy. The allowance shall be excluded from consideration as income for the purpose of determining eligibility and benefit levels of the food stamp program to the maximum extent such exclusion is authorized under federal law and RCW 74.08.046. To this end, up to \$200,000,000 of the income assistance payments is so designated for exemptions of the following amounts:

Family size:	1	2	3	4	5	6	7	8 or more
Exemption:	\$36	47	56	67	77	87	101	111

(3) \$25,000,000 from the children's initiative fund—children's services and support account appropriation and \$25,000,000 from the general fund—federal appropriation, or as much thereof as may be necessary, shall be spent for the purpose of providing an eight percent grant increase for the aid-to-families-with-dependent-children program, effective July 1, 1990. Beginning July 1, 1990, the energy allowance shall be increased as follows:

Family size:	1	2	3	4	5	6	7	8 or more
Exemption:	\$56	71	86	103	120	134	155	171

If Initiative 102 is not enacted by December 31, 1989, this subsection shall have no effect.

(4) \$365,000 of the general fund—state appropriation and \$171,000 of the general fund—federal appropriation are provided solely for vendor rate increases for vendors providing services for the income assistance program, as specified in section 202 of this act.

(5) The department shall expand the family independence program by six sites to a total of seventeen sites. Eligibility for two-parent families shall not be denied solely for lack of work history.

(6) Moneys from these appropriations may be spent for general assistance programs not included in section 209 of this act.

**NEW SECTION. Sec. 209. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—
GENERAL ASSISTANCE—UNEMPLOYABLE PROGRAM**

General Fund Appropriation—State	\$	68,765,000
General Fund Appropriation—Federal	\$	418,000
Total Appropriation	\$	69,183,000

The appropriations in this section are subject to the following conditions and limitations: Moneys from these appropriations are provided solely for assistance to persons under RCW 74.04.005(6)(a)(ii)(B). The department shall ensure that the part of the general assistance program funded by this section is provided through June 30, 1991, within the amounts provided in this section. If necessary to achieve this result, the department shall implement rateable reductions to the payment standards within the general assistance-unemployable program.

**NEW SECTION. Sec. 210. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—
COMMUNITY SOCIAL SERVICES PROGRAM**

General Fund Appropriation—State	\$	66,864,000
General Fund Appropriation—Federal	\$	27,631,000
Children's Initiative Fund—Children's Services and Support Account	\$	730,000
Total Appropriation	\$	95,225,000

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

(1) \$3,262,000 of the general fund—state appropriation and \$86,000 of the general fund—federal appropriation are provided solely for vendor rate increases for vendors providing services for the community social service program, as specified in section 202 of this act.

(2) \$730,000 of the children's initiative fund—children's services and support account appropriation is provided solely to increase youth residential drug and alcohol treatment rates.

(3) \$1,000,000 of the general fund—state appropriation is provided solely to expand refugee assistance services.

(4) In order to achieve a more equitable rate structure, the department, in consultation with affected parties, shall revise its rates for vendors providing services for the alcohol and

drug addiction treatment and support program by reducing outpatient treatment rates and increasing inpatient treatment rates.

**NEW SECTION, Sec. 211. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—
MEDICAL ASSISTANCE PROGRAM**

General Fund Appropriation—State	\$	695,882,000
General Fund Appropriation—Federal	\$	734,250,000
Health Care Access Account	\$	60,000,000
Total Appropriation	\$	1,490,132,000

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

(1) The department is authorized under 42 U.S.C. Sec. 1396b(a)(1) to pay third-party health insurance premiums for categorically needy medical assistance recipients upon a determination that payment of the health insurance premium is cost effective. In determining cost effectiveness, the department shall compare the amount, duration, and scope of coverage offered under the medical assistance program.

(2) \$21,961,000 of the general fund—state appropriation is provided solely for medical assistance for categorically needy pregnant women and children under one year of age whose household income does not exceed one hundred eighty-five percent of the federal poverty level, and whose coverage qualifies for federal financial participation under Title XIX of the federal social security act.

(3) \$4,420,000 of the general fund—state appropriation is provided solely for medical assistance for children under eight years of age whose family income does not exceed one hundred percent of the federal poverty level, and whose coverage qualifies for federal financial participation under Title XIX of the federal social security act.

(4) \$24,407,000 of the general fund—state appropriation and \$7,887,000 of the health care account appropriation are provided solely for hospital rate increases. Rate increases shall be granted effective July 1, 1989. If Second Substitute House Bill No. 1378 is not enacted by June 30, 1989, the amounts provided in this subsection shall lapse. The total rate increase for Harborview Medical Center from the amounts provided in this subsection shall equal \$14,400,000 and, consistent with federal law and to the maximum extent possible, the department shall pay this entire amount to the Harborview Medical Center by March 1, 1991. The department of social and health services shall continue to provide vendor payment advances to Harborview Medical Center. Of the amounts provided in this subsection: \$7,887,000 from the health care access account appropriation and \$1,547,000 from the general fund—state appropriation are provided solely for increased payments to Harborview Medical Center.

(5) \$6,600,000 of the general fund—state appropriation is provided to increase reimbursement levels to health care providers for the delivery of maternity services.

(6) The department shall continue variable ratable reductions for the medically indigent and general assistance—unemployable programs in effect November 1, 1988.

(7) \$52,262,000 of the health care access account appropriation is provided solely for the medically indigent program.

(8) If Second Substitute House Bill No. 1378 is not enacted by June 30, 1989, the service expansions in subsections (2) and (3) of this section and the rate increases in subsection (4) of this section shall not occur, and the general fund—state appropriations in those subsections shall be used instead to support the medically indigent program.

(9) \$10,262,000 of the general fund—state appropriation and \$10,135,000 of the general fund—federal appropriation are provided solely for vendor rate increases for vendors providing services to the medical assistance program, as specified in section 202 of this act.

(10) In order to increase coordination and visibility of the state's overall mental health effort, a maximum of \$37,158,000 of the general fund—state appropriation, and a maximum of \$39,921,000 of the general fund—federal appropriation may be transferred to the mental health program. The department shall report to the house of representatives committee on appropriations and senate ways and means committee on any adjustments needed to this act to implement this subsection. It is the intent of the legislature that providers providing services funded by the amounts provided in this subsection shall receive the vendor increases provided in this section.

(11) \$14,473,000 of the general fund—state appropriation and \$17,566,000 of the general fund—federal appropriation are provided solely for the adult dental program for Title XIX categorically eligible and medically needy persons.

**NEW SECTION, Sec. 212. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—
PUBLIC HEALTH PROGRAM**

General Fund Appropriation—State	\$	64,736,000
General Fund Appropriation—Federal	\$	14,490,000
General Fund Appropriation—Local	\$	10,951,000
Public Safety and Education Account Appropriation—State	\$	200,000
State Toxics Control Account Appropriation	\$	828,000
Total Appropriation	\$	91,205,000

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

(1) \$1,600,000 of the general fund—state appropriation is provided solely for continuation of the state drinking water program.

(2) \$8,000,000 of the general fund—state appropriation is provided solely to enhance funding for AIDS education, high-risk intervention, counseling and testing, case management, continuum of care, and coordination and planning activities through the regional AIDSNET program established by chapter 70.24 RCW. State moneys provided for AIDSNET activities may not be used to supplant other funds. The office on AIDS, established by RCW 70.24.250, shall require AIDSNET lead counties to develop regional service plans which meet state standards for uniformity and consistency. The state standards shall ensure that all the provisions of RCW 70.24.400(3) are implemented uniformly throughout the state.

(3) \$1,000,000 of the general fund—state appropriation is provided solely to increase in equal percentages medical and dental services provided through community health clinics. A maximum of \$100,000 of the amount provided in this subsection may be used to contract with new providers. \$900,000 of this amount shall be allocated to contractors who were contractors in fiscal year 1989, prorated according to the percentage of total fiscal year 1989 contract funds received by each contractor.

(4) In allocating money to community health clinics, the department shall ensure that each clinic receives at least ninety-five percent of the amount received in the prior fiscal year. The department shall promulgate rules under chapter 34.05 RCW to develop an allocation formula for distributing money to community health clinics, and to develop eligibility criteria for receipt of program moneys.

(5) \$150,000 of the state toxics control account appropriation is provided solely to contract with the University of Washington for toxicology research, evaluation, and technical assistance regarding health risks of toxic substances.

(6) \$200,000 of the public safety and education account is provided solely for a study of the trauma care system.

**NEW SECTION, Sec. 213. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—
VOCATIONAL REHABILITATION PROGRAM**

General Fund Appropriation—State	\$	13,151,000
General Fund Appropriation—Federal	\$	51,042,000
Total Appropriation	\$	64,193,000

The appropriations in this section are subject to the following conditions and limitations: \$110,000 of the general fund—state appropriation is provided solely for vendor rate increases for vendors providing services to the vocational rehabilitation program, as specified in section 202 of this act.

**NEW SECTION, Sec. 214. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—
ADMINISTRATION AND SUPPORTING SERVICES PROGRAM**

General Fund Appropriation—State	\$	55,756,000
General Fund Appropriation—Federal	\$	36,506,000
Institutional Impact Account Appropriation	\$	80,000
Total Appropriation	\$	92,342,000

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

(1) \$200,000 of the general fund—state appropriation is provided solely to secure a negotiator to represent the interests of the department of social and health services in seeking agreements with the federal government that will enhance the efficiency and effectiveness of department programs.

(2) \$666,000 of the general fund—state appropriation is provided solely to enhance the department's accounting system.

**NEW SECTION, Sec. 215. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—
COMMUNITY SERVICES ADMINISTRATION PROGRAM**

General Fund Appropriation—State	\$	175,880,000
General Fund Appropriation—Federal	\$	187,935,000
Total Appropriation	\$	363,815,000

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

(1) \$3,178,000 of the general fund—state appropriation is provided solely to expand the supplemental security income pilot project state-wide.

(2) \$454,000 of the general fund—state appropriation and \$840,000 of the general fund—federal appropriation are provided solely to expand the patient-requiring-regulation program and provider review program of the division of medical assistance.

(3) \$1,000,000 of the general fund—state appropriation and \$1,000,000 of the general fund—federal appropriation are provided solely for transfer by interagency agreement to the Washington state institute for public policy to continue to conduct a longitudinal study of public assistance recipients, pursuant to section 14, chapter 434, Laws of 1987.

(4) \$698,000 of the general fund—state appropriation and \$1,149,000 of the general fund—federal appropriation are provided solely for transfer by July 1, 1989, by interagency agreement to the legislative budget committee for the purpose of an independent evaluation of the family independence program as required by section 14, chapter 434, Laws of 1987.

(5) \$102,000 of the general fund—state appropriation and \$306,000 of the general fund—federal appropriation are provided solely for the department of social and health services and the employment security department for costs associated with the evaluation of the family independence program.

(6) \$200,000 of the general fund—state appropriation is provided solely for vendor rate increases for vendors providing services to the community services program, as specified in section 202 of this act.

(7)(a) \$668,000 of the general fund—state appropriation and \$518,000 of the general fund—federal appropriation are provided solely to continue the complaint backlog project to investigate and process backlogged public assistance and food stamp fraud complaints. The department shall assign additional staff under this subsection with the goals of (i) eliminating the complaint backlog existing as of June 30, 1989, by March 1990, and (ii) maximizing overpayment recoveries during the biennium ending June 30, 1991.

(b) Expenditures for the purposes of this subsection shall be charged to a unique identifier in the department's accounting system. The department shall collect necessary data on the backlogged complaints and report to the legislative budget committee on December 1, 1989, and December 1, 1990, regarding the utilization, performance, and cost-effectiveness of the additional funding provided for complaint backlog work by this section.

NEW SECTION. Sec. 216. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—REVENUE COLLECTIONS PROGRAM

General Fund Appropriation—State	\$	39,677,000
General Fund Appropriation—Federal	\$	71,380,000
General Fund Appropriation—Local	\$	949,000
Total Appropriation	\$	112,006,000

The appropriations in this section are subject to the following conditions and limitations: \$2,391,000 of the general fund—state appropriation and \$4,696,000 of the general fund—federal appropriation are provided solely for the enforcement of health insurance provisions of child support orders pursuant to Substitute Senate Bill No. 5665 (medical support enforcement). If the bill is not enacted by June 30, 1989, the amounts provided in this subsection shall lapse.

NEW SECTION. Sec. 217. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—PAYMENTS TO OTHER AGENCIES PROGRAM

General Fund Appropriation—State	\$	38,187,000
General Fund Appropriation—Federal	\$	17,041,000
Total Appropriation	\$	55,228,000

NEW SECTION. Sec. 218. FOR THE WASHINGTON STATE HEALTH CARE AUTHORITY

State Employees Insurance Administrative Account Appropriation	\$	6,203,000
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NEW SECTION. Sec. 219. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

General Fund Appropriation—State	\$	62,964,000
General Fund Appropriation—Federal	\$	124,725,000
General Fund Appropriation—Private/Local	\$	269,000
Building Code Council Account Appropriation	\$	809,000
Public Works Assistance Account Appropriation	\$	933,000
Fire Service Training Account Appropriation	\$	750,000
State Toxics Control Account Appropriation	\$	397,000
Children's Initiative Fund—Children's Services and Support Account		
Appropriation	\$	28,800,000
Low Income Weatherization Account Appropriation	\$	8,007,000
Washington Housing Trust Fund Appropriation	\$	2,500,000
Total Appropriation	\$	230,154,000

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

(1) \$400,000 of the general fund—state appropriation is provided solely for a state-wide stabilization program for arts organizations that have annual budgets exceeding \$200,000. No portion of this amount may be expended for a grant without a match of an equal portion from nonstate sources. No organization shall be eligible for such a grant unless it has operated without a deficit for at least the previous two years. A maximum of \$200,000 of this appropriation may be expended for grants in any single county.

(2) \$100,000 of the general fund—state appropriation is provided solely for increased grants to public radio and television stations, consistent with RCW 43.63A.410 through 43.63A.420. In determining the allocation of grants to stations, the department shall strive to provide rural stations equitable access to these funds.

(3) \$200,000 of the general fund—state appropriation is provided solely for development of a state-wide food stamp assistance outreach program. No portion of this amount may be expended without a match of an equal amount from federal funds.

(4) \$100,000 of the general fund—state appropriation is provided solely for development of a program to provide technical assistance to businesses threatened with closure or layoffs by shifts in federal spending.

(5) \$5,000,000 of the general fund—state appropriation is provided solely for security costs associated with the goodwill games, subject to the following conditions and limitations:

(a) A maximum of \$1,500,000 may be expended by the department to develop, in consultation with the Washington state patrol, local governments, the Seattle goodwill games organizing committee, and appropriate federal authorities, a coordinated security plan for the 1990 goodwill games.

(b) The security plan shall contain an assessment of the security requirements for the goodwill games; a definition of the policy goals; and a description of the roles and responsibilities of federal, state, and local agencies in preparing and implementing the plan. The plan shall contain a detailed security plan element for the athletes village and for each of the local event venues. The plan shall provide a detailed budget that outlines how federal, state, local government resources, and Seattle goodwill games organizing committee resources will be used to meet the financial requirements of the plan. The plan shall consider the experiences of other states in providing security for such events. The plan shall be completed no later than November 1, 1989, and shall be submitted to the appropriate committees of the legislature no later than January 8, 1990.

(c) Other than expenditures for developing the plan, no portion of the amount provided in this subsection may be expended unless the plan has been completed and the expenditure complies with the plan and with the following conditions and limitations:

(i) The department shall provide in full the entire budget requirement for moneys from the amount provided in this subsection contained in the plan for the Washington state patrol.

(ii) \$200,000 of the amount provided in this subsection is provided for administration of the plan.

(iii) The remainder of the amount provided in this subsection shall be allocated to local governments.

(iv) Only direct personnel costs related to event security shall be eligible for general fund—state reimbursement. Local revenue losses and expenses for reducing normal workloads shall not be eligible for reimbursement.

(v) No amount shall be expended for local governments prior to an agreement by the Seattle goodwill games organizing committee to contribute at least \$2,000,000 to local governments to help defray the costs of preparing and implementing the security plan. The agreement by the Seattle goodwill games organizing committee shall also indemnify the state from any liability resulting from the games.

(6) \$350,000 of the general fund—state appropriation is provided solely for the department to establish a Washington state growth strategies commission. The commission shall consist of seventeen members appointed by the governor comprising a balance of the key geographic regions of the state. Four members shall be from the legislature, including one member from each of the caucuses of the house of representatives appointed by the speaker of the house and one member each from the senate appointed by the president of the senate. The commission shall submit to the legislature by January 8, 1990, a set of preliminary findings including but not limited to growth planning goals. The commission shall submit to the legislature by January 1991 recommendations to develop a growth strategy for the state including a coordinated system of growth planning, state and regional roles, enhanced comprehensive planning at the local level, and means to fund the planning process.

(7) \$4,000,000 of the general fund—state appropriation is provided solely for the department's housing program. Of this amount, \$3,000,000 is provided solely for grants to emergency shelters.

(8) \$526,000 of the general fund—state appropriation is provided solely for the department's emergency food assistance program.

(9) \$1,000,000 of the general fund—state appropriation is provided solely for providing representation to indigent persons in dependency proceedings under chapter 13.34 RCW.

(10) \$20,000,000 of the children's initiative fund—children's services and support account appropriation is provided solely for the development of low-income housing for families with children.

(11) \$13,900,000 of the general fund—state appropriation is provided solely to increase the number of children enrolled in the early childhood education program.

(12) \$7,000,000 of the children's initiative fund—children's services and support account appropriation is provided solely for additional enrollment in the early childhood education program.

(13) \$1,800,000 of the children's initiative fund—children's services and support account appropriation is provided solely for the purchase of children's car seats to reduce injuries and fatalities among low-income children.

(14) \$905,000 of the general fund—state appropriation is provided solely to implement a timber assistance program. Of this amount:

(a) \$565,000 is provided solely for the department of community development to provide assistance to communities adversely impacted by reductions in timber harvested from federal lands. This assistance shall include technical assistance in the formation and implementation of community economic development plans and shall include aid to communities for the purpose of seeking private and federal financial assistance. The department may contract for these services.

(b) \$240,000 is provided solely for the department to provide grants to two nonprofit organizations for the purpose of locating reemployment centers in areas of the state adversely impacted by reductions in timber harvested from federal lands. Each center shall provide direct and referral services to the unemployed. These services may include but are not limited to reemployment assistance, medical services, social services including marital counseling, mortgage foreclosure and utility problem counseling, drug and alcohol abuse counseling, credit counseling, and other services deemed appropriate. These services shall not supplant the on-going efforts of any reemployment centers existing on the effective date of this act. Not more than five percent of this amount may be used for administrative costs of the department.

(c) \$100,000 is provided solely for the department to provide technical assistance on employee ownership to employees and firms in the timber industry which are threatened with closure or substantial layoffs. Assistance shall include training for labor and management in the operation of an employee-owned firm. The department may contract for these services.

(15) By January 8, 1990, the department shall report to the legislature on the distribution and amount of grants to bordertowns. It is intended that the level of funding provided for this purpose under RCW 66.08.190 through 66.08.195 to bordertowns shall remain substantially equal to the current level of expenditures.

(16) \$715,000 of the general fund—state appropriation is provided solely to replace the loss of federal funds for the department's fire service training program. The department shall attempt to obtain additional federal funds for this program by developing proposals that maximize the department's eligibility for additional funds.

(17) For the fiscal period ending June 30, 1990, \$120,000 of the general fund—state appropriation is provided solely for Stevens county to offset fiscal impacts associated with chapter 274, Laws of 1988.

(18) \$307,000 of the general fund—state appropriation is provided solely for the department to continue homeport activities.

(19) \$305,000 of the general fund—federal appropriation, or as much thereof as may be necessary, may be spent for implementation of Engrossed Substitute House Bill No. 2198.

NEW SECTION, Sec. 220. FOR THE HUMAN RIGHTS COMMISSION

General Fund Appropriation—State	\$	4,088,000
General Fund Appropriation—Federal	\$	864,000
Total Appropriation	\$	4,952,000

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

(1) \$227,414 of the general fund—state appropriation is provided solely for combined federal and state jurisdiction case management to ensure continuance of current level federal contract reimbursement to the state.

(2) \$550,000 of the general fund—state appropriation is provided solely for legal services provided by the attorney general's office.

NEW SECTION, Sec. 221. FOR THE BOARD OF INDUSTRIAL INSURANCE APPEALS

Public Safety and Education Account Appropriation	\$	324,000
Worker and Community Right-to-Know Account Appropriation	\$	32,000
Accident Fund Appropriation	\$	6,459,000
Medical Aid Fund Appropriation	\$	6,459,000
Total Appropriation	\$	13,274,000

NEW SECTION, Sec. 222. FOR THE CRIMINAL JUSTICE TRAINING COMMISSION

Death Investigations Account Appropriation	\$	35,000
Public Safety and Education Account Appropriation	\$	8,843,000
Total Appropriation	\$	8,878,000

The appropriations in this section are subject to the following conditions and limitations: The criminal justice training commission shall report on the implementation of House Bill No. 2237 or Second Substitute Senate Bill No. 5073 and shall monitor criminal justice data to the extent necessary for implementation of House Bill No. 2237 or Second Substitute Senate Bill No. 5073.

NEW SECTION, Sec. 223. FOR THE DEPARTMENT OF LABOR AND INDUSTRIES

General Fund Appropriation	\$	9,756,000
Public Safety and Education Account Appropriation—State	\$	19,584,000
Public Safety and Education Account Appropriation—Federal	\$	2,000,000
Accident Fund Appropriation	\$	102,143,000
Electrical License Fund Appropriation	\$	11,882,000
Farm Labor Revolving Account Appropriation	\$	30,000
Medical Aid Fund Appropriation	\$	121,910,000
Asbestos Account Appropriation	\$	1,314,000
Plumbing Certificate Fund Appropriation	\$	696,000
Pressure Systems Safety Fund Appropriation	\$	1,476,000
Worker and Community Right-to-Know Fund Appropriation	\$	2,414,000
Total Appropriation	\$	273,205,000

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

(1) \$6,596,793 from the accident fund appropriation and \$12,953,328 from the medical aid fund appropriation are provided solely for information systems projects named in this section. Authority to expend these funds is conditioned on compliance with section 802 of this act. For the purposes of this section, "information systems projects" means the projects known by the following names or successor names: Document image processing, improved service level, electronic data interchange, interactive system, and integrated system.

(2) \$300,000 of the general fund—state appropriation is provided solely to fund the provisions of Engrossed Substitute House Bill No. 1581. If the bill is not enacted by June 30, 1989, the amount provided in this subsection shall lapse.

(3) \$175,000 of the general fund—state appropriation, \$216,000 of the worker and community right-to-know appropriation, \$575,000 of the accident fund appropriation, and \$101,000 of the medical fund appropriation are provided to fund the provisions of House Bill No. 2222 (chapter —, Laws of 1989). If the bill is not enacted by June 30, 1989, the amounts provided in this subsection shall lapse.

NEW SECTION, Sec. 224. FOR THE INDETERMINATE SENTENCE REVIEW BOARD

General Fund Appropriation \$ 3,236,000

The appropriation in this section is subject to the following conditions and limitations: \$316,000 is provided solely to carry out the provisions of Substitute House Bill No. 1457. If the bill is not enacted by June 30, 1989, the amount provided in this subsection shall lapse.

NEW SECTION, Sec. 225. FOR THE DEPARTMENT OF VETERANS AFFAIRS

General Fund Appropriation—State \$ 20,385,000
 General Fund Appropriation—Federal \$ 5,724,000
 General Fund Appropriation—Local \$ 7,802,000
 Total Appropriation \$ 33,911,000

NEW SECTION, Sec. 226. FOR THE DEPARTMENT OF CORRECTIONS

(1) COMMUNITY SERVICES

General Fund Appropriation \$ 74,421,000

The appropriation in this subsection is subject to the following conditions and limitations: To the extent feasible, the department shall increase the daily board and room charges authorized under RCW 72.65.050 for work release participants to \$15.00.

(2) INSTITUTIONAL SERVICES

General Fund Appropriation \$ 301,946,000

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

(a) \$556,000 of the general fund appropriation is provided for offender population increases associated with increased penalties for residential burglaries established in Engrossed Senate Bill No. 5233. If the bill is not enacted by June 30, 1989, this amount shall lapse.

(b) The department shall contract with the Washington State University agricultural extension service in Pierce county to provide for the "prison pet partnership program" at the Washington corrections center for women.

(3) ADMINISTRATION AND PROGRAM SUPPORT

General Fund Appropriation \$ 22,561,000
 Institutional Impact Account Appropriation \$ 332,000
 Total Appropriation \$ 22,893,000

(4) INSTITUTIONAL INDUSTRIES

General Fund Appropriation \$ 2,622,000

NEW SECTION, Sec. 227. FOR THE DEPARTMENT OF SERVICES FOR THE BLIND

General Fund Appropriation—State \$ 2,472,000
 General Fund Appropriation—Federal \$ 6,987,000
 Total Appropriation \$ 9,459,000

NEW SECTION, Sec. 228. FOR THE HOSPITAL COMMISSION

General Fund Appropriation \$ 1,937,000
 Hospital Commission Account Appropriation \$ 1,597,000
 Total Appropriation \$ 3,534,000

The appropriations in this section are subject to the following conditions and limitations: If a department of health is created by June 30, 1989, the amounts provided in this subsection shall be transferred to the department of health for the purposes specified in this subsection.

NEW SECTION, Sec. 229. FOR THE WASHINGTON BASIC HEALTH PLAN

General Fund Appropriation \$ 30,015,000

The appropriation in this section is subject to the following conditions and limitations: The plan may enroll up to 25,000 individuals during the 1989-91 biennium.

NEW SECTION, Sec. 230. FOR THE SENTENCING GUIDELINES COMMISSION

General Fund Appropriation \$ 573,000

NEW SECTION, Sec. 231. FOR THE EMPLOYMENT SECURITY DEPARTMENT

General Fund Appropriation—State \$ 131,000
 General Fund Appropriation—Federal \$ 162,308,000
 General Fund Appropriation—Local \$ 12,489,000

Administrative Contingency Fund		
Appropriation—Federal	\$	9,252,000
Unemployment Compensation Administration Fund Appropria-		
tion—Federal	\$	118,169,000
Employment Service Administration Account Appropriation—Fed-		
eral	\$	790,000
Employment Service Administration Account Appropriation—State	\$	6,823,000
Federal Interest Payment Fund Appropriation	\$	2,100,000
Children's Initiative Fund—Children's Services and Support Account		
Appropriation	\$	2,500,000
Total Appropriation	\$	314,562,000

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

(1) \$152,000 of the administrative contingency fund—federal appropriation and \$2,100,000 of the federal interest payment fund appropriation are provided solely for transfer through interagency agreement to the department of social and health services for family independence program employment services.

(2) \$2,500,000 of the children's initiative fund—children's services and support account appropriation is provided solely for increased services to at-risk adolescents from low-income families by expanding the summer motivation and academic residential training program and by providing similar services to youth through programs that do not have a residential component.

(3) \$300,000 of the administrative contingency fund—federal appropriation is provided solely for a study of the impact of the state minimum wage increase under chapter 1, Laws of 1989 (Initiative 518). The department shall contract with the northwest policy center at the University of Washington and shall cooperate in supplying data to the center for purposes of the study. The center shall choose an advisory committee to advise the center on the design of the study. The committee shall consist of an equal number of economists who supported the minimum wage initiative and who opposed the initiative, and an equal number of representatives of labor and of business. The minimum wage study shall include the identification of the affected population of employers and employees, and a survey of a sample of the affected population. The survey instrument shall include questions regarding the longitudinal impact of the initiative on wages, employment, employee hours, employee benefits, tip income, productivity, prices, business closures and openings, social welfare payments, and the demographic characteristics of the affected population. To the extent feasible, the study shall attempt to verify the information provided by survey respondents. The study shall also include a report on minimum wage claims filed with the department of labor and industries. A report of findings shall be presented to the governor and legislature by December 1, 1990.

(4) The department shall provide job placement services for the department of natural resources' forest land management activities. These services shall include widely disseminating information on the availability of work on state forest lands and information on the procedures for bidding on contracts for such work. Priority for these services shall be given to unemployed individuals who have been employed in the timber industry. The department shall record the number of unemployed timber workers who obtain employment through the department of natural resources' forest land management activities and shall report its findings to the governor and to the appropriate legislative committees on January 1, 1990, and January 1, 1991.

PART III
NATURAL RESOURCES

NEW SECTION. Sec. 301. FOR THE STATE ENERGY OFFICE

General Fund Appropriation—State	\$	1,965,000
General Fund Appropriation—Federal	\$	10,832,000
General Fund Appropriation—Private/Local	\$	260,000
Geothermal Account Appropriation—Federal	\$	22,000
Building Code Council Account Appropriation	\$	40,000
Solid Waste Management Account Appropriation	\$	150,000
Total Appropriation	\$	13,269,000

The appropriations in this section are subject to the following conditions and limitations: The entire solid waste management account appropriation is provided solely to implement the energy-related provisions of Engrossed Substitute House Bill No. 1671. If the bill is not enacted by June 30, 1989, the solid waste management account appropriation is null and void.

NEW SECTION. Sec. 302. FOR THE WASHINGTON CENTENNIAL COMMISSION

General Fund Appropriation	\$	1,385,000
State Centennial Commission Account Appropriation	\$	302,000
Total Appropriation	\$	1,687,000

The appropriations in this section are subject to the following conditions and limitations: \$316,000 of the general fund—state appropriation is provided solely for planning and implementation related to the Maritime Voyages exhibition. If Senate Bill No. 5874 is enacted by June 30, 1989, this amount shall be transferred to the Washington state historical society for the same purposes.

NEW SECTION, Sec. 303. FOR THE COLUMBIA RIVER GORGE COMMISSION

General Fund Appropriation—State	\$	588,000
General Fund Appropriation—Private/Local	\$	571,000
Total Appropriation	\$	1,159,000

NEW SECTION, Sec. 304. FOR THE DEPARTMENT OF ECOLOGY

General Fund Appropriation—State	\$	64,247,000
General Fund Appropriation—Federal	\$	27,024,000
General Fund Appropriation—Private/Local	\$	432,000
Flood Control Assistance Account Appropriation	\$	3,852,000
Special Grass Seed Burning Research Account Appropriation	\$	41,000
Reclamation Revolving Account Appropriation	\$	474,000
Emergency Water Project Revolving Account Appropriation: Appropriated pursuant to chapter 1, Laws of 1977 ex. sess.	\$	389,000
Litter Control Account Appropriation	\$	6,755,000
State and Local Improvements Revolving Account—Waste Disposal Facilities: Appropriated pursuant to chapter 127, Laws of 1972 ex. sess. (Referendum 26)	\$	2,627,000
State and Local Improvements Revolving Account—Waste Disposal Facilities 1980: Appropriated pursuant to chapter 159, Laws of 1980 (Referendum 39)	\$	1,187,000
State and Local Improvements Revolving Account—Water Supply Facilities: Appropriated pursuant to chapter 234, Laws of 1979 ex. sess. (Referendum 38)	\$	1,745,000
Stream Gaging Basic Data Fund Appropriation	\$	142,000
Vehicle Tire Recycling Account Appropriation	\$	7,568,000
Water Quality Account Appropriation	\$	2,551,000
Wood Stove Education Account Appropriation	\$	232,000
Worker and Community Right-to-Know Fund Appropriation	\$	285,000
State Toxics Control Account	\$	26,173,000
Local Toxics Control Account	\$	23,847,000
Water Quality Permit Account Appropriation	\$	7,135,000
Solid Waste Management Account Appropriation	\$	5,600,000
Underground Storage Tank Account Appropriation	\$	3,658,000
Total Appropriation	\$	185,964,000

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

- (1) \$344,000 of the general fund—state appropriation is provided solely for costs associated with the development of a single headquarters building.
- (2) \$1,010,000 of the general fund—state appropriation is provided solely as an enhancement to the water resources program.
- (3) \$250,000 of general fund—state appropriation is provided solely for the initial development of a cost accounting system. Authority to expend these funds is conditioned on compliance with the requirements set forth in section 802 of this act.
- (4) A maximum of \$2,209,000 of the general fund—state appropriation may be expended for the auto emissions inspection and maintenance program. If Engrossed Substitute House Bill No. 1104 is not enacted by June 30, 1989, the amount provided in this subsection shall lapse.
- (5) The entire underground storage tank account appropriation is contingent on enactment of Engrossed Substitute House Bill No. 1086. If the bill is not enacted by June 30, 1989, the underground storage tank account appropriation is null and void. In implementing Engrossed Substitute House Bill No. 1086, the department shall use, to the greatest extent possible, local government and private sector expertise in meeting installation, closure, testing, and monitoring requirements.
- (6) The entire solid waste management account appropriation is contingent on enactment of Engrossed Substitute House Bill No. 1671. If the bill is not enacted by June 30, 1989, the solid waste management account appropriation and the amounts provided in subsections (7), (8), (9), and (10) are null and void.
- (7) \$1,000,000 of the solid waste management account appropriation is provided solely to assist local governments in developing materials to promote waste reduction and recycling pursuant to section 7, chapter, Laws of 1989 (Engrossed Substitute House Bill No. 1671).
- (8) \$1,000,000 of the solid waste management account appropriation is provided solely for assisting local governments in establishing the feasibility of food and yard waste composting.
- (9) \$150,000 of the solid waste management account appropriation is provided solely for pilot projects to recycle disposable diapers.
- (10) \$1,300,000 of the solid waste management account appropriation is provided solely to implement sections 6, 9, 13, 55, 96, 99, 102, and 104 of chapter, Laws of 1989 (Engrossed Substitute House Bill No. 1671).
- (11) \$231,000 of the state toxics control account appropriation is provided solely for the office of waste reduction.

(12) \$200,000 of the general fund—state appropriation is provided solely for the purpose of implementing the Nisqually river management plan activities and projects outlined in the Nisqually river council report to the legislature dated December 1988. No more than half of this amount may be spent until twenty percent of the total project costs have been provided as matching funds from private or other government participants represented on the Nisqually river council.

(13) \$2,654,000 of the state toxics control account appropriation is contingent on enactment of Engrossed House Bill No. 2168. If the bill is not enacted by June 30, 1989, the amount provided in this subsection shall lapse.

(14) \$389,000 of the emergency water project revolving account appropriation is provided solely for drought relief activities. If Substitute Senate Bill No. 5196 is enacted by June 30, 1989, \$321,000 of the amount provided in this subsection may be spent only if a drought order is issued pursuant to section 2, chapter . . . Laws of 1989 (Substitute Senate Bill No. 5196).

(15) \$586,000 of the state and local improvement revolving account—water supply facilities (Referendum 38) appropriation is provided solely for the implementation of Substitute House Bill No. 1397. If the bill is not enacted by June 30, 1989, the amount provided in this subsection shall lapse.

(16) Within the appropriations provided in this section, the department shall conduct a study of the health effects and air quality impacts of emissions from diesel-powered vehicles and the cost of implementing a state program to identify excessive emissions from these vehicles.

NEW SECTION, Sec. 305. FOR THE ENERGY FACILITY SITE EVALUATION COUNCIL

General Fund Appropriation—Federal	\$	40,000
General Fund Appropriation—Private/Local	\$	4,093,000
Total Appropriation	\$	4,133,000

NEW SECTION, Sec. 306. FOR THE STATE PARKS AND RECREATION COMMISSION

General Fund Appropriation—State	\$	40,437,000
General Fund Appropriation—Federal	\$	1,208,000
General Fund Appropriation—Private/Local	\$	822,000
Trust Land Purchase Account Appropriation	\$	10,312,000
Winter Recreation Parking Account Appropriation	\$	348,000
ORV (Off-Road Vehicle) Account Appropriation	\$	173,000
Snowmobile Account Appropriation	\$	963,000
Public Safety and Education Account Appropriation	\$	10,000
Motor Vehicle Fund Appropriation	\$	1,100,000
Total Appropriation	\$	55,373,000

The appropriations in this section are subject to the following conditions and limitations: \$60,000 of the general fund—state appropriation is provided solely for a contract with the marine science center at Fort Worden state park.

NEW SECTION, Sec. 307. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Outdoor Recreation Account Appropriation—State	\$	1,837,000
Outdoor Recreation Account Appropriation—Federal	\$	26,000
Total Appropriation	\$	1,863,000

NEW SECTION, Sec. 308. FOR THE ENVIRONMENTAL HEARINGS OFFICE

General Fund Appropriation	\$	901,000
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NEW SECTION, Sec. 309. FOR THE DEPARTMENT OF TRADE AND ECONOMIC DEVELOPMENT

General Fund Appropriation	\$	30,020,000
Motor Vehicle Fund Appropriation	\$	553,000
Solid Waste Management Account Appropriation	\$	312,000
Total Appropriation	\$	30,885,000

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

(1) \$300,000 of the general fund appropriation is provided solely for the purpose of implementing either Engrossed Second Substitute Senate Bill No. 5339 or Engrossed Substitute House Bill No. 1553. If neither bill is enacted by June 30, 1989, the amount provided in this subsection shall lapse. In addition:

(a) The department shall spend the amount provided in this subsection solely for development of programs to be administered by the Washington economic development finance authority (the "authority") and shall not spend any amount for implementation or administration of the programs.

(b) On or before January 8, 1990, the department shall submit to the house of representatives appropriations committee and the senate ways and means committee a plan outlining how state employees and state resources are expected to be used with respect to the authority and describing procedures under which the lending of credit provisions of the state Constitution will be observed.

(c) The amount provided in this subsection is intended to be a one-time appropriation from state-revenue sources to support the initial development of programs of the Washington economic development finance authority.

(d) No state funds from state revenue sources and no state funds from federal revenue sources, except federal revenue sources provided expressly for the authority or its programs may be used for a reserve fund for the authority's programs, and no public funds subject to either appropriation or allotment control may be used for a reserve account without prior consultation with the house of representatives appropriations committee and the senate ways and means committee.

(2) \$145,000 of the general fund appropriation is provided solely for salary increases at the Washington high technology center and CINTRAFOR.

(3) \$450,000 of the general fund appropriation is provided solely for the Washington marketplace program as provided for in Second Substitute House Bill No. 1476. If the bill is not enacted by June 30, 1989, the amount in this subsection shall lapse.

(4) \$650,000 of the general fund appropriation is provided solely for the department to develop and implement a business and job retention program as follows:

(a) The program shall provide technical assistance to firms and workforces in which there is a risk of plant closure, mass layoff, or business failure. This technical assistance shall include turn-around assistance to firms at risk of closure to identify management activities and other actions, including diversification, that would permit continued operation. The department may contract for specialized services to provide turn-around assistance.

(b) The department shall establish a business and job retention advisory committee. The governor shall appoint eight members of whom four shall be from business and four from labor. The directors, or their designees, of the departments of trade and economic development, community development, financial management, revenue, and employment security shall serve as ex officio members of the committee. The president of the senate and the speaker of the house of representatives shall each appoint one member from each of the major caucuses to serve as ex officio members of the committee.

(c) The department shall select, in consultation with the advisory committee, locally based development organizations to undertake local business and job retention activities. Such local activities shall include the identification of firms in which there is a risk of plant closure, mass layoff, or business failure; initial assessment of firms and their workforces; the provision of technical assistance; and referrals for additional resources. A maximum of \$275,000 of the appropriation may be expended for contracts with locally based development organizations for local business and job retention activities.

(d) The department, in consultation with the advisory committee, shall provide grants to study the feasibility of various options for continuing or renewing the operation of industrial facilities that are threatened with closure or that have already closed. Grants shall also be made for proposals to implement a system to identify firms at risk of closure, layoff, or relocation. Grants may not exceed \$35,000 and may be made to: Local governments, ports, local associate development organizations, local labor organizations, or local nonprofit community organizations. The department may require that grant money be matched at least dollar for dollar with nonstate money.

(e) The department shall establish an early warning program within the business and job retention program. The program shall obtain information currently available within state agencies to identify firms and industrial facilities at risk of closure, consistent with the confidentiality requirements of chapter 50.13 RCW.

(5) \$150,000 of the general fund appropriation is provided solely for the targeted sectors program as provided for in Engrossed Substitute House Bill No. 2137. If the bill is not enacted by June 30, 1989, the amount in this subsection shall lapse.

(6) \$200,000 of the general fund appropriation is provided solely for the Washington village project. No portion of this amount may be expended unless matched by an equal portion of nonstate money.

(7) \$700,000 of the general fund appropriation is provided solely for tourism enhancement. Of this amount: (a) \$400,000 is provided solely for market research and analysis; (b) \$190,000 is provided solely for tourism facility development to encourage private sector development in Washington tourism facilities; (c) \$35,000 is provided solely for the development of a tourism advisory committee; and (d) \$75,000 is provided solely for the film and video division within the department.

(8) \$1,614,000 of the general fund appropriation is provided solely for the Tri-Cities diversification program. This amount is intended to be the final state contribution toward Tri-Cities diversification. Of this amount:

(a) \$331,000 is provided solely for the department of agriculture, by interagency agreement, for continuation of its contractual relationship with TRIDEC and for development of local diversification agricultural projects;

(b) \$206,000 is provided solely for the department of community development, by interagency agreement, for social service impact mitigation, and for loan packaging assistance;

(c) \$260,000 is provided solely for transfer to the employment security department, by interagency agreement, for a state-funded employment and training project;

(d) \$250,000 is provided solely for transfer to the employment security department, by interagency agreement, for public works related employment;

(e) \$383,000 is provided solely for contracts with local organizations for specific diversification projects;

(f) \$184,000 is provided solely for necessary staff to implement and coordinate the Tri-Cities diversification program.

(9) \$407,000 of the general fund appropriation is provided solely for the purpose of implementing a timber industrial extension service. The department shall provide technical and financial assistance to businesses for the purposes of identifying new markets, developing new technologies, developing new products, and production and marketing efforts. The department may contract for services provided for under this subsection.

(10) \$147,000 of the general fund appropriation is provided solely for the department to administer a timber supply broker program. This program shall provide special expertise in identifying supplies of timber available to enterprises that need additional supplies of timber for processing. The department may contract for services provided for under this subsection.

(11) \$200,000 of the general fund appropriation is provided solely for the department to contract with the northwest policy center at the University of Washington to study the economy of areas of the state impacted by substantial reductions in timber harvested from federal lands. The study shall:

(a) Include an analysis of the present economy of the areas;

(b) Identify the social, economic, and employment effects associated with withdrawals of land from commercial timber production;

(c) Contain an assessment of possible changes to local economies and the state economy if forest lands continue to produce resources under existing management methods without additional land withdrawals from timber production by legislative decisions;

(d) Contain an assessment of the impact of anticipated technological changes in the forest products industry, possible structural changes in the forest products industry, possible investments in new or existing industries, and known impacts from previous withdrawals of land from timber production;

(e) Contain an assessment of the future economic impact of the forest products industry if the land base for commercial timber production remains unchanged and the sale of public timber for overseas export is prohibited immediately; and

(f) Evaluate potential methods for increasing the economic development of the areas, including the creation or enhancement of high value-added production.

The study shall give emphasis to recommendations for future economic development. The department and the northwest policy center shall report findings to the governor and to the appropriate legislative committees on December 1, 1990.

(12) \$80,000 of the general fund appropriation is provided solely for the establishment of the New Leader Fellowship program with Hyogo Prefecture in Japan.

(13) \$200,000 of the general fund appropriation is provided solely for the department's Tokyo office to offset the declining value of the dollar against the Japanese yen.

NEW SECTION, Sec. 310. FOR THE CONSERVATION COMMISSION

General Fund Appropriation	\$	1,440,000
Water Quality Account Appropriation	\$	179,000
Total Appropriation	\$	1,619,000

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

(1) No more than eight percent of the water quality account moneys administered by the commission may be used by the commission for administration and program activities related to the grant and loan program.

(2) \$581,000 of the general fund appropriation is provided solely for grants to conservation districts for operating purposes. In order to qualify for grants, conservation districts shall provide an equal amount of matching money.

NEW SECTION, Sec. 311. FOR THE WINTER RECREATION COMMISSION

General Fund Appropriation	\$	27,000
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NEW SECTION, Sec. 312. FOR THE PUGET SOUND WATER QUALITY AUTHORITY

General Fund Appropriation—State	\$	3,715,000
General Fund Appropriation—Federal	\$	202,000
Water Quality Account Appropriation	\$	1,100,000
Total Appropriation	\$	5,017,000

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

\$400,000 of the general fund—state appropriation is provided solely for the Puget Sound water quality management plan's monitoring program. Of this amount:

(1) \$200,000 is provided solely for transfer to the department of fisheries, by interagency agreement, to monitor levels of toxins in fish;

(2) \$160,000 is provided solely for transfer to the department of social and health services, by interagency agreement, to monitor levels of toxins in shellfish;

(3) \$20,000 is provided solely for the authority to implement a citizen monitoring program; and

(4) \$20,000 is provided solely for for program coordination and data management.

NEW SECTION, Sec. 313. FOR THE DEPARTMENT OF FISHERIES

General Fund Appropriation—State	\$	53,487,000
General Fund Appropriation—Federal	\$	16,496,000
General Fund Appropriation—Private/Local	\$	5,284,000
Aquatic Lands Enhancement Account Appropriation	\$	1,076,000
Total Appropriation	\$	76,343,000

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

- (1) \$320,000 of the general fund—state appropriation is provided so that patrol officers, in the course of duty, emphasize vehicle registration.
- (2) \$100,000 of the general fund—state appropriation is provided solely for monitoring of Navy homeport dredging and dumping.
- (3) \$230,000 of the general fund—state appropriation is provided solely to maintain current operations at the Nemah hatchery.
- (4) \$400,000 of the general fund—state appropriation is provided solely for phase II of the department's recreational fishing plan.
- (5) \$306,000 of the general fund—state appropriation is provided solely for the operation of hatcheries and rearing facilities currently operating below full capacity.

(6) If Substitute House Bill No. 2011 is not enacted by June 30, 1989, the appropriations in subsections (3), (4), and (5) of this section shall lapse.

NEW SECTION, Sec. 314. FOR THE DEPARTMENT OF WILDLIFE

General Fund Appropriation	\$	9,370,000
ORV (Off-Road Vehicle) Account Appropriation	\$	265,000
Aquatic Lands Enhancement Account Appropriation	\$	1,081,000
Public Safety and Education Account Appropriation	\$	566,000
Wildlife Fund Appropriation—State	\$	41,441,000
Wildlife Fund Appropriation—Federal	\$	15,717,000
Wildlife Fund Appropriation—Private/Local	\$	2,135,000
Game Special Wildlife Account Appropriation	\$	466,000
Total Appropriation	\$	71,041,000

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

- (1) \$120,000 of the general fund appropriation is provided solely for contracting for fire protection on agency lands.
- (2) \$100,000 of the wildlife fund appropriation—state is provided solely for a study of the impact of elk in the Blue Mountains.

NEW SECTION, Sec. 315. FOR THE DEPARTMENT OF NATURAL RESOURCES

General Fund Appropriation—State	\$	46,009,000
General Fund Appropriation—Federal	\$	639,000
General Fund Appropriation—Private/Local	\$	12,000
ORV (Off-Road Vehicle) Account Appropriation—Federal	\$	3,266,000
Geothermal Account Appropriation—Federal	\$	16,000
Forest Development Account Appropriation	\$	23,313,000
Survey and Maps Account Appropriation	\$	860,000
Aquatic Lands Enhancement Account Appropriation	\$	635,000
Landowner Contingency Forest Fire Suppression Account Appropriation	\$	2,119,000
Resource Management Cost Account Appropriation	\$	68,310,000
Aquatic Land Dredged Material Disposal Site Account Appropriation	\$	286,000
Total Appropriation	\$	145,465,000

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

- (1) \$4,654,000 of the general fund—state appropriation is provided solely for the emergency fire suppression subprogram.
- (2) \$2,297,000, of which \$372,000 is from the general fund—state appropriation, \$1,448,000 is from the resource management cost account appropriation, and \$477,000 is from the forest development account appropriation, is provided solely for information systems projects named in this subsection for which work will commence or continue in this biennium. Authority to expend these funds is conditioned upon compliance with the requirements set forth in section 802 of this act. For the purposes of this section, information systems projects shall mean the projects known by the following name or successor names: Department of natural resources revenue system.
- (3) \$110,000 from the general fund—state appropriation is provided solely for a fire investigator.
- (4) \$1,500,000 of the general fund—state appropriation is provided solely for cooperative monitoring, evaluation, and research projects related to implementation of the timber-fish-wildlife agreement.
- (5) \$400,000 of the aquatic lands enhancement account appropriation is provided solely for conducting an inventory of state wetlands.
- (6) \$200,000 of the general fund—state appropriation is provided solely for conducting an analysis of the potential positive and negative impacts of the leasing of state-owned tidal or submerged lands, described in House Bill No. 1190, for the purposes of oil and gas exploration.

In preparing this analysis the department shall consult with the departments of ecology, fisheries, wildlife, community development, and trade and economic development, and the public. The department shall report to the joint select committee on marine and ocean resources and other appropriate legislative committees by July 1, 1990, on the status of this analysis. The department shall submit a final report to these committees by June 30, 1991.

(7) \$100,000 of the general fund—state appropriation is provided solely for a study of state-owned hardwood forests. The study shall include, but is not limited to: A comprehensive inventory of state-owned hardwood forests and a qualitative assessment of those stands, research into reforestation of hardwoods on state lands, and an analysis of management policies for increasing the supply of commercially harvestable hardwoods on state lands.

(8) \$300,000 of the general fund—state appropriation is provided solely for preparation of a report on the timber supply in Washington state. The report shall identify the quantity of timber present now and the quantity of timber that may be available from forest lands in the future using various assumptions about landowner management, including changes in the forest land base, amount of capital invested, and expected harvest age. The report shall categorize the results according to major timber species. The report shall be submitted to the appropriate committees of the senate and house of representatives by December 1, 1990.

(9) No portion of these appropriations may be expended for spreading sludge on state trust lands without first completing an environmental impact statement with respect to the sludge spreading operations. \$75,000 of the resource management cost account appropriation is provided solely for the costs of the environmental impact statement performed pursuant to this subsection.

(10) The department shall contract for labor-intensive forest land management activities in areas of the state adversely impacted by reductions in timber sales from federal lands. Contracts provided for under this section shall be in addition to and shall not supplant or displace activities normally administered by the department. The department shall, to the extent feasible, offer the additional contracts in sizes that do not discourage participation by small enterprises. The department shall cooperate with the employment security department in disseminating information on forest land management contracts to unemployed individuals who have been employed in the timber industry, and others adversely affected by reductions in timber sales from federal lands. \$2,800,000 of the resource management cost account appropriation is provided solely for this purpose.

(11) A maximum of \$125,000 of the general fund—state appropriation is provided to implement Engrossed Senate Bill No. 5364 or Engrossed House Bill No. 1249 (marine debris).

(12) Based on schedules submitted by the director of financial management, the state treasurer shall transfer from the general fund—state or such other funds as the state treasurer deems appropriate to the Clarke McNary fund such amounts as are necessary to meet unbudgeted forest fire fighting expenses. All amounts borrowed under the authority of this section shall be repaid to the appropriate fund, together with interest at a rate determined by the state treasurer to be equivalent to the return on investments of the state treasury during the period the amounts are borrowed.

NEW SECTION, Sec. 316. FOR THE DEPARTMENT OF AGRICULTURE

General Fund Appropriation—State	\$	18,905,000
General Fund Appropriation—Federal	\$	795,000
State Toxics Control Account Appropriation	\$	299,000
Total Appropriation	\$	19,999,000

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

(1) Authority to expend funds from any source for AIM 2000, the agency information system, is conditioned on compliance with section 802 of this act.

(2) \$1,624,000 of the general fund—state appropriation is provided solely for the implementation of House Bill No. 2222 regarding the regulation of agricultural chemicals. If the bill is not enacted by June 30, 1989, the amount provided in this subsection shall lapse. \$1,390,000 of the amount provided in this subsection shall be supported by fees deposited into the general fund in accordance with chapter 15.58 RCW.

(3) \$50,000 of the general fund—state appropriation is provided solely for the organic certification program.

NEW SECTION, Sec. 317. FOR THE STATE CONVENTION AND TRADE CENTER

State Convention/Trade Center Account Appropriation	\$	22,119,000
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The appropriation in this section is subject to the following conditions and limitations: \$3,453,000 is provided solely for marketing the facilities and services of the convention center, for promoting the locale as a convention and visitor destination, and for related activities. Of this amount, the center shall not expend more than is projected to be received from revenue generated by the special excise tax that is deposited in the state convention and trade center operations account under RCW 67.40.090(3). Projections of such revenue shall be as determined and updated by the department of revenue.

NEW SECTION, Sec. 318. FOR THE WASHINGTON POLLUTION LIABILITY REINSURANCE PROGRAM

Pollution Liability Reinsurance Program Trust Account Appropriation	\$	600,000
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The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for the purposes of implementing Second Substitute House Bill No. 1180. If the bill is not enacted by June 30, 1989, the appropriation shall be null and void.

PART IV
TRANSPORTATION

NEW SECTION, Sec. 401. FOR THE STATE PATROL

General Fund Appropriation—State	\$	25,118,000
General Fund Appropriation—Federal	\$	161,000
General Fund Appropriation—Private/Local	\$	164,000
Death Investigations Account Appropriation	\$	24,000
Total Appropriation	\$	25,467,000

The appropriations in this section are subject to the following conditions and limitations: The staff of the Washington state patrol crime laboratory shall not provide tests for marijuana to cities or counties except: (1) To verify weight for criminal cases where weight is a factor, or (2) for criminal cases that the prosecuting attorney and field administrator of the crime laboratory agree are likely to go to trial.

NEW SECTION, Sec. 402. FOR THE DEPARTMENT OF LICENSING

General Fund Appropriation	\$	20,978,000
Architects' License Account Appropriation	\$	623,000
Cemetery Account Appropriation	\$	157,000
Health Professions Account Appropriation	\$	15,104,000
Medical Disciplinary Account Appropriation	\$	1,586,000
Professional Engineers' Account Appropriation	\$	1,527,000
Real Estate Commission Account Appropriation	\$	5,603,000
Total Appropriation	\$	45,096,000

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

(1) If uniform commercial code filing fees are increased such that the increase is expected to yield at least \$1,000,000 in additional revenues, then up to \$1,000,000 of the general fund—state appropriation may be expended for department purposes.

(2) If any of the following bills are not enacted by June 30, 1989, a corresponding amount, shown below, from the health professions account appropriation shall lapse:

House Bill No. 1896	\$	9,000
House Bill No. 2126	\$	42,000
Senate Bill No. 5176	\$	45,000
Senate Bill No. 5193	\$	10,000
Senate Bill No. 5481	\$	270,000
Senate Bill No. 5614	\$	311,000

(3) If any of the following bills are not enacted by June 30, 1989, a corresponding amount, shown below, from the general fund—state appropriation in this section shall lapse:

House Bill No. 1096	\$	135,000
Substitute House Bill No. 1792	\$	63,000
Engrossed House Bill No. 1917	\$	80,000
Substitute Senate Bill No. 5085	\$	153,000

PART V
EDUCATION

NEW SECTION, Sec. 501. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR STATE ADMINISTRATION

General Fund Appropriation—State	\$	19,447,000
General Fund Appropriation—Federal	\$	9,074,000
Public Safety and Education Account Appropriation	\$	409,000
Total Appropriation	\$	28,960,000

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

(1) The entire public safety and education account appropriation is provided solely for administration of the traffic safety education program, including in-service training related to instruction in the risks of driving while under the influence of alcohol and other drugs.

(2) \$336,000 of the general fund—state appropriation is provided solely for the continuation of the international education and teacher exchange programs.

(3) \$19,000 of the general fund—state appropriation is provided solely for the continuation of the environmental education program.

(4) \$54,000 of the general fund—state appropriation is provided solely for Hispanic drop-out prevention and retrieval.

(5) \$750,000 of the general fund—state appropriation is provided solely for a contract with the United Indians for All Tribes Foundation, for programs to improve the academic performance of American Indian children in the Seattle metropolitan area. These moneys may not be used to replace or supplant funding for ongoing programs, and may be expended solely for direct services provided to American Indian children.

(6) \$75,000 of the general fund—state appropriation is provided solely for a study of pay equity among classified school district employees.

(7) \$150,000 of the general fund—state appropriation is provided solely for purchase and dissemination to school districts of innovative or multicultural curriculum materials. The superintendent of public instruction shall select materials based on unusual potential for stimulating new instructional methods, student interest and understanding of academic subjects, or cultural and ethnic awareness.

(8) \$50,000 of the general fund—state appropriation is provided solely for continued development of educational outcomes measures and field testing in local school districts, including: Development of a model writing assessment program at three grade levels; definitions of measurements for academic skills and mastery of key curriculum concepts; a follow-up survey of high school graduates; uniform reporting forms for data collection and display; and an instrument for identifying successful schools. In performing these activities, the superintendent shall consult with an advisory committee on outcomes-based education, comprising one representative of each of the selected field test projects, one representative of each twenty-first century schools project that has selected the outcomes measures as its evaluative tool, and two members who participated in the temporary committee on the assessment and accountability of educational outcomes.

NEW SECTION. Sec. 502. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR GENERAL APPORTIONMENT (BASIC EDUCATION)

General Fund Appropriation	\$	4,342,360,000
Children's Initiative Fund—K-12 Education Account Appropriation ..	\$	70,814,000
Total Appropriation	\$	4,413,174,000

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

(1) \$414,003,000 of the general fund appropriation is provided solely for the remaining months of the 1988-89 school year.

(2) Allocations for certificated staff salaries for the 1989-90 and 1990-91 school years shall be determined using formula-generated staff units calculated as follows:

(a) On the basis of average annual full time equivalent enrollments, excluding handicapped full time equivalent enrollment as recognized for funding purposes under section 510 of this act, and excluding full time equivalent enrollment otherwise recognized for certificated staff unit allocations under (c) through (f) of this subsection:

(i) Four certificated administrative staff units for each one thousand full time equivalent kindergarten through twelfth grade students;

(ii) For the 1989-90 school year, fifty-two certificated instructional staff units for each one thousand full time equivalent students in kindergarten through third grade, and forty-six certificated instructional staff units for each one thousand full time equivalent students in grades four through twelve;

(iii) For the 1990-91 school year, fifty-three certificated instructional staff units for each one thousand full time equivalent students in kindergarten through third grade, and forty-nine certificated instructional staff units for each one thousand full time equivalent students in grades four through twelve. However, if Initiative 102 is not enacted by December 31, 1989, the allocation ratios shall be fifty-two per thousand for kindergarten through grade three, and forty-six per thousand for grades four through twelve.

(b) For school districts with a minimum enrollment of 250 full time equivalent students, whose full time equivalent student enrollment count in a given month exceeds the first of the month full time equivalent enrollment count by 5 percent, an additional state allocation of 110 percent of the share that such increased enrollment would have generated had such additional full time equivalent students been included in the normal enrollment count for that particular month.

(c) On the basis of full time equivalent enrollment in vocational education and skill center programs approved by the superintendent of public instruction:

(i) For the 1989-90 school year, 0.92 certificated instructional staff units and 0.08 certificated administrative staff units for each 16.67 full time equivalent students enrolled in skills center programs, and 0.92 certificated instructional staff units and 0.08 certificated administrative staff units for each 17.5 full time equivalent students in other high school vocational programs;

(ii) For the 1990-91 school year, 0.92 certificated instructional staff units and 0.08 certificated administrative staff units for each 16.67 full time equivalent students in skills centers and other high school vocational programs. However, if Initiative 102 is not enacted by December 31, 1989, the allocation ratios shall be maintained at the 1989-90 levels.

(d) For districts enrolling not more than twenty-five average annual full time equivalent students in kindergarten through grade eight, and for small school plants within any school district which have been judged to be remote and necessary by the state board of education and enroll not more than twenty-five average annual full time equivalent students:

(i) For those enrolling students in kindergarten through grade six only, 1.76 certificated instructional staff units and 0.24 certificated administrative staff units for enrollment of not more than five students, plus one-twentieth of a certificated instructional staff unit for each additional student enrolled;

(ii) For those enrolling students in kindergarten through grade eight only, 1.68 certificated instructional staff units and 0.32 certificated administrative staff units for enrollment of not more than five students, plus one-tenth of a certificated instructional staff unit for each additional student enrolled; and

(iii) For those enrolling students in grades nine through twelve, 6.18 certificated instructional staff units and 0.57 certificated administrative staff for kindergarten through twelfth grade enrollment of not more than five students, plus one-tenth of a certificated instructional staff unit for each additional student enrolled.

(e) For specified enrollments in districts enrolling more than twenty-five but not more than one hundred average annual full time equivalent students in kindergarten through grade eight, and for small school plants within any school district which enroll more than twenty-five average annual full time equivalent kindergarten through eighth grade students and have been judged to be remote and necessary by the state board of education:

(i) For enrollment of up to sixty annual average full time equivalent students in kindergarten through grade six, 2.76 certificated instructional staff units and 0.24 certificated administrative staff units; and

(ii) For enrollment of up to twenty annual average full time equivalent students in grades seven and eight, 0.92 certificated instructional staff units and 0.08 certificated administrative staff units.

(f) For enrollment in grades nine through twelve in any school operating a high school program and enrolling more than twenty-five full time equivalent students but not more than three hundred average annual full time equivalent students in grades nine through twelve, in districts operating no more than two such schools:

(i) Nine certificated instructional staff units and one-half of a certificated administrative staff unit for the first sixty annual average full time equivalent students; and

(ii) Additional certificated staff units based on a ratio of 0.8732 certificated instructional staff units and 0.1268 certificated administrative staff units per forty-three and one-half average annual full time equivalent students.

Units calculated under (f)(i) and (ii) of this subsection shall be reduced by certificated staff units at the rate of 46 certificated instructional staff units and 4 certificated administrative staff units per 1,000 vocational and handicapped full time equivalent students.

(g) For each nonhigh school district having an enrollment of more than seventy annual average full time equivalent students and less than one hundred eighty students, operating a grades K-8 program or a grades 1-8 program, an additional one-half of a certificated instructional staff unit.

(h) For each nonhigh school district having an enrollment of more than fifty annual average full time equivalent students and less than one hundred eighty students, operating a grades K-6 program or a grades 1-6 program, an additional one-half of a certificated instructional staff unit.

(3) Allocations for classified salaries for the 1989-90 and 1990-91 school years shall be calculated using formula-generated classified staff units determined as follows:

(a) For enrollments generating certificated staff unit allocations under subsections (2) (d) through (h) of this section, one classified staff unit for each three certificated staff units allocated under such subsections.

(b) For all other enrollment in grades kindergarten through twelve, including vocational but excluding handicapped full time equivalent enrollments, one classified staff unit for each sixty average annual full time equivalent students.

(c) For each nonhigh school district with an enrollment of more than fifty annual average full time equivalent students and less than one hundred eighty students, an additional one-half of a classified staff unit.

(4) Fringe benefit allocations shall be calculated at a rate of 19.80 percent in the 1989-90 school year and 19.85 percent in the 1990-91 school year of certificated salary allocations provided under subsection (2) of this section, and a rate of 17.32 percent in the 1989-90 school year and 17.37 percent in the 1990-91 school year of classified salary allocations provided under subsection (3) of this section.

(5) Insurance benefit allocations shall be calculated at the rates specified in section 505 of this act, based on:

(a) The number of certificated staff units determined in subsection (2) of this section; and

(b) The number of classified staff units determined in subsection (3) of this section multiplied by 1.152. This factor is intended to adjust allocations so that, for the purposes of distributing insurance benefits, full time equivalent classified employees may be calculated on the basis of 1440 hours of work per year, with no individual employee counted as more than one full time equivalent.

(6)(a) For nonemployee related costs associated with each certificated staff unit allocated under subsection (2) (a), (b), and (d) through (h) of this section, there shall be provided a maximum of \$6,355 per certificated staff unit in the 1989-90 school year and a maximum of \$6,654 per certificated staff unit in the 1990-91 school year.

(b) For nonemployee related costs associated with each certificated staff unit allocated under subsection (2)(c) of this section, there shall be provided a maximum of \$12,110 per certificated staff unit in the 1989-90 school year and a maximum of \$12,679 per certificated staff unit in the 1990-91 school year.

(7) Allocations for substitute costs for classroom teachers shall be distributed at a maximum rate of \$290 per year for ninety-two percent of the certificated instructional staff units allocated under subsection (2) of this section.

(8) The superintendent may distribute a maximum of \$3,925,000 outside the basic education formula during fiscal years 1990 and 1991 as follows:

(a) For fire protection for school districts located in a fire protection district as now or hereafter established pursuant to chapter 52.04 RCW, a maximum of \$358,000 may be expended in fiscal year 1990 and a maximum of \$375,000 in fiscal year 1991.

(b) For summer vocational programs at skills centers, a maximum of \$1,321,000 may be expended in fiscal year 1990 and a maximum of \$1,599,000 may be expended in fiscal year 1991.

(c) A maximum of \$272,000 may be expended for school district emergencies.

(9) For the purposes of RCW 84.52.0531, the increase per full time equivalent student in state basic education appropriations provided under this act, including appropriations for salary and benefits increases, is 6.78 percent from the 1988-89 school year to the 1989-90 school year, and 9.81 percent from the 1989-90 school year to the 1990-91 school year. However, if Initiative 102 is not enacted, the increase from the 1989-90 school year to the 1990-91 school year is 5.97 percent.

(10) The K-12 education account appropriation includes moneys to provide the increased staffing allocations funded from this account at the salary and benefits levels attained for the 1990-91 school year under sections 503 and 505 of this act.

(11) The superintendent of public instruction shall revise personnel reporting systems to include information on grade level assignments of basic education instructional staff, by grade level groupings of K-3, 4-6, and 7-12. The superintendent of public instruction shall collect such information from school districts beginning in the 1989-90 school year. Districts must document a ratio in kindergarten through grade three for the 1989-90 school year of at least fifty-two full time basic education instructional staff per thousand full time equivalent students, in order to qualify under this section for funding for the 1990-91 school year above the district's actual K-3 ratio achieved in the 1989-90 school year or the statutory minimum ratio established under RCW 28A.41.140(2)(c), whichever is greater. For the purposes of this subsection, "instructional staff" includes certificated instructional employees as defined in RCW 28A.41.140(3) and classified classroom assistants.

NEW SECTION. Sec. 503. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—BASIC EDUCATION EMPLOYEE COMPENSATION INCREASES

General Fund Appropriation \$ 205,932,000

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

(1) The following calculations determine the salaries used in the general fund allocations for certificated instructional, certificated administrative, and classified staff units under section 502 of this act:

(a) Salary allocations for certificated instructional staff units shall be determined for each district by multiplying the district's certificated instructional derived base salary shown on LEAP Document 12 by the district's average staff mix factor for basic education certificated instructional staff in that school year, computed using LEAP Document 1.

(b) Salary allocations for certificated administrative staff units and classified staff units shall be determined for each district by the district's certificated administrative and classified salary allocation amounts shown on LEAP Document 12.

(2)(a) Districts shall certify to the superintendent of public instruction such information as may be necessary regarding the years of service and educational experience of basic education certificated instructional employees for the purposes of calculating certificated instructional staff salary allocations pursuant to this section. Any change in information previously certified, on the basis of years of experience or educational credits, shall be reported and certified to the superintendent of public instruction at the time such change takes place.

(b) For the purposes of this section, "basic education certificated instructional staff" is defined as provided in RCW 28A.41.110.

(c) "LEAP Document 1" means the computerized tabulation establishing staff mix factors for basic education certificated instructional staff according to education and years of experience, as developed by the legislative evaluation and accountability program committee on August 18, 1987, at 13:26 hours.

(d) "LEAP Document 1R" means the computerized tabulation establishing staff mix factors for basic education certificated instructional staff according to education and years of experience, as developed on April 9, 1989, at 13:00 hours.

(f) "LEAP Document 12" means the computerized tabulation of 1988-89 salary allocations for basic education certificated administrative staff and basic education classified staff and

1988-89 derived base salaries for basic education certificated instructional staff as developed on April 9, 1989, at 13:15 hours.

(g) The incremental fringe benefits factors applied to salary increases in this section shall be 1.1916 for certificated salaries and 1.1379 for classified salaries in the 1989-90 school year, and 1.1921 for certificated salaries and 1.1384 for classified salaries in the 1990-91 school year.

(3) \$17,623,000 is provided solely to increase allocations for certificated administrative staff units supported by the general fund appropriation under section 502 of this act, pursuant to this subsection. For the 1989-90 and 1990-91 school years, the allocation for each certificated administrative staff unit shall be increased by 4.0 percent of the 1988-89 state-wide average certificated administrative salary shown on LEAP Document 12, multiplied by incremental fringe benefits. For the 1990-91 school years, the allocation for each certificated administrative staff unit shall be further increased by an additional 4.16 percent of the 1988-89 state-wide average certificated administrative salary shown on LEAP Document 12, multiplied by incremental fringe benefits.

(4) \$30,328,000 is provided solely to increase allocations for classified staff units supported by the general fund under section 502 of this act, pursuant to this subsection. For the 1989-90 and 1990-91 school years, the allocation for each classified staff unit shall be increased by 4.0 percent of the 1988-89 state-wide average classified salary shown on LEAP Document 12, multiplied by incremental fringe benefits. For the 1990-91 school year, the allocation for each classified staff unit shall be further increased by an additional 4.16 percent of the 1988-89 state-wide average classified salary shown on LEAP Document 12, multiplied by incremental fringe benefits.

(5) \$157,981,000 is provided solely to increase allocations for certificated instructional staff units supported by the general fund under section 502 of this act, pursuant to this subsection:

(a) For any district with a derived base salary of \$17,600 on LEAP Document 12, the allocation for each certificated instructional staff unit in the 1989-90 school year shall be increased by the difference between:

(i) The district's salary allocation per certificated instructional staff unit computed under subsection (1)(a) of this section, adjusted for incremental fringe benefits; and

(ii) The district's 1989-90 average certificated instructional staff allocation salary as determined by placing the district's actual full time equivalent basic education certificated instructional staff on the state-wide salary allocation schedule established in subsection (5) of this section, adjusted for incremental fringe benefits.

(b) For any district with a derived base salary greater than \$17,600 on LEAP Document 12, the allocation for each certificated instructional staff unit in the 1989-90 and 1990-91 school years shall be increased by 4.0 percent of the district's salary allocation per certificated instructional staff unit computed under subsection (1)(a) of this section, adjusted for incremental fringe benefits.

(c) For any district with a derived base salary of \$17,600 on LEAP Document 12, the allocation for each certificated instructional staff unit in the 1990-91 school year shall be increased by the difference between:

(i) The district's salary allocation per certificated instructional staff unit computed under subsection (1)(a) of this section, adjusted for incremental fringe benefits; and

(ii) The district's 1990-91 average certificated instructional staff allocation salary as determined by placing the district's actual full time equivalent basic education certificated instructional staff on the state-wide salary allocation schedule established in subsection (6) of this section, adjusted for incremental fringe benefits.

(d) For any district with a derived base salary greater than \$17,600 on LEAP Document 12, the allocation for each certificated instructional staff unit in the 1990-91 school year shall be increased by the difference between:

(i) The district's salary allocation per certificated instructional staff unit computed under subsection (1)(a) of this section, adjusted for incremental fringe benefits; and

(ii) The district's salary allocation per certificated instructional staff unit computed under subsection (1)(a) of this section multiplied by 8.16 percent, further multiplied by the ratio between the district's average staff mix factor for actual 1990-91 full time equivalent basic education certificated instructional employees computed using LEAP Document 1R and such factor computed using LEAP Document 1, and adjusted for incremental fringe benefits.

(5)(a) Pursuant to RCW 28A.41.112, the following state-wide salary allocation schedule for certificated instructional staff is established for basic education salary allocations for the 1989-90 school year:

1989-90 STATE-WIDE SALARY ALLOCATION SCHEDULE
FOR INSTRUCTIONAL STAFF

Years of Service	BA	BA+15	BA+30	BA+45
0	18,304	18,798	19,311	19,823
1	18,981	19,494	20,025	20,574

1989-90 STATE-WIDE SALARY ALLOCATION SCHEDULE
FOR INSTRUCTIONAL STAFF

Years of Service	BA	BA+15	BA+30	BA+45
2	19,677	20,208	20,757	21,361
3	20,409	20,958	21,526	22,166
4	21,159	21,745	22,331	23,008
5	21,946	22,551	23,155	23,887
6	22,770	23,374	24,015	24,802
7	23,612	24,234	24,893	25,735
8	24,472	25,131	25,809	26,724
9		26,065	26,779	27,731
10			27,767	28,792
11				29,890
12				
13				
14 or more				

1989-90 STATE-WIDE SALARY ALLOCATION SCHEDULE
FOR INSTRUCTIONAL STAFF

Years of Service	BA+90	BA+135	MA	MA+45	MA+90 or PHD
0	21,471	22,532	21,471	22,770	23,887
1	22,276	23,356	22,276	23,612	24,765
2	23,100	24,216	23,100	24,491	25,681
3	23,942	25,113	23,942	25,388	26,632
4	24,839	26,047	24,839	26,321	27,621
5	25,754	27,017	25,754	27,310	28,627
6	26,706	28,005	26,706	28,316	29,689
7	27,694	29,048	27,694	29,360	30,787
8	28,719	30,128	28,719	30,440	31,940
9	29,781	31,245	29,781	31,574	33,112
10	30,879	32,398	30,879	32,746	34,338
11	32,032	33,588	32,032	33,954	35,601
12	33,222	34,833	33,222	35,217	36,919
13	34,448	36,114	34,448	36,516	38,292
14 or more		37,450	35,711	37,871	39,701

(b) As used in this subsection:

(i) "BA" means a baccalaureate degree.

(ii) "MA" means a masters degree.

(iii) "PHD" means a doctorate degree.

(iv) "+(N)" means the number of college quarter hour credits and inservice credits earned since receiving the highest degree. Inservice hours shall be converted to equivalent college quarter hour credits in accordance with RCW 28A.71.110.

(v) "Years of service" shall be calculated under the same rules used by the superintendent of public instruction for salary allocations in the 1988-89 school year.

(6)(a) Pursuant to RCW 28A.41.112, the following state-wide salary allocation schedule for certificated instructional staff is established for basic education salary allocations for the 1990-91 school year:

1990-91 STATE-WIDE SALARY ALLOCATION SCHEDULE
FOR INSTRUCTIONAL STAFF

Years of Service	BA	BA+15	BA+30	BA+45
0	19,034	19,548	20,081	20,614
1	19,738	20,271	20,823	21,394
2	20,462	21,014	21,585	22,213
3	21,223	21,794	22,384	23,050
4	22,003	22,612	23,221	23,926
5	22,822	23,450	24,078	24,839
6	23,678	24,306	24,973	25,791
7	24,554	25,201	25,886	26,762
8	25,448	26,134	26,838	27,790
9		27,104	27,847	28,837

1990-91 STATE-WIDE SALARY ALLOCATION SCHEDULE
FOR INSTRUCTIONAL STAFF

Years of Service	BA	BA+15	BA+30	BA+45
10			28,875	29,940
11				31,083
12				(32,286)
13				(33,533)
14 or more				(34,824)

1990-91 STATE-WIDE SALARY ALLOCATION SCHEDULE
FOR INSTRUCTIONAL STAFF

Years of Service	BA+90	BA+135
0	22,327	23,431
1	23,164	24,287
2	24,021	25,182
3	24,896	26,115
4	25,829	27,085
5	26,781	28,094
6	27,771	29,122
7	28,798	30,207
8	29,864	31,330
9	30,968	32,491
10	32,110	33,690
11	33,310	34,927
12	34,547	36,222
13	35,822	37,554
14 or more	(37,196)	38,944

(b) As used in this subsection:

(i) "BA" means a baccalaureate degree.

(ii) "(N)" means the number of college quarter hour credits and inservice credits earned since receiving the baccalaureate degree. Inservice hours shall be converted to equivalent college quarter hour credits in accordance with RCW 28A.71.110.

(iii) Salary steps shown in parentheses are restricted to employees with masters degrees.

(iv) "Years of service" shall be calculated under the same rules used by the superintendent of public instruction for salary allocations in the 1988-89 school year.

(c) Allocations for employees with advanced degrees shall be determined as follows:

(i) Notwithstanding any other provision of this section, the allocation for any employee with a masters degree and zero years of experience shall be \$22,955.

(ii) The allocation for any employee with at least one year of experience and a masters degree but no doctorate shall be \$2,341 in addition to the amount shown on the above schedule.

(iii) The allocation for any employee with a doctoral degree shall be \$4,682 in addition to the amount shown on the above schedule.

(7) The salary allocation schedules established in subsections (5) and (6) of this section are for allocation purposes only.

NEW SECTION, Sec. 504. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—CATEGORICAL PROGRAM SALARY INCREASES

General Fund Appropriation \$ 39,787,000

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

(1) The incremental fringe benefits factors applied to salary increases in subsection (3) of this section shall be 1.1916 for certificated salaries and 1.1379 for classified salaries in the 1989-90 school year, and 1.1921 for certificated salaries and 1.1384 for classified salaries in the 1990-91 school year.

(2) A maximum of \$14,032,000 is provided to implement salary increases for each school year for state-supported school employees in the following categorical programs: Transitional bilingual instruction, learning assistance, education of highly capable students, vocational technical institutes, and pupil transportation. Moneys provided by this subsection include costs of incremental fringe benefits and shall be distributed by increasing allocation rates for each school year by the amounts specified:

(a) Transitional bilingual instruction: The rates specified in section 520 of this act shall be increased by \$16.53 per pupil for the 1989-90 school year and by \$40.58 per pupil for the 1990-1991 school year.

(b) Learning assistance: The rates specified in section 521 of this act shall be increased by \$12.91 per pupil for the 1989-90 school year and by \$26.34 per pupil for the 1990-91 school year.

(c) Education of highly capable students: The rates specified in section 516 of this act shall be increased by \$9.79 per pupil for the 1989-90 school year and by \$24.04 per pupil for the 1990-91 school year.

(d) Vocational technical institutes: The rates for vocational programs specified in section 508 of this act shall be increased by \$86.47 per full time equivalent student for the 1989-90 school year, and by \$205.73 per full time equivalent student for the 1990-91 school year.

(e) Pupil transportation: The rates provided under section 507 of this act shall be increased by \$0.66 per weighted pupil-mile for the 1989-90 school year, and by \$1.35 per weighted pupil-mile for the 1990-91 school year.

(3) A maximum of \$25,755,000 is provided for salary increases and incremental fringe benefits for state-supported staff unit allocations in the handicapped program, section 510, and for state-supported staff in institutional education programs, section 515, and in educational service districts, section 512. The superintendent of public instruction shall distribute salary increases for these programs not to exceed the percentage salary increases provided for basic education staff under section 503 of this act.

(4) While this section and section 509 of this act do not provide specific allocations for salary increases for school food services employees, nothing in this act is intended to preclude or discourage school districts from granting increases that are equivalent to those provided for other classified staff.

NEW SECTION, Sec. 505. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR SCHOOL EMPLOYEE INSURANCE BENEFIT INCREASES

General Fund Appropriation \$ 21,181,000

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

(1) Allocations for insurance benefits from general fund appropriations provided under section 502 of this act shall be calculated at a rate of \$224.75 per month for each certificated staff unit, and for each classified staff unit adjusted pursuant to section 502(5)(b).

(2) The appropriation in this section is provided solely to increase insurance benefit allocations for state-funded certificated and classified staff in the 1989-90 and 1990-91 school years, effective October 1, 1989, to a rate of \$239.86 per month, as distributed pursuant to this section.

(3) A maximum of \$17,023,000 may be expended to increase general fund allocations for insurance benefits for basic education staff units under section 502(5) of this act by \$15.11 per month.

(4) A maximum of \$2,226,000 may be expended to increase insurance benefit allocations for handicapped program staff units as calculated under section 510 of this act by \$15.11 per month.

(5) A maximum of \$108,000 may be expended to increase insurance benefit allocations for state-funded staff in educational service districts and institutional education programs by \$15.11 per month.

(6) A maximum of \$1,824,000 may be expended to fund insurance benefit increases in the following categorical programs by increasing annual state funding rates by the amounts specified in this subsection. For the 1989-90 school year, due to the October implementation, school districts shall receive eleven-twelfths of the annual rate increases specified. On an annual basis, the maximum rate adjustments provided under this section are:

- (a) For pupil transportation, an increase of \$0.14 per weighted pupil-mile;
- (b) For learning assistance, an increase of \$3.78 per pupil;
- (c) For education of highly capable students, an increase of \$1.29 per pupil;
- (d) For vocational bilingual education, an increase of \$2.44 per pupil;
- (e) For vocational-technical institutes, an increase of \$10.06 per full time equivalent pupil.

NEW SECTION, Sec. 506. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—RETIREMENT CONTRIBUTIONS

General Fund Appropriation \$ 33,141,000

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

(1) \$13,056,000 for the teachers' retirement system and \$2,147,000 for the public employees' retirement system, or so much thereof as may be necessary, shall be distributed to local districts to increase state retirement system contributions resulting from Engrossed Substitute House Bill No. 1322. If the bill is not enacted by June 30, 1989, the amounts provided in this subsection shall lapse.

(2) \$14,587,000 for the teachers' retirement system and \$3,351,000 for the public employees' retirement system, or so much thereof as may be necessary, shall be distributed to local districts to increase state retirement system contributions resulting from Substitute Senate Bill No. 5418. If the bill is not enacted by June 30, 1989, the amounts provided in this subsection shall lapse.

NEW SECTION, Sec. 507. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR PUPIL TRANSPORTATION

General Fund Appropriation \$ 251,821,000

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

- (1) \$22,695,000 is provided solely for distribution to school districts for the remaining months of the 1988-89 school year.
- (2) A maximum of \$111,468,000 may be distributed for pupil transportation operating costs in the 1989-90 school year.
- (3) A maximum of \$857,000 may be expended for regional transportation coordinators.
- (4) A maximum of \$64,000 may be expended for bus driver training.
- (5) The superintendent of public instruction shall study the current small fleet maintenance formula in comparison with districts' actual pupil transportation expenditures, and may implement formula revisions to distribute funding more equitably between districts that receive small fleet funding and those that do not. The superintendent may apply any moneys resulting from a reduction in the small fleet maintenance factor to a formula enhancement for midday kindergarten routes.

NEW SECTION. Sec. 508. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR VOCATIONAL-TECHNICAL INSTITUTES AND ADULT EDUCATION AT VOCATIONAL-TECHNICAL INSTITUTES

General Fund Appropriation \$ 79,469,000

Children's Initiative Fund—K-12 Education Account Appropriation \$ 1,534,000

Total Appropriation \$ 81,003,000

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

- (1) Funding for vocational programs during the 1989-90 school year shall be distributed at a rate of \$3,267 per student for a maximum of 12,050 full time equivalent students. This amount includes \$154 per student solely to replace out-of-date or worn-out equipment.
- (2) Funding for vocational programs from the general fund appropriation during the 1990-91 school year shall be distributed at a rate of \$3,268 per student for a maximum of 12,050 full time equivalent students. This amount includes \$154 per student solely to replace out-of-date or worn-out equipment.
- (3) Funding for adult basic education programs during the 1989-90 school year shall be distributed at a rate of \$1.46 per hour of student service for a maximum of 288,690 hours.
- (4) Funding for adult basic education programs during the 1990-91 school year shall be distributed at a rate of \$1.48 per hour of student service for a maximum of 288,690 hours.
- (5) The K-12 education account appropriation is provided solely to increase state-funded vocational enrollment to 12,655 full time equivalent students in the 1990-91 school year. The K-12 education account appropriation in this section includes rate adjustments to achieve the salary and benefits levels attained for the 1990-91 school year as determined under sections 504 and 505 of this act.

NEW SECTION. Sec. 509. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR SCHOOL FOOD SERVICE PROGRAMS

General Fund Appropriation—State \$ 6,000,000

General Fund Appropriation—Federal \$ 85,000,000

Total Appropriation \$ 91,000,000

NEW SECTION. Sec. 510. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR HANDICAPPED EDUCATION PROGRAMS

General Fund Appropriation—State \$ 504,289,000

General Fund Appropriation—Federal \$ 59,000,000

Total Appropriation \$ 563,289,000

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

- (1) \$48,111,000 of the general fund—state appropriation is provided solely for the remaining months of the 1988-89 school year.
- (2) The superintendent of public instruction shall distribute state funds for the 1989-90 and 1990-91 school years in accordance with districts' actual handicapped enrollments and the allocation model established in LEAP Document 13 as developed on April 9, at 1:30 hours.
- (3) A maximum of \$440,000 may be expended from the general fund—state appropriation to fund 4.66 full time equivalent teachers and one aide at Children's orthopedic hospital and medical center. This amount is in lieu of money provided through the home and hospital allocation and the handicapped program.
- (4) The superintendent of public instruction shall allocate sufficient funds to maintain 1988-89 school year service levels for the early childhood home instruction program for hearing impaired infants and their families.
- (5) \$150,000 of the general fund—state appropriation is provided solely for contracts for development and implementation of a process for school districts to bill medical assistance for eligible services included in handicapped education programs, pursuant to Substitute House Bill No. 2014. If the bill is not enacted by June 30, 1989, the amount provided in this subsection shall lapse.

NEW SECTION. Sec. 511. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR TRAFFIC SAFETY EDUCATION PROGRAMS

Public Safety and Education Account Appropriation \$ 14,067,000

The appropriation in this section is subject to the following conditions and limitations: Not more than \$596,000 may be expended for regional traffic safety education coordinators.

NEW SECTION. Sec. 512. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR EDUCATIONAL SERVICE DISTRICTS

General Fund Appropriation \$ 10,654,000

The appropriation in this section is subject to the following conditions and limitations: The educational service districts shall continue to furnish financial services required by the superintendent of public instruction and RCW 28A.21.088 (3) and (4).

NEW SECTION. Sec. 513. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR LOCAL EFFORT ASSISTANCE

General Fund Appropriation \$ 82,700,000

The appropriation in this section is subject to the following conditions and limitations: \$82,700,000 is provided for state matching funds pursuant to RCW 28A.41.155.

NEW SECTION. Sec. 514. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR THE ENUMERATED PURPOSES

General Fund Appropriation—Federal \$ 141,817,000

(1) Education Consolidation and Improvement Act \$ 138,000,000

(2) Education of Indian Children \$ 317,000

(3) Adult Basic Education \$ 3,500,000

NEW SECTION. Sec. 515. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR INSTITUTIONAL EDUCATION PROGRAMS

General Fund Appropriation—State \$ 20,763,000

General Fund Appropriation—Federal \$ 8,006,000

Total Appropriation \$ 28,769,000

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

(1) \$3,817,000 of the general fund—state appropriation is provided solely for the remaining months of the 1988-89 school year.

(2) \$10,154,000 of the general fund—state appropriation is provided solely for the 1989-90 school year, distributed as follows:

(a) \$3,293,000 is provided solely for programs in state institutions for the handicapped or emotionally disturbed. These moneys may be distributed for that school year at a maximum rate averaged over all of these programs of \$10,903 per full time equivalent student.

(b) \$3,647,000 is provided solely for programs in state institutions for delinquent youth. These moneys may be distributed for that school year at a maximum rate averaged over all of these programs of \$6,728 per full time equivalent student.

(c) \$418,000 is provided solely for programs in state group homes for delinquent youth. These moneys may be distributed for that school year at a maximum rate averaged over all of these programs of \$5,116 per full time equivalent student.

(d) \$716,000 is provided solely for juvenile parole learning center programs. These moneys may be distributed for that school year at a maximum rate averaged over all of these programs of \$1,772 per full time equivalent student, and are in addition to moneys allocated for these students through the basic education formula established in section 502 of this act.

(e) \$2,080,000 is provided solely for programs in county detention centers. These moneys may be distributed for that school year at a maximum rate averaged over all of these programs of \$4,871 per full time equivalent student.

(3) Distribution of state funding for the 1990-91 school year shall be based upon the following overall limitations for that school year including expenditures anticipated for July and August of 1991:

(a) State funding for programs in state institutions for the handicapped or emotionally disturbed may be distributed at a maximum rate averaged over all of these programs of \$10,847 per full time equivalent student and a total allocation of no more than \$2,885,000 for that school year.

(b) State funding for programs in state institutions for delinquent youth may be distributed at a maximum rate averaged over all of these programs of \$6,741 per full time equivalent student and a total allocation of no more than \$3,701,000 for that school year.

(c) State funding for programs in state group homes for delinquent youth may be distributed in that school year at a maximum rate averaged over all of these programs of \$5,177 per full time equivalent student and a total allocation of no more than \$419,000 for that school year.

(d) State funding for juvenile parole learning center programs may be distributed at a maximum rate averaged over all of these programs of \$1,745 per full time equivalent student and a total allocation of no more than \$705,000 for that school year, excluding funds provided through the basic education formula established in section 502 of this act.

(e) State funding for programs in county detention centers may be distributed at a maximum rate averaged over all of these programs of \$4,882 per full time equivalent student and a total allocation of no more than \$2,080,000 for that school year.

(4) \$167,000 of the general fund—state appropriation is provided solely to maintain the increased teacher/student ratio for programs at mentally ill offender units within the state institutions for delinquent youth.

(5) \$214,000 of the general fund—state appropriation is provided solely for job skills training programs at state institutions for delinquent youth.

(6) Notwithstanding any other provision of this section, the superintendent of public instruction may transfer funds between the categories of institutions identified in subsections (2) and (3) of this section if the maximum expenditures per full time equivalent student for each category of institution are not thereby exceeded.

(7) State funding provided under this section is based on salaries and other expenditures for a 220-day school year. The superintendent of public instruction shall monitor school district expenditure plans for institutional education programs to ensure that districts plan for a full-time summer program.

(8) The superintendent of public instruction shall develop a plan, to be implemented in the 1991-93 biennium, to transfer institutional education programs to the department of social and health services. The plan shall be developed in cooperation with the department and shall be submitted to the legislature prior to December 1, 1990.

NEW SECTION, Sec. 516. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR PROGRAMS FOR HIGHLY CAPABLE STUDENTS

General Fund Appropriation \$ 5,937,000

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

(1) \$534,000 is provided solely for distribution to school districts for the remaining months of the 1988-89 school year.

(2) Allocations for school district programs for highly capable students during the 1989-90 and 1990-91 school years shall be distributed at a maximum rate for each school year of \$364 per student for up to one percent of each district's full time equivalent enrollment.

(3) A maximum of \$356,000 is provided to contract for gifted programs to be conducted at Fort Worden state park.

NEW SECTION, Sec. 517. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR SCHOOL DISTRICT SUPPORT

General Fund Appropriation—State \$ 6,934,000

General Fund Appropriation—Federal \$ 5,131,000

Children's Initiative Fund—K-12 Education Account Appropriation \$ 2,000,000

Total Appropriation \$ 14,065,000

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

(1) \$282,000 of the general fund—state appropriation is provided solely for teacher in-service training in math, science, and computer technology.

(2) \$651,000 of the general fund—state appropriation is provided solely for teacher training workshops conducted by the Pacific science center. \$496,000 of this amount is for in-service training in science to be provided to approximately ten percent of the kindergarten through eighth grade teachers each year.

(3) \$2,629,000 of the general fund—state appropriation is provided solely for operation by the educational service districts of regional computer demonstration centers and computer information centers. This amount is intended to enable the educational service districts to expand two computer information centers to fully-staffed computer demonstration centers in the 1989-90 school year.

(4) \$872,000 of the general fund—state appropriation and \$413,000 of the general fund—federal appropriation are provided solely for teacher training in drug and alcohol abuse education and prevention in kindergarten through grade twelve. The amount provided in this subsection includes \$300,000 from license fees collected pursuant to RCW 66.24.320 and 66.24.330 which are dedicated to juvenile drug and alcohol prevention programs under RCW 66.08.180(4).

(5) \$2,000,000 of the general fund—state appropriation and \$2,000,000 of the K-12 education account appropriation are provided solely for training of paraprofessional classroom assistants and classroom teachers to whom the assistants are assigned. A maximum of \$175,000 of this amount may be spent by the superintendent for state administrative costs of this program.

(6) \$500,000 of the general fund—state appropriation is provided solely for grants to school districts for multicultural inservice training.

NEW SECTION, Sec. 518. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR SPECIAL AND PILOT PROGRAMS

General Fund Appropriation—State \$ 17,568,000

General Fund Appropriation—Federal \$ 5,973,000

Children's Initiative Fund—K-12 Education Account Appropriation \$ 31,500,000

Total Appropriation \$ 55,041,000

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

(1) \$1,731,000 of the general fund—state appropriation is provided solely for a contract with the Pacific science center for travelling van programs and other educational services for public schools. \$815,000 of this amount is provided to expand the travelling van program to serve approximately 50 percent of public elementary schools annually, and to expand the on-site instruction program to serve approximately 70,000 students and teachers each year.

- (2) \$88,000 of the general fund—state appropriation is provided solely for a contract with the Cispus learning center for environmental education programs.
- (3) \$3,975,000 of the general fund—federal appropriation is provided solely for substance abuse prevention programs.
- (4) \$6,834,000 of the general fund—state appropriation and \$1,998,000 of the general fund—federal appropriation are provided solely for the schools for the twenty-first century pilot programs established by RCW 28A.100.030 through 28A.100.068. Grants shall be provided to establish a maximum of twenty-one new projects in fiscal year 1991.
- (5) \$3,560,000 of the general fund—state appropriation is provided solely for the beginning teachers assistance program established under RCW 28A.67.240. Moneys shall be distributed under this subsection at a maximum rate per mentor/beginning teacher team of \$1,780 per year.
- (6) \$204,000 of the general fund—state appropriation is provided solely for child abuse education provisions of RCW 28A.03.512 through 28A.03.514.
- (7) \$2,619,000 of the general fund—state appropriation is provided solely for grants to public or private nonprofit organizations to assist parents of children in headstart or early childhood education and assistance programs, who are enrolled in adult literacy classes or tutoring programs under RCW 28A.130.010 through 28A.130.020. Grants provided under this subsection may be used for scholarships, costs of transportation and child care, and other support services. Moneys provided under this subsection may not be used by the superintendent of public instruction for state administrative costs.
- (8) \$82,000 of the general fund—state appropriation is provided solely for in-service training and other costs associated with the development of a comprehensive K-12 health education curriculum, including an integral component relating to acquired immunodeficiency syndrome.
- (9) \$250,000 of the general fund—state appropriation is provided solely for the continuation of student teaching pilot projects under Engrossed Senate Bill No. 5826. If the bill is not enacted by June 30, 1989, the amount provided in this subsection shall lapse.
- (10) \$1,400,000 of the general fund—state appropriation is provided solely for compensation of teachers who supervise student teachers. Stipends provided under this subsection shall not exceed \$333 per college quarter of supervisory duties, or an equivalent rate adjusted to a semester or other basis.
- (11) \$27,500,000 of the K-12 education account appropriation is provided for technology programs and grants, administered through the twenty-first century institute for advanced technology in schools. \$27,000,000 of this amount is provided solely for grants to school districts for the establishment of computer labs in elementary schools. These grants shall not exceed \$50,000 per school and shall require a twenty percent local match.
- (12) \$2,000,000 of the K-12 education account appropriation is provided solely for grants to school districts for programs to reduce dropout rates using student tutors. These moneys may be expended to pay college students or advanced high school students for working with students in grades K-12 in public schools. School districts shall be chosen to receive grants based on the severity of their dropout rate and the participation of higher education institutions in the proposed program.
- (13) \$1,000,000 of the K-12 education account is provided solely for grants to enhance alternative school programs. These grants may not be used to supplant funding for existing programs or for state administrative costs.
- (14) \$1,000,000 of the K-12 education account appropriation is provided solely for grants for projects to increase the educational participation of homeless children. Projects shall be selected from applications submitted jointly by shelter providers and school districts. The homeless advisory committee appointed by the superintendent of public instruction shall review applications and assist in the selection process. The grants shall be expended for programs and services to facilitate school attendance of homeless children, or for shelter-based instructional programs.
- (15) \$800,000 of the general fund—state appropriation is provided solely for a pilot program of grants to school districts for elementary school counselors and intervention specialists, targeted to those schools with the greatest needs. The superintendent of public instruction shall select proposals for funding based upon applications identifying the number of counselors and intervention specialists currently assigned to elementary schools, and providing data on the student attendance area to be served, as determined by the superintendent. The data submitted shall include but not be limited to indicators of the number of students living in poverty, unemployment rates, juvenile justice referrals, and social service caseloads. The minimum grant award per district or cooperative of districts under this subsection shall be \$20,000 per school year. For the purposes of this subsection, "intervention specialist" may include school psychologists, school social workers, counselors, and social workers employed by the department of social and health services providing services to schools under contract, and children's mental health specialists as defined in RCW 71.34.020 providing services to schools under contract.

NEW SECTION. Sec. 519. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR ENCUMBRANCES OF FEDERAL GRANTS

General Fund Appropriation—Federal \$ 36,216,000

NEW SECTION. Sec. 520. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR TRANSITIONAL BILINGUAL PROGRAMS

General Fund Appropriation \$ 14,772,000

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

- (1) \$1,476,000 is provided solely for the remaining months of the 1988–89 school year.
- (2) The superintendent shall distribute funds for the 1989–90 and 1990–91 school years at a rate for each year of \$452 per eligible student.

NEW SECTION. Sec. 521. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR THE LEARNING ASSISTANCE PROGRAM

General Fund Appropriation \$ 70,417,000

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

- (1) \$5,899,000 is provided solely for the remaining months of the 1988–89 school year.
- (2) Funding for school district learning assistance programs serving kindergarten through grade nine shall be distributed during the 1989–90 and 1990–91 school years at a maximum rate of \$389 per unit as calculated pursuant to this subsection. The number of units for each school district in each school year shall be the sum of: (a) The number of full time equivalent students enrolled in kindergarten through grade six in the district multiplied by the percentage of the district's students taking the fourth grade basic skills test who scored in the lowest quartile as compared to national norms, and then reduced by the number of students ages eleven and below in the district who are identified as specific learning disabled and are served through programs established pursuant to chapter 28A.13 RCW; and (b) the number of full time equivalent students enrolled in grades seven through nine in the district multiplied by the percentage of the district's students taking the eighth grade basic skills test who scored in the lowest quartile as compared to national norms, and then reduced by the number of students ages twelve through fourteen in the district who are identified as specific learning disabled and are served through programs established pursuant to chapter 28A.13 RCW. In determining these allocations, the superintendent shall use the most recent prior five-year average scores on the fourth grade and eighth grade state-wide basic skills tests.

NEW SECTION. Sec. 522. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR EDUCATIONAL CLINICS

General Fund Appropriation \$ 4,584,000

Children's Initiative Fund—K–12 Education Account Appropriation \$ 1,000,000

Total Appropriation \$ 5,584,000

The appropriations in this section are subject to the following conditions and limitations: Not more than \$2,292,000 of the general fund appropriation may be expended during fiscal year 1990.

NEW SECTION. Sec. 523. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—LOCAL EDUCATION PROGRAM ENHANCEMENT FUNDS

General Fund Appropriation \$ 5,053,000

Children's Initiative Fund—K–12 Education Account Appropriation \$ 26,921,000

Total Appropriation \$ 31,974,000

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

- (1) \$5,053,000 of the general fund appropriation is provided solely for the remaining months of the 1988–89 school year.
- (2) The K–12 education account appropriation is provided solely for allocations to school districts in the 1990–91 school year, pursuant to this section. A school district may be eligible to receive an allocation from this appropriation if the school district's board of directors has:
 - (a) Assessed the needs of the schools within the district;
 - (b) Prioritized the identified needs; and
 - (c) Developed an expenditure plan for the allocation and an evaluation methodology to assess benefits to students.
- (3) School districts receiving moneys pursuant to this section shall expend such moneys to meet educational needs identified by the district within the following program areas:
 - (a) Prevention and intervention services in the elementary grades;
 - (b) Reduction of class size;
 - (c) Early childhood education;
 - (d) Student-at-risk programs, including dropout prevention and retrieval, and substance abuse awareness and prevention;
 - (e) Staff development and in-service programs;
 - (f) Student logical reasoning and analytical skill development;
 - (g) Programs for highly capable students; and
 - (h) Programs involving students in community services;
 - (i) Senior citizen volunteer programs; and
 - (j) Other purposes that enhance a school district's basic education program, including expenditures for nonemployee-related costs.

Allocations provided under this section for the 1990-91 school year are equivalent to increasing funding for nonemployee-related costs in basic education programs by approximately ten percent, and may be applied by school districts to that purpose. However, new and existing education program enhancements funded pursuant to this section do not fall within the definition of basic education for purposes of Article IX of the state Constitution and the state's funding duty thereunder, nor shall such funding, as now or hereafter appropriated and allocated constitute levy reduction funds for purposes of RCW 84.52.0531.

(4)(a) Allocations to eligible school districts for the 1990-91 school year shall be calculated on the basis of average annual full time equivalent enrollment, at a rate of \$42.50 per pupil. For school districts enrolling not more than one hundred average annual full time equivalent students, and for small school plants within any school district designated as remote and necessary schools, the allocations shall be determined as follows:

(i) Enrollment of not more than sixty average annual full time equivalent students in grades kindergarten through six shall generate funding based on sixty full time equivalent students;

(ii) Enrollment of not more than twenty average annual full time equivalent students in grades seven and eight shall generate funding based on twenty full time equivalent students; and

(iii) Enrollment of sixty or fewer average annual full time equivalent students in grades nine through twelve shall generate funding based on sixty full time equivalent students.

(b) Allocations shall be distributed on a school-year basis pursuant to RCW 28A.48.010.

NEW SECTION. Sec. 524. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR THE STATE SCHOOL FOR THE BLIND AND THE STATE SCHOOL FOR THE DEAF

General Fund Appropriation—State	\$	17,583,000
General Fund Appropriation—Federal	\$	48,000
Total Appropriation	\$	17,631,000

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

(1) \$5,944,000 of the general fund—state appropriation is provided to pass through directly to the state school for the blind at the request of the school's superintendent.

(2) \$11,252,000 of the general fund—state appropriation and \$48,000 of the general fund—federal appropriation is provided to pass through directly to the state school for the deaf at the request of the school's superintendent.

(3) \$387,000 of the general fund—state appropriation is provided solely for transportation of day students attending the schools. The state school for the deaf and the state school for the blind shall contract with educational service district No. 112 for the provision of pupil transportation services.

**PART VI
HIGHER EDUCATION**

NEW SECTION. Sec. 601. The appropriations in sections 602 through 608 of this act are subject to the following conditions and limitations:

(1) For the purposes of this section and sections 602 through 608 of this act, "institutions of higher education" means the institutions receiving appropriations pursuant to sections 602 through 608 of this act.

(2)(a) Student Quality Standard: During the 1989-91 fiscal biennium, each institution of higher education shall not spend less than the average biennial amount listed in this subsection per full time equivalent student. The amounts include total appropriated general fund—state operating expenses for the institution, less expenditures for plant maintenance and operations, with the exception of Washington State University, where cooperative extension and agriculture research are also excluded from the per student expenditures. This expenditure-per-student requirement may vary by two percent. If an institution's expenditure per student in fiscal year 1989-90 exceeds the two-percent variance, then the office of financial management shall reduce that institution's allotment for fiscal year 1990-91 by the amount above the two-percent variance.

University of Washington	\$	9,461
Washington State University	\$	7,734
Eastern Washington University	\$	5,446
Central Washington University	\$	5,463
The Evergreen State College	\$	6,923
Western Washington University	\$	5,399
State Board for Community College Education	\$	3,318

(b) If Initiative 102 is not enacted by December 31, 1989, the amounts listed in (a) of this subsection shall be revised as follows:

University of Washington	\$	9,044
Washington State University	\$	7,579
Eastern Washington University	\$	5,341
Central Washington University	\$	5,425
The Evergreen State College	\$	6,737
Western Washington University	\$	5,234
State Board for Community College Education	\$	3,189

(3) Each institution of higher education and the state board for community college education shall report to the 1990 regular session of the legislature on its plans to improve the quality of instruction. The plans should provide for:

- (a) Increasing the amount of instruction by professors rather than by teaching assistants;
- (b) Increasing the number of discussion sections led by professors; and
- (c) Increasing the amount of writing required by students, both for classes and for tests.

(4) Each institution of higher education and the state board for community college education shall report to the higher education coordinating board on its maintenance and operation activities and expenditures. The higher education coordinating board shall monitor these reports to ensure that facilities at each institution of higher education are maintained in good condition.

(5)(a) The following are maximum amounts that each institution may spend from the appropriations in sections 602 through 610 of this act for faculty, graduate assistants, and exempt staff salary increases and are subject to all the limitations contained in this section. For the purpose of allocating these funds, "faculty" includes all instructional and research faculty, teaching and research assistants, academic deans, department chairpersons, and librarians and counselors who are not part of the state classified service system. "Exempt staff" includes all professional and administrative employees who are not part of the state classified service system. "Senior exempt staff" includes presidents, chancellors, vice-presidents, provosts, and vice-provosts.

University of Washington	\$	19,137,000
Washington State University	\$	9,731,000
Eastern Washington University	\$	3,074,000
Central Washington University	\$	2,656,000
The Evergreen State College	\$	1,350,000
Western Washington University	\$	3,889,000
State Board for Community College Education	\$	21,217,000
Higher Education Coordinating Board	\$	125,000

(b) The amounts listed in (a) of this subsection are intended to provide faculty, exempt staff, teaching and research assistants, and medical residents at each four-year institution and the community college system as a whole, a maximum of the average percentage increase, including increments, listed below on the effective dates indicated:

Faculty and Exempt Staff

	January 1, 1990	January 1, 1991
University of Washington	6.1%	6.1%
Washington State University	6.1%	6.1%
Eastern Washington University	6.4%	6.4%
Central Washington University	6.4%	6.4%
The Evergreen State College	6.4%	6.4%
Western Washington University	6.4%	6.4%
State Board for Community College Education	6.2%	6.2%
Higher Education Coordinating Board	2.5%	8.5%
	<u>Senior Exempt Staff</u>	
All Institutions	4.0%	4.0%

(c) Regardless of whether the maximum amounts authorized in this subsection are granted, they will be considered granted by the higher education coordinating board when comparing faculty salaries to other institutions for the purpose of determining salary increase requirements.

(d) The salary increase amounts authorized in this subsection for institutions other than community colleges are intended to provide an equal percentage salary increase between faculty and exempt personnel, after any merit or market pay considerations.

(e) The salary increases authorized under this subsection may be granted to state employees at Washington State University who are supported in full or in part by federal land grant formula funds.

(f) The state board for community college education shall allocate the amounts authorized in this subsection among the community college districts according to policies and guidelines established by the board that may include policies for achieving more equitable salary levels among districts and more equitable salary levels between part time and full time faculty.

(g) The following amounts from the appropriations in sections 602 through 608 of this act, or as much thereof as may be necessary, shall be spent to provide higher education personnel board classified employees with a 2.5 percent salary increase effective January 1, 1990, and an additional 8.5 percent salary increase effective January 1, 1991. The January 1, 1991, salary increase shall fund as much of the 1988 trend salary survey (catch-up plus keep-up results less the January 1, 1989, increase) as possible. If the application of this increase results in a fractional range, the higher education personnel board shall round the increase to the nearest

whole range. These increases shall be implemented in compliance and conformity with all requirements of the comparable worth agreement ratified by 1986 Senate Concurrent Resolution No. 126. No salary increase may be paid under this subsection to any person whose salary has been Y-rated pursuant to rules adopted by the higher education personnel board.

University of Washington	\$	5,327,000
Washington State University	\$	3,508,000
Eastern Washington University	\$	889,000
Central Washington University	\$	681,000
The Evergreen State College	\$	507,000
Western Washington University	\$	943,000
State Board for Community College Education	\$	4,768,000

(7) The following amounts from the appropriations in sections 602 through 608 of this act are provided solely for student employee salary increases:

University of Washington	\$	130,000
Washington State University	\$	73,000
Eastern Washington University	\$	21,000
Central Washington University	\$	18,000
The Evergreen State College	\$	9,000
Western Washington University	\$	25,000
State Board for Community College Education	\$	142,000

(8) Any institution that grants an average salary increase in excess of the amounts authorized in subsection (3) of this section is ineligible to receive any funds appropriated for salary increases in sections 603 through 608 of this act. Any community college district that grants an average salary increase in excess of the amounts authorized in subsection (3) of this section, as allocated by the state board for community college education, is ineligible to receive any funds appropriated for salary increases in section 602 of this act. The office of financial management shall adjust an institution's allotment as necessary to enforce the restrictions imposed by this section.

(9) The office of financial management shall by November 1, 1989, develop an employee classification system for the purpose of allocating the appropriations in this act for higher education salary increases. In developing the classification system, the office of financial management shall consult with the institutions of higher education, the senate committee on ways and means, and the house of representatives committee on appropriations. The classification system shall be consistent among the institutions and shall provide for uniform application of each employee classification, including instructional and research faculty, academic and administrative deans, department chairpersons, exempt and classified staff, presidents, chancellors, vice-presidents, librarians, and counselors. An institution of higher education shall not grant any salary increase under this section unless the office of financial management determines that the increase is consistent with the classification system required by this subsection. It is the intent of the legislature to adjust the appropriations in this act during the 1990 legislative session to reflect the classification system; the appropriation adjustments shall result in a total expenditure level that is less than or equal to the total amount allocated for salary increases under this section to all institutions. The classification system shall be used solely for the purpose of salary increase allocations under this section and shall not affect any employee rights under the state higher education personnel law, chapter 28B.16 RCW.

NEW SECTION, Sec. 602. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION

General Fund Appropriation	\$	637,075,000
Children's Initiative Fund—Children's Services and Support Account Appropriation	\$	3,000,000
Total Appropriation	\$	640,075,000

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

(1) It is intended that enrollment increases funded by this appropriation be distributed among the community college districts on the basis of the enrollment distribution contained in the community college 1989-91 budget request document.

(2) The state board for community college education shall establish compensation guidelines for salary levels of the top administrative position at community colleges. The guidelines should take into account criteria such as institutional size, level of responsibility, experience, and longevity.

(3) At least \$400,000 of the general fund—state appropriation shall be spent on assessment of student outcomes.

(4) At least \$240,000 of the general fund—state appropriation shall be spent to increase recruitment and retention of minority students.

(5) At least \$500,000 of the general fund—state appropriation shall be spent to fund the comparable worth salary adjustments for employees in community college childcare centers.

(6) If Initiative 102 is not enacted by December 31, 1989, the children's initiative fund—children's services and support account appropriation in this section is null and void.

(7) If Initiative 102 is not enacted by December 31, 1989, \$25,208,000 of the general fund—state appropriation in this section shall lapse.

NEW SECTION, Sec. 603. FOR THE UNIVERSITY OF WASHINGTON

General Fund Appropriation	\$ 624,678,000
Medical Aid Fund Appropriation	\$ 3,518,000
Accident Fund Appropriation	\$ 3,517,000
Death Investigations Account Appropriation	\$ 957,000
Total Appropriation	\$ 632,670,000

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

(1) At least \$6,620,000 of the general fund appropriation shall be spent to begin off-campus upper-division course offerings in Tacoma and Bothell.

(2) The University of Washington shall establish an evening degree credit program. \$1,682,000 of the general fund appropriation is provided for this purpose.

(3) If Initiative 102 is not enacted by December 31, 1989, \$27,290,000 of the general fund appropriation in this section shall lapse.

(4) \$150,000 of the general fund appropriation is provided solely for the development of a plan for the Olympic institute for old growth forest and ocean research.

(5) \$500,000 of the general fund appropriation is provided solely for the sea grant program.

(6) At least \$400,000 of the general fund appropriation shall be spent on assessment of student outcomes.

(7) At least \$50,000 of the general fund appropriation shall be spent to increase recruitment and retention of minority students.

NEW SECTION, Sec. 604. FOR WASHINGTON STATE UNIVERSITY

General Fund Appropriation	\$ 338,437,000
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The appropriation in this section is subject to the following conditions and limitations:

(1) At least \$2,018,000 shall be spent to expand upper-division and graduate off-campus course offerings.

(2) Washington State University shall continue funding three faculty positions associated with Tri-Cities diversification.

(3) If Initiative 102 is not enacted by December 31, 1989, \$6,528,000 of the appropriation in this section shall lapse.

(4) At least \$400,000 shall be spent on assessment of student outcomes.

(5) At least \$50,000 shall be spent to increase recruitment and retention of minority students.

NEW SECTION, Sec. 605. FOR EASTERN WASHINGTON UNIVERSITY

General Fund Appropriation	\$ 91,758,000
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The appropriation in this section is subject to the following conditions and limitations:

(1) At least \$400,000 shall be spent on assessment of student outcomes.

(2) At least \$10,000 shall be spent to increase recruitment and retention of minority students.

(3) If Initiative 102 is not enacted by December 31, 1989, \$1,479,000 of the appropriation in this section shall lapse.

NEW SECTION, Sec. 606. FOR CENTRAL WASHINGTON UNIVERSITY

General Fund Appropriation	\$ 77,243,000
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The appropriation in this section is subject to the following conditions and limitations:

(1) It is intended that enrollment increases be directed to resident students and that priority be given to students seeking entrance to upper-division courses with the intent to complete a bachelor's degree.

(2) At least \$599,000 shall be spent to provide upper-division courses in Yakima.

(3) At least \$400,000 shall be spent on assessment of student outcomes.

(4) At least \$10,000 shall be spent to increase recruitment and retention of minority students.

(5) If Initiative 102 is not enacted by December 31, 1989, \$509,000 of the appropriation in this section shall lapse.

NEW SECTION, Sec. 607. FOR THE EVERGREEN STATE COLLEGE

General Fund Appropriation	\$ 48,225,000
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The appropriation in this section is subject to the following conditions and limitations:

(1) It is intended that enrollment increases be directed to resident students and that priority be given to students seeking entrance to upper-division courses with the intent to complete a bachelor's degree.

(2) At least \$400,000 shall be spent on assessment of student outcomes.

(3) At least \$10,000 shall be spent to increase recruitment and retention of minority students.

(4) If Initiative 102 is not enacted by December 31, 1989, \$1,457,000 of the appropriation in this section shall lapse.

NEW SECTION, Sec. 608. FOR WESTERN WASHINGTON UNIVERSITY

General Fund Appropriation	\$ 103,577,000
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The appropriation in this section is subject to the following conditions and limitations:

(1) It is intended that enrollment increases be directed to resident students and that priority be given to students seeking entrance to upper-division courses with the intent to complete a bachelor's degree.

(2) At least \$400,000 shall be spent on assessment of student outcomes.

(3) At least \$10,000 shall be spent to increase recruitment and retention of minority students.

(4) If Initiative 102 is not enacted by December 31, 1989, \$3,909,000 of the appropriation in this section shall lapse.

NEW SECTION. Sec. 609. FOR THE COMPACT FOR EDUCATION

General Fund Appropriation \$ 92,000

NEW SECTION. Sec. 610. FOR THE HIGHER EDUCATION COORDINATING BOARD

General Fund Appropriation—State \$ 58,785,000

General Fund Appropriation—Federal \$ 4,153,000

State Educational Grant Account Appropriation \$ 40,000

Total Appropriation \$ 62,978,000

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

(1) \$53,237,000 of the general fund—state appropriation is provided solely for student financial aid, including administrative costs. Of that amount:

(a) At least \$18,100,000 shall be expended for work study grants;

(b) \$31,500,000 of the general fund—state appropriation is provided solely for the state need grant program, as redesigned by the higher education coordinating board;

(c) \$250,000 is provided solely for additions to the conditional scholarship program for nurses; and

(d) \$300,000 is provided solely for additions to the conditional scholarship program for teachers.

(2) \$966,626 of the general fund—state appropriation is provided solely for the displaced homemaker program.

(3) \$400,000 of the general fund—state appropriation is provided solely for the summer motivation and academic residential training program.

(4) \$500,000 of the general fund—state appropriation is provided solely for the educational opportunity grant program. If Initiative 102 is not enacted by December 31, 1989, \$250,000 of the amount provided in this subsection shall lapse.

(5) \$50,000 of the general fund—state appropriation is provided solely for the establishment of a Washington state writing project intended to enhance the skills of writing teachers in grades kindergarten through twelfth grade in Washington public schools.

(6) \$60,000 of the general fund—state appropriation is provided solely to make matching awards of \$2,000 to community scholarship foundations that:

(a) After the effective date of this act, begin a higher education scholarship program and raise at least \$2,000 for the program;

(b) Obtain and maintain tax-exempt status under section 501(c)(3) of the internal revenue code for the fund supporting the scholarship program; and

(c) Have not previously received a matching award from the amount provided in this subsection.

NEW SECTION. Sec. 611. FOR THE WASHINGTON INSTITUTE OF APPLIED TECHNOLOGY

General Fund Appropriation \$ 3,000,000

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

(1) \$1,500,000 is provided solely for fiscal year 1990.

(2) The state board for vocational education and the office of financial management within the governor's office shall conduct a study of the Washington institute of applied technology. The study shall include consultation with the Seattle school district, Seattle community college, and the superintendent of public instruction. The study shall examine the institute's role in the marketplace, its effectiveness in accomplishing its purpose, and alternative methods of operation. The results of the study, together with any recommendations, shall be submitted to the senate committee on ways and means and the house of representatives committee on appropriations by December 1, 1989.

(3) The office of financial management shall place \$1,500,000 of the appropriation into reserve status for release to the institute for the 1991 fiscal year only after the state board for vocational education and the office of financial management have completed their review and certified to the senate committee on ways and means and the house of representatives committee on appropriations that the institute is meeting its enrollment goals and is effectively accomplishing its purpose.

NEW SECTION. Sec. 612. FOR THE HIGHER EDUCATION PERSONNEL BOARD

Higher Education Personnel Board Service Fund Appropriation \$ 2,142,000

The appropriation in this section is subject to the following conditions and limitations: \$50,000 of the appropriation is provided solely for a 2.5% across-the-board salary increase effective January 1, 1990, and an additional average 8.5% salary increase effective January 1, 1991, for staff of the higher education personnel board. The January 1, 1991, salary increase shall fund as much of the 1988 trend salary survey, catch-up plus keep-up results less the January 1, 1989, increase, as possible. If the application of this increase results in a fractional range, the increase shall be rounded to the nearest whole range. These increases shall be implemented in compliance and conformity with all requirements of the comparable worth agreement ratified by 1986 Senate Concurrent Resolution No. 126, where applicable.

NEW SECTION, Sec. 613. FOR WASHINGTON STATE LIBRARY

General Fund Appropriation—State	\$	12,075,000
General Fund Appropriation—Federal	\$	4,622,000
General Fund Appropriation—Private/Local	\$	112,000
Western Library Network Computer System Revolving Fund Approp- riation—Private/Local	\$	14,073,000
Total Appropriation	\$	30,882,000

The appropriations in this section are subject to the following conditions and limitations: \$2,331,000 of the general fund—state and the general fund—federal appropriations are provided solely for a contract with the Seattle public library for library services for the blind and physically handicapped.

NEW SECTION, Sec. 614. FOR THE WASHINGTON STATE ARTS COMMISSION

General Fund Appropriation—State	\$	4,557,000
General Fund Appropriation—Federal	\$	772,000
Total Appropriation	\$	5,329,000

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

(1) \$1,325,000 of the general fund—state appropriation is provided solely for grants of institutional support to major arts organizations.

(2) The commission shall develop and implement a plan to reduce administrative expenditures below twenty-five percent of total expenditures by fiscal year 1991. The commission shall submit a progress report on its plan to the appropriations committee of the house of representatives and the ways and means committee of the senate prior to January 8, 1990.

NEW SECTION, Sec. 615. FOR THE WASHINGTON STATE HISTORICAL SOCIETY

General Fund Appropriation	\$	880,000
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NEW SECTION, Sec. 616. FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY

General Fund Appropriation—State	\$	750,000
General Fund Appropriation—Federal	\$	126,000
Total Appropriation	\$	876,000

NEW SECTION, Sec. 617. FOR THE STATE CAPITOL HISTORICAL ASSOCIATION

General Fund Appropriation	\$	987,000
State Capitol Historical Association Museum Account Appropriation	\$	119,000
Total Appropriation	\$	1,106,000

The appropriations in this section are subject to the following conditions and limitations: \$200,000 of the general fund appropriation is provided solely for the continuation of a technical assistance program for local heritage organizations.

PART VII

SPECIAL APPROPRIATIONS

NEW SECTION, Sec. 701. FOR THE STATE TREASURER—STATE REVENUES FOR DISTRIBUTION

General Fund Appropriation for fire insurance premiums tax distribu- tion	\$	5,239,000
General Fund Appropriation for public utility district excise tax distri- bution	\$	22,854,000
General Fund Appropriation for prosecuting attorneys' salaries	\$	2,277,000
General Fund Appropriation for motor vehicle excise tax distribution	\$	68,719,000
General Fund Appropriation for local mass transit assistance	\$	208,213,000
General Fund Appropriation for camper and travel trailer excise tax distribution	\$	2,600,000
Aquatic Lands Enhancement Account Appropriation for harbor improvement revenue distribution	\$	80,000
Liquor Excise Tax Fund Appropriation for liquor excise tax distribu- tion	\$	18,667,000
Motor Vehicle Fund Appropriation for motor vehicle fuel tax and overload penalties distribution	\$	290,024,000
Liquor Revolving Fund Appropriation for liquor profits distribution	\$	41,250,000
Timber Tax Distribution Account Appropriation for distribution to "Timber" counties	\$	57,545,000
Municipal Sales and Use Tax Equalization Account Appropriation	\$	37,002,000
County Sales and Use Tax Equalization Account Appropriation	\$	12,695,000
Death Investigations Account Appropriation for distribution to coun- ties for publicly funded autopsies	\$	636,000
Total Appropriation	\$	767,801,000

NEW SECTION, Sec. 702. FOR THE STATE TREASURER—FEDERAL REVENUES FOR DISTRIBUTION

Forest Reserve Fund Appropriation for federal forest reserve fund distri- bution	\$	70,000,000
General Fund Appropriation for federal flood control funds distribu- tion	\$	70,000

General Fund Appropriation for federal grazing fees distribution	\$	50,000
Geothermal Account Appropriation—Federal	\$	20,000
General Fund Appropriation for distribution of federal funds to counties in conformance with Public Law 97-99	\$	720,000
Total Appropriation	\$	70,860,000

NEW SECTION, Sec. 703. FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, INCLUDING ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL OBLIGATION DEBT SUBJECT TO THE STATUTORY DEBT LIMIT

Fisheries Bond Redemption Fund 1977 Appropriation	\$	1,367,200
Water Pollution Control Facilities Bond Redemption Fund 1967 Appropriation	\$	4,117,000
State Building and Higher Education Construction Bond Redemption Fund 1967 Appropriation	\$	8,034,700
State Building (Expo 74) Bond Redemption Fund 1973A Appropriation	\$	375,900
State Building Bond Redemption Fund 1973 Appropriation	\$	3,796,000
State Higher Education Bond Redemption Fund 1973 Appropriation	\$	4,379,300
State Building Authority Bond Redemption Fund Appropriation	\$	9,401,000
Community College Capital Improvement Bond Redemption Fund 1972 Appropriation	\$	7,514,400
State Higher Education Bond Redemption Fund 1974 Appropriation	\$	1,182,900
Waste Disposal Facilities Bond Redemption Fund Appropriation	\$	64,569,200
Water Supply Facilities Bond Redemption Fund Appropriation	\$	11,126,800
Recreation Improvements Bond Redemption Fund Appropriation	\$	5,996,200
Social and Health Services Facilities 1972 Bond Redemption Fund Appropriation	\$	3,714,100
Outdoor Recreation Bond Redemption Fund 1967 Appropriation	\$	6,298,000
Indian Cultural Center Construction Bond Redemption Fund 1976 Appropriation	\$	124,200
Fisheries Bond Redemption Fund 1976 Appropriation	\$	762,600
Higher Education Bond Redemption Fund 1975 Appropriation	\$	2,167,100
State Building Bond Retirement Fund 1975 Appropriation	\$	421,900
Social and Health Services Bond Redemption Fund 1976 Appropriation	\$	9,474,800
Emergency Water Projects Bond Retirement Fund 1977 Appropriation	\$	2,614,000
Higher Education Bond Redemption Fund 1977 Appropriation	\$	19,264,000
Salmon Enhancement Bond Redemption Fund 1977 Appropriation	\$	4,328,700
Fire Service Training Center Bond Retirement Fund 1977 Appropriation	\$	850,500
State General Obligation Bond Retirement Bond 1979 Appropriation	\$	339,761,200
Total Appropriation	\$	511,641,700

NEW SECTION, Sec. 704. FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, INCLUDING ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL OBLIGATION DEBT TO BE REIMBURSED BY ENTERPRISE ACTIVITIES

State Convention and Trade Center Account Appropriation	\$	29,433,500
University of Washington Hospital Bond Retirement Fund 1975 Appropriation	\$	1,171,600
Office-Laboratory Facilities Bond Redemption Fund Appropriation	\$	273,700
Higher Education Bond Retirement Fund 1979 Appropriation	\$	2,556,600
State General Obligation Bond Retirement Fund 1979 Appropriation	\$	9,249,000
Spokane River Toll Bridge Revolving Account Appropriation	\$	882,100
Total Appropriation	\$	43,576,200

NEW SECTION, Sec. 705. FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, INCLUDING ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL OBLIGATION DEBT TO BE REIMBURSED AS PRESCRIBED BY STATUTE

Community College Refunding Bond Retirement Fund 1974 Appropriation	\$	9,756,200
Community College Capital Construction Bond Redemption Fund 1975, 1976, 1977 Appropriation	\$	10,773,500
Higher Education Bond Retirement Fund 1979 Appropriation	\$	10,268,800
Washington State University Bond Redemption Fund 1977 Appropriation	\$	539,200
Higher Education Refunding Bond Redemption Fund 1977 Appropriation	\$	7,801,200
State General Obligation Bond Retirement Fund 1979 Appropriation	\$	29,346,300
Total Appropriation	\$	68,485,200

NEW SECTION, Sec. 706. FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, INCLUDING ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR DEBT TO BE PAID BY MOTOR VEHICLE FUND REVENUE

Highway Bond Retirement Fund Appropriation	\$	195,489,500
Ferry Bond Retirement Fund 1977 Appropriation	\$	26,531,100
Total Appropriation	\$	222,020,600

NEW SECTION, Sec. 707. FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, INCLUDING ONGOING BOND REGISTRATION AND TRANSFER CHARGES; FOR DEBT TO BE PAID BY STATUTORILY PRESCRIBED REVENUE

Common School Building Bond Redemption Fund 1967 Appropriation	\$	6,906,000
State Building Bond Redemption Fund 1967 Appropriation	\$	655,600
State Building and Parking Bond Redemption Fund 1969 Appropriation	\$	2,450,900
Total Appropriation this Section	\$	10,012,500
Total Bond Retirement and Interest Appropriations, Sections 703 through 707	\$	855,736,200

NEW SECTION, Sec. 708. FOR THE GOVERNOR—EMERGENCY FUND
 General Fund Appropriation

General Fund Appropriation	\$	2,000,000
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The appropriation in this section is for the governor's emergency fund to be allocated for the carrying out of the critically necessary work of any agency.

NEW SECTION, Sec. 709. FOR THE GOVERNOR—INDIAN CLAIMS
 General Fund Appropriation

General Fund Appropriation	\$	4,925,000
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The appropriation in this section is subject to the following conditions and limitations: This appropriation is provided solely for implementation of the Puyallup tribal settlement agreement, as provided in Substitute House Bill No. 1788 and Engrossed Senate Bill No. 5734. If neither bill is enacted by June 30, 1989, this appropriation shall lapse.

NEW SECTION, Sec. 710. FOR THE GOVERNOR—TORT DEFENSE SERVICES
 General Fund Appropriation

General Fund Appropriation	\$	1,500,000
Special Fund Agency Tort Defense Services Revolving Fund Appropriation	\$	1,292,000
Total Appropriation	\$	2,792,000

The appropriations in this section are subject to the following conditions and limitations: To facilitate payment of tort defense services from special funds, the state treasurer is directed to transfer sufficient moneys from each special fund to the special fund tort defense services revolving fund, hereby created, in accordance with schedules provided by the office of financial management. The governor shall distribute the moneys appropriated in this section to agencies to pay for tort defense services.

NEW SECTION, Sec. 711. FOR THE GOVERNOR—WASHINGTON FOREST RESOURCE COUNCIL

General Fund Appropriation	\$	150,000
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The appropriation in this section is subject to the following conditions and limitations: If Engrossed Senate Bill No. 5911 is not enacted by June 30, 1989, this appropriation shall lapse.

NEW SECTION, Sec. 712. DEPARTMENT OF PUBLIC HEALTH—TRANSITION
 General Fund Appropriation

General Fund Appropriation	\$	1,000,000
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The appropriation in this section is subject to the following conditions and limitations: If a department of public health or a department of health is not established by law by June 30, 1989, this appropriation shall lapse.

NEW SECTION, Sec. 713. FOR BELATED CLAIMS
 (1) There is appropriated to the office of financial management for payment of supplies and services furnished in previous biennia, from the General Fund

General Fund	\$	1,140,000
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(2) The following sums, or so much thereof as shall severally be found necessary, are hereby appropriated and authorized to be expended out of the several funds indicated, for the period from the effective date of this act to June 30, 1991, except as otherwise noted.

To reimburse the general fund for expenditures from belated claims appropriations to be disbursed on vouchers approved by the office of financial management:

Medical Disciplinary Account	\$	520
Institutional Impact Account	\$	26,153
ORV (Off-Road-Vehicle) Account	\$	23
Hospital Commission Account	\$	15,224
Centennial Commission Account	\$	940
Public Safety and Education Account	\$	1151
Health Professions Account	\$	734
Forest Development Account	\$	6,122
Real Estate Commission Account	\$	1,614
Reclamation Revolving Account	\$	103
Landowner Contingency Forest Fire Suppression Account	\$	600
Capitol Building Construction Account	\$	40,251
Resource Management Cost Account	\$	9,295
Litter Control Account	\$	34,305
State Building Construction Account	\$	35

Outdoor Recreation Account	\$	1,958
Local Governance Study Commission Account	\$	42
Grade Crossing Protective Fund	\$	1,029
State Patrol Highway Account	\$	25,745
Motorcycle Safety Education Fund	\$	266
Fire Service Training Account	\$	447
Seed Fund	\$	3,023
Electrical License Fund	\$	724
State Wildlife Fund	\$	20,500
Highway Safety Fund	\$	7,774
Motor Vehicle Fund	\$	14,046
Puget Sound Ferry Operations Account	\$	12
Public Service Revolving Fund	\$	6,042
Insurance Commissioner's Regulatory Account	\$	1,910
State Treasurer's Service Fund	\$	1,053
Legal Services Revolving Fund	\$	2,557
Municipal Revolving Fund	\$	5,671
Department of Personnel Service Fund	\$	6,472
State Auditing Services Revolving Fund	\$	1,240
Liquor Revolving Fund	\$	15,445
Department of Retirement Systems Expense Fund	\$	2,982
Accident Fund	\$	62,964
Medical Aid Fund	\$	57,948
Western Library Network Computer System Revolving Fund	\$	460
Pressure Systems Safety Fund	\$	32

NEW SECTION. Sec. 714. FOR SUNDRY CLAIMS

The following sums, or so much thereof as are necessary, are appropriated from the general fund, unless otherwise indicated, for the payment of court judgments and for relief of various individuals, firms, and corporations for sundry claims. These appropriations are to be disbursed on vouchers approved by the director of the department of general administration, except as otherwise provided, as follows:

- (1) For transfer to the Tort Claims Revolving Fund to reimburse the Tort Claims Revolving Fund for payments made to Lori Ann Newman per order of Pierce County Superior Court, Cause No. 85-2-06030-5
- (2) Juan Manuel Palomarez, in settlement of all claims for expenses per order of Yakima County Superior Court, Cause No. 86-1-01381-0, pursuant to RCW 9.01.200, including interest
- (3) Michael Ringo, in settlement of all claims for expenses per order of Kitsap County Superior Court, Cause No. 87-1-00115-4, pursuant to RCW 9.01.200, including interest
- (4) Lee Arthur Jackson, in settlement of all claims for expenses per order of Spokane County Superior Court, Cause No. 87-1-00516-1, pursuant to RCW 9.01.200, including interest
- (5) Thomas A. Simmons, in settlement of all claims for expenses per order of Airport District Court, King County, Cause No. POS 94143, pursuant to RCW 9.01.200, including interest
- (6) Daniel L. Boyer, in settlement of all claims for expenses per order of Wahkiakum County Superior Court, Cause No. CR-296, pursuant to RCW 9.01.200, including interest
- (7) Alex Rooney, in settlement of all claims for expenses per order of Mason County Superior Court, Cause No. 87-1-00074-5, pursuant to RCW 9.01.200, including interest
- (8) Kevin Keniston, in settlement of all claims for expenses per order of Airport District Court, King County, Cause No. 85-188358, pursuant to RCW 9.01.200, including interest
- (9) Richard Woods, in settlement of all claims for expenses per order of Pierce County District Court No. 1, Cause No. 88-661977-9, pursuant to RCW 9.01.200, including interest
- (10) Donald L. Bakko, in settlement of all claims for expenses per order of Cowlitz County District Court, Cause No. 13818/88-2168, pursuant to RCW 9.01.200, including interest
- (11) Curtis A. Fifield, in settlement of all claims for expenses per order of Aukeen District Court, King County, Cause No. K-91052, pursuant to RCW 9.01.200, including interest
- (12) Richard J. Giakovmis, in settlement of all claims for expenses per order of Grant County Superior Court, Cause No. 86-2-00119-7

(13) Edward Frank Simpson, in settlement of all claims for expenses per order of Spokane County Superior Court, Cause No. 88-1-00710-2, pursuant to RCW 9.01.200, including interest	\$	12,454.00
(14) Lisa Marie Jones, payment of judgment against The Evergreen State College, per order of Thurston County Superior Court, Cause No. 87-2-01331-3	\$	22,900.00
(15) Mary F. Simmerer Lewis and Timothy P. Lewis, payment of judgment against The Evergreen State College, per order of Thurston County Superior Court, Cause No. 87-2-01331-3	\$	6,000.00
(16) Quigg Bros.-McDonald, Inc., payment based upon consent decree against Bekaert Steel Wire, per order of King County Superior Court, Cause No. 87-2-10275-1 and Stipulation of Settlement No. C88-289TB entered in the U.S. District Court, Western District of Washington	\$	8,571.00
(17) Clyde Waverly Fonder, in settlement of all claims for expenses per order of Klickitat County Superior Court, Cause No. C-2100, pursuant to RCW 9.01.200, including interest	\$	128,601.04
(18) Compensation to the following for all pending claims of damage to crops by game: PROVIDED, That payment shall be made from the Wildlife Fund:		
(a) Phyllis L. Thompson, on behalf of Hidden Valley Nursery	\$	3,587.92
(b) Harold J. Weber	\$	6,145.76
(c) Joe C. Grentz	\$	11,591.75

NEW SECTION, Sec. 715. FOR THE GOVERNOR—COMPENSATION—SALARY AND INSURANCE BENEFITS

General Fund Appropriation—State	\$	72,621,000
General Fund Appropriation—Federal	\$	22,503,000
Special Fund Salary and Insurance Contribution		
Increase Revolving Fund Appropriation	\$	53,624,000
Total Appropriation	\$	148,748,000

The appropriations in this section, or so much thereof as may be necessary, shall be expended solely for the purposes designated in this section and are subject to the conditions and limitations specified in this section.

(1) \$47,410,000 of the general fund—state appropriation, \$15,799,000 of the general fund—federal appropriation, and \$34,920,000 of the special fund salary and insurance contribution increase revolving fund appropriation are provided for a 2.5% across-the-board salary increase effective January 1, 1990, and an additional average 8.5% salary increase effective January 1, 1991, for all classified and exempt employees under the state personnel board, staff of the higher education personnel board. The January 1, 1991, salary increase shall fund as much of the 1988 trend salary survey (catch-up plus keep-up results less the January 1, 1989, increase) as possible. If the application of this increase results in a fractional range, the increase shall be rounded to the nearest whole range. These increases shall be implemented in compliance and conformity with all requirements of the comparable worth agreement ratified by 1986 Senate Concurrent Resolution No. 126, where applicable.

(2) \$191,000 of the general fund—state appropriation and \$2,954,000 of the special fund salary and insurance contribution increase revolving fund appropriation are provided for a 4.0 percent salary increase effective January 1, 1990, and an additional 4.0 percent salary increase effective January 1, 1991, for commissioned officers of the Washington state patrol. These increases shall be implemented in compliance and conformity with all requirements of the comparable worth agreement ratified by 1986 Senate Concurrent Resolution No. 126, where applicable.

(3) The governor shall allocate to state agencies from the general fund—state appropriation \$3,327,000 for fiscal year 1990 and \$6,654,000 for fiscal year 1991, from the general fund—federal appropriation \$513,000 for fiscal year 1990 and \$1,027,000 for fiscal year 1991, and from the special fund salary and insurance contribution increase revolving fund appropriation \$2,587,000 for fiscal year 1990 and \$5,173,000 for fiscal year 1991 to fulfill the 1989-91 obligations of the comparable worth agreement ratified by 1986 Senate Concurrent Resolution No. 126.

(4)(a) The monthly contributions for insurance benefit premiums shall not exceed \$239.86 per eligible employee.

(b) The monthly contributions for the margin in the self-insured medical and dental plans and for the operating costs of the health care authority shall not exceed \$16.21 per eligible employee.

(c) Any returns of funds to the health care authority resulting from favorable claims experienced during the 1989-91 biennium shall be held in reserve within the state employees insurance account until appropriated by the legislature.

(d) Funds provided under this section, including funds resulting from dividends or refunds, shall not be used to increase employee insurance benefits over the level of services provided

on the effective date of this act. Contributions by any county, municipal, or other political subdivision to which coverage is extended after the effective date of this act shall not receive the benefit of any surplus funds attributable to premiums paid prior to the date on which coverage is extended.

(5) To facilitate the transfer of moneys from dedicated funds and accounts, the state treasurer is directed to transfer sufficient moneys from each dedicated fund or account to the special fund salary and insurance contribution increase revolving fund in accordance with schedules provided by the office of financial management.

(6) In calculating individual agency allocations for this section, the office of financial management shall calculate the allocation of each subsection separately. The separate allocations for each agency may be combined under a single appropriation code for improved efficiency. The office of financial management shall transmit a list of agency allocations by subsection to the senate committee on ways and means and the house of representatives committee on appropriations.

(7) No salary increase may be paid under this section to any person whose salary has been Y-rated pursuant to rules adopted by the state personnel board.

(8) Moneys from the appropriation in this section may be expended for salary and benefit increases for ferry workers in accordance with the 1989-91 transportation appropriations act.

NEW SECTION. Sec. 716. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS—CONTRIBUTIONS TO RETIREMENT SYSTEMS

The appropriations in this section are subject to the following conditions and limitations: The appropriations shall be made on a quarterly basis.

(1) There is appropriated for state contributions to the law enforcement officers' and fire fighters' retirement system:

	FY 1990	FY 1991
General Fund Appropriation	\$ 63,000,000	62,167,000
Total Appropriation	\$125,167,000	

The appropriation in this subsection is subject to the following conditions and limitations: If Substitute Senate Bill No. 5418 is enacted before June 30, 1989, the FY 1991 appropriation in this subsection shall lapse.

(2) There is appropriated for contributions to the judicial retirement system:

	FY 1990	FY 1991
General Fund Appropriation	\$ 1,100,000	1,100,000
Total Appropriation	\$2,200,000	

(3) There is appropriated for contributions to the judges retirement system:

	FY 1990	FY 1991
General Fund Appropriation	\$ 250,000	250,000
Total Appropriation	\$500,000	

(4) If Substitute Senate Bill No. 5418 is enacted by June 30, 1989, the initial employer trust fund contribution rate for all employers of members of the retirement system governed by chapter 41.32 RCW (the teachers' retirement system) shall be set at 11.34% of earnable compensation, beginning July 1, 1989, and 12.60% of earnable compensation, beginning September 1, 1990. If Substitute Senate Bill No. 5418 is not enacted by June 30, 1989, the initial employer trust fund contribution rate for all employers of members of the retirement system governed by chapter 41.32 RCW (the teachers' retirement system) shall be set at 11.34% of earnable compensation, beginning July 1, 1989.

(5) If Substitute Senate Bill No. 5418 is enacted by June 30, 1989, the initial employer trust fund contribution rate for all employers of members of the retirement system governed by chapter 41.40 RCW (the public employees' retirement system) shall be set at 5.99% of compensation earnable, beginning July 1, 1989, and 7.1% of earnable compensation, beginning September 1, 1990. If Substitute Senate Bill No. 5418 is not enacted by June 30, 1989, the initial employer trust fund contribution rate for all employers of members of the retirement system governed by chapter 41.40 RCW (the public employees' retirement system) shall be set at 5.99% of compensation earnable, beginning July 1, 1989.

(6) The employer rate for all employers of members of the retirement system governed by chapter 43.43 RCW (the state patrol retirement system) shall be set at 19.88% of compensation for the 1989-91 biennium.

NEW SECTION. Sec. 717. FOR THE OFFICE OF FINANCIAL MANAGEMENT—CONTRIBUTIONS TO RETIREMENT SYSTEMS

	FY 1990	FY 1991
General Fund—State Appropriation	\$ 2,469,000	9,417,000
	FY 1990	FY 1991
General Fund—Federal Appropriation	480,000	2,012,000
Retirement Contribution Increase Revolving Fund		
Appropriation	\$ 1,954,000	9,494,000
Total Appropriation	\$25,826,000	

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

(1) \$500,000, or as much thereof as may be necessary, shall be distributed to state agencies to increase state contributions to the public employees' retirement system.

(2) \$4,108,000 of the general fund—state appropriation, \$948,000 of the general fund—federal appropriation, and \$4,349,000 of the retirement contribution increase revolving fund appropriation, or as much thereof as may be necessary, shall be distributed to state agencies to increase state contributions to the public employees' retirement system resulting from Engrossed Substitute House Bill No. 1322. If the bill is not enacted by June 30, 1989, the amount provided in this subsection shall lapse.

(3) \$6,544,000 of the general fund—state appropriation, \$1,486,000 of the general fund—federal appropriation, and \$7,157,000 of the retirement contribution increase revolving fund appropriation, or as much thereof as may be necessary, shall be distributed to state agencies to increase state contributions to the public employees' retirement system resulting from Engrossed Substitute Senate Bill No. 5418. If the bill is not enacted by June 30, 1989, the amount provided in this subsection shall lapse.

(4) \$343,000, or as much as may be necessary, shall be distributed to state agencies to increase state contributions to the teachers' retirement fund resulting from Engrossed Substitute House Bill No. 1322. If the bill is not enacted by June 30, 1989, the amount provided in this subsection shall lapse.

(5) \$391,000, or as much thereof as may be necessary, shall be distributed to state agencies to increase state contributions to the teachers' retirement fund resulting from Substitute Senate Bill No. 5418. If the bill is not enacted by June 30, 1989, the amount provided in this subsection shall lapse.

NEW SECTION, Sec. 718. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS—TRANSFERS

General Fund Appropriation: For transfer to the Department of Retirement Systems Expense Fund	\$	28,000
Motor Vehicle Fund—State Patrol Highway Account Appropriation: For transfer to the Department of Retirement Systems Expense Fund	\$	125,000

NEW SECTION, Sec. 719. FOR THE STATE TREASURER—TRANSFERS

General Fund Appropriation: For transfer to the Institutional Impact Account	\$	332,536
General Government Special Revenue Fund—State Treasurer's Service Account Appropriation: For transfer to the general fund on or before July 20, 1991, an amount up to \$10,000,000 in excess of the cash requirements in the State Treasurer's Service Account for fiscal year 1992, for credit to the fiscal year in which earned	\$	10,000,000
General Fund Appropriation: For transfer to the Natural Resources Fund—Water Quality Account	\$	15,378,000
Data Processing Revolving Account: For transfer to the General Fund	\$	2,400,000
Public Facilities Construction Loan and Grant Revolving Fund: For transfer to the General Fund	\$	3,110,000
Puget Sound Ferry Operations Account: For transfer to the Tort Claims Revolving Fund for claims paid on behalf of the department of transportation, Washington state ferry system during the period July 1, 1989, through June 30, 1991	\$	1,353,000
Motor Vehicle Fund: For transfer to the Tort Claims Revolving Fund for claims paid on behalf of the department of transportation and the state patrol during the period July 1, 1989, through June 30, 1991	\$	14,000,000
Resource Cost Management Cost Account: For transfer to the University of Washington Bond Retirement Account	\$	15,000,000
Water Quality Account Appropriation: For transfer to the water pollution revolving fund. Transfers shall be made at intervals coinciding with deposits of federal capitalization grant money into the revolving fund. The amounts transferred shall not exceed the match required for each federal deposit	\$	15,800,000
Building Code Council Account Appropriation: For transfer to the general fund	\$	210,000
General Fund Appropriation, FY 1991: For transfer to the law enforcement officers' and fire fighters' retirement system as provided in Substitute Senate Bill No. 5418. If the bill is not enacted by June 30, 1989, this appropriation shall lapse	\$	62,167,000
Children's Initiative Fund—K-12 Education Account Appropriation: For transfer to the Common School Construction Fund	\$	45,000,000

**PART VIII
MISCELLANEOUS**

NEW SECTION, Sec. 801. The appropriations contained in this act are maximum expenditure authorizations. Pursuant to RCW 43.88.037, moneys disbursed from the treasury on the basis

of formalized loan agreements with other governmental entities shall be treated as loans and are to be recorded as loans receivable and not as expenditures for accounting purposes. To the extent that moneys are disbursed on a loan basis, the corresponding appropriation shall be reduced by the amount of loan moneys disbursed from the treasury during the 1989-91 biennium.

NEW SECTION. Sec. 802. Agencies shall comply with the following requirements regarding information systems projects when specifically directed to do so by this act.

(1) The agency shall produce a feasibility study for each information systems project in accordance with published department of information services instructions. In addition to department of information services requirements, the study shall examine and evaluate the costs and benefits of maintaining status quo.

(2) The agency shall produce a project management plan for each project. The plan or plans shall address all factors critical to successful completion of each project. The plan shall include, but is not limited to, the following elements: A description of the problem or opportunity that the information systems project is intended to address; a statement of project objectives and assumptions; definition of phases, tasks, and activities to be accomplished and the estimated cost of each phase; a description of how the agency will facilitate responsibilities of oversight agencies; a description of key decision points in the project life cycle; a description of variance control measures; a definitive schedule that shows the elapsed time estimated to complete the project and when each task is to be started and completed; and a description of resource requirements to accomplish the activities within specified time, cost, and functionality constraints.

(3) A copy of each feasibility study and project management plan shall be provided to the department of information services, the office of financial management, and appropriate legislative committees. Authority to expend any funds for individual information systems projects is conditioned on approval of the relevant feasibility study and project management plan by the department of information services and the office of financial management.

(4) A project status report shall be submitted to the department of information services, the office of financial management, and appropriate legislative committees for each project prior to reaching key decision points identified in the project management plan. Project status reports shall examine and evaluate project management, accomplishments, budget, action to address variances, risk management, cost and benefits analysis, and other aspects critical to completion of a project.

Work shall not commence on any task in a subsequent phase of a project until the status report for the preceding key decision point has been approved by the department of information services and the office of financial management.

(5) If a project review is requested in accordance with department of information services policies, the reviews shall examine and evaluate: System requirements specifications; scope; system architecture; change controls; documentation; user involvement; training; availability and capability of resources; programming languages and techniques; system inputs and outputs; plans for testing, conversion, implementation, and post-implementation; and other aspects critical to successful construction, integration, and implementation of automated systems. Copies of project review written reports shall be forwarded to the office of financial management and appropriate legislative committees by the agency.

(6) A written post-implementation review report shall be prepared by the agency for each information systems project in accordance with published department of information services instructions. In addition to the information requested pursuant to the department of information services instructions, the post-implementation report shall evaluate the degree to which a project accomplished its major objectives including, but not limited to, a comparison of original cost and benefit estimates to actual costs and benefits achieved. Copies of the post-implementation review report shall be provided to the department of information services, the office of financial management, and appropriate legislative committees.

NEW SECTION. Sec. 803. No agency may spend any portion of any appropriation in this act for new video telecommunication equipment, new video telecommunication transmission, or new video telecommunication programming, or for expanding current video telecommunication systems without first complying with chapter 43.105 RCW, including but not limited to RCW 43.105.041(2), and without first submitting a video telecommunications expenditure plan, in accordance with the policies of the department of information services, for review and assessment by the department of information services under RCW 43.105.052. Prior to any such expenditure by a public school, a video telecommunications expenditure plan shall be approved by the superintendent of public instruction. The office of the superintendent of public instruction shall coordinate the use of video telecommunications in public schools by providing educational information to local school districts and shall assist local school districts and educational service districts in telecommunications planning and curriculum development. Prior to any such expenditure by a public institution of postsecondary education, a telecommunications expenditure plan shall be approved by the higher education coordinating board. The higher education coordinating board shall coordinate the use of video telecommunications for

instruction and instructional support in postsecondary education, including the review and approval of instructional telecommunications course offerings.

NEW SECTION. Sec. 804. Prior to submitting any request to the department of personnel for personnel reclassifications or other modifications to any compensation plans or schedules, an agency shall submit to the office of financial management a report describing the fiscal impact of the request and a description of the moneys available to the agency to fund the request. The office of financial management, pursuant to its statutory duties under RCW 43.88.160(1)(c), shall review the report. The results of that review shall be submitted to the requesting agency, the department of personnel, the senate committee on ways and means, and the house of representatives committee on appropriations prior to action on the request by the personnel board or its successor.

NEW SECTION. Sec. 805. Except for the appropriations in sections 107 through 112 of this act, the general fund—state appropriations in this act are subject to the following conditions and limitations: For any agency, the percentage of its total 1989-91 biennial general fund—state appropriations spent for personal service contracts shall not exceed the percentage of its total 1987-89 biennial general fund—state appropriations spent for personal service contracts, unless such excess expenditures are approved in advance by the director of the office of financial management for good cause.

NEW SECTION. Sec. 806. Whenever allocations are made from the governor's emergency fund appropriation to an agency that is financed in whole or in part by other than general fund moneys, the director of financial management may direct the repayment of such allocated amount to the general fund from any balance in the fund or funds which finance the agency. No appropriation shall be necessary to effect such repayment.

NEW SECTION. Sec. 807. In addition to the amounts appropriated in this act for revenue for distribution, state contributions to the law enforcement officers' and fire fighters' retirement system, and bond retirement and interest including ongoing bond registration and transfer charges, transfers, interest on registered warrants, and certificates of indebtedness, there is also appropriated such further amounts as may be required or available for these purposes under any statutory formula or under any proper bond covenant made in accordance with law.

NEW SECTION. Sec. 808. In addition to such other appropriations as are made by this act, there is hereby appropriated to the state finance committee from legally available bond proceeds in the applicable construction or building funds and accounts such amounts as are necessary to pay the expenses incurred in the issuance and sale of the subject bonds.

NEW SECTION. Sec. 809. No agency may expend or transfer any portion of any appropriation from the children's initiative fund—children's services and support account or from the children's initiative fund—K-12 education account unless Initiative 102 is enacted by December 31, 1989. If Initiative 102 is not enacted by December 31, 1989, these accounts, and all appropriations from them, are null and void.

Sec. 810. Section 10, chapter 218, Laws of 1973 1st ex. sess. as last amended by section 505, chapter 405, Laws of 1985 and RCW 9.46.100 are each amended to read as follows:

There is hereby created a fund to be known as the "gambling revolving fund" which shall consist of all moneys receivable for licensing, penalties, forfeitures, and all other moneys, income, or revenue received by the commission. The state treasurer shall be custodian of the fund. All moneys received by the commission or any employee thereof, except for change funds and an amount of petty cash as fixed by rule or regulation of the commission, shall be deposited each day in a depository approved by the state treasurer and transferred to the state treasurer to be credited to the gambling revolving fund. Disbursements from the revolving fund shall be on authorization of the commission or a duly authorized representative thereof. In order to maintain an effective expenditure and revenue control the gambling revolving fund shall be subject in all respects to chapter 43.88 RCW but no appropriation shall be required to permit expenditures and payment of obligations from such fund. All expenses relative to commission business, including but not limited to salaries and expenses of the director and other commission employees shall be paid from the gambling revolving fund.

The ~~((office of financial management may direct the))~~ state treasurer ~~((to loan))~~ shall transfer to the general fund ~~((an amount not to exceed \$1,400,000))~~ one million dollars from the gambling revolving fund for the ~~((1983-85))~~ 1989-91 fiscal biennium.

Sec. 811. Section 7, chapter 13, Laws of 1983 1st ex. sess. as amended by section 710, chapter 289, Laws of 1988 and RCW 50.16.070 are each amended to read as follows:

The federal interest payment fund shall consist of contributions payable by each employer (except employers as described in RCW 50.44.010 and 50.44.030 who have properly elected to make payments in lieu of contributions, employers who are required to make payments in lieu of contributions, and employers paying contributions under RCW 50.44.035) for any calendar quarter which begins on or after January 1, 1984, and for which the commissioner determines that the department will have an outstanding balance of accruing federal interest at the end of the calendar quarter. The amount of wages subject to tax shall be determined according to RCW 50.24.010. The tax rate applicable to wages paid during the calendar quarter shall be determined by the commissioner and shall not exceed fifteen one-hundredths of one percent. In determining whether to require contributions as authorized by this section, the commissioner

shall consider the current balance in the federal interest payment fund and the projected amount of interest which will be due and payable as of the following September 30. Except as appropriated for the fiscal biennium ending June 30, ((1989)) 1991, any excess moneys in the federal interest payment fund shall be retained in the fund for future interest payments.

Contributions under this section shall become due and be paid by each employer in accordance with such rules as the commissioner may prescribe and shall not be deducted, in whole or in part, from the remuneration of individuals in the employ of the employer. Any deduction in violation of this section is unlawful.

In the payment of any contributions under this section, a fractional part of a cent shall be disregarded unless it amounts to one-half cent or more, in which case it shall be increased to one cent.

NEW SECTION. Sec. 812. Notwithstanding RCW 43.01.090 the house of representatives, the senate, and the permanent statutory committees shall pay expenses quarterly to the department of general administration facilities and services revolving fund for services rendered by the department for operations, maintenance, and supplies relating to buildings, structures, and facilities used by the legislature for the biennium beginning July 1, 1989.

NEW SECTION. Sec. 813. Amounts received by an agency as reimbursements pursuant to RCW 39.34.130 shall be considered as returned loans of materials supplied or services rendered. Such amounts may be expended as a part of the original appropriation of the fund to which it belongs, without further or additional appropriation, subject to conditions and procedures prescribed by the director of financial management, which shall provide for determination of full costs, disclosure of such reimbursements in the governor's budget, maximum interagency usage of data processing equipment and services, and such restrictions as will promote more economical operations of state government without incurring continuing costs beyond those reimbursed.

NEW SECTION. Sec. 814. The appropriations of moneys and the designation of funds and accounts by this and other acts of the 1989 legislature shall be construed in a manner consistent with legislation enacted by the 1985 and 1987 legislatures to conform state funds and accounts with generally accepted accounting principles.

NEW SECTION. Sec. 815. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 816. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1989."

On page 1, line 1 of the title, after "matters," strike the remainder of the title and insert "making appropriations and authorizing expenditures for the operations of state agencies for the fiscal biennium beginning July 1, 1989, and ending June 30, 1991; amending RCW 9.46.100 and 50.16.070; providing an effective date; and declaring an emergency."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Newhouse, the Senate refuses to concur in the House amendments to Engrossed Substitute Senate Bill No. 5352 and requests of the House a conference thereon.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Substitute Senate Bill No. 5352 and the House amendments thereto: Senators McDonald, Vognild and Hayner.

MOTION

On motion of Senator Newhouse, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

April 6, 1989

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 5686, and the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 15.32.010, chapter 11, Laws of 1961 and RCW 15.32.010 are each amended to read as follows:

For the purpose of chapter 15.32 RCW:

"Supervisor" means the supervisor of the dairy and ((livestock)) food division;

"Dairy" means a place where milk from one or more cows or goats is produced for sale;

"Creamery" means a structure wherein milk or cream is manufactured into butter for sale;

"Milk plant" means a structure wherein milk is bottled, pasteurized, clarified, or otherwise processed;

"Cheese factory" means a structure where milk is manufactured into cheese;

"Factory of milk products" means a structure, other than a creamery, milk plant, cheese factory, milk condensing plant or ice cream factory, where milk or any of its products is manufactured, changed, or compounded into another article, or where butter is cut or wrapped; except freezing of ice cream from a mix compounded in a licensed creamery, milk plant, cheese factory, milk condensing plant or ice cream factory;

"Milk condensing plant" means a structure where milk is condensed or evaporated;

"Ice cream factory" means a structure which complies with the sanitary requirements of RCW 15.32.080, where ice cream mix is produced for sale or distribution, and may include freezing such mix into ice cream;

"Counter ice cream freezer" means counter type freezing machines usually operated in retail establishments;

"Sterilized milk" means milk that has been heated under six pounds of steam pressure and maintained thereat for not less than twenty minutes;

"Modified milk" means milk that has been altered in composition to conform to special nutritional requirements;

"Milk product" means an article manufactured or compounded from milk, whether or not the milk conforms to the standards and definitions herein;

"Milk byproduct" means a product of milk derived or made therefrom after the removal of the milk fat or milk solids in the process of making butter or cheese, and includes skimmed milk, buttermilk, whey, casein, and milk powder;

"Butter" means the product made by gathering the fat of pasteurized milk or cream into a mass containing not less than eighty percent of milk fat, and which also contains a small portion of other milk constituents, with or without harmless coloring matter;

"Renovated butter" means butter that has been reduced to a liquid state by melting and drawing off the liquid or butter oil, and has thereafter been churned or manipulated in connection with milk, cream, or other product of milk;

"Reworked butter" means the product obtained by mixing or rechurning butter made on different dates or at different places: PROVIDED, That the mixing of remnants from one day's churning or cutting with butter from the churning of the same creamery on the next day shall not make the product reworked butter;

"Butter substitute" means a compound of vegetable oils with milk fats or milk solids and all compounds of milk fats or milk solids with butter when the compound contains less than eighty percent of milk fat;

"Oleomargarine" means all manufactured substances, extracts, mixtures, or compounds, including mixtures or compounds with butter, known as oleomargarine, oleo, oleomargarine oil, butterine, lardine, suine, and neutral, and includes all lard and tallow extracts and mixtures and compounds of tallow, beef fat, suet, lard, lard oil, intestinal fat and offal fat made in imitation or semblance of butter or calculated or intended to be sold as butter;

"Cheese" means any of the cheeses as described in Title 21 of the code of federal regulations part 133;

"Imitation cheese" means any article, substance, or compound, other than that produced from pure milk or from the cream from pure milk, which is made in the semblance of cheese and designed to be sold or used as a substitute for cheese. The use of salt, lactic acid, or pepsin, and harmless coloring matter in cheese shall not render the true product an imitation. Nothing herein shall prevent the use of pure skimmed milk in the manufacture of cheese;

"Milk vendor" or "milk dealer" means any person who sells, furnishes or delivers milk, skimmed milk, buttermilk, or cream in any manner.

All dairy products mentioned in this chapter mean those fit or used for human consumption.

Sec. 2. Section 2, chapter 58, Laws of 1963 and RCW 15.32.051 are each amended to read as follows:

The director may, by rule, establish and/or amend definitions and standards for dairy products. Such definitions and standards established by the director shall conform, insofar as practicable, with the definitions and standards for dairy products promulgated by the secretary of the United States department of health, education and welfare: PROVIDED, That the director shall at all times provide reasonable standards for ice milk.

The director may adopt any other rules necessary to carry out the purposes of this chapter. The adoption of all rules provided for in this section shall be subject to the provisions of chapter (34-04) 34.05 RCW as enacted or hereafter amended concerning the adoption of rules, except as otherwise provided in this section.

~~(The definitions constituting sections 15.32.020, 15.32.030, 15.32.040 and 15.32.050, chapter 11, Laws of 1961 and RCW 15.32.020, 15.32.030, 15.32.040 and 15.32.050 hereinabove repeated as statutes are hereby constituted and declared to be operative and to remain in force as the~~

rules of the department of agriculture until such time as amended, modified, or revoked by the director of agriculture.)

Sec. 3. Section 15.32.080, chapter 11, Laws of 1961 and RCW 15.32.080 are each amended to read as follows:

A structure or place where milk or cream is processed or manufactured into other products, or where handled, stored, or kept for sale shall be deemed insanitary in the following circumstances:

(1) If milk or cream is received or kept which has ~~((reached a stage of putrefactive fermentation))~~ deteriorated in quality;

(2) ~~((If milk or cream is received or kept in containers that have not been sterilized with boiling water or live steam after each delivery:~~

~~((3))~~ If utensils and apparatus that come in contact with milk or its products in the process of manufacture are not thoroughly washed and ~~((sterilized by means of boiling water or live steam))~~ sanitized after each using;

~~((4))~~ (3) If the floor is such as to permit liquids to soak into the floor's interstices ~~((thereof in such manner as to permit fermentation and decay))~~, or such as may not be readily kept free from dirt and filth;

~~((5))~~ (4) If drains are not provided that will convey refuse milk ~~((;))~~ and water ~~((; and sewage))~~ to a point at least fifty yards distant;

~~((6))~~ (5) If a cesspool, privy vault, hog yard, slaughterhouse, henhouse, manure, or decaying vegetable or animal matter that will produce foul odors is permitted to exist within such distance as will permit the odors therefrom to reach such place;

~~((7))~~ (6) If it lacks sufficient light and air to secure good ventilation;

~~((8))~~ (7) If in a building used in connection therewith any insects, vermin, or other species of animal life are permitted;

~~((9))~~ (8) If upon the floor or walls thereof, any milk or its products or any other filth is allowed to accumulate ~~((; ferment, or decay))~~;

~~((10))~~ (9) If the person or clothing of a person coming in contact with milk or milk products therein is unclean;

~~((11))~~ (10) If there is permitted to exist any other cause or thing tending to render the milk or its products produced, kept, handled, or manufactured therein unclean, impure, and unhealthy.

Sec. 4. Section 15.32.100, chapter 11, Laws of 1961 as last amended by section 20, chapter 3, Laws of 1983 and RCW 15.32.100 are each amended to read as follows:

Every person who sells, offers or exposes for sale, barter, or exchanges any milk or milk product as defined by rule under chapter 15.36 RCW must have a milk vendor's license to do so: PROVIDED, That such license shall not include retail stores or restaurants which purchase milk prepackaged or bottled elsewhere for sale at retail or establishments which sell milk only for consumption in such establishment. Such license, issued by the director on application and payment of a fee of ~~((two))~~ ten dollars, shall contain the license number, and name, residence and place of business, if any, of the licensee. It shall be nontransferable, shall expire June 30th subsequent to issue, and may be revoked by the director, upon reasonable notice to the licensee, for any violation of or failure to comply with any provision of this chapter or any rule or regulation, or order of the department, or any officer or inspector thereof.

Sec. 5. Section 15.32.140, chapter 11, Laws of 1961 and RCW 15.32.140 are each amended to read as follows:

Milk or sweet cream which is not free from foreign substances, coloring matter, or preservatives, ~~((pus cells or blood cells, or which contains more than one hundred thousand bacteria or germs of all kinds to the cubic centimeter or))~~ which has been infected by or exposed to any contagious or infectious disease ~~((; or which has not cooled to a temperature of fifty-five degrees Fahrenheit within thirty minutes after being drawn or separated, or any pasteurized milk that contains in excess of twenty-five thousand bacteria per cubic centimeter))~~ in the finished product, shall be deemed impure, unwholesome, and adulterated.

Sec. 6. Section 15.32.220, chapter 11, Laws of 1961 and RCW 15.32.220 are each amended to read as follows:

~~((Any person who sells or offers for sale milk or cream in bottles with caps which fail to have the name of the owner inscribed thereon, or which indicate a quality that cannot be determined by laboratory, chemical or bacteriological examination, or in any other way wrongfully or fraudulently brands the same as to name or otherwise, for the purpose of inducing a sale, shall be guilty of a misdemeanor:))~~ All milk container labeling shall conform with the federal fair packaging and labeling act.

Sec. 7. Section 15.32.420, chapter 11, Laws of 1961 and RCW 15.32.420 are each amended to read as follows:

No person shall use the word "pasteurized" in connection with the sale, designation, advertising, labeling, or billing of milk, cream, or any milk product unless the same and all milk products used in the manufacture thereof consist exclusively of milk, skimmed milk, or cream that has been pasteurized in its final form.

Sec. 8. Section 15.32.500, chapter 11, Laws of 1961 and RCW 15.32.500 are each amended to read as follows:

Failure to brand products as required in RCW (~~(15.32.480 and)~~ 15.32.490, and the offering for sale, selling, or otherwise disposing of such products when unbranded, shall constitute violations of this chapter. Selling such unbranded products constitutes knowledge on the part of the seller that the same is not full cream cheese.

Sec. 9. Section 15.32.510, chapter 11, Laws of 1961 and RCW 15.32.510 are each amended to read as follows:

The director (~~(or a county or city or town)~~) may appoint one or more inspectors of milk, dairies, and dairy products, who are graduates of a recognized dairy school, or have completed a college course in dairying. In the absence of completion of a dairy course, the director may review a candidate's qualifications and determine eligibility.

The inspectors may enter any place where milk and its products are stored and kept for sale and any conveyance used to transport milk or cream, and take samples for analysis (~~(PROVIDED: That this shall not apply to samples of milk or cream taken for bacteriological examination)~~).

Sec. 10. Section 15.32.520, chapter 11, Laws of 1961 and RCW 15.32.520 are each amended to read as follows:

~~(The chemist of any state institution shall correctly analyze samples of milk or cream sent him by a city milk inspector and report to the inspector promptly the result of the analysis, without extra compensation, or charge to the city.)~~

A bacteriologist or chemist employed by a ((city)) certified laboratory may analyze milk for standard of quality, adulteration, contamination, and unwholesomeness, and his analysis shall have the same effect as one made by a chemist of a state institution.

Sec. 11. Section 15.32.530, chapter 11, Laws of 1961 and RCW 15.32.530 are each amended to read as follows:

An inspector (~~(or any state or city officer)~~) who obtains a sample of milk for analysis, shall within ten days after obtaining the result of the analysis, send the result to the person from whom the sample was taken or to the person responsible for the condition of the milk.

Sec. 12. Section 15.32.570, chapter 11, Laws of 1961 and RCW 15.32.570 are each amended to read as follows:

No person shall remove from a place under quarantine a container which has been or is to be used to contain milk, skimmed milk, buttermilk, cream, ice cream, or ice milk, without permission of the (~~(health officer in charge)~~) director.

Sec. 13. Section 1, chapter 102, Laws of 1969 ex. sess. and RCW 15.36.011 are each amended to read as follows:

The director of agriculture, by rule, may establish and/or amend definitions and standards for milk and milk products. Such definitions and standards established by the director shall conform, insofar as practicable, with the definitions and standards for milk and milk products promulgated by the (~~(secretary of the United States department of health, education and welfare)~~) federal food and drug administration. The director of agriculture, by rule, may likewise establish and/or amend definitions and standards for products whether fluid, powdered or frozen, compounded or manufactured to resemble or in semblance or imitation of genuine dairy products as defined under the provisions of RCW 15.32.120, 15.36.011, 15.36.075, 15.36.540 and 15.36.600 or chapter 15.32 RCW as enacted or hereafter amended. Such products made to resemble or in semblance or imitation of genuine dairy products shall conform with all the provisions of chapter 15.38 RCW and be made wholly of nondairy products.

All such products compounded or manufactured to resemble or in semblance or imitation of a genuine dairy product shall set forth on the container or labels the specific generic name of each ingredient used.

In the event any product compounded or manufactured to resemble or in semblance or imitation of a genuine dairy product contains vegetable fat or oil, the generic name of such fat or oil shall be set forth on the label. If a blend or variety of oils is used, the ingredient statement shall contain the term "vegetable oil" in the appropriate place in the ingredient statement, with the qualifying phrase following the ingredient statement, such as "vegetable oils are soybean, cottonseed and coconut oils" or "vegetable oil, may be cottonseed, coconut or soybean oil."

The labels or containers of such products compounded or manufactured to resemble or in semblance or imitation of genuine dairy products shall not use dairy terms or words or designs commonly associated with dairying or genuine dairy products, except as to the extent that such words or terms are necessary to meet legal requirements for labeling: PROVIDED, That the term "nondairy" may be used as an informative statement.

The director may adopt any other rules necessary to carry out the purposes of chapters 15.36 and 15.38 RCW: PROVIDED, That these rules shall not restrict the display or promotion of products covered under this section. The adoption of all rules provided for in this section shall be subject to the provisions of chapter (~~(34.04)~~) 34.05 RCW as enacted or hereafter amended concerning the adoption of rules.

Sec. 14. Section 15.36.020, chapter 11, Laws of 1961 and RCW 15.36.020 are each amended to read as follows:

The terms "pasteurization," "pasteurize" and similar terms, ((refer to the process of heating every particle of milk or milk products to at least one hundred forty-three degrees Fahrenheit; and holding at such temperature for at least thirty minutes, or to at least one hundred sixty-one degrees Fahrenheit, and holding at such temperature for at least fifteen seconds in approved and properly operated equipment under the provisions of this chapter: PROVIDED, That nothing contained in this definition shall be construed as disbaring any other process which has been demonstrated to be equally efficient and which is approved by the director)) shall mean the process of heating every particle of milk or milk product in properly designed and operated equipment, to one of the temperatures given in the following table, and held continuously at or above that temperature for at least the corresponding specified time:

<u>Temperature</u>	<u>Time</u>
<u>145°F (63°C)</u>	<u>30 minutes</u>
<u>161°F (72°C)</u>	<u>15 seconds</u>
<u>191°F (89°C)</u>	<u>1.0 second</u>
<u>194°F (90°C)</u>	<u>0.5 second</u>
<u>201°F (94°C)</u>	<u>0.1 second</u>
<u>204°F (96°C)</u>	<u>0.05 second</u>
<u>212°F (100°C)</u>	<u>0.01 second</u>

If the fat content of the milk product is ten percent or more, or if it contains added sweeteners, the specified temperature shall be increased by 5°F (3°C). Eggnog shall be heated to at least the following temperature and time specifications:

<u>Temperature</u>	<u>Time</u>
<u>155°F (69°C)</u>	<u>30 minutes</u>
<u>175°F (80°C)</u>	<u>25 seconds</u>
<u>180°F (83°C)</u>	<u>15 seconds</u>

Nothing in this definition shall be construed as barring any other pasteurization process which has been recognized by the federal food and drug administration to be equally efficient and which is approved by the director.

Sec. 15. Section 15.36.060, chapter 11, Laws of 1961 as amended by section 2, chapter 226, Laws of 1984 and RCW 15.36.060 are each amended to read as follows:

The word "person" means any individual, partnership, firm, corporation, company, trustee, or association.

"Director" means the director of agriculture of the state of Washington or his duly authorized representative.

"Department" means the state department of agriculture.

~~("Health officer" means the county or city health officer as defined in Title 70 RCW, or his authorized representatives.~~

~~Where the term "and/or" is used "and" shall apply where possible, otherwise "or" shall apply.)~~

Sec. 16. Section 15.36.080, chapter 11, Laws of 1961 and RCW 15.36.080 are each amended to read as follows:

It shall be unlawful for any person to transport, or to sell, or offer for sale, or to have in storage where milk or milk products are sold or served, any milk or milk product defined in this chapter, who does not possess an appropriate permit from the director ~~((or an authorized inspection service as defined in this chapter)).~~

Every milk producer, milk distributor, milk hauler, and operator of a milk plant shall secure a permit to conduct such operation as defined in this chapter. Only a person who complies with the requirements of this chapter shall be entitled to receive and retain such a permit. Permits shall not be transferable with respect to persons and/or locations.

Such a permit may be temporarily suspended by the director ~~((or health officer of a milk inspection unit))~~ upon violation by the holder of any of the terms of this chapter, or for interference with the director ~~((or health officer of a milk inspection unit))~~ in the performance of his duties, or revoked after an opportunity for a hearing by the director upon serious or repeated violations.

Sec. 17. Section 15.36.110, chapter 11, Laws of 1961 as amended by section 1, chapter 297, Laws of 1981 and RCW 15.36.110 are each amended to read as follows:

During each six months period at least four samples of milk and cream from each dairy farm and each milk plant shall be taken on separate days and examined by the director: PROVIDED, That in the case of raw milk for pasteurization the director may accept the results of nonofficial laboratories which have been officially checked periodically and found satisfactory. Samples of other milk products may be taken and examined by the director as often as he deems necessary. Samples of milk and milk products from stores, cafes, soda fountains, restaurants, and other places where milk or milk products are sold shall be examined as often as the director may require. Bacterial plate counts, direct microscopic counts, coliform determinations, phosphatase tests and other laboratory tests shall conform to the procedures in the current edition of "Standard Methods For The Examination Of Dairy Products," recommended by the American public health association. Examinations may include such other chemical

and physical determinations as the director may deem necessary for the detection of adulteration. Samples may be taken by the director at any time prior to the final delivery of the milk or milk products. All proprietors of cafes, stores, restaurants, soda fountains, and other similar places shall furnish the director, upon his request, with the name of all distributors from whom their milk and milk products are obtained. Bio-assays of the vitamin D content of vitamin D milk shall be made when required by the director in a laboratory approved by him for such examinations.

If two of the last four consecutive bacterial counts, somatic cell counts, coliform determinations, or cooling temperatures, taken on separate days, exceed the standard for milk or milk products, the director shall send written notice thereof to the person concerned. This notice shall remain in effect so long as two of the last four consecutive samples exceed the limit of the standard. An additional sample shall be taken within twenty-one days of the sending of the notice, but not before the lapse of three days, except sixty days must lapse before an official somatic cell count can be taken. The director shall degrade or suspend the grade A permit whenever the standard is again violated (~~by more than one of the last four consecutive samples~~) so that three of the last five consecutive samples exceed the limit of the standard. A grade A permit shall subsequently be reinstated in notice status upon receipt of sample results that are within the standard for which the suspension occurred.

In case of violation of the phosphatase test requirements, the cause of underpasteurization shall be determined and removed before milk or milk products from this plant can again be sold as pasteurized milk or milk products.

Sec. 18. Section 1, chapter 226, Laws of 1984 and RCW 15.36.115 are each amended to read as follows:

(1) If the results of an antibiotic ((or)), pesticide, or other drug residue test are above the actionable level (~~as determined by~~) established in the pasteurized milk ordinance published by the United States public health service and determined using procedures set forth in the current edition of "Standard Methods for the Examination of Dairy Products," a producer holding a grade A permit is subject to a civil penalty. The penalty shall be in an amount equal to one-half the value of the sum of the volumes of milk equivalent produced under the permit on the day prior to and the day of the adulteration. The value of the milk shall be computed by the weighted average price for the federal market order under which the milk is delivered.

(2) The penalty is imposed by the department giving a written notice which is either personally served upon or transmitted by certified mail, return receipt requested, to the person incurring the penalty. The notice of the civil penalty shall be a final order of the department unless, within fifteen days after the notice is received, the person incurring the penalty appeals the penalty by filing a notice of appeal with the department. If a notice of appeal is filed in a timely manner, a contested case hearing shall be conducted on behalf of the department by the office of administrative hearings in accordance with chapters ~~((34.04))~~ 34.05 and 34.12 RCW and, to the extent they are not inconsistent with this subsection, the provisions of RCW 15.36.580. At the conclusion of the hearing, the department shall determine whether the penalty should be affirmed, (~~reduced, or not imposed~~) and, if so, shall issue a final order setting forth the civil penalty assessed, if any. The order may be appealed to superior court in accordance with chapter ~~((34.04))~~ 34.05 RCW. Tests performed for antibiotic ((or)), pesticide, or other drug residues by a state or certified industry laboratory of a milk sample drawn by a department official or a licensed dairy technician shall be admitted as prima facie evidence of the presence or absence of an antibiotic ((or)), pesticide, or other drug residue.

(3) Any penalty imposed under this section is due and payable upon the issuance of the final order by the department. The penalty shall be deducted by the violator's marketing organization from the violator's final payment for the month following the issuance of the final order. The department shall promptly notify the violator's marketing organization of any penalties contained in the final order.

(4) All penalties received or recovered from violations of this section shall be remitted monthly by the violator's marketing organization to the Washington state dairy products commission and deposited in a revolving fund to be used solely for the purposes of education and research. No appropriation is required for disbursements from this fund.

(5) In case of a violation of the antibiotic ((or)), pesticide, or other drug residue test requirements, an investigation shall be made to determine the cause of the residue which shall be corrected. Additional samples shall be taken as soon as possible and tested as soon as feasible for antibiotic ((or)), pesticide, or other drug residue by the department or a certified laboratory. After the notice has been received by the producer and the results of a test of such an additional sample indicate that residues are above the actionable level or levels referred to in subsection (1) of this section, the producer's milk may not be sold until a sample is shown to be below the actionable levels established for the residues.

Sec. 19. Section 15.36.300, chapter 11, Laws of 1961 and RCW 15.36.300 are each amended to read as follows:

Grade C raw milk is raw milk (~~of a producer-distributor which violates any of the requirements for grade B~~) which violates any of the requirements of grade A raw milk.

Sec. 20. Section 15.36.425, chapter 11, Laws of 1961 as amended by section 22, chapter 141, Laws of 1979 and RCW 15.36.425 are each amended to read as follows:

The health ~~((officer))~~ authority or a physician authorized by him shall examine and take careful morbidity history of every person connected with a pasteurization plant, or about to be employed, whose work brings him in contact with the production, handling, storage, or transportation of milk, milk products, containers, or equipment. If such examination or history suggests that such person may be a carrier of or infected with the organisms of typhoid or paratyphoid fever or any other communicable diseases likely to be transmitted through milk, he shall secure appropriate specimens of body discharges and cause them to be examined in a laboratory approved by him or by the state department of social and health services for such examinations, and if the results justify such persons shall be barred from such employment.

Such persons shall furnish such information, submit to such physical examinations, and submit such laboratory specimens as the health ~~((officer))~~ official may require for the purpose of determining freedom from infection.

Sec. 21. Section 15.36.460, chapter 11, Laws of 1961 and RCW 15.36.460 are each amended to read as follows:

Grade C pasteurized milk is pasteurized milk which violates any of the requirements for grade ~~((B))~~ A pasteurized milk.

Sec. 22. Section 15.36.470, chapter 11, Laws of 1961 and RCW 15.36.470 are each amended to read as follows:

No milk or milk products shall be sold to the final consumer or to restaurants, soda fountains, grocery stores, or similar establishments except ~~((certified milk pasteurized, certified raw milk;))~~ grade A milk pasteurized, or grade A milk-raw, and the director may revoke the permit of any milk distributor failing to qualify for one of the above grades, or in lieu thereof may degrade his product and permit its sale during a period not exceeding thirty days or in emergencies during such longer period as he may deem necessary.

Sec. 23. Section 15.36.520, chapter 11, Laws of 1961 and RCW 15.36.520 are each amended to read as follows:

No person who is affected with any disease in a communicable form or is a carrier of such disease shall work at any dairy farm or milk plant in any capacity which brings him in contact with the production, handling, storage, or transportation of milk, milk products, containers, or equipment; and no dairy farm or milk plant shall employ in any such capacity any such person or any person suspected of being affected with any disease in a communicable form or of being a carrier of such disease. Any producer or distributor of milk or milk products upon whose dairy farm or in whose milk plant any communicable disease occurs, or who suspects that any employee has contracted any disease shall notify the health ~~((officer))~~ authority immediately.

Sec. 24. Section 15.36.540, chapter 11, Laws of 1961 as amended by section 6, chapter 102, Laws of 1969 ex. sess. and RCW 15.36.540 are each amended to read as follows:

~~((Save as in this chapter provided))~~ Except as otherwise provided in this chapter, this law shall be enforced by the director in accordance with the interpretation contained in the ((1965 edition of the United States public health service)) food and drug administration pasteurized milk ((code)) ordinance: PROVIDED, That the director may ((by rule adopt any subsequent amendments to such code as interpretations)) promulgate rules covering any standard set forth in the pasteurized milk ordinance if the rules are consistent with the pasteurized milk ordinance except the standards may be more stringent based upon current industry or public health information for the enforcement of this chapter whenever he determines that any such ((amendments)) rules are necessary to carry out the purposes of RCW 15.32.120, 15.36.011, 15.36.075, 15.36.540 and 15.36.600.

Sec. 25. Section 15.36.550, chapter 11, Laws of 1961 as amended by section 23, chapter 141, Laws of 1979 and RCW 15.36.550 are each amended to read as follows:

The director shall have the power and duty ~~((to))~~ to adopt, issue and promulgate from time to time necessary rules, regulations and orders for the enforcement of this chapter ~~((with the approval of the secretary of social and health services to adopt standards of requirements necessary for approval of local milk inspection service units hereinafter provided for, the basic standards in this connection being a sufficient force of qualified personnel under the general direction of a health officer, and sufficient laboratory facilities to insure compliance with the provisions of this chapter and the rules and regulations promulgated thereunder; and (3) to cancel; and with the consent of the secretary of social and health services, to approve the issuance of certificates of approval for such local milk inspection service units)).~~

Sec. 26. Section 15.36.580, chapter 11, Laws of 1961 as last amended by section 175, chapter 202, Laws of 1987 and RCW 15.36.580 are each amended to read as follows:

In case of a written protest from any fluid milk producer~~((;))~~ or fluid milk distributor~~((; or health officer;))~~ concerning the enforcement of any provisions of this chapter or of any rules and regulations thereunder, the director, or an administrative law judge within ten days after receipt of such protest and after five days written notice thereof to the party against whom the protest is made, shall hold a summary hearing in the county where either the party protesting

or protested against resides, upon the completion of which the director or an administrative law judge shall make such written findings of fact and order as the circumstances may warrant: PROVIDED, That if the protest originates with a producer, the hearings shall be held in the county where the protesting producer resides. Such findings and order shall be final and conclusive upon all parties from and after their effective date, which date shall be five days after being signed and deposited postage prepaid in the United States mails addressed to the last known address of all said parties. An appeal from such findings or order may be taken in the manner provided under chapter ((34-04)) 34.05 RCW.

Sec. 27. Section 15.28.010, chapter 11, Laws of 1961 as last amended by section 1, chapter 11, Laws of 1973 and RCW 15.28.010 are each amended to read as follows:

As used in this chapter:

- (1) "Commission" means the Washington state fruit commission.
- (2) "Shipment" or "shipped" includes loading in a conveyance to be transported to market for resale, and includes delivery to a processor or processing plant, but does not include movement from the orchard where grown to a packing or storage plant within this state for fresh shipment;
- (3) "Handler" means any person who ships or initiates the shipping operation, whether as owner, agent or otherwise;
- (4) "Dealer" means any person who handles, ships, buys, or sells soft tree fruits other than those grown by him, or who acts as sales or purchasing agent, broker, or factor of soft tree fruits;
- (5) "Processor" or "processing plant" includes every person or plant receiving soft tree fruits for the purpose of drying, dehydrating, canning, pressing, powdering, extracting, cooking, quick-freezing, brining, or for use in manufacturing a product;
- (6) "Soft tree fruits" mean Bartlett pears and all varieties of cherries, apricots, prunes, plums, and peaches, which includes all varieties of nectarines, "Bartlett pears" means and includes all standard Bartlett pears and all varieties, strains, subvarieties, and sport varieties of Bartlett pears including Red Bartlett pears, that are harvested and utilized at approximately the same time and approximately in the same manner.
- (7) "Commercial fruit" or "commercial grade" means soft tree fruits meeting the requirements of any established or recognized fresh fruit or processing grade. Fruit bought or sold on orchard run basis and not subject to cull weighback shall be deemed to be "commercial fruit."
- (8) "Cull grade" means fruit of lower than commercial grade except when such fruit included with commercial fruit does not exceed the permissible tolerance permitted in a commercial grade;
- (9) "Producer" means any person who is a grower of any soft tree fruit;
- (10) "District No. 1" or "first district" includes the counties of Chelan, Okanogan, Grant, Douglas, Ferry, Stevens, Pend Oreille, Spokane and Lincoln;
- (11) "District No. 2" or "second district" includes the counties of Kittitas, Yakima, and Benton county north of the Yakima river;
- (12) "District No. 3" or "third district" comprises all of the state not included in the first and second districts.

Sec. 28. Section 15.28.160, chapter 11, Laws of 1961 as amended by section 3, chapter 51, Laws of 1963 and RCW 15.28.160 are each amended to read as follows:

An annual assessment is hereby levied upon all commercial soft tree fruits grown in ((this)) the state or packed as Washington soft tree fruit of fifty cents per two thousand pounds (net weight) of said fruits, when shipped fresh or delivered to processors, whether in bulk, loose in containers, or packaged in any style of package, except, that all sales of five hundred pounds or less of such fruits sold by the producer direct to the consumer shall be exempt from said assessments. Sweet cherries which are brined are deemed to be commercial soft tree fruit and therefore assessable hereunder.

Sec. 29. Section 51, chapter 256, Laws of 1961 and RCW 15.65.510 are each amended to read as follows:

All parties to ((any)) a marketing agreement, all persons subject to a marketing order, and all producers, dealers, and handlers ((and other persons subject to any marketing order)) of a commodity governed by the provisions of a marketing agreement or order shall severally from time to time, upon the request of the director ((or his)), the director's designee, or the commodity board established under the marketing agreement or order, furnish ((him with)) such information ((as he)) and permit such inspections as the director, the director's designee, or the commodity board finds to be necessary to ((enable him to)) effectuate the declared policies of this chapter and the purposes of such agreement or order ((or)), Information and inspections may also be required by the director, the director's designee, or the commodity board to ascertain and determine the extent to which such agreement or order has been carried out or has effectuated such policies and purposes, or to determine whether or not there has been any abuse of the privilege of exemption from laws relating to trusts, monopolies and restraints of trade. Such information shall be furnished in accordance with forms and reports to be prescribed by the director ((or his)), the director's designee, or the commodity board. ((For the

purpose of ascertaining the correctness of any report made to the director or his designee pursuant to this section or for the purpose of obtaining the information required in any such report where it has been requested and has not been furnished;)) The director ((or his)), the director's designee, or a designee of the commodity board is hereby authorized to inspect crops and examine such books, papers, records, copies of tax reports, accounts, correspondence, contracts, documents, or memoranda as he or she deems relevant and which are within the control:

(1) Of any such party to such marketing agreement or ((any such producer or handler under such marketing order)), any person subject to any marketing order from whom such report was requested, or

(2) Of any person having, either directly or indirectly, actual or legal control of or over such party, producer or handler of such records, or

(3) Of any subsidiary of any such party, producer, handler or person.

To carry out the purposes of this section the director or ((his)) the director's designee upon giving due notice, may hold hearings, take testimony, administer oaths, subpoena witnesses and issue subpoenas for the production of books, records, documents or other writings of any kind. RCW 15.65.080, 15.65.090, 15.65.100 and 15.65.110, together with such other regulations consistent therewith as the director may from time to time prescribe, shall apply with respect to any such hearing. All information furnished to or acquired by the director or ((his)) the director's designee pursuant to this section shall be kept confidential by all officers and employees of the director ((and/or his)) or the director's designee and only such information so furnished or acquired as the director deems relevant shall be disclosed by ((him)) the director or them, and then only in a suit or administrative hearing brought at the direction or upon the request of the director or to which ((he or his)) the director or the director's designee or any officer of the state of Washington is a party, and involving the marketing agreement or order with reference to which the information so to be disclosed was furnished or acquired.

Nothing in this section shall prohibit:

(1) The issuance of general statements based upon the reports of a number of persons subject to any marketing agreement or order, which statements do not identify the information furnished by any person((:)); or

(2) The publication by the director or ((his)) the director's designee of the name of any person violating any marketing agreement or order, together with a statement of the particular provisions and the manner of the violation of the marketing agreement or order so violated by such person.

Sec. 30. Section 3, chapter 247, Laws of 1985 and RCW 15.86.030 are each amended to read as follows:

A producer or a vendor shall not sell or offer for sale any food product with the representation that the product is an organic food if the producer or vendor knows, or has reason to know, that the food has been grown, raised, or produced with the use of any of the following substances: (1) Fertilizers but excluding manures and other natural fertilizers; (2) any of the following when manufactured by man: Pesticides, hormones, antibiotics, or growth stimulants but excluding *Bacillus thuringiensis* and other natural pesticides; (3) arsenicals; or (4) similar substances listed by the director under RCW 15.86.060. A food product shall be considered as "grown, raised, or produced" with a substance specified in this section or listed by the director under RCW 15.86.060 if the substance is applied at any time before sale to retail purchasers. ((Also, crops shall be considered "grown, raised, or produced" with such a substance if, within one year before seed planting or transplanting or, in the case of perennial crops, within one year before the appearance of the flower bud, the substance is applied to the soil or other growing medium:))

NEW SECTION. Sec. 31. A new section is added to chapter 15.86 RCW to read as follows:

(1) Beginning January 1, 1991, it shall be unlawful to sell or offer for sale as organic food, products that have been grown, raised, or produced if harvest of the food product occurs within two years of the most recent use of any prohibited pesticide, herbicide, or fungicide and two years after the most recent use of a prohibited fertilizer.

(2) Beginning January 1, 1992, it shall be unlawful to sell or offer for sale as organic food, products that have been grown, raised, or produced if harvest of the food product occurs within three years of the most recent use of any prohibited pesticide, herbicide, or fungicide and two years after the most recent use of a prohibited fertilizer.

(3) Beginning January 1, 1990, food products may be sold as "transition to organic food" if they have had no applications of prohibited substances within one year before harvest of the food crop. The products must specify first or second-year transition on their labels.

Sec. 32. Section 2, chapter 247, Laws of 1985 and RCW 15.86.020 are each amended to read as follows:

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

(1) "Director" means the director of the department of agriculture or the director's designee.

(2) "Organic food" means any food product, including meat, dairy, and beverage, that is marketed using the term organic or any derivative of organic, other than the phrase "transition to organic food," in its labeling or advertising.

(3) "Producer" means any person or organization who or which (a) grows, raises, or produces a food product; and (b) sells the food product as, or offers it for sale as, an organic food.

(4) "Vendor" means anyone who sells organic food to the consumer or another vendor.

(5) "Transition to organic food" means any food product that satisfies all of the requirements of organic food except the time requirements and satisfied all of the requirements of section 31 of this act.

NEW SECTION. Sec. 33. A new section is added to chapter 15.86 RCW to read as follows:

(1) A producer or a vendor shall not sell or offer for sale any food product with the representation that the food product is a transition to organic food if the producer or vendor knows, or has reason to know, that the food product does not satisfy the requirements of RCW 15.86.020(5).

(2) A producer shall not sell to a vendor any food product that the producer represents as a transition to organic food unless, before the sale, the producer provides the vendor with a sworn statement that the producer has grown, raised, or produced the product in conformance with RCW 15.86.020(5) and section 31 of this act.

Sec. 34. Section 12, chapter 393, Laws of 1987 and RCW 15.86.070 are each amended to read as follows:

The director may adopt rules establishing a certification program for producers and processors of organic or transition to organic food. The rules may govern, but are not limited to governing: The number and scheduling of ~~((on-farm))~~ on-site visits, both announced and unannounced, by certification personnel; recordkeeping requirements; and the submission of product samples for chemical analysis. The rules shall include a fee schedule that will provide for the recovery of the full cost of the ~~((certification))~~ inspection program. Fees collected under this section shall be deposited in an account within the agricultural local fund and the revenue from such fees shall be used solely for carrying out the provisions of this section, and no appropriation is required for disbursement from the fund. The director may employ such personnel as are necessary to carry out the provisions of this section.

Sec. 35. Section 5, chapter 22, Laws of 1957 as amended by section 14, chapter 296, Laws of 1981 and RCW 16.36.110 are each amended to read as follows:

A violation of or a failure to comply with any provision of this chapter or the rules adopted under this chapter shall be a ~~((misdemeanor. PROVIDED, That any violation of RCW 16.36.036; 16.36.040; 16.36.050; or that part of RCW 16.36.060 which makes it unlawful for any person to willfully hinder, obstruct, or resist the director of agriculture or any duly authorized representative, or any peace officer acting under him or them when engaged in the performance of the duties or in the exercise of the powers conferred by this chapter shall be a))~~ gross misdemeanor. Each day upon which a violation occurs shall constitute a separate violation. Any person violating the provisions of RCW 16.36.005, 16.36.020, 16.36.103, 16.36.105, 16.36.107, 16.36.108 or 16.36.109 may be enjoined from continuing such violation.

Sec. 36. Section 19, chapter 67, Laws of 1969 as amended by section 5, chapter 26, Laws of 1977 ex. sess. and RCW 19.94.190 are each amended to read as follows:

The director shall enforce the provisions of this chapter and shall issue from time to time reasonable rules ~~((and regulations))~~ for enforcing and carrying out the purposes of this chapter. Such rules ~~((and regulations))~~ shall have the effect of law and may include (1) standards of net weight, measure, or count, and reasonable standards of fill for any commodity in package form, (2) rules governing the technical and reporting procedures to be followed, and the report and record forms and marks of rejection to be used by the director and city sealers in the discharge of their official duties, (3) rules governing technical test procedures, reporting procedures, record and reporting forms to be used by commercial firms when installing, repairing or testing commercial weights or measures, (4) rules providing that all weights and measures used by commercial firms in repairing or servicing commercial weighing and measuring devices shall be calibrated by the department and be directly traceable to state standards and shall be submitted to the department for calibration and certification as necessary and/or at such reasonable intervals as may be established or required by the director, (5) exemptions from the sealing or marking requirements of RCW 19.94.250 with respect to weights and measures of such character or size that such sealing or marking would be inappropriate, impracticable, or damaging to the apparatus in question, (6) rules that allow the director to establish fees for weighing, measuring, and providing calibration services performed by the weights and measures laboratory, with all money collected under this subsection paid to the director and deposited in an account within the agricultural local fund to be used for the repair and maintenance of weights and measures devices and other related functions. (7) exemptions from the requirements of RCW 19.94.200 and 19.94.210 for testing, with respect to classes of weights and measures found to be of such character that periodic retesting is unnecessary to continued accuracy. These regulations shall include specifications, tolerances, and regulations for weights and measures of the character of those specified in RCW 19.94.210, designed to eliminate from use, without prejudice to apparatus that conforms as closely as practicable to

the official standards, those (a) that are not accurate, (b) that are of such construction that they are faulty, that is, that are not reasonably permanent in their adjustment or will not repeat their indications correctly, or (c) that facilitate the perpetration of fraud. The specifications, tolerances, and regulations for commercial weighing and measuring devices, together with amendments thereto, as recommended by the national bureau of standards Handbook 44, third edition as published at the time of the enactment of this chapter shall be the specifications, tolerances, and regulations for commercial weighing and/or measuring devices of the state. To promote uniformity, any supplements or amendments to Handbook 44 or any similar subsequent publication of the national bureau of standards shall be deemed to have been adopted under this section. The director may, however, within thirty days of the publication or effective date of Handbook 44 or any supplements, amendments, or similar publications give public notice that a hearing will be held to determine if such publications should not be applicable under this section. The hearing shall be conducted under chapter ~~((34.04))~~ 34.05 RCW. For the purpose of this chapter, apparatus shall be deemed to be "correct" when it conforms to all applicable requirements promulgated as specified in this section; all other apparatus shall be deemed to be "incorrect".

Sec. 37. Section 1, chapter 139, Laws of 1959 as last amended by section 6, chapter 178, Laws of 1986 and RCW 20.01.010 are each amended to read as follows:

As used in this title the terms defined in this section have the meanings indicated unless the context clearly requires otherwise.

(1) "Director" means the director of agriculture or his duly authorized representative.

(2) "Person" means any natural person, firm, partnership, exchange, association, trustee, receiver, corporation, and any member, officer, or employee thereof or assignee for the benefit of creditors.

(3) "Agricultural product" means any unprocessed horticultural, vermicultural and its byproducts, viticultural, berry, poultry, poultry product, grain, bee, or other agricultural products, and includes mint or mint oil processed by or for the producer thereof and hay and straw baled or prepared for market in any manner or form and livestock. When used in RCW 60.13.020, "agricultural product" means horticultural, viticultural, and berry products, hay and straw, and turf and forage seed and applies only when such products are delivered to a processor or conditioner in an unprocessed form.

(4) "Producer" means any person engaged in the business of growing or producing any agricultural product, whether as the owner of the products, or producing the products for others holding the title thereof.

(5) "Consignor" means any producer, person, or his agent who sells, ships, or delivers to any commission merchant, dealer, cash buyer, or agent, any agricultural product for processing, handling, sale, or resale.

(6) "Commission merchant" means any person who receives on consignment for sale or processing and sale from the consignor thereof any agricultural product for sale on commission on behalf of the consignor, or who accepts any farm product in trust from the consignor thereof for the purpose of resale, or who sells or offers for sale on commission any agricultural product, or who in any way handles for the account of or as an agent of the consignor thereof, any agricultural product.

(7) "Dealer" means any person other than a cash buyer, as defined in subsection (10) of this section, who solicits, contracts for, or obtains from the consignor thereof for reselling or processing, title, possession, or control of any agricultural product, or who buys or agrees to buy any agricultural product from the consignor thereof for sale or processing and includes any person, other than one who acts solely as a producer, who retains title in an agricultural product and delivers it to a producer for further production or increase. For the purposes of this chapter, the term dealer includes any person who purchases livestock on behalf of and for the account of another, or who purchases cattle in another state or country and imports these cattle into this state for resale.

(8) "Limited dealer" means any person operating under the alternative bonding provision in RCW 20.01.211.

(9) "Broker" means any person other than a commission merchant, dealer, or cash buyer who negotiates the purchase or sale of any agricultural product, but no broker may handle the agricultural products involved or proceeds of the sale.

(10) "Cash buyer" means any person other than a commission merchant, dealer, or broker, who obtains from the consignor thereof for the purpose of resale or processing, title, possession, or control of any agricultural product or who contracts for the title, possession, or control of any agricultural product, or who buys or agrees to buy for resale any agricultural product by paying to the consignor at the time of obtaining possession or control of any agricultural product the full agreed price of the agricultural product, in coin or currency, lawful money of the United States. However, a cashier's check, certified check, or bankdraft may be used for the payment. For the purposes of this subsection, "agricultural product," does not include hay, grain, straw, or livestock.

(11) "Agent" means any person who, on behalf of any commission merchant, dealer, broker, or cash buyer, acts as liaison between a consignor and a principal, or receives, contracts

for, or solicits any agricultural product from the consignor thereof or who negotiates the consignment or purchase of any agricultural product on behalf of any commission merchant, dealer, broker, or cash buyer and who transacts all or a portion of that business at any location other than at the principal place of business of his employer. With the exception of an agent for a commission merchant or dealer handling horticultural products, an agent may operate only in the name of one principal and only to the account of that principal.

(12) "Retail merchant" means any person operating from a bona fide or established place of business selling agricultural products twelve months of each year.

(13) "Fixed or established place of business" for the purpose of this chapter means any permanent warehouse, building, or structure, at which necessary and appropriate equipment and fixtures are maintained for properly handling those agricultural products generally dealt in, and at which supplies of the agricultural products being usually transported are stored, offered for sale, sold, delivered, and generally dealt in in quantities reasonably adequate for and usually carried for the requirements of such a business, and that is recognized as a permanent business at such place, and carried on as such in good faith and not for the purpose of evading this chapter, and where specifically designated personnel are available to handle transactions concerning those agricultural products generally dealt in, which personnel are available during designated and appropriate hours to that business, and shall not mean a residence, barn, garage, tent, temporary stand or other temporary quarters, any railway car, or permanent quarters occupied pursuant to any temporary arrangement.

(14) "Processor" means any person, firm, company, or other organization that purchases agricultural crops from a consignor and that cans, freezes, dries, dehydrates, cooks, presses, powders, or otherwise processes those crops in any manner whatsoever for eventual resale.

(15) "Pooling contract" means any written agreement whereby a consignor delivers a horticultural product to a commission merchant under terms whereby the commission merchant may commingle the consignor's horticultural products for sale with others similarly agreeing, which must include all of the following:

(a) A delivery receipt for the consignor that indicates the variety of horticultural product delivered, the number of containers, or the weight and tare thereof;

(b) Horticultural products received for handling and sale in the fresh market shall be accounted for to the consignor with individual pack-out records that shall include variety, grade, size, and date of delivery. Individual daily packing summaries shall be available within forty-eight hours after packing occurs. However, platform inspection shall be acceptable by mutual contract agreement on small deliveries to determine variety, grade, size, and date of delivery;

(c) Terms under which the commission merchant may use his judgment in regard to the sale of the pooled horticultural product;

(d) The charges to be paid by the consignor as filed with the state of Washington;

(e) A provision that the consignor shall be paid for his pool contribution when the pool is in the process of being marketed in direct proportion, not less than eighty percent of his interest less expenses directly incurred, prior liens, and other advances on the grower's crop unless otherwise mutually agreed upon between grower and commission merchant.

(16) "Date of sale" means the date agricultural products are delivered to the person buying the products.

(17) (~~"Boom loader" means a person who owns or operates, or both, a mechanical device mounted on a vehicle and used to load hay or straw for compensation:~~

~~(18))~~ "Conditioner" means any person, firm, company, or other organization that receives turf, forage, or vegetable seeds from a consignor for drying or cleaning.

~~((19))~~ (18) "Seed bailment contract" means any contract meeting the requirements of chapter 15.48 RCW.

~~((20))~~ (19) "Proprietary seed" means any seed that is protected under the Federal Plant Variety Protection Act.

~~((21))~~ (20) "Licensed public weighmaster" means any person, licensed under the provisions of chapter 15.80 RCW, who weighs, measures, or counts any commodity or thing and issues therefor a signed certified statement, ticket, or memorandum of weight, measure, or count upon which the purchase or sale of any commodity or upon which the basic charge of payment for services rendered is based.

~~((22))~~ (21) "Certified weight" means any signed certified statement or memorandum of weight, measure or count issued by a licensed public weighmaster in accordance with the provisions of chapter 15.80 RCW.

Sec. 38. Section 3, chapter 139, Laws of 1959 as last amended by section 10, chapter 254, Laws of 1988 and RCW 20.01.030 are each amended to read as follows:

This chapter does not apply to:

(1) Any cooperative marketing associations or federations incorporated under, or whose articles of incorporation and bylaws are equivalent to, the requirements of chapter 23.86 RCW or chapter 24.32 RCW, except as to that portion of the activities of the association or federation that involve the handling or dealing in the agricultural products of nonmembers of the organization: PROVIDED, That the associations or federations may purchase up to fifteen percent of

their gross from nonmembers for the purpose of filling orders: PROVIDED FURTHER, That if the cooperative or association acts as a processor as defined in RCW 20.01.500(2) and markets the processed agricultural crops on behalf of the grower or its own behalf, the association or federation is subject to the provisions of RCW 20.01.500 through 20.01.560 and the license provision of this chapter excluding bonding provisions: PROVIDED FURTHER, That none of the foregoing exemptions in this subsection apply to any such cooperative or federation dealing in or handling grain in any manner, and not licensed under the provisions of chapter 22.09 RCW:

(2) Any person who sells exclusively his or her own agricultural products as the producer thereof;

(3) Any public livestock market operating under a bond required by law or a bond required by the United States to secure the performance of the public livestock market's obligation. However, any such market operating as a livestock dealer or order buyer, or both, is subject to all provisions of this chapter except for the payment of the license fee required in RCW 20.01.040;

(4) Any retail merchant having a bona fide fixed or permanent place of business in this state, but only for the retail merchant's retail business conducted at such fixed or established place of business;

(5) Any person buying farm products for his or her own use or consumption;

(6) Any warehouseman or grain dealer licensed under the state grain warehouse act, chapter 22.09 RCW, with respect to his or her handling of any agricultural product as defined under that chapter;

(7) Any nurseryman who is required to be licensed under the horticultural laws of the state with respect to his or her operations as such licensee;

(8) Any person licensed under the now existing dairy laws of the state with respect to his or her operations as such licensee;

(9) Any producer who purchases less than fifteen percent of his or her volume to complete orders;

(10) Any person, association, or corporation regulated under chapter 67.16 RCW and the rules adopted thereunder while performing acts regulated by that chapter and the rules adopted thereunder(;

~~(11) Any boom loader who loads exclusively his or her own hay or straw as the producer thereof).~~

Sec. 39. Section 4, chapter 139, Laws of 1959 as last amended by section 13, chapter 393, Laws of 1987 and RCW 20.01.040 are each amended to read as follows:

No person may act as a commission merchant, dealer, broker, cash buyer, or agent ~~(or boom loader)~~ without a license. Any person applying for such a license shall file an application with the director on or before January 1st of each year. The application shall be accompanied by a license fee as prescribed by the director by rule.

Sec. 40. Section 33, chapter 139, Laws of 1959 as last amended by section 1, chapter 20, Laws of 1982 and RCW 20.01.330 are each amended to read as follows:

The director may refuse to grant a license or renew a license and may revoke or suspend a license or issue a conditional or probationary order if he is satisfied after a hearing, as herein provided, of the existence of any of the following facts, which are hereby declared to be a violation of this chapter:

(1) That fraudulent charges or returns have been made by the applicant, or licensee, for the handling, sale or storage of, or for rendering of any service in connection with the handling, sale or storage of any agricultural product.

(2) That the applicant, or licensee, has failed or refused to render a true account of sales, or to make a settlement thereon, or to pay for agricultural products received, within the time and in the manner required by this chapter.

(3) That the applicant, or licensee, has made any false statement as to the condition, quality or quantity of agricultural products received, handled, sold or stored by him.

(4) That the applicant, or licensee, directly or indirectly has purchased for his own account agricultural products received by him upon consignment without prior authority from the consignor together with the price fixed by consignor or without promptly notifying the consignor of such purchase. This shall not prevent any commission merchant from taking to account of sales, in order to close the day's business, miscellaneous lots or parcels of agricultural products remaining unsold, if such commission merchant shall forthwith enter such transaction on his account of sales.

(5) That the applicant, or licensee, has intentionally made any false or misleading statement as to the conditions of the market for any agricultural products.

(6) That the applicant, or licensee, has made fictitious sales or has been guilty of collusion to defraud the consignor.

(7) That a commission merchant to whom any consignment is made has reconsigned such consignment to another commission merchant and has received, collected, or charged by such means more than one commission for making the sale thereof, for the consignor, unless by written consent of such consignor.

(8) That the licensee was guilty of fraud or deception in the procurement of such license.

(9) That the licensee or applicant has failed or refused to file with the director a schedule of his charges for services in connection with agricultural products handled on account of or as an agent of another, or that the applicant, or licensee, has indulged in any unfair practice.

(10) That the licensee has rejected, without reasonable cause, or has failed or refused to accept, without reasonable cause, any agricultural product bought or contracted to be bought from a consignor by such licensee; or failed or refused, without reasonable cause, to furnish or provide boxes or other containers, or hauling, harvesting, or any other service contracted to be done by licensee in connection with the acceptance, harvesting, or other handling of said agricultural products bought or handled or contracted to be bought or handled; or has used any other device to avoid acceptance or unreasonably to defer acceptance of agricultural products bought or handled or contracted to be bought or handled.

(11) That the licensee has otherwise violated any provision of this chapter and/or rules and regulations adopted hereunder.

(12) That the licensee has knowingly employed an agent, as defined in this chapter, without causing said agent to comply with the licensing requirements of this chapter applicable to agents.

(13) That the applicant or licensee has, in the handling of any agricultural products, been guilty of fraud, deceit, or negligence.

(14) That the licensee has failed or refused, upon demand, to permit the director or his agents to make the investigations, examination or audits, as provided in this chapter, or that the licensee has removed or sequestered any books, records, or papers necessary to any such investigations, examination, or audits, or has otherwise obstructed the same.

(15) That the licensee, without reasonable cause, has failed or refused to execute or carry out a lawful contract with a consignor.

(16) That the licensee has failed or refused to keep and maintain the records as required by this chapter and/or rules and regulations adopted hereunder.

(17) That the licensee has attempted payment by a check the licensee knows not to be backed by sufficient funds to cover such check.

(18) That the licensee has been guilty of fraud or deception in his dealings with purchasers including misrepresentation of goods as to grade, quality, weights, quantity, or any other essential fact in connection therewith.

(19) That the licensee has permitted (~~an agent~~) a person to in fact operate his own separate business under cover of the licensee's license and bond.

(20) That a commission merchant or dealer has failed to furnish additional bond coverage within fifteen days of when it was requested in writing by the director.

(21) That the licensee has discriminated in the licensee's dealings with consignors on the basis of race, creed, color, national origin, sex, or the presence of any sensory, mental, or physical handicap.

Sec. 41. Section 37, chapter 139, Laws of 1959 as last amended by section 18, chapter 254, Laws of 1988 and RCW 20.01.370 are each amended to read as follows:

Every commission merchant taking control of any agricultural products for sale as such commission merchant, shall promptly make and keep for a period of ~~((one year))~~ three years, beginning on the day the sale of the product is complete, a correct record showing in detail the following with reference to the handling, sale, or storage of such agricultural products:

(1) The name and address of the consignor.

(2) The date received.

(3) The quality and quantity delivered by the consignor, and where applicable the dockage, tare, grade, size, net weight, or quantity.

(4) An accounting of all sales, including dates, terms of sales, quality and quantity of agricultural products sold, and proof of payments received on behalf of the consignor.

(5) The terms of payment to the producer.

(6) An itemized statement of the charges to be paid by consignor in connection with the sale.

(7) The names and addresses of all purchasers if said commission merchant has any financial interest in the business of said purchasers, or if said purchasers have any financial interest in the business of said commission merchant, directly or indirectly, as holder of the other's corporate stock, as copartner, as lender or borrower of money to or from the other, or otherwise. Such interest shall be noted in said records following the name of any such purchaser.

(8) A lot number or other identifying mark for each consignment, which number or mark shall appear on all sales tags and other essential records needed to show what the agricultural products actually sold for.

(9) Any claim or claims which have been or may be filed by the commission merchant against any person for overcharges or for damages resulting from the injury or deterioration of such agricultural products by the act, neglect or failure of such person and such records shall be open to the inspection of the director and the consignor of agricultural products for whom such claim or claims are made.

Where a pooling arrangement is agreed to in writing between the consignor and commission merchant, the reporting requirements of subsections (4), (5), (6), and (8) of this section shall apply to the pool rather than to the individual consignor or consignment and the records of the pool shall be available for inspection by any consignor to that pool.

The commission merchant shall transmit a copy of the record required by this section to the consignor on the same day the final remittance is made to the consignor as required by RCW 20.01.430 as now or hereafter amended.

Sec. 42. Section 38, chapter 139, Laws of 1959 as last amended by section 17, chapter 254, Laws of 1988 and RCW 20.01.380 are each amended to read as follows:

Every dealer or cash buyer purchasing any agricultural products from the consignor thereof shall promptly make and keep for ~~((one year))~~ three years a correct record showing in detail the following:

- (1) The name and address of the consignor.
- (2) The date received.
- (3) The terms of the sale.
- (4) The quality and quantity delivered by the consignor, and where applicable the dockage, tare, grade, size, net weight, or quantity.
- (5) An itemized statement of any charges paid by the dealer or cash buyer for the account of the consignor.
- (6) The name and address of the purchaser: PROVIDED, That the name and address of the purchaser may be deleted from the record furnished to the consignor.
- (7) A copy of the itemized list of charges required under RCW 20.01.080 in effect on the date the terms of sale were agreed upon.

A copy of such record containing the above matters shall be forwarded to the consignor forthwith.

Livestock dealers must also maintain individual animal identification and disposition records as may be required by law, or regulation adopted by the director.

Sec. 43. Section 46, chapter 139, Laws of 1959 as last amended by section 19, chapter 254, Laws of 1988 and RCW 20.01.460 are each amended to read as follows:

(1) Any person who violates the provisions of this chapter or fails to comply with the rules adopted under this chapter is guilty of a gross misdemeanor, except as provided in subsections (2) and (3) of this section.

(2) Any commission merchant, dealer, or cash buyer, or any person assuming or attempting to act as a commission merchant, dealer, or cash buyer without a license is guilty of a class C felony who:

- (a) Imposes false charges for handling or services in connection with agricultural products.
- (b) Makes fictitious sales or is guilty of collusion to defraud the consignor.
- (c) Intentionally makes false statement or statements as to the grade, conditions, markings, quality, or quantity of goods shipped or packed in any manner.
- (d) With the intent to defraud the consignor, fails to comply with the ((payment)) requirements set forth under RCW 20.01.010(10), 20.01.390 or 20.01.430.

(3) Any person who violates the provisions of RCW 20.01.040, 20.01.080, 20.01.120, 20.01.125, 20.01.410 or 20.01.610 has committed a civil infraction.

Sec. 44. Section 16, chapter 305, Laws of 1983 as last amended by section 11, chapter 254, Laws of 1988 and RCW 22.09.011 are each amended to read as follows:

The definitions set forth in this section apply throughout this chapter unless the context clearly requires otherwise.

- (1) "Department" means the department of agriculture of the state of Washington.
- (2) "Director" means the director of the department or his duly authorized representative.
- (3) "Person" means a natural person, individual, firm, partnership, corporation, company, society, association, cooperative, two or more persons having a joint or common interest, or any unit or agency of local, state, or federal government.
- (4) "Agricultural commodities," or "commodities," means: (a) ~~((All the grains, peas, beans, lentils, corn, sorghums, malt, peanuts, and flax; and (b)))~~ Grains for which inspection standards have been established under the United States grain standards act; (b) pulses and similar commodities for which inspection standards have been established under the agricultural marketing act of 1946; and (c) other similar agricultural products ((similar to those listed in (a) of this subsection)) for which inspection standards have been established or which have been otherwise designated by the department by rule for inspection services or the warehousing requirements of this chapter.

(5) "Warehouse," also referred to as a public warehouse, means any elevator, mill, subterminal grain warehouse, terminal warehouse, country warehouse, or other structure or enclosure located in this state that is used or useable for the storage of agricultural products, and in which commodities are received from the public for storage, handling, conditioning, or shipment for compensation. The term does not include any warehouse storing or handling fresh fruits and/or vegetables, any warehouse used exclusively for cold storage, or any warehouse that conditions yearly less than three hundred tons of an agricultural commodity for compensation.

(6) "Terminal warehouse" means any warehouse designated as a terminal by the department, and located at an inspection point where inspection facilities are maintained by the department and where commodities are ordinarily received and shipped by common carrier.

(7) "Subterminal warehouse" means any warehouse that performs an intermediate function in which agricultural commodities are customarily received from dealers rather than producers and where the commodities are accumulated before shipment to a terminal warehouse.

(8) "Station" means two or more warehouses between which commodities are commonly transferred in the ordinary course of business and that are (a) immediately adjacent to each other, or (b) located within the corporate limits of any city or town and subject to the same transportation tariff zone, or (c) at any railroad siding or switching area and subject to the same transportation tariff zone, or (d) at one location in the open country off rail, or (e) in any area that can be reasonably audited by the department as a station under this chapter and that has been established as such by the director by rule adopted under chapter ~~(34-04)~~ 34.05 RCW, or (f) within twenty miles of each other but separated by the border between Washington and Idaho or Oregon when the books and records for the station are maintained at the warehouse located in Washington.

(9) "Inspection point" means a city, town, or other place wherein the department maintains inspection and weighing facilities.

(10) "Warehouseman" means any person owning, operating, or controlling a warehouse in the state of Washington.

(11) "Depositor" means (a) any person who deposits a commodity with a Washington state licensed warehouseman for storage, handling, conditioning, or shipment, or (b) any person who is the owner or legal holder of a warehouse receipt, outstanding scale weight ticket, or other evidence of the deposit of a commodity with a Washington state licensed warehouseman or (c) any producer whose agricultural commodity has been sold to a grain dealer through the dealer's place of business located in the state of Washington, or any Washington producer whose agricultural commodity has been sold to or is under the control of a grain dealer, whose place of business is located outside the state of Washington.

(12) "Historical depositor" means any person who in the normal course of business operations has consistently made deposits in the same warehouse of commodities produced on the same land. In addition the purchaser, lessee, and/or inheritor of such land from the original historical depositor with reference to the land shall be considered a historical depositor with regard to the commodities produced on the land.

(13) "Grain dealer" means any person who, through his place of business located in the state of Washington, solicits, contracts for, or obtains from a producer, title, possession, or control of any agricultural commodity for purposes of resale, or any person who solicits, contracts for, or obtains from a Washington producer, title, possession, or control of any agricultural commodity for purposes of resale.

(14) "Producer" means any person who is the owner, tenant, or operator of land who has an interest in and is entitled to receive all or any part of the proceeds from the sale of a commodity produced on that land.

(15) "Warehouse receipt" means a negotiable or nonnegotiable warehouse receipt as provided for in Article 7 of Title 62A RCW.

(16) "Scale weight ticket" means a load slip or other evidence of deposit, serially numbered, not including warehouse receipts as defined in subsection (15) of this section, given a depositor on request upon initial delivery of the commodity to the warehouse and showing the warehouse's name and state number, type of commodity, weight thereof, name of depositor, and the date delivered.

(17) "Put through" means agricultural commodities that are deposited in a warehouse for receiving, handling, conditioning, or shipping, and on which the depositor has concluded satisfactory arrangements with the warehouseman for the immediate or impending shipment of the commodity.

(18) "Conditioning" means, but is not limited to, the drying or cleaning of agricultural commodities.

(19) "Deferred price contract" means a contract for the sale of commodities that conveys the title and all rights of ownership to the commodities represented by the contract to the buyer, but allows the seller to set the price of the commodities at a later date based on an agreed upon relationship to a future month's price or some other mutually agreeable method of price determination. Deferred price contracts include but are not limited to those contracts commonly referred to as delayed price, price later contracts, or open price contracts.

(20) "Shortage" means that a warehouseman does not have in his possession sufficient commodities at each of his stations to cover the outstanding warehouse receipts, scale weight tickets, or other evidence of storage liability issued or assumed by him for the station.

(21) "Failure" means:

(a) An inability to financially satisfy claimants in accordance with this chapter and the time limits provided for in it;

(b) A public declaration of insolvency;

(c) A revocation of license and the leaving of an outstanding indebtedness to a depositor;
 (d) A failure to redeliver any commodity to a depositor or to pay depositors for commodities purchased by a licensee in the ordinary course of business and where a bona fide dispute does not exist between the licensee and the depositor;

(e) A failure to make application for license renewal within sixty days after the annual license renewal date; or

(f) A denial of the application for a license renewal.

(22) "Original inspection" means an initial, official inspection of a grain or commodity.

(23) "Reinspection" means an official review of the results of an original inspection service by an inspection office that performed that original inspection service. A reinspection may be performed either on the basis of the official file sample or a new sample obtained by the same means as the original if the lot remains intact.

(24) "Appeal inspection" means, for commodities covered by federal standards, a review of original inspection or reinspection results by an authorized United States department of agriculture inspector. For commodities covered under state standards, an appeal inspection means a review of original or reinspection results by a supervising inspector. An appeal inspection may be performed either on the basis of the official file sample or a new sample obtained by the same means as the original if the lot remains intact.

Sec. 45. Section 2, chapter 124, Laws of 1963 as amended by section 17, chapter 305, Laws of 1983 and RCW 22.09.020 are each amended to read as follows:

The department shall administer and carry out the provisions of this chapter and rules adopted hereunder, and it has the power and authority to:

(1) Supervise the receiving, handling, conditioning, weighing, storage, and shipping of all commodities;

(2) Supervise the inspection and grading of ~~((all))~~ commodities;

(3) Approve or disapprove the facilities, including scales, of all warehouses;

(4) Approve or disapprove all rates and charges for the handling, storage, and shipment of all commodities;

(5) Investigate all complaints of fraud in the operation of any warehouse;

(6) Examine, inspect, and audit, during ordinary business hours, any warehouse licensed under this chapter, including all commodities therein and examine, inspect, audit, or record all books, documents, and records;

(7) Examine, inspect, and audit during ordinary business hours, all books, documents, and records, and examine, inspect, audit, or record records of any grain dealer licensed hereunder at the grain dealer's principal office or headquarters;

(8) Inspect at reasonable times any warehouse or storage facility where commodities are received, handled, conditioned, stored, or shipped, including all commodities stored therein and all books, documents, and records in order to determine whether or not such facility should be licensed pursuant to this chapter;

(9) Inspect at reasonable times any grain dealer's books, documents, and records in order to determine whether or not the grain dealer should be licensed under this chapter;

(10) Administer oaths and issue subpoenas to compel the attendance of witnesses, and/or the production of books, documents, and records anywhere in the state pursuant to a hearing relative to the purpose and provisions of this chapter. Witnesses shall be entitled to fees for attendance and travel, as provided in chapter 2.40 RCW;

(11) Adopt rules establishing inspection standards and procedures for grains and commodities;

(12) Adopt rules regarding the identification of commodities by the use of confetti or other similar means so that such commodities may be readily identified if stolen or removed in violation of the provisions of this chapter from a warehouse or if otherwise unlawfully transported;

~~((+2))~~ (13) Adopt all the necessary rules for carrying out the purpose and provisions of this chapter. The adoption of rules under the provisions of this chapter shall be subject to the provisions of chapter ~~((34-04))~~ 34.05 RCW, the Administrative Procedure Act. When adopting rules in respect to the provisions of this chapter, the director shall hold a public hearing and shall to the best of his ability consult with persons and organizations or interests who will be affected thereby, and any final rule adopted as a result of the hearing shall be designed to promote the provisions of this chapter and shall be reasonable and necessary and based upon needs and conditions of the industry, and shall be for the purpose of promoting the well-being of the industry to be regulated and the general welfare of the people of the state.

Sec. 46. Section 29, chapter 124, Laws of 1963 as last amended by section 43, chapter 305, Laws of 1983 and RCW 22.09.290 are each amended to read as follows:

(1) Every warehouse receipt issued for commodities covered by this chapter shall embody within its written or printed terms:

(a) The grade of the commodities ~~((received))~~ as ~~((established))~~ described by the official standards of this state, unless the identity of the commodity is in fact preserved in a special pile or special bin, and an identifying mark of such pile or bin shall appear on the face of the receipt and on the pile or bin. A commodity in a special pile or bin shall not be removed or

relocated without canceling the outstanding receipt and issuing a new receipt showing the change;

(b) Such other terms and conditions as required by Article 7 of Title 62A RCW: PROVIDED, That nothing contained therein requires a receipt issued for wheat to specifically state the variety of wheat by name;

(c) A clause reserving for the warehouseman the optional right to terminate storage upon thirty days' written notice to the depositor and collect outstanding charges against any lot of commodities after June 30th following the date of the receipt.

(2) Warehouse receipts issued under the United States Warehouse Act (7 USCA § 241 et seq.) are deemed to fulfill the requirements of this chapter so far as it pertains to the issuance of warehouse receipts.

Sec. 47. Section 39, chapter 124, Laws of 1963 and RCW 22.09.720 are each amended to read as follows:

The grades and standards established by the United States department of agriculture as of ~~(July 1, 1963)~~ September 30, 1988, for all commodities included within the provisions of this chapter are hereby adopted as the grades and standards for such commodities in this state: PROVIDED, That the department is hereby authorized to adopt by regulation any new or future amendments to such federal grades and standards. The department is also authorized to issue regulations whether or not in accordance with the federal government and to prescribe therein grades and standards which it may deem suitable for ~~((such))~~ inspection of commodities ~~((-except hops;))~~ in the state of Washington. In adopting any new or amendatory regulations the department shall give appropriate consideration, among other relevant factors, to the following:

- (1) The usefulness of uniform federal and state grades;
- (2) The common classifications given such commodities within the industry;
- (3) The utility of various grades;
- (4) The kind and type of grades requested by those dealing with the particular type of commodity; and
- (5) The condition of the commodity with regard to its wholesomeness and purity.

Sec. 48. Section 40, chapter 124, Laws of 1963 and RCW 22.09.730 are each amended to read as follows:

Inspection ~~((and))~~ or grading of a lot ~~((or parcel))~~, partial lot, or sample of a commodity tendered for inspection ~~((and))~~ or grading under this chapter shall consist of taking and examining a representative sample thereof and making such tests as are necessary to determine its grade, condition, or other qualitative measurement. Commodities tendered for inspection must be offered and made accessible for sampling at inspection points during customary business hours.

(1) No inspector shall issue a certificate of grade, grading factors, condition, or other qualitative measurement for any commodity unless the inspection ~~((and))~~ or grading thereof be based upon a correct and representative sample of the commodity and the inspection is made under conditions which permit the determination of its true grade or quality, except as provided in subsections (2) and (3) of this section. No sample shall be deemed to be representative unless it is of the size and procured in accordance with the uniform methods prescribed by the department.

(2) An inspection may be made of a submitted sample ~~((or package))~~ of a commodity, provided that the certificate issued in such case clearly shows that the inspection ~~((and))~~ or grading covers only the submitted sample ~~((or package))~~ of such commodity and not the lot from which it ~~((was))~~ is purportedly drawn.

(3) When commodities are tendered for inspection in such a manner as to make the drawing of a representative sample impossible, a qualified inspection may be made. In such case, the certificate shall clearly show the condition preventing proper sampling such as heavily loaded ~~((box))~~ car, truck, barge, or other container, or other condition.

Sec. 49. Section 41, chapter 124, Laws of 1963 and RCW 22.09.740 are each amended to read as follows:

From all commodities inspected, samples may be drawn, which samples, unless returned by agreement to the applicant, shall become the property of the state and subject to disposition by the department. Upon ~~((prior))~~ request the department may transmit a portion of such samples to interested ~~((persons))~~ parties upon payment of a reasonable fee ~~((therefor))~~ set by regulation. Official state file samples shall be retained for ~~((a))~~ periods ~~((of fifteen days))~~ prescribed by state or federal regulation.

Sec. 50. Section 42, chapter 124, Laws of 1963 as amended by section 54, chapter 305, Laws of 1983 and RCW 22.09.750 are each amended to read as follows:

The department's inspectors shall, at terminal warehouses, have exclusive control of the weighing, inspecting, and grading of the commodities that are included within the provisions of this chapter ~~((-and))~~: PROVIDED, That official supervision of weighing under the United States grain standards act shall be deemed in compliance with this section. The action and the certificates of the inspectors in the discharge of their duties, as to all commodities ~~((weighed or))~~ inspected or weighed by them, shall be accepted as prima facie evidence of the correctness

of the above activity. ~~((However, an appeal may be taken as provided in RCW 22.09.780 to the director of the department. Suitable books and records shall be kept in which shall be entered a record of every carload, or cargo, or part of cargo of commodities inspected or weighed by them, showing the number and initial or other designation of the vehicle or boat containing the carload, or cargo, or part of cargo, its weight, the kind of commodity, and its grade, the reason for the grade if of inferior grade, the amount of the dockage, the amount of fees and forfeitures and disposition of them, and for each vehicle or cargo, or part of cargo, of commodity inspected, they shall give a certificate of inspection showing the kind and grade of the same and the reason for all grades established. They shall also keep a record of all appeals, decisions, and a complete record of every official act, which books and records shall be open to inspection by any party in interest. They shall also furnish the agent of the railroad company, or other carrier over which the commodity was shipped or carried, a report showing the weight thereof, if requested to do so))~~ Suitable books and records shall be maintained in which shall be entered a record of each inspection activity and the fees assessed and collected. These books and records shall be available for inspection by any party of interest during customary business hours. The records shall be maintained for periods set by regulation.

Sec. 51. Section 45, chapter 124, Laws of 1963 and RCW 22.09.780 are each amended to read as follows:

(1) In case any owner, consignee, or shipper of any commodity included under the provisions of this chapter, or his agent or broker, or any warehouseman shall be aggrieved at the grading of such commodity, ~~((such aggrieved))~~ the person may ((appeal to the department from such decision within fifteen)) request a reinspection or appeal inspection within three business days from the date of certificate ((by giving notice of appeal, and paying a fee to be fixed by the department, not exceeding twenty dollars, which shall be retained if the decision appealed is sustained, otherwise to be refunded. Such notice of appeal may be given by a letter or other written notice to the department stating the inspector's name, number of the certificate, date of inspection, and that such party appeals from such decision concerning such grade.

(2) It shall be the duty of the department upon receiving such notice of appeal to hold a hearing within twenty days and inquire into the reasonableness and correctness of such original grading and such evidence shall be received as the parties thereto may desire to offer. After such hearing the director of the department shall make such order affirming or modifying the grade so established by the inspector as the facts may justify). The reinspection or appeal may be based in the official file sample or upon a new sample drawn from the lot of the grain or commodity if the lot remains intact and available for sampling. The reinspection or appeal inspection shall be of the same factors and scope as the original inspection.

(2) For commodities inspected under federal standards, the reinspection and appeal inspection procedure provided in the applicable federal regulations shall apply. For commodities inspected under state standards, the department shall provide a minimum of a reinspection and appeal inspection service. The reinspection shall consist of a full review of all relevant information and a reexamination of the commodity to determine the correctness of the grade assigned or other determination. The reinspection shall be performed by an authorized inspector of the department other than the inspector who performed the original inspection unless no other inspector is available. An appeal inspection shall be performed by a supervisory inspector.

(3) If the grading of any commodity for which federal standards have been fixed and the same adopted as official state standards has not been the subject of a hearing, in accordance with subsection (2) of this section, any interested party who is aggrieved with the grading of such commodity, may, with the approval of the secretary of the United States department of agriculture, appeal to the federal grain supervisor of the supervision district in which the state of Washington may be located. Such federal grain supervisor shall confer with the department inspectors and any other interested party and shall make such tests as he may deem necessary to determine the correct grade of the commodity in question. Such federal grade certificate shall be prima facie evidence of the correct grade of the commodity in any court in the state of Washington.

Sec. 52. Section 50, chapter 124, Laws of 1963 as amended by section 25, chapter 297, Laws of 1981 and RCW 22.09.830 are each amended to read as follows:

(1) All moneys collected as warehouse license fees, fees for weighing, grading, and inspecting commodities and all other fees collected under the provisions of this chapter, except as provided in subsection (2) of this section, shall be deposited ~~((into))~~ in the grain ((and hay)) inspection revolving fund, which is hereby established. The state treasurer is the custodian of the revolving fund. Disbursements from the revolving fund shall be on authorization of the director of the department of agriculture. The revolving fund is subject to the allotment procedure provided in chapter 43.88 RCW, but no appropriation is required for disbursements from the fund. ((Such)) The fund shall be used for all expenses directly incurred by the commodity inspection division ((of grain and agricultural chemicals)) in carrying out the provisions of this chapter. The department may use so much of such fund not exceeding five percent thereof as

the director of agriculture may determine necessary for research and promotional work, including rate studies, relating to wheat and wheat products.

(2) All fees collected for the inspection, grading, and testing of hops shall be deposited into the hop inspection fund, which is hereby established, and shall be retained by the department for the purpose of inspecting, grading, and testing hops. Any moneys in any fund retained by the department on July 1, 1963, and derived from hop inspection and grading shall be deposited to this hop inspection fund. For the purposes of research which would contribute to the development of superior hop varieties and to improve hop production and harvest practices, the department may expend up to twenty percent of the moneys deposited in the hop inspection fund during the fiscal year ending June 30th immediately preceding the year in which such expenditures are to be made. No expenditures shall be made under the provisions of this subsection when the hop inspection fund is, or the director may reasonably anticipate that it will be, reduced below twenty thousand dollars as the result of such expenditure or other necessary expenditures made to carry out the inspection, grading, and testing of hops.

Sec. 53. Section 15.24.010, chapter 11, Laws of 1961 as last amended by section 22, chapter 240, Laws of 1967 and RCW 15.24.010 are each amended to read as follows:

As used in this chapter:

- (1) "Commission" means the Washington state apple advertising commission;
- (2) "Ship" means to load apples into a conveyance for transport, except apples being moved from the orchard where grown to a packing house or warehouse within the immediate area of production;
- (3) "Handler" means any person who ships or initiates a shipping operation, whether for himself or for another;
- (4) "Dealer" means any person who handles, ships, buys, or sells apples, or who acts as sales or purchasing agent, broker, or factor of apples;
- (5) "Processor" and "processing plant" means every person to whom and every place to which apples are delivered for drying, dehydrating, canning, pressing, powdering, extracting, cooking, or for use in producing a product or manufacturing a manufactured article;
- (6) "Processing apples" means all apples delivered to a processing plant for drying, dehydrating, canning, pressing, powdering, extracting, cooking, or for use in producing a product or manufacturing a manufactured article;
- (7) "Fresh apples" means all apples other than processing apples;
- (8) "Director" means the director of the department of agriculture or his duly authorized representative;
- (9) "Grower district No. 1" includes the counties of Chelan, Okanogan, and Douglas;
- (10) "Grower district No. 2" includes the counties of Kittitas, Yakima, Benton, and Franklin;
- (11) "Grower district No. 3" includes all counties in the state not included in the first and second districts; ~~((and))~~
- (12) "Dealer district No. 1" includes the area of the state north of interstate 90;
- (13) "Dealer district No. 2" includes the area of the state south of interstate 90; and
- (14) "Executive officer" includes, but is not limited to, the principal management executive, sales manager, general manager, or other executive employee of similar responsibility and authority.

Sec. 54. Section 15.24.020, chapter 11, Laws of 1961 as last amended by section 23, chapter 240, Laws of 1967 and RCW 15.24.020 are each amended to read as follows:

There is hereby created a Washington state apple advertising commission to be thus known and designated. The commission shall be composed of nine practical apple producers and four practical apple dealers. The director shall be an ex officio member of the commission without vote.

The nine producer members shall be citizens and residents of this state, over the age of twenty-five years, each of whom, either individually or as an executive officer of a corporation, firm or partnership, is and has been actually engaged in growing and producing apples within the state of Washington for a period of five years, currently operates a commercial producing orchard in the district represented, and has during that period derived a substantial portion of his income therefrom: PROVIDED, That he may own and operate an apple warehouse and pack and store apples grown by others, without being disqualified, so long as a substantial quantity of the apples handled in such warehouse are grown by him; and he may sell apples grown by himself and others so long as he does not sell a larger quantity of apples grown by others than those grown by himself. The four dealer members shall be persons who, either individually or as executive officers of a corporation, firm, partnership, association, or cooperative organization, are and have been actively engaged as dealers in apples within the state of Washington for a period of five years, and are citizens and residents of this state, and are engaged as apple dealers in the district represented. The qualifications of members of the commission as herein set forth must continue during their term of office.

Sec. 55. Section 15.24.030, chapter 11, Laws of 1961 as last amended by section 24, chapter 240, Laws of 1967 and RCW 15.24.030 are each amended to read as follows:

Thirteen persons with the qualifications stated in RCW 15.24.020 ~~((as amended in section 23, chapter 240, Laws of 1967))~~ shall be elected members of said commission. Four of the grower

members, being positions one, two, three and four, shall be from grower district No. 1, at least one of whom shall be a resident of and engaged in growing and producing apples in Okanogan county; four of the grower members, being positions five, six, seven and eight, from grower district No. 2; and one grower member, being position nine from grower district No. 3. Two of the dealer members, being positions ten and eleven, shall be from dealer district No. 1; and two of the dealer members, being positions twelve and thirteen, shall be from dealer district No. 2.

The commission shall have authority in its discretion to establish by regulation one or more subdivisions of grower district No. 1 and one or more subdivisions of grower district No. 2; provided that each of the same includes a substantial apple producing district or districts, and provided the same does not result in an unfair or unequitable voting situation or an unfair or unequitable representation of apple growers on said commission. In such event each of said subdivisions shall be entitled to be represented by one of the said grower members of the commission, who shall be elected by vote of the qualified apple growers in said subdivision of said district, and who shall be a resident of and engaged in growing and producing apples in said subdivision.

The regular term of office of the members of the commission shall be three years from March 1 following their election and until their successors are elected and qualified. The commission shall hold its annual meeting during the month of March each year for the purpose of electing officers and the transaction of other business and shall hold such other meetings during the year as it shall determine.

Sec. 56. Section 15.24.040, chapter 11, Laws of 1961 as last amended by section 25, chapter 240, Laws of 1967 and RCW 15.24.040 are each amended to read as follows:

The director shall call a meeting of apple growers (~~(in each of the three districts)~~), and meetings of apple dealers in dealer district No. 1 and dealer district No. 2 for the purpose of nominating their respective members of the commission, when a term is about to expire, or when a vacancy exists, except as provided in RCW 15.24.050, as amended, at times and places to be fixed by the commission. Said meetings shall be held not later than February 15th of each year and insofar as practicable, the said meetings of the growers shall be held at the same time and place as the annual (~~(state and district)~~) meeting(~~(s)~~) of the Washington state horticultural association (~~(and its affiliated clubs)~~), or the annual meeting of any other producer organization which represents a majority of the state's apple producers, as determined by the commission, but not while the same (~~(are)~~) is in actual session. Public notice of such meetings shall be given by the commission in such manner as it may determine: PROVIDED, That nonreceipt of the notice by any interested person shall not invalidate the proceedings. Any qualified person may be nominated orally for such positions at the said respective meetings. Nominations may also be made within five days after any such meeting by written petition filed in the Wenatchee office of the commission, signed by not less than five apple growers or dealers, as the case may be, residing within the district or within the subdivision if the nomination is made from a subdivision.

The members of the commission shall be elected by secret mail ballot under the supervision of the director: PROVIDED, That in any case where there is but one nomination for a position, a secret mail ballot shall not be conducted or required and the director shall certify the candidate to be elected. Grower members of the commission shall be elected by a majority of the votes cast by the apple growers in the respective districts or subdivisions thereof, as the case may be, each grower who operates a commercial producing apple orchard within the district or subdivision being represented, whether an individual proprietor, partnership, joint venture, or corporation, being entitled to one vote. As to bona fide leased or rented orchards, only the lessee-operator, if otherwise qualified, shall be entitled to vote. An individual commercial orchard operator, if otherwise qualified, shall be entitled to vote as such, even though he is also a member of a partnership or corporation which votes for other apple acreage. Dealer members of the commission shall be elected by a majority of the votes cast by the apple dealers in the respective districts, each dealer being entitled to one vote. If a nominee does not receive a majority of the votes on the first ballot, a run-off election shall be held by mail in a similar manner between the two candidates for such position receiving the largest number of votes.

NEW SECTION. Sec. 57. A new section is added to chapter 15.58 RCW to read as follows:

The director of agriculture may adopt rules to allow the department of agriculture to take possession and dispose of canceled, suspended, or otherwise unusable pesticides held by persons licensed under chapter 15.58 RCW or regulated under chapter 17.21 RCW. For purposes of this section, the department may become licensed as a hazardous waste generator. The department may set fees to cover expenses in connection with pesticide waste received from persons licensed under chapter 15.58 RCW.

NEW SECTION. Sec. 58. The following acts or parts of acts are each repealed:

- (1) Section 15.32.170, chapter 11, Laws of 1961 and RCW 15.32.170;
- (2) Section 15.32.180, chapter 11, Laws of 1961 and RCW 15.32.180;
- (3) Section 15.32.190, chapter 11, Laws of 1961 and RCW 15.32.190;
- (4) Section 15.32.200, chapter 11, Laws of 1961 and RCW 15.32.200;

- (5) Section 15.32.230, chapter 11, Laws of 1961 and RCW 15.32.230;
 (6) Section 15.32.240, chapter 11, Laws of 1961 and RCW 15.32.240;
 (7) Section 15.32.270, chapter 11, Laws of 1961 and RCW 15.32.270;
 (8) Section 15.32.280, chapter 11, Laws of 1961 and RCW 15.32.280;
 (9) Section 15.32.300, chapter 11, Laws of 1961 and RCW 15.32.300;
 (10) Section 15.32.310, chapter 11, Laws of 1961 and RCW 15.32.310;
 (11) Section 15.32.390, chapter 11, Laws of 1961, section 5, chapter 58, Laws of 1963 and RCW 15.32.390;
 (12) Section 15.32.400, chapter 11, Laws of 1961 and RCW 15.32.400;
 (13) Section 15.32.470, chapter 11, Laws of 1961 and RCW 15.32.470;
 (14) Section 15.32.480, chapter 11, Laws of 1961 and RCW 15.32.480;
 (15) Section 15.32.690, chapter 11, Laws of 1961 and RCW 15.32.690;
 (16) Section 15.32.692, chapter 11, Laws of 1961 and RCW 15.32.692;
 (17) Section 15.32.694, chapter 11, Laws of 1961 and RCW 15.32.694;
 (18) Section 15.32.698, chapter 11, Laws of 1961 and RCW 15.32.698;
 (19) Section 15.36.130, chapter 11, Laws of 1961, section 21, chapter 141, Laws of 1979 and RCW 15.36.130;
 (20) Section 15.36.290, chapter 11, Laws of 1961, section 4, chapter 297, Laws of 1981 and RCW 15.36.290;
 (21) Section 15.36.310, chapter 11, Laws of 1961 and RCW 15.36.310;
 (22) Section 15.36.450, chapter 11, Laws of 1961 and RCW 15.36.450;
 (23) Section 15.36.560, chapter 11, Laws of 1961, section 24, chapter 141, Laws of 1979 and RCW 15.36.560; and
 (24) Section 15.36.570, chapter 11, Laws of 1961 and RCW 15.36.570.

NEW SECTION. Sec. 59. Section 4, chapter 247, Laws of 1985 and RCW 15.86.040 are each repealed.

NEW SECTION. Sec. 60. Section 7, chapter 305, Laws of 1983 and RCW 20.01.600 are each repealed.

NEW SECTION. Sec. 61. Section 21, chapter 124, Laws of 1963, section 18, chapter 238, Laws of 1979 ex. sess., section 38, chapter 305, Laws of 1983 and RCW 22.09.700 are each repealed.

NEW SECTION. Sec. 62. A new section is added to chapter 1.20 RCW to read as follows:
 Agropyron spicatum, the species of natural grass commonly called "bluebunch wheatgrass," is hereby designated as the official grass of the state of Washington.

NEW SECTION. Sec. 63. A new section is added to chapter 1.20 RCW to read as follows:
 The official fruit of the state of Washington is the apple.

NEW SECTION. Sec. 64. The county legislative authority of any county of the third class located east of the cascade crest and bordering on the southern side of the Snake river shall have the power to designate by an order made and published, as provided in section 66 of this act, certain territories as apiary coordinated areas in which they may designate the number of colonies per apiary, the distance between apiaries, the minimum required setback distance from property lines, and/or the time of year the regulations shall be in effect. No territory so designated shall be less than two square miles in area. All territory not so designated shall be unrestricted apiary areas.

NEW SECTION. Sec. 65. When the county legislative authority determines that it would be desirable to establish an apiary coordinated area or areas in their county, they shall make an order fixing a time and place when a hearing will be held, notice of which shall be published at least once each week for two successive weeks in a newspaper having general circulation within the county. It shall be the duty of the county legislative authority at the time fixed for such hearing, to hear all persons interested in the establishment of apiary restricted areas as defined in sections 64 through 68 of this act.

NEW SECTION. Sec. 66. Within thirty days after the conclusion of any such hearing the county legislative authority shall make an order describing the apiary coordinated areas within the county as to the maximum allowable number of hives per site, the minimum allowable distance between sites, and the minimum required setback from property lines. The order shall be entered upon the records of the county and published in a newspaper having general circulation in the county at least once each week for four successive weeks.

NEW SECTION. Sec. 67. Any person, or any agent, employee, or representative of a corporation, violating any of the provisions of such order after the order has been published or posted as provided in section 66 of this act, or violating any provision of this chapter, shall be guilty of a misdemeanor.

NEW SECTION. Sec. 68. When the county legislative authority of any county deems it advisable to change the boundary or boundaries of any apiary coordinated area, a hearing shall be held in the same manner as provided in section 65 of this act. If the county legislative authority decides to change the boundary or boundaries of any apiary coordinated area or areas, they shall within thirty days after the conclusion of such hearing make an order describing the change or changes. Such order shall be entered upon the records of the county and published in a newspaper having general circulation in the county once each week for four successive weeks.

NEW SECTION. Sec. 69. Sections 64 through 68 of this act are each added to chapter 15.60 RCW.

NEW SECTION. Sec. 70. The purpose of this chapter is to provide uniformity and consistency in the packaging of agricultural, vegetable, and flower seeds so as to facilitate the interstate movement of seed, to protect consumers, and to provide a dispute-resolution process. The department of agriculture is hereby authorized to adopt rules in accordance with chapter 34.05 RCW to implement this chapter. To the extent possible, the department shall seek to incorporate into the rules provisions from the recommended uniform state seed law in order to attain consistency with other states.

NEW SECTION. Sec. 71. (1) The department shall establish by rule standards and label requirements for the following seed types: Agricultural seed (including grass, lawn, and turf seed), flower seed, and vegetable seed.

(2) The standards and label requirements shall be divided into the following categories:

- (a) Percentage of kind and variety of each seed component present; and
- (b) Percentage of weed seed (restricted and common).

(3) The standards and label requirements developed by the department shall at a minimum include:

- (a) Amount of inert material;
- (b) Specifics and warning for treated seed;
- (c) Specifics for coated seed;
- (d) Specifics and duration for inoculated seed;
- (e) Specifics for seed which is below standard;
- (f) Specifics for seed contained in containers, mats, tapes, or other planting devices;
- (g) Specifics for seed sold in bulk;
- (h) Specifics for hybrid seed; and
- (i) Specifics for seed mixtures.

NEW SECTION. Sec. 72. In addition to the requirements contained in section 71 of this act, each seed label shall contain the following:

(1) The name and address of the person who labeled the seed and who sells, offers, or exposes the seed for sale within the state;

(2) Lot number identification;

(3) Seed origin;

(4) Germination rate and date of germination test or the year for which the seed was packaged for sale.

NEW SECTION. Sec. 73. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Advertisement" means all representations, other than those on the label, disseminated in any manner or by any means, relating to seed within the scope of this chapter.

(2) "Agricultural seed" includes grass, forage, cereal, oil, fiber, and other kinds of crop seeds commonly recognized within this state as agricultural seeds, lawn seeds, and combinations of such seeds, and may include common and restricted noxious weed seeds but not prohibited noxious weed seeds.

(3) "Blend" means seed consisting of more than one variety of a kind, each in excess of five percent by weight of the whole.

(4) "Bulk seed" means seed distributed in a nonpackage form.

(5) "Certifying agency" means (a) an agency authorized under the laws of any state, territory, or possession to certify seed officially and which has standards and procedures approved by the United States secretary of agriculture to assure the genetic purity and identity of the seed certified; or (b) an agency of a foreign country determined by the United States secretary of agriculture to adhere to procedures and standards for seed certification comparable to those adhered to generally by seed-certifying agencies under (a) of this subsection.

(6) "Conditioning" means drying, cleaning, scarifying, and other operations that could change the purity or germination of the seed and require the seed lot to be retested to determine the label information.

(7) "Dealer" means any person who distributes.

(8) "Department" means the department of agriculture of the state of Washington or its duly authorized representative.

(9) "Director" means the director of the department of agriculture.

(10) "Distribute" means to import, consign, offer for sale, hold for sale, sell, barter, or otherwise supply seed in this state.

(11) "Flower seeds" includes seeds of herbaceous plants grown from their blooms, ornamental foliage, or other ornamental parts, and commonly known and sold under the name of flower seeds in this state.

(12) The terms "foundation seed," "registered seed," and "certified seed" mean seed that has been produced and labeled in compliance with the regulations of the department.

(13) "Germination" means the emergence and development from the seed embryo of those essential structures which, for the kind of seed in question, are indicative of the ability to produce a normal plant under favorable conditions.

(14) "Hard seeds" means seeds that remain hard at the end of the prescribed test period because they have not absorbed water due to an impermeable seed coat.

(15) "Hybrid" means the first generation seed of a cross produced by controlling the pollination and by combining (a) two or more inbred lines; (b) one inbred or a single cross with an open pollinated variety; or (c) two varieties or species, except open-pollinated varieties of corn (*Zea mays*). The second generation or subsequent generations from such crosses shall not be regarded as hybrids. Hybrid designations shall be treated as variety names.

(16) "Inert matter" means all matter not seed, that includes broken seeds, sterile florets, chaff, fungus bodies, and stones as determined by methods defined by rule.

(17) "Kind" means one or more related species or subspecies that singly or collectively is known by one common name, for example, corn, oats, alfalfa, and timothy.

(18) "Label" includes a tag or other device attached to or written, stamped, or printed on any container or accompanying any lot of bulk seeds purporting to set forth the information required on the seed label by this chapter, and it may include any other information relating to the labeled seed.

(19) "Lot" means a definite quantity of seed identified by a lot number or other mark, every portion or bag of which is uniform within recognized tolerances for the factors that appear in the labeling.

(20) "Lot number" shall identify the producer or dealer and year of production or the year distributed for each lot of seed. This requirement may be satisfied by use of a conditioner's or dealer's code.

(21) "Master license system" means the mechanism established by chapter 19.02 RCW by which master licenses, endorsed for individual state-issued licenses, are issued and renewed using a master application and a master license expiration date common to each renewable license endorsement.

(22) "Mixture," "mix," or "mixed" means seed consisting of more than one kind, each in excess of five percent by weight of the whole.

(23) "Official sample" means any sample of seed taken and designated as official by the department.

(24) "Other crop seed" means seed of plants grown as crops, other than the kind or variety included in the pure seed, as determined by methods defined by rule.

(25) "Prohibited (primary) noxious weed seeds" are the seeds of weeds which when established are highly destructive, competitive, and/or difficult to control by cultural or chemical practices.

(26) "Person" means an individual, partnership, corporation, company, association, receiver, trustee, or agent.

(27) "Pure live seed" means the product of the percent of germination plus hard or dormant seed multiplied by the percent of pure seed divided by one hundred. The result is expressed as a whole number.

(28) "Pure seed" means seed exclusive of inert matter and all other seeds not of the seed being considered as determined by methods defined by rule.

(29) "Restricted (secondary) noxious weed seeds" are the seeds of weeds which are objectionable in fields, lawns, and gardens of this state, but which can be controlled by cultural or chemical practices.

(30) "Retail" means to distribute to the ultimate consumer.

(31) "Screenings" mean chaff, seed, weed seed, inert matter, and other materials removed from seed in cleaning or conditioning.

(32) "Seed labeling registrant" means a person who has obtained a permit to label seed for distribution in this state.

(33) "Seeds" mean agricultural or vegetable seeds or other seeds as determined by rules adopted by the department.

(34) "Stop sale, use, or removal order" means an administrative order restraining the sale, use, disposition, and movement of a specific amount of seed.

(35) "Treated" means that the seed has received an application of a substance, or that it has been subjected to a process for which a claim is made.

(36) "Type" means a group of varieties so nearly similar that the individual varieties cannot be clearly differentiated except under special conditions.

(37) "Variety" means a subdivision of a kind that is distinct, uniform, and stable; "distinct" in the sense that the variety can be differentiated by one or more identifiable morphological, physiological, or other characteristics from all other varieties of public knowledge; "uniform" in the sense that variations in essential and distinctive characteristics are describable; and "stable" in the sense that the variety will remain unchanged in its essential and distinctive characteristics and its uniformity when reproduced or reconstituted as required by the different categories of varieties.

(38) "Vegetable seeds" includes the seeds of those crops that are grown in gardens and on truck farms and are generally known and sold under the name of vegetable or herb seeds in this state.

(39) "Weed seeds" include the seeds of all plants generally recognized as weeds within this state, and includes the seeds of prohibited and restricted noxious weeds as determined by regulations adopted by the department.

(40) "Inoculant" means a commercial preparation containing nitrogen fixing bacteria applied to the seed.

(41) "Coated seed" means seed that has been treated and has received an application of inert material during the treatment process.

NEW SECTION, Sec. 74. (1) It is a class 1 civil infraction under chapter 7.80 RCW for any person to violate any provision of this chapter or any rule adopted by the department or the director to carry out this chapter.

(2) It is a class 1 civil infraction under chapter 7.80 RCW for any person to engage in the conditioning of seed, entered by growers for certification, without first having obtained a seed conditioning permit from the department.

NEW SECTION, Sec. 75. (1) It is unlawful for any person to sell, offer for sale, expose for sale, or transport for sale any agricultural, vegetable, or flower seeds within this state unless the test to determine the percentage of germination is completed within a fifteen-month period prior to sale, provided that germination tests for seed packaged in hermetically sealed containers shall be completed within thirty-six months prior to sale. The department shall establish rules for allowing retesting.

(2) It is unlawful for any person to sell, offer for sale, expose for sale, or transport for sale any agricultural, vegetable, or flower seed within this state not labeled in accordance with this chapter or having false or misleading labeling or for which there has been false or misleading advertisement.

(3) It is unlawful to represent seed to be certified unless it has been determined by a seed-certifying agency that such seed conformed to standards of purity and identity or variety in compliance with the rules adopted under this chapter.

(4) It is unlawful to attach any tags of similar size and format to the official certification tag that could be mistaken for the official certification tag.

(5) It is unlawful for any person to sell, offer for sale, expose for sale, or transport for sale any agricultural, vegetable, or flower seed within this state labeled with a variety name but not certified by an official seed-certifying agency when it is a variety for which a United States certification of plant variety protection under the plant variety protection act (7 U.S.C. Sec. 2321 et seq.) specifies sale only as a class of certified seed: PROVIDED, That seed from a certified lot may be labeled as to variety name when used in a mixture by, or with the approval of, the owner of the variety.

(6) It is unlawful for any person within this state:

(a) To detach, alter, deface, or destroy any label required by this chapter or its implementing rules or to alter or substitute seed in a manner that may defeat the purpose of this chapter;

(b) To disseminate any false or misleading advertisements concerning seeds subject to this chapter in any manner or by any means;

(c) To hinder or obstruct in any way, any authorized person in the performance of his or her duties under this chapter;

(d) To fail to comply with a "stop sale" order or to move or otherwise handle or dispose of any lot of seed held under a "stop sale" order or tags attached thereto, except with express permission of the enforcing officer, and for the purpose specified thereby;

(e) To use the word "trace" as a substitute for any statement that is required; and

(f) To use the word "type" in any labeling in connection with the name of any agricultural seed variety.

(7) It is unlawful for any person to sell, offer for sale, expose for sale, or transport for sale any agricultural, vegetable, or flower seed within this state that consists of or contains: (a) Prohibited noxious weed seeds; or (b) restricted noxious weed seeds in excess of the number declared on the label.

NEW SECTION, Sec. 76. (1) The provisions of sections 71 through 75 of this act do not apply:

(a) To seed or grain not intended for sowing purposes;

(b) To seed in storage by, or being transported or consigned to a conditioning establishment for conditioning if the invoice or labeling accompanying the shipment of such seed bears the statement "seeds for conditioning" and if any labeling or other representation that may be made with respect to the unconditioned seed is subject to this chapter;

(c) To any carrier with respect to any seed transported or delivered for transportation in the ordinary course of its business as a carrier if the carrier is not engaged in producing, conditioning, or marketing seeds subject to this chapter; or

(d) Seed stored or transported by the grower of the seed.

(2) No person may be subject to the penalties of this chapter for having sold or offered for sale seeds subject to this chapter that were incorrectly labeled or represented as to kind, species, variety, or type, which seeds cannot be identified by examination thereof, unless he or she has failed to obtain an invoice, genuine grower's declaration, or other labeling information and to take such other precautions as may be reasonable to ensure the identity to be that

stated. A genuine grower's declaration of variety shall affirm that the grower holds records of proof concerning parent seed, such as invoice and labels.

NEW SECTION, Sec. 77. (1) When a buyer is damaged by the failure of any seed covered by this chapter to produce or perform as represented by the required label, by warranty, or as a result of negligence, the buyer, as a prerequisite to maintaining a legal action against the dealer of such seed, shall have first provided for the arbitration of the claim. Any statutory period of limitations with respect to such claim shall be tolled from the date arbitration proceedings are instituted until ten days after the date on which the arbitration award becomes final.

(2) Similarly, no such claim may be asserted as a counterclaim or defense in any action brought by a dealer against a buyer until the buyer has first provided for arbitration of the claim. Upon the buyer's filing of a written notice of intention to assert such a claim as a counterclaim or defense in the action accompanied by a copy of the buyer's complaint in arbitration filed as provided in this chapter, the action shall be stayed, and any applicable statute of limitations shall be tolled with respect to such claim from the date arbitration proceedings are instituted until ten days after the arbitration award becomes final.

(3) Conspicuous language calling attention to the requirement for arbitration under this section shall be referenced or included on the analysis label required under sections 71 through 80 of this act.

(4) If the parties agree to submit the claim to arbitration and to be bound by the arbitration award, then the arbitration shall be subject to chapter 7.04 RCW, and sections 78 through 81 of this act will not apply to the arbitration. If the parties do not so agree, then the buyer may provide for mandatory arbitration by the arbitration committee under sections 78 through 81 of this act. An award rendered in such mandatory arbitration shall not be binding upon the parties and any trial on any claim so arbitrated shall be de novo.

(5) This section applies only to claims, or counterclaims, where the relief sought is, or includes, a monetary amount in excess of two thousand dollars. All claims for two thousand dollars or less shall be commenced in either district court or small claims court.

NEW SECTION, Sec. 78. The director shall adopt rules, in conformance with chapter 34.05 RCW, providing for mandatory arbitration under this chapter and governing the proceedings of the arbitration committee. The decisions and proceedings of the arbitration committee shall not be subject to chapter 34.05 RCW. The department shall establish by rule a filing fee to cover the administrative costs of processing a complaint and submitting it to the arbitration committee.

NEW SECTION, Sec. 79. (1) To submit a claim to mandatory arbitration, the buyer shall make and file with the department a sworn complaint against the dealer alleging the damages sustained. The buyer shall send a copy of the complaint to the dealer by United States registered mail. The filing fee shall be submitted to the department with each complaint filed and may be recovered from the dealer or other seller upon recommendations of the arbitration committee.

(2) Within twenty days after receipt of a copy of the complaint, the dealer shall file with the department, by United States registered mail, the answer to the complaint. Failure of a dealer to file a timely answer to the complaint shall be so documented for the record.

(3) The director shall, upon receipt of the answer, refer the complaint and answer to the arbitration committee for investigation, findings, and recommendations.

(4) Any dealer may request an investigation by the arbitration committee for any dispute involving seed which may not otherwise be before the arbitration committee.

NEW SECTION, Sec. 80. (1) Upon referral of a complaint for investigation, the arbitration committee shall make a prompt and full investigation of the matters complained of and report its award to the director within sixty days of such referral or such later date as parties may determine or as may be required in subsection (3) of this section.

(2) The report of the arbitration committee shall include, in addition to its award, recommendations as to costs, if any.

(3) In the course of its investigation, the arbitration committee may examine the buyer and the dealer on all matters that the arbitration committee may consider relevant; may grow a representative sample of the seed referred to in the complaint if considered necessary; and may hold informal hearings at such time and place as the committee chairman may direct upon reasonable notice to all parties. If the committee decides to grow a representative sample of the seed, the sixty-day period identified in this section shall be extended an additional thirty days.

(4) After the committee has made its award, the director shall promptly transmit the report by certified mail to all parties.

NEW SECTION, Sec. 81. (1) The director shall create an arbitration committee composed of five members, including the director, or a department employee designated by the director, and four members appointed by the director. The director shall make appointments so that the committee is balanced and does not favor the interests of either buyers or dealers. The director also shall appoint four alternates to the committee. In making appointments the director, to the extent practical, shall seek the recommendations of each of the following:

(a) The dean of the college of agriculture and home economics at Washington State University;

(b) The chief officer of an organization in this state representing the interests of seed dealers;

(c) The chief officer of an agriculture organization in this state as the director may determine to be appropriate; and

(d) The president of an agricultural organization in this state representing persons who purchase seed.

(2) Each alternate member shall serve only in the absence of the member for whom the person is an alternate.

(3) The committee shall elect a chairman and a secretary from its membership. The chairman shall conduct meetings and deliberations of the committee and direct all of its other activities. The secretary shall keep accurate records of all such meetings and deliberations and perform such other duties for the commission as the chairman may direct.

(4) The purpose of the committee is to conduct arbitration as provided in this chapter. The committee may be called into session by or at the direction of the director or upon direction of its chairman to consider matters referred to it by the director in accordance with this chapter.

(5) The members of the committee shall receive no compensation for performing their duties but shall be reimbursed for travel expenses; expense reimbursement shall be borne equally by the parties to the arbitration.

(6) For purposes of this chapter, a quorum of four members or their alternates is necessary to conduct an arbitration investigation or to make an award. If a quorum is present, a simple majority of members present shall be sufficient to make a decision. Any member disagreeing with the award may prepare a dissenting opinion and such opinion also will be included in the committee's report.

(7) The director shall make provisions for staff support, including legal advice, as the committee finds necessary.

NEW SECTION. Sec. 82. The director shall have the authority under this chapter to issue and enforce civil infractions according to chapter 7.80 RCW.

Sec. 83, Section 1, chapter 83, Laws of 1961 as amended by section 19, chapter 3, Laws of 1983 and RCW 15.14.010 are each amended to read as follows:

For the purpose of this chapter:

(1) "Department" means the department of agriculture of the state of Washington.

(2) "Director" means the director of the department or his duly appointed representative.

(3) "Person" means a natural person, individual, or firm, partnership, corporation, company, society and association and every officer, agent or employee thereof. This term shall import either the singular or plural, as the case may be.

(4) "Plant pests" means, but is not limited to, any living stage of any insects, mites, nematodes, slugs, snails, protozoa, or other invertebrate animals, bacteria, fungi, other parasitic plants or reproductive parts thereof, viruses or any organisms similar to or allied with any of the foregoing, or any infectious substance, which can directly or indirectly injure or cause disease or damage to any plant or parts thereof, or any processed, manufactured, or other products of plants.

(5) "Plant propagating stock" hereinafter referred to as "planting stock" includes any propagating materials used for the production or processing of horticultural, floricultural, viticultural or olericultural plants for the purpose of being sold, offered for sale or exposed for sale for planting or reproduction purposes: PROVIDED, That it shall not include agricultural and vegetable seeds as defined in (~~RCW 15.49.050 and 15.49.060~~) section 73 of this act.

(6) "Certified plant stock" means the progeny of foundation, registered or certified plant stock if designated foundation and plant propagating materials that are so handled as to maintain satisfactory genetic identity and purity and have met certification standards required by this chapter and have been approved and certified by the director.

(7) "Foundation planting stock" means plant stock propagating materials that are increased from breeder or designated plant stock and are so handled as to most nearly maintain specific genetic identity and purity. Foundation plant stock, established by designation shall be that plant stock so designated by the director.

(8) "Breeder planting stock" means plant propagating materials directly controlled by the originating or in certain cases the sponsoring plant breeder or institution, which may include the department and which provides the source of the foundation plant stock.

(9) "Registered planting stock" means the progeny of foundation or registered planting stock or plant propagating material that is so handled as to maintain satisfactory genetic identity and purity and that has been approved and certified by the director. This class of planting stock shall be of a quality suitable for the production of certified planting stock.

NEW SECTION. Sec. 84. The following acts or parts of acts are each repealed:

(1) Section 1, chapter 63, Laws of 1969 and RCW 15.49.010;

(2) Section 2, chapter 63, Laws of 1969 and RCW 15.49.020;

(3) Section 3, chapter 63, Laws of 1969 and RCW 15.49.030;

(4) Section 23, chapter 182, Laws of 1982 and RCW 15.49.035;

- (5) Section 4, chapter 63, Laws of 1969 and RCW 15.49.040;
 (6) Section 5, chapter 63, Laws of 1969 and RCW 15.49.050;
 (7) Section 6, chapter 63, Laws of 1969 and RCW 15.49.060;
 (8) Section 7, chapter 63, Laws of 1969 and RCW 15.49.070;
 (9) Section 8, chapter 63, Laws of 1969 and RCW 15.49.080;
 (10) Section 9, chapter 63, Laws of 1969 and RCW 15.49.090;
 (11) Section 10, chapter 63, Laws of 1969 and RCW 15.49.100;
 (12) Section 11, chapter 63, Laws of 1969 and RCW 15.49.110;
 (13) Section 12, chapter 63, Laws of 1969 and RCW 15.49.120;
 (14) Section 13, chapter 63, Laws of 1969 and RCW 15.49.130;
 (15) Section 14, chapter 63, Laws of 1969 and RCW 15.49.140;
 (16) Section 15, chapter 63, Laws of 1969 and RCW 15.49.150;
 (17) Section 16, chapter 63, Laws of 1969 and RCW 15.49.160;
 (18) Section 17, chapter 63, Laws of 1969 and RCW 15.49.170;
 (19) Section 18, chapter 63, Laws of 1969 and RCW 15.49.180;
 (20) Section 19, chapter 63, Laws of 1969 and RCW 15.49.190;
 (21) Section 20, chapter 63, Laws of 1969 and RCW 15.49.200;
 (22) Section 21, chapter 63, Laws of 1969 and RCW 15.49.210;
 (23) Section 22, chapter 63, Laws of 1969, section 6, chapter 297, Laws of 1981 and RCW 15.49.220;
 (24) Section 23, chapter 63, Laws of 1969 and RCW 15.49.230;
 (25) Section 24, chapter 63, Laws of 1969 and RCW 15.49.240;
 (26) Section 25, chapter 63, Laws of 1969, section 2, chapter 26, Laws of 1977 ex. sess. and RCW 15.49.250;
 (27) Section 26, chapter 63, Laws of 1969 and RCW 15.49.260;
 (28) Section 27, chapter 63, Laws of 1969 and RCW 15.49.270;
 (29) Section 28, chapter 63, Laws of 1969, section 7, chapter 297, Laws of 1981 and RCW 15.49.280;
 (30) Section 29, chapter 63, Laws of 1969, section 8, chapter 297, Laws of 1981 and RCW 15.49.290;
 (31) Section 30, chapter 63, Laws of 1969 and RCW 15.49.300;
 (32) Section 32, chapter 63, Laws of 1969, section 10, chapter 297, Laws of 1981 and RCW 15.49.320;
 (33) Section 34, chapter 63, Laws of 1969, section 3, chapter 26, Laws of 1977 ex. sess., section 12, chapter 297, Laws of 1981 and RCW 15.49.340;
 (34) Section 43, chapter 63, Laws of 1969 and RCW 15.49.430;
 (35) Section 44, chapter 63, Laws of 1969 and RCW 15.49.440; and
 (36) Section 45, chapter 63, Laws of 1969 and RCW 15.49.450.
NEW SECTION. Sec. 85. Sections 70 through 82 of this act are each added to chapter 15.49 RCW.

NEW SECTION. Sec. 86. Section 30 of this act shall take effect on January 1, 1991.

NEW SECTION. Sec. 87. Section 70 through 85 of this act shall take effect January 1, 1990.

NEW SECTION. Sec. 88. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 1 of the title, after "agriculture;" strike the remainder of the title and insert "amending RCW 15.32.010, 15.32.051, 15.32.080, 15.32.100, 15.32.140, 15.32.220, 15.32.420, 15.32.500, 15.32.510, 15.32.520, 15.32.530, 15.32.570, 15.36.011, 15.36.020, 15.36.060, 15.36.080, 15.36.110, 15.36.115, 15.36.300, 15.36.425, 15.36.460, 15.36.470, 15.36.470, 15.36.540, 15.36.550, 15.36.580, 15.28.010, 15.28.160, 15.65.510, 15.86.030, 15.86.020, 15.86.070, 16.36.110, 19.94.190, 20.01.010, 20.01.030, 20.01.040, 20.01.330, 20.01.370, 20.01.380, 20.01.460, 22.09.011, 22.09.020, 22.09.290, 22.09.720, 22.09.730, 22.09.740, 22.09.750, 22.09.780, 22.09.830, 15.24.010, 15.24.020, 15.24.030, 15.24.040, and 15.14.010; adding new sections to chapter 15.86 RCW; adding a new section to chapter 15.58 RCW; adding new sections to chapter 1.20 RCW; adding new sections to chapter 15.60 RCW; adding new sections to chapter 15.49 RCW; creating new sections; repealing RCW 15.32.170, 15.32.180, 15.32.190, 15.32.200, 15.32.230, 15.32.240, 15.32.270, 15.32.280, 15.32.300, 15.32.310, 15.32.390, 15.32.400, 15.32.470, 15.32.480, 15.32.690, 15.32.692, 15.32.694, 15.32.698, 15.36.130, 15.36.290, 15.36.310, 15.36.450, 15.36.560, 15.36.570, 15.86.040, 20.01.600, 22.09.700, 15.49.010, 15.49.020, 15.49.030, 15.49.035, 15.49.040, 15.49.050, 15.49.060, 15.49.070, 15.49.080, 15.49.090, 15.49.100, 15.49.110, 15.49.120, 15.49.130, 15.49.140, 15.49.150, 15.49.160, 15.49.170, 15.49.180, 15.49.190, 15.49.200, 15.49.210, 15.49.220, 15.49.230, 15.49.240, 15.49.250, 15.49.260, 15.49.270, 15.49.280, 15.49.290, 15.49.300, 15.49.320, 15.49.340, 15.49.430, 15.49.440, and 15.49.450; providing effective dates; and prescribing penalties."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Barr, the Senate refuses to concur in the House amendments to Substitute Senate Bill No. 5686 and requests of the House a conference thereon.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Substitute Senate Bill No. 5686 and the House amendments thereto: Senators Barr, Madsen and Newhouse.

MOTION

On motion of Senator Bender, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

April 12, 1989

Mr. President:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5288 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. The legislature finds that:

(1) The fishery resources of Washington are critical to the social and economic needs of the citizens of the state;

(2) Salmon production is dependent on both wild and artificial production;

(3) The department of fisheries is directed to enhance Washington's salmon runs; and

(4) Full utilization of the state's salmon rearing facilities is necessary to enhance commercial and recreational fisheries.

NEW SECTION, Sec. 2. A new section is added to chapter 75.08 RCW to read as follows:

The director shall determine the cost of operating all state-funded salmon production facilities at full capacity and shall provide this information with the department's biennial budget request.

NEW SECTION, Sec. 3. A new section is added to chapter 75.08 RCW to read as follows:

The director may contract with cooperatives or private aquaculturists for the purchase of quality salmon smolts for release into public waters if all department fish rearing facilities are operating at full capacity. The intent of cooperative and private sector contracting is to explore the opportunities of cooperatively producing more salmon for the public fisheries without incurring additional capital expense for the department.

NEW SECTION, Sec. 4. A new section is added to chapter 75.08 RCW to read as follows:

If the director elects to contract with cooperatives or private aquaculturists for the purpose of purchasing quality salmon smolts, contracting shall be done by a competitive bid process. In awarding contracts to private contractors, the director shall give preference to nonprofit corporations. The director shall establish the criteria for the contract, which shall include but not be limited to species, size of smolt, stock composition, quantity, quality, rearing location, release location, and other pertinent factors.

NEW SECTION, Sec. 5. A new section is added to chapter 75.08 RCW to read as follows:

Nothing in this act shall authorize the practice of private ocean ranching. Privately contracted smolts become the property of the state at the time of release.

NEW SECTION, Sec. 6. A new section is added to chapter 75.08 RCW to read as follows:

The department may make available to private contractors salmon eggs in excess of department hatchery needs for the purpose of contract rearing to release the smolts into public waters. The priority of providing eggs to contract rearing shall be higher than providing eggs to aquaculture purposes which are not destined for release into Washington public waters.

NEW SECTION, Sec. 7. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 1 of the title, after "salmon;" strike the remainder of the title and insert "adding new sections to chapter 75.08 RCW; and creating a new section."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Nelson, the Senate did not concur in the House amendments to Engrossed Substitute Senate Bill No. 5288 and asks the House to recede therefrom.

MESSAGE FROM THE HOUSE

April 12, 1989

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 5289 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. Three regional fisheries enhancement groups are authorized:

- (1) Washington coast and the Straits of Juan de Fuca;
- (2) Puget Sound; and
- (3) Columbia river.

NEW SECTION. Sec. 2. Regional fisheries enhancement groups, consistent with the long term regional policy statements developed under RCW 75.50.020, shall seek to:

- (1) Enhance the salmon resource of the state;
- (2) Maximize volunteer efforts and private donations to improve the salmon resource for all citizens;
- (3) Assist the department in achieving the goal to double the state-wide salmon catch by the year 2000 under chapter 214, laws of 1988; and
- (4) Develop projects designed to supplement the fishery enhancement capability of the department of fisheries.

NEW SECTION. Sec. 3. Any interested person may become a member of a regional fisheries enhancement group. To obtain funding that is available or that may become available for enhancement projects, a regional fisheries enhancement group shall:

- (1) Include members broadly representative of the region such as sport fishers, commercial fishers, Indian tribes, business and industry representatives, environmental groups, local governmental entities, and the general public having an interest in salmon enhancement;
- (2) Establish a broadly representative board of directors;
- (3) Develop and adopt organizational by-laws; and SSB 5289-2-
- (3) Obtain a federal non-profit tax-exempt status.

NEW SECTION. Sec. 4. The director may adopt rules to guide the formation and operation of regional fisheries enhancement groups.

NEW SECTION. Sec. 5. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 6. Sections 1 through 4 of this act shall constitute a new chapter in Title 75 RCW."

On page 1, line 1 of the title after "enhancement;" strike the remainder of the title and insert "and adding a new chapter to Title 75 RCW."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Nelson, the Senate did not concur in the House amendments to Substitute Senate Bill No. 5289 and asks the House to recede therefrom.

MESSAGE FROM THE HOUSE

April 12, 1989

Mr. President:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5759 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The superintendent of public instruction is directed to conduct a study of school lunch programs to determine reasons why some schools are not currently participating in the national school lunch program. The report shall include an estimate of the number of students in each of these schools who would be eligible for free or reduced-price lunches if they were available. The superintendent of public instruction shall submit to the legislature prior to January 15, 1990, a report on the results of its study, including recommendations on ways of increasing school participation in the school lunch program.

NEW SECTION. Sec. 2. (1) For the purposes of this section:

(a) "Free or reduced-price lunches" means lunches served by a school district that qualify for federal reimbursement as free or reduced-price lunches under the national school lunch program.

(b) "School breakfast program" means a program meeting federal requirements defined in 42 U.S.C. Sec. 1773.

(c) "Severe-need school" means a school that qualifies for a severe-need school reimbursement rate from federal funds for school breakfasts served to children from low-income families.

(2) School districts shall be required to develop and implement plans for a school breakfast program in severe-need schools, pursuant to the schedule in this section. For the second year prior to the implementation of the district's school breakfast program, and for each subsequent school year, each school district shall submit data enabling the superintendent of public instruction to determine which schools within the district will qualify as severe-need schools. In developing its plan, each school district shall consult with an advisory committee including school staff and community members appointed by the board of directors of the district.

(3) Using district-wide data on school lunch participation during the 1988-89 school year, the superintendent of public instruction shall adopt a schedule for implementation of school breakfast programs in severe-need schools as follows:

(a) School districts where at least forty percent of lunches served to students are free or reduced-price lunches shall submit a plan for implementation of a school breakfast program in severe-need schools to the superintendent of public instruction no later than July 1, 1990. Each such district shall implement a school breakfast program in all severe-need schools no later than the second day of school in the 1990-91 school year and in each school year thereafter.

(b) School districts where at least twenty-five but less than forty percent of lunches served to students are free or reduced-price lunches shall submit a plan for implementation of a school breakfast program in severe-need schools to the superintendent of public instruction no later than July 1, 1991. Each such district shall implement a school breakfast program in all severe-need schools no later than the second day of school in the 1991-92 school year and in each school year thereafter.

(c) School districts where less than twenty-five percent of lunches served to students are free or reduced-price lunches shall submit a plan for implementation of a school breakfast program in severe-need schools to the superintendent of public instruction no later than July 1, 1992. Each such district shall implement a school breakfast program in all severe-need schools no later than the second day of school in the 1992-93 school year and in each school year thereafter.

(d) School districts that did not offer a school lunch program in the 1988-89 school year are encouraged to implement such a program and to provide a school breakfast program in all severe-need schools when eligible.

(4) The requirements in this section shall lapse if the federal reimbursement rate for breakfasts served in severe-need schools is reduced or eliminated.

(5) Students who do not meet family-income criteria for free breakfasts shall be eligible to participate in the school breakfast programs established under this section, and school districts may charge for the breakfasts served to these students. School breakfast programs established under this section shall be supported entirely by federal funds and commodities, charges to students, and other local resources available for this purpose, and shall not create or imply any state funding obligation for these costs. The legislature does not intend to include these programs within the state's obligation for basic education funding under Article IX of the Constitution.

NEW SECTION. Sec. 3. The superintendent of public instruction shall conduct a study of the costs and feasibility of expanding the school breakfast program to include schools where more than twenty-five but less than forty percent of lunches served are free or reduced-price lunches. The study shall consider the total cost of the program, including but not limited to food costs, staff salaries and benefits, and additional pupil transportation costs. The superintendent of public instruction shall submit to the legislature prior to January 15, 1992, a report on the results of this study, including recommendations on whether to expand the school breakfast program to include these schools."

On page 1, line 1 of the title after "program;" strike the remainder of the title and insert "and creating new sections."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Nelson, the Senate did not concur in the House amendments to Engrossed Substitute Senate Bill No. 5759 and asks the House to recede therefrom.

SIGNED BY THE PRESIDENT

The President signed:
 SUBSTITUTE HOUSE BILL NO. 1858,
 HOUSE BILL NO. 1976,

HOUSE BILL NO. 1996.
 HOUSE BILL NO. 2054.
 SUBSTITUTE HOUSE BILL NO. 2088.
 HOUSE BILL NO. 2135.

SIGNED BY THE PRESIDENT

The President signed:
 SUBSTITUTE HOUSE BILL NO. 1426.
 HOUSE BILL NO. 1794.
 HOUSE BILL NO. 1802.
 HOUSE BILL NO. 2051.
 HOUSE BILL NO. 2075.

SIGNED BY THE PRESIDENT

The President signed:
 SUBSTITUTE HOUSE BILL NO. 1250.
 HOUSE BILL NO. 1286.
 SUBSTITUTE HOUSE BILL NO. 1322.
 HOUSE BILL NO. 1552.
 SUBSTITUTE HOUSE BILL NO. 1952.
 HOUSE BILL NO. 2013.
 SUBSTITUTE HOUSE BILL NO. 2036.
 HOUSE BILL NO. 2161.
 HOUSE JOINT MEMORIAL NO. 4000.
 HOUSE JOINT MEMORIAL NO. 4015.

MESSAGE FROM THE HOUSE

April 12, 1989

Mr. President:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5911 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The forest resources of Washington are among the most valuable of the state's resources. They provide significant opportunities for employment, education, and enjoyment, and they support a variety of uses. These forest resources are increasingly impacted by pressure from a variety of sources, which will result in changes in current management practices for the resources and in changes in the economies which are dependent on these resources.

The legislature desires to develop forest management policies that anticipate emerging issues and assure a response which will protect and enhance those economic and ecological systems that are dependent on the resources. The legislature also desires to obtain information which enables better decision-making, to investigate land acquisitions which will aid in good forest management practices, and to identify courses of action which will assist counties in receiving a reliable flow of income from county forest lands. The legislature finds that it is in the best interests of the state and the counties to establish a process which encourages the counties, through their boards of county commissioners or county councils, to share in the decision making relating to the sale of timber from forest board lands as they seek to assure the economic stability of their communities.

Further, the legislature finds that recent management decisions concerning federally owned forested lands have significantly reduced the amount of timber available to small businesses with facilities in Washington. This reduction has caused and will increasingly cause economic hardship in counties where a significant portion of the population is employed in the timber industry. In these counties, the rate of unemployment among residents previously employed in the timber industry has risen drastically and will continue to rise. This will put an increasing burden on the counties to provide necessary financial and social support to these residents.

NEW SECTION. Sec. 2. A new section is added to chapter 76.12 RCW to read as follows:

(1) Whenever the board of county commissioners or the county council of any county determines that it is in the best interests of the county as a trust beneficiary and that it would help to ensure the economic viability of that county, the county may petition the board of natural resources to reserve, for the purposes described in this section, a portion of the timber to be sold in any given year from forest lands which have been acquired from that county by the state pursuant to RCW 76.12.030. The county shall specify what portion of such timber is to be reserved, and the portion reserved may be up to one hundred percent of such timber.

(2) Timber reserved under this section shall be made available for sale to enterprises which meet all of the following criteria: (a) at least fifty percent by volume of the timber purchased by the enterprise in the previous three years was state- or federally-owned; (b) at least seventy-five percent by volume of the timber purchased by the enterprise in the previous year was processed in Washington state; and (c) the enterprise operates facilities in Washington which manufacture lumber, plywood, veneer, posts, poles, pilings, shakes, or shingles. For purposes of these criteria, "processed" means manufactured into lumber, plywood, veneer, posts, poles, pilings, shakes, or shingles.

Once the board of natural resources has accepted the petition of a county to reserve a portion of timber pursuant to this section, the department shall compile a list of enterprises which meet the criteria listed in this section. An enterprise must petition the department for inclusion in the list of eligible enterprises, and must include with the petition certified records sufficient to establish that the enterprise meets the criteria listed in this section. If an enterprise purchases a processing facility, the enterprise may incorporate the records of that facility in its petition for inclusion in the list of eligible enterprises. The department shall establish by rule what types of records are acceptable for purposes of establishing eligibility. Timber reserved under this section shall be sold only to enterprises contained in the list of eligible firms prepared by the department.

For each sale of timber under this section, the department shall require the purchaser to: (a) submit annually, until all unprocessed timber is accounted for, a certified report on the disposition of any unprocessed timber harvested from the sale, including a description of unprocessed timber which is sold, exchanged, or otherwise disposed of to another enterprise and a description of the relationship with the other enterprise; (b) submit annually, until all unprocessed timber from the sale is accounted for, a certified report on the sale of any unprocessed timber from private lands which is exported or sold for export; and (c) maintain records of all such transactions involving unprocessed timber, and to make such records available for inspection and verification by the department for up to three years after the sale is terminated.

For purposes of this section, "enterprise" means any business concern and its affiliates, as that term is defined in 13 C.F.R. 121.3, in effect as of January 1, 1988.

(3) If a county petitions the board of natural resources to reserve timber as provided in this section, the use of the forest board land trust assets for the purposes of this act shall be deemed to be consistent with the trust mandate imposed on the management of lands acquired pursuant to RCW 76.12.030.

(4) A petition to reserve a portion of timber may be revoked by the board of county commissioners or county council. Notice of such revocation shall be delivered to the board of natural resources. The board of natural resources shall not unreasonably deny such a request. Such revocation shall not impair any sale of timber which occurs before the board of natural resources receives the notice.

NEW SECTION. Sec. 3. By December 1, 1990, and annually thereafter until December 1, 1994, the board of natural resources shall report to the appropriate legislative committees and the Washington forest resources council on the amount of reserved timber sold pursuant to section 2 of this act. The report shall identify the quantity of the reserved timber which was not exported out of state in the form of raw logs, and shall identify the quantity which was processed into final products within the state. The report shall also identify which counties have elected to reserve timber pursuant to this section, and shall identify any rules which have been adopted in the last year for the implementation of this section.

NEW SECTION. Sec. 4. (1) The forest industry plays a major role in Washington's economy. It provides economic vitality to many communities, and through timber harvesting activities it supports the state trusts. The legislature desires to add to these beneficial aspects of forest management by evaluating actions which will protect environmentally sensitive areas while stabilizing economies and meeting trust needs. These actions include purchasing forest lands for addition to the existing land base managed by the state, land exchanges between trusts and possibly reorganizing the forest board trusts.

(2) The department of natural resources shall prepare a report which identifies opportunities for acquisition of private lands for addition to the land base of the state trusts, criterion which might guide land acquisitions, factors to consider in determining whether to acquire additional lands, the benefits and liabilities of possible land acquisitions, and other items as it shall deem appropriate.

The department shall identify possible sources of funds with which to acquire forest lands. Further, it shall assess the advantages and disadvantages of using each potential fund source.

(3) The department of natural resources shall report to the appropriate committees of the senate and house of representatives on the fiscal impacts to counties of creating a unitary trust for property known as forest board transfer land. This report shall assess the impact to counties over the course of sixty years. It shall evaluate alternative criteria for revenue distribution and methods to ensure equity among counties. The department shall seek advice from counties with forest board transfer lands in preparing its recommendations.

(4) The department of natural resources shall evaluate the financial and management impacts and advantages and disadvantages associated with exchanging forest board transfer

trust land for land containing forests with old growth characteristics held in trust for the common schools. This report shall consider the impact on the forest board transfer lands individually and if the lands were managed as a unitary trust.

(5) These reports shall be presented to the appropriate committees of the house of representatives and senate by December 1, 1989.

Trust land management shall continue unaffected during the report preparation.

NEW SECTION. Sec. 5. (1) The governor shall form an inter-agency timber stabilization task force to include, but not limited to, the department of trade and economic development, the department of community development, the center for international trade in forest products, and the department of natural resources. The task force shall oversee the economic development programs under sections 6 through 8 of this act, including the designation of areas of the state adversely impacted by reductions in timber harvested from federal lands. Further, the task force shall oversee any long term timber supply study receiving funding from the 1989 legislature.

(2) For purposes of sections 6 through 8 of this act "timber industry" means firms within the standard industrial classification code numbers twenty-four, twenty-five, and twenty-six.

NEW SECTION. Sec. 6. (1) The department of trade and economic development with the cooperation of the department of community development shall administer a timber industrial extension service. The timber industrial extension service shall provide technical and financial assistance to enterprises in the timber industry which are eligible under section 2(2) of this act. Where appropriate, the extension service shall give priority to the development of value-added production and markets. The department may contract for services provided for under this section. Assistance under this section shall include, but shall not be limited to, the following:

(a) Technical and financial assistance for the modernization of firms through methods such as adopting new manufacturing technologies and retooling for the processing of second growth timber.

(b) Technical and financial assistance for the development of new products, with priority given to the development of products requiring secondary processing.

(c) Technical and financial assistance in the identification and filling of new markets;

(d) Technical and financial assistance in forming networks or consortiums of firms to provide economies of scale and to provide joint marketing, training, manufacturing, or product development.

For the financial assistance provided under this section the department of trade and economic development shall utilize existing state finance programs and shall assist firms in seeking private and federal financial assistance.

(2) The department of trade and economic development shall administer a timber supply broker program to provide special expertise in the identification of supplies of timber which may become available to enterprises identified by the program as needing additional supplies of timber for processing. The department may contract for services provided for under this subsection.

(3) The department of trade and economic development shall contract with the northwest policy center at the university of Washington to study the economy of areas of the state impacted by substantial reductions in timber harvested from federal lands. The study shall:

(a) Include an analysis of the present economy of the areas;

(b) Identify the social, economic, and employment effects associated with withdrawals of land from commercial timber production;

(c) Contain an assessment of possible changes to local economies and the state economy if forest lands continue to produce resources under existing management methods without additional land withdrawals from timber production by legislative decisions;

(d) Contain an assessment of the impact of anticipated technological changes in the forest products industry, possible structural changes in the forest products industry, possible investments in new or existing industries, and known impacts from previous withdrawals of land from timber production;

(e) Contain an assessment of the future economic impact of the forest product industry if the land base for commercial timber production remains unchanged and the sale of public timber for overseas export is prohibited immediately; and

(f) Evaluate potential methods for increasing the economic development of the areas, including the creation or enhancement of high value-added production.

The study shall give emphasis to recommendations for future economic development. The department of trade and economic development and the northwest policy center shall report findings to the governor and to the appropriate legislative committees on December 1, 1990.

(4)(a) The sum of four hundred seven thousand dollars, or as much thereof as may be necessary, is appropriated from the general fund to the department of trade and economic development for the biennium ending June 30, 1991, for the purposes of subsection (1) of this section;

(b) The sum of one hundred forty-five thousand dollars, or as much thereof as may be necessary, is appropriated from the general fund to the department of trade and economic

development for the biennium ending June 30, 1991, for the purposes of subsection (2) of this section; and

(c) The sum of two hundred thousand dollars, or as much thereof as may be necessary, is appropriated from the general fund to the department of trade and economic development for the biennium ending June 30, 1991, for the purposes of subsection (3) of this section.

NEW SECTION, Sec. 7. (1) The department of community development shall provide technical and financial assistance to communities adversely impacted by reductions in timber harvested from federal lands. This assistance shall include the formation and implementation of community economic development plans. The department of community development shall utilize existing state technical and financial assistance programs, and shall aid communities in seeking private and federal financial assistance for the purposes of this section. The department may contract for services provided for under this section.

(2) The department of community development shall provide grants to two nonprofit organizations for local reemployment centers to be located in areas of the state adversely impacted by reductions in timber harvested from federal lands. Each center shall provide direct and referral services to the unemployed. These services may include reemployment assistance, medical services, social services including marital counseling, mortgage foreclosure, and utility problem counseling, drug and alcohol abuse counseling, credit counseling, and other services deemed appropriate. These services are designed to supplement and not supplant the on-going efforts of local job centers administered by the employment security department and any reemployment centers already existing. No more than five percent of the appropriation in subsection (4)(b) of this section may be used for administrative costs.

(3) The department of community development shall provide technical and financial assistance on employee ownership to employees and firms in the timber industry which are threatened with closure or substantial layoffs. Assistance under this section shall include training for labor and management in the operation of an employee-owned firm. The department may contract for services provided for under this section.

(4)(a) The sum of five hundred sixty-five thousand dollars, or as much thereof as may be necessary, is appropriated from the general fund to the department of community development for the biennium ending June 30, 1991, for the purposes of subsection (1) of this section;

(b) The sum of two hundred forty thousand dollars, or as much thereof as may be necessary, is appropriated from the general fund to the department of community development for the biennium ending June 30, 1991, for the purposes of subsection (2) of this section; and

(c) The sum of one hundred thousand dollars or as much thereof as may be necessary, is appropriated from the general fund to the department of community development for the biennium ending June 30, 1991, for the purposes of subsection (3) of this section.

NEW SECTION, Sec. 8. (1) The department of natural resources shall provide additional technical assistance in timber management to small private forest land owners for the purpose of increasing the supply of timber.

(2) The department of natural resources shall conduct a study of state owned hardwood forests. The study shall include, but is not limited to: A comprehensive inventory of state owned hardwood forests and a qualitative assessment of those stands, research into reforestation of hardwoods on state lands, and an analysis of management policies for increasing the supply of commercially harvestable hardwoods on state lands.

(3) The department of natural resources shall increase its labor intensive forest land management activities in areas of the state adversely impacted by reductions in timber sales from federal lands through direct employment or contracts. Activities provided for under this section shall be in addition to and shall not supplant or displace activities normally administered by the department. Except for administrative employees, employment by the department provided for under this section shall be reserved for unemployed individuals who were formerly employed in the timber industry. Enterprises shall not be eligible for contracts under this section unless more than fifty percent of their employees have been previously employed in the timber industry. The department shall, to the extent feasible, offer the additional contracts in sizes which does not discourage participation by small enterprises. The department shall cooperate with the department of employment security in disseminating information on department forest land management activities to unemployed individuals who have been employed in the timber industry.

(4) The department of employment security shall provide services for job placement for the employment opportunities provided for by section 8 subsection (3) of this act. Job placement services shall include widely disseminating information on the availability of department of natural resources employment opportunities and contracts for forest land management activities and information on procedures for bidding on such contracts. These job placement services shall be provided to unemployed individuals who have been employed in the timber industry. The department shall keep track of the number of former timber workers who obtain employment under this section and shall determine whether enterprises are eligible to receive the contracts provided for under this section. The department of employment security shall report to the Governor and to the appropriate committees of the legislature its findings on January 1, 1990 and January 1, 1991.

(5)(a) The sum of four hundred twenty-nine thousand dollars, or as much thereof as may be necessary, is appropriated from the general fund to the department of natural resources for the biennium ending June 30, 1991, for the purposes of subsection (1) of this section;

(b) The sum of one hundred thousand dollars, or as much thereof as may be necessary, is appropriated from the general fund to the department of natural resources for the biennium ending June 30, 1991, for the purposes of subsection (2) of this section; and

(c) The sum of two million eight hundred thousand dollars is appropriated from the resource management cost account to the department of natural resources for the biennium ending June 30, 1991, for the purposes of subsection (3) of this section.

NEW SECTION. Sec. 9. The complexity of managing forest resources in the state, given the variety of ownerships and the diversity of people interested in the resources will increasingly require coordination, cooperation, and good communication. Decisions made affecting the people of the state often occur with little coordination among the landowners or without the knowledge of those affected by the decisions.

In order to encourage a coordinated approach to forest resource decisions there is hereby created the Washington forest resource council. The council shall consist of twenty-five members appointed by the governor. Members shall include, but not be limited to, representatives of: The governor's office; the departments of natural resources, wildlife, fisheries, trade and economic development; the United States forest service; the national park service; the United States fish and wildlife service; the Indian tribes of western Washington; the business community; large and small businesses in the forest products industry; local government; labor; the trust beneficiaries; and environmental groups. The governor shall appoint a member to serve as chair of the council.

Council members shall be appointed by the governor for staggered four year terms. They shall receive compensation in accordance with RCW 43.03.220. The governor shall appoint an executive director for the council.

The council shall advise the governor, the commission of public lands and the legislature regarding forest policies. It shall have as its primary objective making recommendations which will increase the coordination of state, federal, and private forest policies.

The sum of one hundred fifty thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the general fund to the Washington forest resource council for the purposes of this section.

NEW SECTION. Sec. 10. (1) The Olympic institute for old growth forest and ocean research and education is hereby created. The institute shall be located in the western portion of the Olympic Peninsula. Its purpose shall be to demonstrate innovative management methods which successfully integrate environmental and economic interests into pragmatic management of forest and ocean resources. The institute shall combine research and educational opportunities with experimental forestry, oceans management, and traditional management knowledge into an overall program which demonstrates that management based on sound economic principles is made superior when combined with new methods of management based on ecological principles. The institute shall be jointly supported by the college of forest resources and the college of ocean and fishery science.

(2) There is hereby appropriated from the general fund to the University of Washington the sum of one hundred fifty thousand dollars or as much thereof as may be necessary, for the biennium ending June 30, 1991, for the purpose of preparing a development plan for the institute. The development plan shall involve policy makers from state, federal, tribal, business, and environmental interests in the preparation of management plans and as it develops programs and shall be guided by the recommendation of the old growth commission appointed by the commissioner of public lands.

NEW SECTION. Sec. 11. Sections 1 and 2 of this act shall expire June 30, 1994.*

On page 1, line 1 of the title, after "lands;" strike the remainder of the title and insert "adding a new section to chapter 76.12 RCW; creating new sections; making appropriations; and providing an expiration date."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Nelson, the Senate refuses to concur in the House amendments to Engrossed Substitute Senate Bill No. 5911 and requests of the House a conference thereon.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Substitute Senate Bill No. 5911 and the House amendments thereto: Senators Amondson, McMullen and Anderson.

MOTION

On motion of Senator Nelson, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

April 11, 1989

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 5443 with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 4, chapter 231, Laws of 1971 ex. sess. as amended by section 1, chapter 22, Laws of 1977 ex. sess. and RCW 46.04.302 are each amended to read as follows:

"Mobile home" or "manufactured home" means a structure, originally constructed to be transportable in one or more sections, ((which) that is ((thirty-two body feet or more in length and is eight body feet or more in width, and which is)) built on a permanent chassis, and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities(~~(--and includes the)~~ that include plumbing, heating, ~~((air-conditioning;))~~ and electrical systems contained therein(~~(--except as hereinafter specifically excluded, and excluding modular homes)).~~ The structure must comply with the national Mobile Home Construction and Safety Standards Act of 1974 as adopted in chapter 43.22 RCW, if applicable. For purposes of titling and registration, a structure that met this definition when constructed continues to be a manufactured home notwithstanding that it is no longer transportable when affixed to land.

NEW SECTION. Sec. 2. A new section is added to chapter 46.04 RCW to read as follows:

"Park trailer" or "park model trailer" means a travel trailer designed to be used with temporary connections to utilities necessary for operation of installed fixtures and appliances. The trailer's gross area shall not exceed four hundred square feet when in the setup mode. "Park trailer" excludes a mobile home.

NEW SECTION. Sec. 3. A new section is added to chapter 46.04 RCW to read as follows:

"Travel trailer" means a trailer built on a single chassis transportable upon the public streets and highways that is designed to be used as a temporary dwelling without a permanent foundation and may be used without being connected to utilities.

Sec. 4. Section 14, chapter 231, Laws of 1971 ex. sess. as last amended by section 2, chapter 304, Laws of 1981 and RCW 46.12.290 are each amended to read as follows:

The provisions of chapter 46.12 RCW insofar as they are not inconsistent with the provisions of ~~((this 1971 amendatory act shall))~~ chapter 231, Laws of 1971 ex. sess. apply to mobile homes regulated by ((this 1971 amendatory act)) chapter 231, Laws of 1971 ex. sess.: PROVIDED, That RCW 46.12.080 and 46.12.250 through 46.12.270 shall not apply to mobile homes(~~(--PROVIDED FURTHER, That)).~~ In order to lawfully transfer ownership ((of) or add a secured party to a ((community) mobile home, ((both spouses)) all registered owners of record must sign the title certificate. ((In addition;)) The director of licensing shall have the power to adopt such rules ((and regulations)) as ((he deems)) necessary to implement the provisions of this chapter ((46.12 RCW as they relate)) relating to mobile homes.

Sec. 5. Section 1, chapter 215, Laws of 1982 and RCW 46.12.370 are each amended to read as follows:

In addition to any other authority which it may have, the department of licensing may furnish lists of registered and legal owners of motor vehicles only for the purposes specified in this section to:

(1) The manufacturers of motor vehicles, or their authorized agents, to be used to enable those manufacturers to carry out the provisions of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. sec. 1382-1418), including amendments or additions thereto, respecting safety-related defects in motor vehicles;

(2) Any governmental agency of the United States or Canada, or political subdivisions thereof, to be used by it or by its authorized commercial agents or contractors only in connection with the enforcement of motor vehicle or traffic laws by, or programs related to traffic safety of, that government agency. Only such parts of the list as are required for completion of the work required of the agent or contractor shall be provided to such agent or contractor: ~~((or))~~

(3) Any business regularly making loans to other persons to finance the purchase of motor vehicles, to be used to assist the person requesting the list to determine ownership of specific vehicles for the purpose of determining whether or not to provide such financing; or

(4) Business enterprises for commercial purposes at such cost and for such purposes as the department deems appropriate.

In the event a list of registered and legal owners of motor vehicles is used for any purpose other than that authorized in subsections (1), (2) ~~((and)),~~ (3), and (4) of this section, the manufacturer, governmental agency, financial institution, business enterprise, or their authorized

agents or contractors responsible for the unauthorized disclosure or use will be denied further access to such information by the department of licensing.

Sec. 6. Section 18, chapter 121, Laws of 1965 ex. sess. as amended by section 13, chapter 170, Laws of 1969 ex. sess. and RCW 46.20.205 are each amended to read as follows:

Whenever any person after applying for or receiving a driver's license ~~((shall))~~ or identicard moves from the address named in ((such)) the application or in the license or identicard issued to him or her or when the name of a licensee or holder of an identicard is changed by marriage or otherwise ((such)), the person shall within ten days thereafter notify the department in writing on a form provided by the department of his or her old and new addresses or of such former and new names and of the number of any license then held by him or her. The written notification is the exclusive means by which the address of record maintained by the department concerning the licensee or identicard holder may be changed. Any notice regarding the cancellation, suspension, revocation, probation, or nonrenewal of the driver's license, driving privilege, or identicard mailed to the address of record of the licensee or identicard holder is effective notwithstanding the licensee's or identicard holder's failure to receive the notice.

Sec. 7. Section 46.20.300, chapter 12, Laws of 1961 as last amended by section 150, chapter 158, Laws of 1979 and RCW 46.20.300 are each amended to read as follows:

The director of licensing ~~((may))~~ shall suspend, revoke, or cancel the vehicle driver's license of any resident of this state upon receiving notice of the conviction of such person in another state of an offense therein which, if committed in this state, would be ground for the suspension or revocation of the vehicle driver's license. The director may further, upon receiving a record of the conviction in this state of a nonresident driver of a motor vehicle of any offense under the motor vehicle laws of this state, forward a certified copy of such record to the motor vehicle administrator in the state of which the person so convicted is a resident; such record to consist of a copy of the judgment and sentence in the case.

Sec. 8. Section 1, chapter 22, Laws of 1987 and RCW 46.20.308 are each amended to read as follows:

(1) Any person who operates a motor vehicle within this state is deemed to have given consent, subject to the provisions of RCW 46.61.506, to a test or tests of his or her breath or blood for the purpose of determining the alcoholic content of his or her breath or blood if arrested for any offense where, at the time of the arrest, the arresting officer has reasonable grounds to believe the person had been driving or was in actual physical control of a motor vehicle while under the influence of intoxicating liquor.

(2) The test or tests of breath shall be administered at the direction of a law enforcement officer having reasonable grounds to believe the person to have been driving or in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor. However, in those instances where: (a) The person is incapable due to physical injury, physical incapacity, or other physical limitation, of providing a breath sample; or (b) as a result of a traffic accident the person is being treated for a medical condition in a hospital, clinic, doctor's office, or other similar facility in which a breath testing instrument is not present, a blood test shall be administered by a qualified person as provided in RCW 46.61.506(4). The officer shall inform the person of his or her right to refuse the breath or blood test, and of his or her right to have additional tests administered by any qualified person of his or her choosing as provided in RCW 46.61.506. The officer shall warn the driver that (a) his or her privilege to drive will be revoked or denied if he or she refuses to submit to the test, and (b) that his or her refusal to take the test may be used in a criminal trial.

(3) Except as provided in this section, the test administered shall be of the breath only. If an individual is unconscious or is under arrest for the crime of vehicular homicide as provided in RCW 46.61.520 or vehicular assault as provided in RCW 46.61.522, or if an individual is under arrest for the crime of driving while under the influence of intoxicating liquor or drugs as provided in RCW 46.61.502, which arrest results from an accident in which another person has been injured and there is a reasonable likelihood that such other person may die as a result of injuries sustained in the accident, a breath or blood test may be administered without the consent of the individual so arrested.

(4) Any person who is dead, unconscious, or who is otherwise in a condition rendering him or her incapable of refusal, shall be deemed not to have withdrawn the consent provided by subsection (1) of this section and the test or tests may be administered, subject to the provisions of RCW 46.61.506, and the person shall be deemed to have received the warnings required under subsection (2) of this section.

(5) If, following his or her arrest and receipt of warnings under subsection (2) of this section, the person arrested refuses upon the request of a law enforcement officer to submit to a test or tests of his or her breath or blood, no test shall be given except as authorized under subsection (3) or (4) of this section.

(6) The department of licensing, upon the receipt of a sworn report of the law enforcement officer that ~~((he))~~ the officer had reasonable grounds to believe the arrested person had been driving or was in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor and that the person had refused to submit to the test or tests

upon the request of the law enforcement officer after being informed that refusal would result in the revocation of ~~((his))~~ the person's privilege to drive, shall revoke ~~((his))~~ the person's license or permit to drive or any nonresident operating privilege.

(7) Upon revoking the license or permit to drive or the nonresident operating privilege of any person, the department shall immediately notify the person involved in writing by personal service or by certified mail of its decision and the grounds therefor, and of ~~((his))~~ the person's right to a hearing, specifying the steps he or she must take to obtain a hearing. Within ~~((ten))~~ fifteen days after ~~((receiving such))~~ the notice has been given, the person may, in writing, request a formal hearing. Upon receipt of such request, the department shall afford the person an opportunity for a hearing as provided in RCW 46.20.329 and 46.20.332. The hearing shall be conducted in the county of the arrest. For the purposes of this section, the scope of such hearing shall cover the issues of whether a law enforcement officer had reasonable grounds to believe the person had been driving or was in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor, whether the person was placed under arrest, and whether ~~((he))~~ the person refused to submit to the test or tests upon request of the officer after having been informed that such refusal would result in the revocation of ~~((his))~~ the person's privilege to drive. The department shall order that the revocation either be rescinded or sustained. Any decision by the department revoking a person's driving privilege shall be stayed and shall not take effect while a formal hearing is pending as provided in this section or during the pendency of a subsequent appeal to superior court so long as there is no conviction for a moving violation or no finding that the person has committed a traffic infraction that is a moving violation during pendency of the hearing and appeal.

(8) If the revocation is sustained after such a hearing, the person whose license, privilege, or permit is revoked has the right to file a petition in the superior court of the county of arrest to review the final order of revocation by the department in the manner provided in RCW 46.20.334.

(9) When it has been finally determined under the procedures of this section that a nonresident's privilege to operate a motor vehicle in this state has been revoked, the department shall give information in writing of the action taken to the motor vehicle administrator of the state of the person's residence and of any state in which he or she has a license.

Sec. 9. Section 3, chapter 77, Laws of 1982 as last amended by section 9, chapter 1, Laws of 1985 ex. sess. and RCW 46.20.510 are each amended to read as follows:

(1) There shall be three categories for the special motorcycle endorsement of a driver's license. Category one shall be for motorcycles or motor-driven cycles having an engine displacement of one hundred fifty cubic centimeters or less. Category two shall be for motorcycles having an engine displacement of five hundred cubic centimeters or less. Category three shall include categories one and two, and shall be for motorcycles having an engine displacement of five hundred one cubic centimeters or more.

(2) ~~((A motorcycle endorsement issued prior to June 10, 1982, is deemed to be for category three. Thereafter, a person first seeking a motorcycle endorsement or a person seeking an endorsement to operate a motorcycle with an engine displacement of a higher category than the one covered by his or her existing endorsement, shall obtain an endorsement for the appropriate category pursuant to RCW 46.20.505 through 46.20.516.~~

(3) The department may issue a motorcyclist's instruction permit to an individual who wishes to learn to ride a motorcycle or obtain an endorsement of a larger endorsement category for a period not to exceed ninety days. This motorcyclist's instruction permit may be renewed for an additional ninety days. The director shall collect a two dollar and fifty cent fee for the motorcyclist's instruction permit or renewal, and the fee shall be deposited in the motorcycle safety education account of the highway safety fund. This permit and a valid driver's license with current endorsement, if any, shall be carried when operating a motorcycle. An individual with a motorcyclist's instruction permit may not carry passengers, may not operate a motorcycle during the hours of darkness or on a fully-controlled, limited-access facility, and shall be under the direct visual supervision of a person with a motorcycle endorsement of the appropriate category and at least five years' riding experience.

Sec. 10. Section 5, chapter 62, Laws of 1979 and RCW 46.65.065 are each amended to read as follows:

(1) Whenever a person's driving record, as maintained by the department, brings him or her within the definition of an habitual traffic offender, as defined in RCW 46.65.020, the department shall forthwith notify ~~((such))~~ the person of the revocation in writing by certified mail at his or her address of record as maintained by the department. If ~~((such))~~ the person is a nonresident of this state, notice shall be sent to ~~((such))~~ the person's last known address. Notices of revocation shall inform the recipient thereof of his or her right to a formal hearing and specify the steps which must be taken in order to obtain a hearing. ~~((The person upon receiving such))~~ Within fifteen days after the notice has been given, the person may, in writing ((and within ten days therefrom)), request a formal hearing ((PROVIDED, That)). If such a request is not made within the prescribed time the right to a hearing ~~((shall be deemed to have been))~~ is waived ((PROVIDED FURTHER, That)). A request for a hearing ~~((shall))~~ stays the effectiveness of the revocation.

(2) Upon receipt of a request for a hearing, the department shall schedule a hearing in the county in which the person making the request resides, and if ~~((such))~~ person is a nonresident of this state, the hearing shall be held in Thurston county. The department shall give at least ten days notice of the hearing to ~~((such))~~ the person.

(3) The scope of the hearings provided by this section ~~((shall be))~~ is limited to the issues of whether the certified transcripts or abstracts of the convictions, as maintained by the department, show that the requisite number of violations have been accumulated within the prescribed period of time as set forth in RCW 46.65.020 ~~((as now or hereafter amended))~~ and ~~((;))~~ whether the terms and conditions for granting stays, as provided in RCW 46.65.060 ~~((as now or hereafter amended))~~, have been met.

(4) Upon receipt of the hearing officer's decision, an aggrieved party ~~((shall have the right to))~~ may appeal to the superior court of the county ~~((wherein))~~ in which he or she resides, or, in the case of a nonresident of this state, in the superior court of Thurston county, for review of the revocation. Notice of appeal must be filed within thirty days after receipt of the hearing officer's decision or the right to appeal ~~((shall be deemed to have been))~~ is waived. Review by the court shall be de novo and without a jury.

(5) The filing of a notice of appeal ~~((shall))~~ does not stay the effective date of the revocation.

Sec. 11. Section 3, chapter 11, Laws of 1979 as last amended by section 1, chapter 287, Laws of 1988 and RCW 46.70.011 are each amended to read as follows:

As used in this chapter:

(1) "Vehicle" means and includes every device capable of being moved upon a public highway and in, upon, or by which any persons or property is or may be transported or drawn upon a public highway, excepting devices moved by human or animal power or used exclusively upon stationary rails or tracks.

(2) "Motor vehicle" means every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails, and which is required to be registered and titled under Title 46 RCW, Motor Vehicles.

(3) "Vehicle dealer" means any person, firm, association, corporation, or trust, not excluded by subsection (4) of this section, engaged in the business of buying, selling, listing, exchanging, offering, brokering, leasing with an option to purchase, auctioning, soliciting, or advertising the sale of new or used vehicles, or arranging or offering or attempting to solicit or negotiate on behalf of others, a sale, purchase, or exchange of an interest in new or used motor vehicles, irrespective of whether the motor vehicles are owned by that person. Vehicle dealers shall be classified as follows:

(a) A "motor vehicle dealer" is a vehicle dealer that deals in new or used motor vehicles, or both;

(b) A "mobile home and travel trailer dealer" is a vehicle dealer that deals in mobile homes, park trailers, or travel trailers, or ~~((both))~~ more than one type of these vehicles;

(c) A "miscellaneous vehicle dealer" is a vehicle dealer that deals in motorcycles or vehicles other than motor vehicles or mobile homes and travel trailers or any combination of such vehicles.

(4) The term "vehicle dealer" does not include, nor do the licensing requirements of RCW 46.70.021 apply to, the following persons, firms, associations, or corporations:

(a) Receivers, trustees, administrators, executors, guardians, or other persons appointed by, or acting under a judgment or order of, any court; or

(b) Public officers while performing their official duties; or

(c) Employees of vehicle dealers who are engaged in the specific performance of their duties as such employees; or

(d) Any person engaged in an isolated sale of a vehicle in which he is the registered or legal owner, or both, thereof; or

(e) Any person, firm, association, corporation, or trust, engaged in the selling of equipment other than vehicles, subject to registration, used for agricultural or industrial purposes; or

(f) A real estate broker licensed under chapter 18.85 RCW, or his authorized representative, who, on behalf of the legal or registered owner of a used mobile home negotiates the purchase, sale, or exchange of the used mobile home in conjunction with the purchase, sale, exchange, rental, or lease of the land upon which the used mobile home is located and the real estate broker is not acting as an agent, subagent, or representative of a vehicle dealer licensed under this chapter; or

(g) Owners who are also operators of the special highway construction equipment or of the highway construction equipment for which a vehicle license and display vehicle license number plate is required as defined in RCW 46.16.010; or

(h) Any bank, trust company, savings bank, mutual savings bank, savings and loan association, credit union, and any parent, subsidiary, or affiliate thereof, authorized to do business in this state under state or federal law with respect to the sale or other disposition of a motor vehicle owned and used in their business; or with respect to the acquisition and sale or other disposition of a motor vehicle in which the entity has acquired an interest as a lessor, lessee, or secured party.

(5) "Vehicle salesperson" means any person who for any form of compensation sells, auctions, leases with an option to purchase, or offers to sell or to so lease vehicles on behalf of a vehicle dealer.

(6) "Department" means the department of licensing, which shall administer and enforce the provisions of this chapter.

(7) "Director" means the director of licensing.

(8) "Manufacturer" means any person, firm, association, corporation, or trust, resident or nonresident, who manufactures or assembles new and unused vehicles or remanufactures vehicles in whole or in part and further includes the terms:

(a) "Distributor," which means any person, firm, association, corporation, or trust, resident or nonresident, who in whole or in part offers for sale, sells, or distributes any new and unused vehicle to vehicle dealers or who maintains factory representatives.

(b) "Factory branch," which means a branch office maintained by a manufacturer for the purpose of selling or offering for sale, vehicles to a distributor, wholesaler, or vehicle dealer, or for directing or supervising in whole or in part factory or distributor representatives, and further includes any sales promotion organization, whether a person, firm, or corporation, which is engaged in promoting the sale of new and unused vehicles in this state of a particular brand or make to vehicle dealers.

(c) "Factory representative," which means a representative employed by a manufacturer, distributor, or factory branch for the purpose of making or promoting for the sale of their vehicles or for supervising or contracting with their dealers or prospective dealers.

(9) "Established place of business" means a location meeting the requirements of RCW 46.70.023(1) at which a vehicle dealer conducts business in this state.

(10) "Principal place of business" means that dealer firm's business location in the state, which place the dealer designates as their principal place of business.

(11) "Subagency" means any place of business of a vehicle dealer within the state, which place is physically and geographically separated from the principal place of business of the firm or any place of business of a vehicle dealer within the state, at which place the firm does business using a name other than the principal name of the firm, or both.

(12) "Temporary subagency" means a location other than the principal place of business or subagency within the state where a licensed vehicle dealer may secure a license to conduct the business and is licensed for a period of time not to exceed ten days for a specific purpose such as auto shows, ~~((auctions:))~~ shopping center promotions, tent sales, exhibitions, or similar merchandising ventures. No more than six temporary subagency licenses may be issued to a licensee in any twelve-month period.

(13) "Wholesale vehicle dealer" means a vehicle dealer who ~~((sells to Washington dealers))~~ buys and sells other than at retail.

(14) "Retail vehicle dealer" means a vehicle dealer who ~~((sells vehicles to the public))~~ may buy and sell at both wholesale and retail.

(15) "Listing dealer" means a used mobile home dealer who makes contracts with sellers who will compensate the dealer for obtaining a willing purchaser for the seller's mobile home.

Sec. 12. Section 5, chapter 241, Laws of 1986 and RCW 46.70.027 are each amended to read as follows:

A vehicle dealer is accountable for the dealer's employees, sales personnel, and managerial personnel while in the performance of their official duties. Any violations of this chapter or applicable provisions of chapter 46.12 or 46.16 RCW committed by any of these employees subjects the dealer to license penalties prescribed under RCW 46.70.101. A retail purchaser, consignor who is not a motor vehicle dealer, or a motor vehicle dealer who has purchased from a wholesale dealer, who has suffered a loss or damage by reason of ((a breach of warranty or by)) any act by a dealer, salesperson, managerial person, or other employee of a dealership, that constitutes a violation of this chapter or applicable provisions of chapter 46.12 or 46.16 RCW may institute an action for recovery against the dealer and the surety bond as set forth in RCW 46.70.070. However, under this section, motor vehicle dealers who have purchased from wholesale dealers may only institute actions against wholesale dealers and their surety bonds.

NEW SECTION. Sec. 13. A new section is added to chapter 46.70 RCW to read as follows:

Dealers who transact dealer business by consignment shall obtain a consignment contract for sale and shall comply with applicable provisions of chapter 46.70 RCW. The dealer shall place all funds received from the sale of the consigned vehicle in a trust account until the sale is completed, except that the dealer shall pay any outstanding liens against the vehicle from these funds. Where title has been delivered to the purchaser, the dealer shall pay the amount due a consignor within ten days after the sale.

NEW SECTION. Sec. 14. A new section is added to chapter 46.70 RCW to read as follows:

(1) In addition to other powers granted, the director or the director's designee may enforce RCW 46.70.021 through the issuance of criminal citations. The sole duty of law enforcement agencies under this section is to make arrests. All enforcement actions under this section shall be prosecuted by the county prosecutor in the county in which the violation occurred.

(2) Any liability or claim that arises from the exercise or alleged exercise of authority under subsection (1) of this section rests with the department unless the director or the director's designee acts under the direction and control of another agency or unless the liability is otherwise assumed under a written agreement between the department of licensing and another agency.

Sec. 15. Section 46.70.070, chapter 12, Laws of 1961 as last amended by section 11, chapter 241, Laws of 1986 and RCW 46.70.070 are each amended to read as follows:

(1) Before issuing a vehicle dealer's license, the department shall require the applicant to file with the department a surety bond in the amount of:

(a) Fifteen thousand dollars for motor vehicle dealers;

(b) Thirty thousand dollars for mobile home, park trailer, and travel trailer dealers: PROVIDED, That if such dealer does not deal in mobile homes or park trailers such bond shall be fifteen thousand dollars;

(c) Five thousand dollars for miscellaneous dealers.

running to the state, and executed by a surety company authorized to do business in the state. Such bond shall be approved by the attorney general as to form and conditioned that the dealer shall conduct his business in conformity with the provisions of this chapter((:

~~(d) Wholesale dealers shall not be required to file a surety bond with the department).~~

Any retail purchaser, consignor who is not a motor vehicle dealer, or a motor vehicle dealer who has purchased from a wholesale dealer, who ((shall have)) has suffered any loss or damage by reason of ~~((breach of warranty or by))~~ any act by a dealer which constitutes a violation of this chapter shall have the right to institute an action for recovery against such dealer and the surety upon such bond. However, under this section, motor vehicle dealers who have purchased from wholesale dealers may only institute actions against wholesale dealers and their surety bonds. Successive recoveries against said bond shall be permitted, but the aggregate liability of the surety to all persons shall in no event exceed the amount of the bond. Upon exhaustion of the penalty of said bond or cancellation of the bond by the surety the vehicle dealer license shall automatically be deemed canceled.

(2) The bond for any vehicle dealer licensed or to be licensed under more than one classification shall be the highest bond required for any such classification.

(3) Vehicle dealers shall maintain a bond for each business location in this state and bond coverage for all temporary subagencies.

Sec. 16. Section 11, chapter 74, Laws of 1967 ex. sess. as last amended by section 13, chapter 241, Laws of 1986 and RCW 46.70.101 are each amended to read as follows:

The director may by order deny, suspend, or revoke the license of any vehicle dealer or vehicle manufacturer or, in lieu thereof or in addition thereto, may by order assess monetary penalties of a civil nature not to exceed one thousand dollars per violation, if the director finds that the order is in the public interest and that the applicant or licensee:

(1) In the case of a vehicle dealer:

(a) The applicant or licensee, or any partner, officer, director, owner of ten percent or more of the assets of the firm, or managing employee:

(i) Was the holder of a license issued pursuant to this chapter, which was revoked for cause and never reissued by the department, or which license was suspended for cause and the terms of the suspension have not been fulfilled or which license was assessed a civil penalty and the assessed amount has not been paid;

(ii) Has been adjudged guilty of a crime which directly relates to the business of a vehicle dealer and the time elapsed since the adjudication is less than ten years, or suffering any judgment within the preceding five years in any civil action involving fraud, misrepresentation, or conversion. For the purposes of this section, adjudged guilty shall mean in addition to a final conviction in either a state or municipal court, an unvacated forfeiture of bail or collateral deposited to secure a defendant's appearance in court, the payment of a fine, a plea of guilty, or a finding of guilt regardless of whether the sentence is deferred or the penalty is suspended;

(iii) Has knowingly or with reason to know made a false statement of a material fact in his application for license or any data attached thereto, or in any matter under investigation by the department;

(iv) Does not have an established place of business as required in this chapter;

(v) Refuses to allow representatives or agents of the department to inspect during normal business hours all books, records, and files maintained within this state;

(vi) Sells, exchanges, offers, brokers, auctions, solicits, or advertises a new or current model vehicle to which a factory new vehicle warranty attaches and fails to have a valid, written service agreement as required by this chapter, or having such agreement refuses to honor the terms of such agreement within a reasonable time or repudiates the same;

(vii) Is insolvent, either in the sense that their liabilities exceed their assets, or in the sense that they cannot meet their obligations as they mature;

(viii) Fails to pay any civil monetary penalty assessed by the director pursuant to this section within ten days after such assessment becomes final;

(ix) Fails to notify the department of bankruptcy proceedings in the manner required by RCW 46.70.183;

(x) Knowingly, or with reason to know, allows a salesperson employed by the dealer, or acting as their agent, to commit any of the prohibited practices set forth in subsection (1)(a) of this section and RCW 46.70.180.

(b) The applicant or licensee, or any partner, officer, director, owner of ten percent of the assets of the firm, or any employee or agent:

(i) Has failed to comply with the applicable provisions of chapter 46.12 or 46.16 RCW or this chapter or any rules and regulations adopted thereunder;

(ii) Has defrauded or attempted to defraud the state, or a political subdivision thereof of any taxes or fees in connection with the sale or transfer of a vehicle;

(iii) Has forged the signature of the registered or legal owner on a certificate of title;

(iv) Has purchased, sold, disposed of, or has in his or her possession any vehicle which he or she knows or has reason to know has been stolen or appropriated without the consent of the owner;

(v) Has willfully failed to deliver to a purchaser a certificate of ownership to a vehicle which he has sold;

(vi) Has committed any act in violation of RCW 46.70.090 relating to vehicle dealer license plates or manufacturer license plates;

(vii) Has committed any act in violation of RCW 46.70.180 relating to unlawful acts and practices;

(viii) Has engaged in practices inimical to the health or safety of the citizens of the state of Washington including but not limited to failure to comply with standards set by the state of Washington or the federal government pertaining to the construction or safety of vehicles;

(ix) Has aided or assisted an unlicensed dealer or salesperson in unlawful activity through active or passive participation in sales, allowing use of facilities, dealer license number, or by any other means; ((or))

(x) Converts or appropriates, whether temporarily or permanently, property or funds belonging to a customer, dealer, or manufacturer, without the consent of the owner of the property or funds; or

(xi) Has sold any vehicle with knowledge that it has "REBUILT" on the title or has been declared totaled out by an insurance carrier and then rebuilt without clearly disclosing that fact in writing.

(c) The licensee or any partner, officer, director, or owner of ten percent or more of the assets of the firm holds or has held any such position in any other vehicle dealership licensed pursuant to this chapter which is subject to final proceedings under this section.

(2) In the case of a manufacturer, or any partner, officer, director, or majority shareholder:

(a) Was or is the holder of a license issued pursuant to this chapter which was revoked for cause and never reissued by the department, or which license was suspended for cause and the terms of the suspension have not been fulfilled, or which license was assessed a civil penalty and the assessed amount has not been paid;

(b) Has knowingly or with reason to know, made a false statement of a material fact in his application for license, or any data attached thereto, or in any matter under investigation by the department;

(c) Has failed to comply with the applicable provisions of chapter 46.12 or 46.16 RCW or this chapter or any rules and regulations adopted thereunder;

(d) Has defrauded or attempted to defraud the state or a political subdivision thereof, of any taxes or fees in connection with the sale or transfer of a vehicle;

(e) Has purchased, sold, disposed of, or has in his possession, any vehicle which he knows or has reason to know has been stolen or appropriated without the consent of the owner;

(f) Has committed any act in violation of RCW 46.70.090 relating to vehicle dealer license plates and manufacturer license plates;

(g) Has committed any act in violation of RCW 46.70.180 relating to unlawful acts and practices;

(h) Sells or distributes in this state or transfers into this state for resale, any new or unused vehicle to which a warranty attaches or has attached and refuses to honor the terms of such warranty within a reasonable time or repudiates the same;

(i) Fails to maintain one or more resident employees or agents to provide service or repairs to vehicles located within the state of Washington only under the terms of any warranty attached to new or unused vehicles manufactured and which are or have been sold or distributed in this state or transferred into this state for resale unless such manufacturer requires warranty service to be performed by all of its dealers pursuant to a current service agreement on file with the department;

(j) Fails to reimburse within a reasonable time any vehicle dealer within the state of Washington who in good faith incurs reasonable obligations in giving effect to warranties that attach or have attached to any new or unused vehicle sold or distributed in this state or transferred into this state for resale by any such manufacturer;

(k) Engaged in practices inimical to the health and safety of the citizens of the state of Washington including but not limited to failure to comply with standards set by the state of Washington or the federal government pertaining to the construction and safety of vehicles;

(l) Is insolvent either in the sense that his or her liabilities exceed his or her assets or in the sense that he or she cannot meet his or her obligations as they mature;

(m) Fails to notify the department of bankruptcy proceedings in the manner required by RCW 46.70.183.

Sec. 17. Section 46.80.110, chapter 12, Laws of 1961 as last amended by section 9, chapter 253, Laws of 1977 ex. sess. and RCW 46.80.110 are each amended to read as follows:

The director or a designee may, pursuant to the provisions of chapter ~~((34.04))~~ 34.05 RCW, by order deny, suspend, or revoke the license of any motor vehicle wrecker, or assess a civil fine of up to five hundred dollars for each violation, if ~~((he))~~ the director finds that the applicant or licensee has:

(1) Acquired a vehicle or major component part other than by first obtaining title or other documentation as provided by this chapter;

(2) Willfully misrepresented the physical condition of any motor or integral part of a motor vehicle;

(3) Sold, had in his possession, or disposed of a motor vehicle or trailer or any part thereof when he knows that such vehicle or part has been stolen, or appropriated without the consent of the owner;

(4) Sold, bought, received, concealed, had in his possession, or disposed of a motor vehicle or trailer or part thereof having a missing, defaced, altered, or covered manufacturer's identification number, unless approved by a law enforcement officer;

(5) Committed forgery or misstated a material fact on any title, registration, or other document covering a vehicle that has been reassembled from parts obtained from the disassembling of other vehicles;

(6) Committed any dishonest act or omission which the director has reason to believe has caused loss or serious inconvenience as a result of a sale of a motor vehicle, trailer, or part thereof;

(7) Failed to comply with any of the provisions of this chapter ~~((as now or hereafter amended;))~~ or with any of the rules ~~((and regulations))~~ adopted ~~((thereunder))~~ under it, or with any of the provisions of Title 46 RCW relating to registration and certificates of title of vehicles;

(8) Procured a license fraudulently or dishonestly or that such license was erroneously issued;

(9) Been convicted of a crime that directly relates to the business of a vehicle wrecker and the time elapsed since conviction is less than ten years, or suffered any judgment within the preceding five years in any civil action involving fraud, misrepresentation, or conversion. For the purposes of this section, conviction means in addition to a final conviction in either a federal, state, or municipal court, an unvacated forfeiture of bail or collateral deposited to secure a defendant's appearance in court, the payment of a fine, a plea of guilty, or a finding of guilt regardless of whether the sentence is deferred or the penalty is suspended.

Sec. 18. Section 5, chapter 51, Laws of 1979 ex. sess. as amended by section 2, chapter 80, Laws of 1986 and RCW 46.82.320 are each amended to read as follows:

(1) No person, including the owner, operator, partner, officer, or stockholder of a driver training school shall give instruction in the operation of an automobile for a fee without a license issued by the director for that purpose. An application for an instructor's license shall be filed with the director, containing such information as prescribed by the director, accompanied by an application fee of twenty-five dollars which shall in no event be refunded. If the application is approved by the director and the applicant satisfactorily meets the examination requirements as prescribed in RCW 46.82.330, the applicant shall be granted a license valid for a period of one year from the date of issuance. An instructor shall take a requalification examination every five years.

(2) The annual fee for renewal of an instructor's license shall be five dollars. The director shall issue a license certificate to each licensee which shall be conspicuously displayed in the place of business of the employing driver training school. Unless revoked, canceled, or denied by the director, the license shall remain the property of the licensee in the event of termination of employment or employment by another driver training school. If a renewal application has not been received by the director within sixty days from the date a notice of license expiration was mailed to the licensee, the license will be voided requiring a new application as provided for in this chapter, including examination and payment of all fees.

(3) Persons who qualify under the rules jointly adopted by the superintendent of public instruction and the director of licensing to teach only the laboratory phase, shall be subject to a ten dollar examination fee.

(4) Each licensee shall be provided with a wallet-size identification card by the director at the time the license is issued which shall be carried on the instructor's person at all times while engaged in instructing.

(5) The person to whom an instructor's license has been issued shall notify the director in writing within thirty days of any change of employment or termination of employment, providing the name and address of the new driver training school by whom the instructor will be employed.

Sec. 19. Section 9, chapter 51, Laws of 1979 ex. sess. and RCW 46.82.360 are each amended to read as follows:

The license of any driver training school or instructor may be suspended, revoked, denied, or refused renewal for failure to comply with the business practices specified in this section.

(1) No place of business shall be established nor any business of a driver training school conducted or solicited within one thousand feet of an office or building owned or leased by the department of licensing in which examinations for drivers' licenses are conducted. The distance of one thousand feet shall be measured along the public streets by the nearest route from the place of business to such building.

(2) Any ~~((motor vehicle))~~ automobile used by a driver training school or an instructor for instruction purposes must be equipped with:

(a) Dual controls for foot brake and clutch, or foot brake only in a vehicle equipped with an automatic transmission;

(b) An instructor's rear view mirror; and

(c) A sign displayed on the back ~~((and/or))~~ or top, or both, of the vehicle not less than twenty inches in horizontal width or less than ten inches in vertical height and having the words "student driver" or "instruction car^(s)," or both, in legible, printed, English letters at least two and one-half inches in height near the top and the name of the school in similarly legible letters not less than one inch in height placed somewhere below the aforementioned words, and the street number and name and the telephone number in similarly legible letters at least one inch in height placed next below the name of the school. The lettering and background colors shall be of contrasting shades so as to be clearly readable at one hundred feet in clear daylight. The sign shall be displayed at all times when instruction is being given.

(3) Instruction may not be given by an instructor to a student in an automobile unless the student possesses a current and valid instruction permit issued pursuant to RCW 46.20.055 or a current and valid driver's license.

(4) No driver training school or instructor shall advertise or otherwise indicate that the issuance of a driver's license is guaranteed or assured as a result of the course of instruction offered.

(5) No driver training school or instructor shall utilize any types of advertising without using the full, legal name of the school and identifying itself as a driver training school. Items and services advertised must be available in a manner as might be expected by the average person reading the advertisement.

(6) A driver training school shall have an established place of business owned, rented, or leased by the school and regularly occupied and used exclusively for the business of giving driver instruction. The established place of business of a driver training school that applies for an initial license after the effective date of this act, shall be located in a district that is zoned for business or commercial purposes. The established place of business, branch office, or classroom or advertised address of any such driver training school shall not consist of or include a house trailer, residence, tent, temporary stand, temporary address, bus, telephone answering service if such service is the sole means of contacting the driver training school, a room or rooms in a hotel or rooming house or apartment house, or premises occupied by a single or multiple-unit dwelling house. To classify as a branch office or classroom the facility must be within a thirty-five mile radius of the established place of business. Nothing in this subsection may be construed as limiting the authority of local governments to grant conditional use permits or variances from zoning ordinances.

(7) No driver training school or instructor shall conduct any type of instruction or training on a course used by the department of licensing for testing applicants for a Washington driver's license.

(8) Each driver training school shall maintain records on all of its students, including the student's name and address, the starting and ending dates of instruction, the student's instruction permit or driver's license number, the type of training given, and the total number of hours of instruction. Records of past students shall be maintained for five years following the completion of the instruction.

(9) Each driver training school shall, at its established place of business, display, in a place where it can be seen by all clients, a copy of the required minimum curriculum compiled by the driver advisory committee. Copies of the required minimum curriculum are to be provided to driver training schools and instructors by the director.

(10) Driver training schools and instructors shall submit to periodic inspections of their business practices, facilities, records, and insurance by authorized representatives of the director of the department of licensing.

Sec. 20. Section 82.50.010, chapter 15, Laws of 1961 as last amended by section 11, chapter 107, Laws of 1979 and RCW 82.50.010 are each amended to read as follows:

(1) "Mobile home" means a ~~((structure, transportable in one or more sections, which is thirty-two body feet or more in length and is eight body feet or more in width, and which is built on a permanent chassis, and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein, except as hereinafter specifically~~

~~excluded, and excluding modular homes as defined below))~~ mobile home as defined by RCW 46.04.302.

~~(2) "Park trailer" means a park trailer as defined by section 2 of this act.~~

~~(3) "Travel trailer" means ((all trailers of the type designed to be used upon the public streets and highways which are capable of being used as facilities for human habitation and which are less than thirty-two body feet in length and eight body feet or less in width, except as may be hereinafter specifically excluded))~~ a travel trailer as defined by section 3 of this act.

~~(4) "Modular home" means ((any factory-built housing designed primarily for residential occupancy by human beings which does not contain a permanent frame and must be mounted on a permanent foundation))~~ a modular home as defined by RCW 46.04.303.

~~(5) "Camper" means a ((structure designed to be mounted upon a motor vehicle which provides facilities for human habitation or for temporary outdoor or recreational lodging and which is five feet or more in overall length and five feet or more in height from its floor to its ceiling when fully extended, but shall not include motor homes as defined in this section))~~ camper as defined by RCW 46.04.085.

~~(6) "Motor home(s)" means a motor ((vehicles originally designed, reconstructed, or permanently altered to provide facilities for human habitation))~~ home as defined by RCW 46.04.305.

~~(7) "Director" means the director of licensing of the state.~~

NEW SECTION. Sec. 21. A study committee is established to develop recommendations regarding a system of driver's license issuance that provides increased security against fraud. The study is to include but not be limited to procedures, potential use of new technologies, equipment, and security provisions. If the committee finds that increased costs must be incurred, then a funding proposal should also be developed.

The committee shall consist of:

(1) Two members from organizations representing business interests in the state and one member representing financial institutions, all to be appointed by the chair of the legislative transportation committee;

(2) The chief of the Washington state patrol or a designee;

(3) The chair of the liquor control board or a designee;

(4) The director of the department of licensing, or a designee, and one additional employee of the department appointed by the director;

(5) Two members of the Washington house of representatives, one from each political party, appointed by the speaker of the house of representatives; and

(6) Two members of the Washington state senate, one from each political party, appointed by the president of the senate.

The committee shall report its findings and recommendations to the house of representatives and senate transportation committees by December 1, 1989. Current departmental policy against issuing driver's licenses over the counter to individuals without adequate photographic identification shall remain in effect, and no contracts on driver's licensing systems may be awarded by the department of licensing until the committee recommendations are reviewed by the legislative transportation committee.

Sec. 22. Section 46.12.020, chapter 12, Laws of 1961 as last amended by section 1, chapter 244, Laws of 1987 and by section 9, chapter 388, Laws of 1987 and RCW 46.12.020 are each reenacted and amended to read as follows:

~~((+))~~ No vehicle license number plates or certificate of license registration, whether original issues or duplicates, may be issued or furnished by the department unless the applicant, at the same time, makes satisfactory application for a certificate of ownership or presents satisfactory evidence that such a certificate of ownership covering the vehicle has been previously issued.

~~((2))~~ Except as otherwise provided in this section, no vehicle license number plates or certificate of license registration, whether original issues or duplicates, and no renewed vehicle license may be issued by the department unless the applicant possesses a valid driver's license. In the case of joint application by more than one person, each applicant shall possess a valid driver's license.

~~(3)~~ Subsection (2) of this section applies only to applicants who are individual persons and does not apply to corporations, other businesses, or vehicles proportionally registered under chapter 46.07 RCW.

~~(4)~~ Subsection (2) of this section does not apply to any applicant with respect to whom the department determines that:

(a) The applicant's driver's license is not currently suspended or revoked and the applicant is not in suspended or revoked status;

(b) The applicant has not been convicted of a violation of RCW 46.20.021, 46.20.342, 46.20.420, or 46.65.090; and

(c) Circumstances not related to any violation of Title 46 RCW account for the applicant's current lack of a driver's license and the applicant's need to register a vehicle. The applicant shall by affidavit indicate:

(1) The reason for the applicant's lack of a driver's license;

~~(ii) The need the applicant has for registering a vehicle; and~~

~~(iii) That the applicant will not knowingly permit a person without a driver's license to drive any vehicle registered in the applicant's name;~~

~~(5) A knowingly made material misstatement on an affidavit under subsection (4)(c) of this section is a misdemeanor;~~

~~(6) No denial under this section of issuance or of renewal of plates or certificates affects the right of any person to maintain, transfer, or acquire title in any vehicle. Unless the parties to the contract agree otherwise, no such denial affects the rights or obligations of any party to a contract for the purchase, or for the financing of the purchase, of a motor vehicle;))~~

NEW SECTION. Sec. 23. Section 22 of this act shall take effect January 1, 1990."

On line 2 of the title after "licensing;" strike the remainder of the title and insert "amending RCW 46.04.302, 46.12.290, 46.12.370, 46.20.205, 46.20.300, 46.20.308, 46.20.510, 46.65.065, 46.70.011, 46.70.027, 46.70.070, 46.70.101, 46.80.110, 46.82.320, 46.82.360, and 82.50.010; reenacting and amending RCW 46.12.020; adding new sections to chapter 46.04 RCW; adding new sections to chapter 46.70 RCW; creating a new section; prescribing penalties; and providing an effective date."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Nelson, the Senate refuses to concur in the House amendments to Substitute Senate Bill No. 5443 and requests of the House a conference thereon.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Substitute Senate Bill No. 5443 and the House amendments thereto: Senators Patterson, Bender and Nelson.

MOTION

On motion of Senator Nelson, the Conference Committee appointments were confirmed.

MOTION

At 9:31 a.m., on motion of Senator Newhouse, the Senate adjourned until 9:00 a.m., Monday, April 17, 1989.

JOEL PRITCHARD, President of the Senate.

GORDON A. GOLOB, Secretary of the Senate.

NINETY-NINTH DAY

MORNING SESSION

Senate Chamber, Olympia, Monday, April 17, 1989

The Senate was called to order at 9:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Amondson, Bluechel, DeJarnatt, Niemi, Rasmussen, Smith, Talmadge, Williams and Wojahn. On motion of Senator Anderson, Senator Smith was excused. On motion of Senator Vognild, Senators DeJarnatt, Talmadge and Williams were excused.

The Sergeant at Arms Color Guard, consisting of Pages Melissa Dodd and Yemi Fleming, presented the Colors. Reverend Gordon Bowman, pastor of the Christian Life Community Church of Lacey, offered the prayer.

MOTION

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

MESSAGES FROM THE HOUSE

April 15, 1989

Mr. President:

The House grants the request of the Senate for a conference on ENGROSSED SUBSTITUTE SENATE BILL NO. 5352. The Speaker has appointed the following members as conferees: Representatives Locke, Ebersole and Silver.

ALAN THOMPSON, Chief Clerk

April 15, 1989

Mr. President:

The House concurred in the Senate amendment(s) to the following listed bills and passed said bills as amended by the Senate.

SUBSTITUTE HOUSE BILL NO. 1056,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1074,
 ENGROSSED HOUSE BILL NO. 1077,
 HOUSE BILL NO. 1198,
 ENGROSSED HOUSE BILL NO. 1231,
 ENGROSSED HOUSE BILL NO. 1258,
 ENGROSSED HOUSE BILL NO. 1358,
 SUBSTITUTE HOUSE BILL NO. 1386,
 HOUSE BILL NO. 1400,
 HOUSE BILL NO. 1690,
 HOUSE BILL NO. 1757,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1853,
 SUBSTITUTE HOUSE BILL NO. 1854,
 SUBSTITUTE HOUSE BILL NO. 1894,
 HOUSE BILL NO. 1980,
 SUBSTITUTE HOUSE BILL NO. 2012.

ALAN THOMPSON, Chief Clerk

MESSAGE FROM THE HOUSE

April 12, 1989

Mr. President:

The House has passed ENGROSSED SENATE BILL NO. 5121 with the following amendments:

On page 2, line 25 after "abuse" and before "to" insert ", including law enforcement personnel."

On page 3, after line 5 insert a new section to read as follows:

*NEW SECTION, Sec. 5. Nothing in sections 2 and 3 of this act or in RCW 28A.120.030 through 28A.120.050 shall preclude the superintendent of public instruction from coordinating the

mobile substance abuse awareness program with other public and private substance abuse awareness programs or programs with a substance abuse awareness component: PROVIDED, That such public and private programs shall not supplant the mobile substance abuse awareness program."

Renumber the remaining sections consecutively
On page 3, line 11 strike "4" and insert "5".

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Bailey, the Senate concurred in the House amendments to Engrossed Senate Bill No. 5121.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5121, as amended by the House.

Debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5121, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 40; absent, 5; excused, 4.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Owen, Patterson, Pullen, Rinehart, Saling, Sellar, Smitherman, Stratton, Sutherland, Thorsness, Vognild, von Reichbauer, Warnke, West - 40.

Absent: Senators Amondson, Bluechel, Niemi, Rasmussen, Wojahn - 5.

Excused: Senators DeJarnatt, Smith, Talmadge, Williams - 4.

ENGROSSED SENATE BILL NO. 5121, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTIONS

On motion of Senator Vognild, Senator Wojahn was excused.

On motion of Senator Anderson, Senator Bluechel was excused.

On motion of Senator Bender, Senator Rasmussen was excused.

MESSAGE FROM THE HOUSE

April 11, 1989

Mr. President:

The House has passed ENGROSSED SUBSTITUTE SENATE JOINT RESOLUTION NO. 8202 with the following amendments:

On page 1, line 8, after "31," strike all material through "commission," on line 19

On page 2, after line 27, insert the following:

"(1) There shall be a commission on judicial conduct, existing as an independent agency of the judicial branch, and consisting of a judge selected by and from the court of appeals judges, a judge selected by and from the superior court judges, a judge selected by and from the district court judges, two persons admitted to the practice of law in this state selected by the state bar association, and six persons who are not attorneys appointed by the governor.

(2) Whenever the commission receives a complaint against a judge or justice, or otherwise has reason to believe that a judge or justice should be admonished, reprimanded, censured, suspended, removed, or retired, the commission shall first investigate the complaint or belief and then conduct initial proceedings for the purpose of determining whether probable cause exists for conducting a public hearing or hearings to deal with the complaint or belief. The investigation and initial proceedings shall be confidential. Upon beginning an initial proceeding, the commission shall notify the judge or justice of the existence of and basis for the initial proceeding.

(3) Whenever the commission concludes, based on an initial proceeding, that there is probable cause to believe that a judge or justice has violated a rule of judicial conduct or that the judge or justice suffers from a disability which is permanent or likely to become permanent and which seriously interferes with the performance of judicial duties, the commission shall conduct a public hearing or hearings and shall make public all those records of the initial proceeding that provide the basis for its conclusion. If the commission concludes that there is not probable cause, it shall notify the judge or justice of its conclusion.

(4) Upon the completion of the hearing or hearings, the commission in open session shall either dismiss the case, or shall admonish, reprimand, or censure the judge or justice, or shall

censure the judge or justice and recommend to the supreme court the suspension or removal of the judge or justice, or shall recommend to the supreme court the retirement of the judge or justice. The commission may not recommend suspension or removal unless it censures the judge or justice for the violation serving as the basis for the recommendation. The commission may recommend retirement of a judge or justice for a disability which is permanent or likely to become permanent and which seriously interferes with the performance of judicial duties.

(5) Upon the recommendation of the commission, the supreme court may suspend, remove, or retire a judge or justice. The office of a judge or justice retired or removed by the supreme court becomes vacant, and that person is ineligible for judicial office until eligibility is reinstated by the supreme court. The salary of a removed judge or justice shall cease. The supreme court shall specify the effect upon salary when it suspends a judge or justice. The supreme court may not suspend, remove, or retire a judge or justice until the commission, after notice and hearing, recommends that action be taken, and the supreme court conducts a hearing, after notice, to review commission proceedings and findings against the judge or justice.

(6) Within thirty days after the commission admonishes, reprimands, or censures a judge or justice, the judge or justice shall have a right of appeal de novo to the supreme court.

(7) Any matter before the commission or supreme court may be disposed of by a stipulation entered into in a public proceeding. The stipulation shall be signed by the judge or justice and the commission or court. The stipulation may impose any terms and conditions deemed appropriate by the commission or court. A stipulation shall set forth all material facts relating to the proceeding and the conduct of the judge or justice.

(8) Whenever the commission adopts a recommendation that a judge or justice be removed, the judge or justice shall be suspended immediately, with salary, from his or her judicial position until a final determination is made by the supreme court.

(9) The legislature shall provide for commissioners' terms of office and compensation. The commission shall employ one or more investigative officers with appropriate professional training and experience. The investigative officers of the commission shall report directly to the commission. The commission shall also employ such administrative or other staff as are necessary to manage the affairs of the commission.

(10) The commission shall, to the extent that compliance does not conflict with this section, comply with laws of general applicability to state agencies with respect to rule-making procedures, and with respect to public notice of and attendance at commission proceedings other than initial proceedings. The commission shall establish rules of procedure for commission proceedings including due process and confidentiality of proceedings."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

Senator Pullen: "Mr. President, I move that the Senate do concur in the House amendments to Engrossed Substitute Joint Resolution No. 8202. This is the Judicial Conduct Commission's Constitutional Amendment. It was fairly worked by the House. Some of the House leaders did an outstanding job of getting everyone together. Democrats, Republicans, conservatives and liberals began to work closely with the judicial branch, citizen groups and others, and I think they did come up with a truly outstanding vehicle here which nearly passed the House unanimously.

"Some of the changes they made, I think, were actually for the better, but at the same time, they preserved many of the safeguards that members of this body wanted with respect to judicial integrity and judicial protection, but at the same time, put in the openness and accountability that we were all working for. Some of the major changes included increasing the membership and makeup of the Commission. Two lay members were added. Senate language was clarified in that before the proceedings can continue to a public hearing that the Commission has to have a determination of probable cause. That raised the standard that the Senate had, but still, I think, is very, very reasonable. At that point, subsequent Commission proceedings are open to the public and all the information leading to the determination of probable cause will be open to the public.

"The disciplinary action that the Commission had the flexibility to take just by itself--admonishment, reprimanding or censoring a judge--is still there, so we still have eliminated some of the informal secret action that caused so many problems before. They did provide for a direct appeal to the Supreme Court. I think that is constructive and makes a lot of sense. One of the improvements that the House made was a provision for stipulated agreements with regard to handling disciplinary action and that is similar to the way the Bar handles discipline in certain cases

and I think that is constructive. Another construction change that the House made was to direct the Commission to employ appropriately trained investigative personnel. Part of the problem was they really never had special personnel to do investigations and the executive secretary was split between administrative duties and investigations.

"All in all, I think the House made some outstanding progress. I think they've actually helped get everyone together without doing any damage to the measure. It passed the House with ninety-five positive votes. It certainly has come a long way and I urge a 'yes' vote on concurrence and then a 'yes' vote on final passage."

REMARKS BY SENATOR METCALF

Senator Metcalf: "Mr. President and members of the Senate, I certainly welcome this effort today. If you remember, and most of you probably don't, I was the one who said, and I believe it was in the 1986 or it could have been in the 1987 session, that the Judicial Conduct Commission was not that at all. It was nothing but a judges protective commission. It was there to protect the judges from their improper actions. That's what it did for years and I said it would come back and bite them someday. It came quicker that I thought in the Gary Little case, but it did and now we're changing it and going to make it so that maybe it will serve the function that we all thought it would originally. I urge your support."

The President declared the question before the Senate to be the motion by Senator Pullen that the Senate do concur in the House amendments to Engrossed Substitute Senate Joint Resolution No. 8202.

The motion by Senator Pullen carried and the Senate concurred in the House amendments to Engrossed Substitute Senate Joint Resolution No. 8202.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Joint Resolution No. 8202, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Joint Resolution No. 8202, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 40; nays, 3; excused, 6.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, Metcalf, Moore, Murray, Nelson, Newhouse, Owen, Patterson, Pullen, Rinehart, Saling, Sellar, Smitherman, Stratton, Sutherland, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams - 40.

Voting nay: Senators Hayner, McMullen, Niemi - 3.

Excused: Senators Bluechel, DeJarnatt, Rasmussen, Smith, Talmadge, Wojahn - 6.

ENGROSSED SUBSTITUTE SENATE JOINT RESOLUTION NO. 8202, as amended by the House, having received the constitutional majority was declared passed.

MESSAGE FROM THE HOUSE

April 10, 1989

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 5173 with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 2, chapter 208, Laws of 1982 and RCW 42.40.020 are each amended to read as follows:

As used in this chapter, the terms defined in this section shall have the meanings indicated unless the context clearly requires otherwise.

(1) "Auditor" means the office of the state auditor.

(2) "Employee" means any individual employed or holding office in any department or agency of state government.

(3) (a) "Improper governmental action" means any action by an employee:

((a)) (i) Which is undertaken in the performance of the employee's official duties, whether or not the action is within the scope of the employee's employment; and

((b)) (ii) Which is in violation of any state law or rule, is an abuse of authority, is of substantial and specific danger to the public health or safety, or is a gross waste of public funds.

(b) "Improper governmental action" does not include personnel actions including but not limited to employee grievances, complaints, appointments, promotions, transfers, assignments.

reassignments, reinstatements, restorations, reemployments, performance evaluations, reductions in pay, dismissals, suspensions, demotions, violations of the state civil service law, alleged labor agreement violations, reprimands, or any action which may be taken under chapter 41.06 or 28B.16 RCW, or other disciplinary action except as provided in RCW 42.40.030.

(4) "Use of official authority or influence" includes taking, directing others to take, recommending, processing, or approving any personnel action such as an appointment, promotion, transfer, assignment, reassignment, reinstatement, restoration, reemployment, performance evaluation, or any adverse action under chapter 41.06 or 28B.16 RCW, or other disciplinary action.

Sec. 2. Section 3, chapter 208, Laws of 1982 and RCW 42.40.030 are each amended to read as follows:

(1) An employee shall not directly or indirectly use or attempt to use the employee's official authority or influence for the purpose of intimidating, threatening, coercing, commanding, influencing, or attempting to intimidate, threaten, coerce, command, or influence any individual for the purpose of interfering with the right of the individual to disclose to the auditor (or representative thereof) information concerning improper governmental action.

~~(2) (For the purpose of subsection (1) of this section, "use of official authority or influence" includes taking, directing others to take, recommending, processing, or approving any personnel action such as an appointment, promotion, transfer, assignment, reassignment, reinstatement, restoration, reemployment, performance evaluation, or any adverse action under chapter 41.06 RCW, or other disciplinary action.~~

~~(3))~~ Nothing in this section authorizes an individual to disclose information otherwise prohibited by law.

Sec. 3. Section 4, chapter 208, Laws of 1982 and RCW 42.40.040 are each amended to read as follows:

(1) Upon receiving specific information that an employee has engaged in improper governmental action, the auditor shall, for a period not to exceed thirty days, conduct such preliminary investigation of the matter as the auditor deems appropriate. In conducting the investigation, the identity of the person providing the information which initiated the investigation shall be kept confidential.

(2) In addition to the authority under subsection (1) of this section, the auditor may, on its own initiative, investigate incidents of improper state governmental action.

(3) (a) If it appears to the auditor, upon completion of the preliminary investigation, that the matter is so unsubstantiated that no further investigation, prosecution, or administrative action is warranted, the auditor shall so notify the person, if known, who provided the information initiating the investigation.

(b) The notification shall be by memorandum containing a summary of the information received, a summary of the results of the preliminary investigation with regard to each allegation of improper governmental action, and any determination made by the auditor under (c) of this subsection.

(c) In any case to which this section applies, the identity of the person who provided the information initiating the investigation shall be kept confidential unless the auditor determines that the information has been provided other than in good faith.

(d) If it appears to the auditor that the matter does not meet the definition of an "improper governmental action" under RCW 42.40.020(3), or is other than a gross waste of public funds, the auditor may forward a summary of the allegations to the appropriate agency for investigation and require a response by memorandum containing a summary of the investigation with regard to each allegation and any determination of corrective action taken. The auditor will keep the identity of the person who provided the information initiating the investigation confidential. Upon receipt of the results of the investigation from the appropriate agency, the auditor will notify the provider as prescribed under (a), (b), and (c) of this subsection.

(4) If it appears to the auditor after completion of the preliminary investigation that further investigation, prosecution, or administrative action is warranted, the auditor shall so notify the party, if known, who provided the information initiating the investigation and either conduct further investigations or issue a report under subsection (6) of this section.

(5) (a) At any stage of an investigation under this section the auditor may require by subpoena the attendance and testimony of witnesses and the production of documentary or other evidence relating to the investigation at any designated place in the state. The auditor may issue subpoenas, administer oaths, examine witnesses, and receive evidence. In the case of contumacy or failure to obey a subpoena, the superior court for the county in which the person to whom the subpoena is addressed resides or is served may issue an order requiring the person to appear at any designated place to testify or to produce documentary or other evidence. Any failure to obey the order of the court may be punished by the court as a contempt thereof.

(b) The auditor may order the taking of depositions at any stage of a proceeding or investigation under this chapter. Depositions shall be taken before an individual designated by the auditor and having the power to administer oaths. Testimony shall be reduced to writing by or under the direction of the individual taking the deposition and shall be subscribed by the deponent.

(6) (a) If the auditor determines that there is reasonable cause to believe that an employee has engaged in any improper activity, the auditor shall report the nature and details of the activity to:

- (i) The employee and the head of the employing agency; and
- (ii) If appropriate, the attorney general or such other authority as the auditor determines appropriate.

(b) The auditor has no enforcement power except that in any case in which the auditor submits a report of alleged improper activity to the head of an agency, the attorney general, or any other individual to which a report has been made under this section, the individual shall report to the auditor with respect to any action taken by the individual regarding the activity, the first report being transmitted no later than thirty days after the date of the auditor's report and monthly thereafter until final action is taken. If the auditor determines that appropriate action is not being taken within a reasonable time, the auditor shall report the determination to the governor and to the legislature.

(7) This section does not limit any authority conferred upon the attorney general or any other agency of government to investigate any matter.

Sec. 4. Section 5, chapter 208, Laws of 1982 and RCW 42.40.050 are each amended to read as follows:

(1) Any employee (a) who provides his or her name and specific information to the auditor on any matter which is found to warrant further investigation or other action, or which is provided by the employee in good faith, as determined by the auditor, whether or not further action is warranted and (b) who is subjected to any reprisal or retaliatory action undertaken during the period beginning on the day after the date on which the specific information is ((provided to the auditor and ending on the date which is two years after the auditor's report on the matter.)) received by the auditor alleging improper governmental action, may seek judicial review of the reprisal or retaliatory action in superior court, whether or not there has been an administrative review of the action. In such an action, the reviewing court may award reasonable attorney's fees.

(2) ~~((The auditor shall, by rule, establish a program which provides that, during the two-year period after a report to the auditor under this chapter, the auditor will contact the employee who provided specific information involved on at least a quarterly basis for purposes of determining))~~ The employee who provided specific information shall notify the state auditor in writing if any changes in the employee's work situation exist which are related to the employee's having provided information. If the auditor has reason to believe that such a change in work situation has occurred, the auditor shall investigate and report on the matter in accordance with this chapter.

(3) For the purpose of this section "reprisal or retaliatory action" means but is not limited to:

- (a) Denial of adequate staff to perform duties;
- (b) Frequent staff changes;
- (c) Frequent and undesirable office changes;
- (d) Refusal to assign meaningful work;
- (e) Unwarranted and unsubstantiated letters of reprimand or unsatisfactory performance evaluations;

- (f) Demotion;
- (g) Reduction in pay;
- (h) Denial of promotion;
- (i) Suspension; and
- (j) Dismissal.

Sec. 5. Section 7, chapter 208, Laws of 1982 and RCW 42.40.070 are each amended to read as follows:

A written summary of this chapter and procedures for reporting improper governmental actions established by the auditor's office shall be made available by each department or agency of state government to each employee upon entering public employment. Employees shall be notified by each department or agency of state government each year of the procedures and protections under this chapter.

NEW SECTION. Sec. 6. Section 6, chapter 208, Laws of 1982 and RCW 42.40.060 are each repealed."

On page 1, line 1 of the title, after "action;" strike the remainder of the title and insert "amending RCW 42.40.020, 42.40.030, 42.40.040, 42.40.050, and 42.40.070; and repealing RCW 42.40.060."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator McCaslin, the Senate concurred in the House amendments to Substitute Senate Bill No. 5173.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5173, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5173, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; excused, 5.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Brauer, Bender, Benitz, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rinehart, Saling, Sellar, Smitherman, Stratton, Sutherland, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 44.

Excused: Senators Bluechel, DeJarnatt, Rasmussen, Smith, Talmadge - 5.

SUBSTITUTE SENATE BILL NO. 5173, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 12, 1989

Mr. President:

The House has passed SUBSTITUE SENATE BILL NO. 5191 with the following amendments:

Strike everything after the enacting clause and insert the following:

*NEW SECTION, Sec. 1. A new section is added to chapter 9.92 RCW to read as follows:

The sentence of a prisoner confined in a county jail facility for a felony, gross misdemeanor, or misdemeanor conviction may be reduced by earned release credits in accordance with procedures that shall be developed and promulgated by the facility. The earned early release time shall be for good behavior and good performance as determined by the facility. In no case may the aggregate earned early release time exceed one-third of the total sentence.

Sec. 2. Section 15, chapter 137, Laws of 1981 as last amended by section 1, chapter 3, Laws of 1988 and by section 3, chapter 153, Laws of 1988 and RCW 9.94A.150 are each reenacted and amended to read as follows:

No person serving a sentence imposed pursuant to this chapter shall leave the confines of the correctional facility or be released prior to the expiration of the sentence except as follows:

(1) Except for persons convicted of a sex offense or an offense categorized as a serious violent offense, assault in the second degree, any crime against a person where it is determined in accordance with RCW 9.94A.125 that the defendant or an accomplice was armed with a deadly weapon at the time of commission, or any felony offense under chapter 69.50 or 69.52 RCW, the terms of the sentence of an offender committed to a county jail facility, or a correctional facility operated by the department, may be reduced by earned early release time in accordance with procedures that shall be developed and promulgated by the ((department)) correctional facility in which the offender is confined. The earned early release time shall be for good behavior and good performance, as determined by the ((department)) correctional facility. Any program established pursuant to this section shall allow an offender to earn early release credits for presentence incarceration. If an offender is transferred from a county jail to the department of corrections, the county jail facility shall certify to the department the amount of time spent in custody at the facility and the amount of earned early release time. In no case shall the aggregate earned early release time exceed one-third of the total sentence. Persons convicted of a sex offense or an offense categorized as a serious violent offense, assault in the second degree, any crime against a person where it is determined in accordance with RCW 9.94A.125 that the defendant or an accomplice was armed with a deadly weapon at the time of commission, or any felony offense under chapter 69.50 or 69.52 RCW may become eligible for community custody in lieu of earned early release time in accordance with the program developed by the department;

(2) When a person convicted of a sex offense or an offense categorized as a serious violent offense, assault in the second degree, any crime against a person where it is determined in accordance with RCW 9.94A.125 that the defendant or an accomplice was armed with a deadly weapon at the time of commission, or any felony offense under chapter 69.50 or 69.52 RCW is eligible for transfer to community custody status in lieu of earned early release time pursuant to subsection (1) of this section, as computed by the department of corrections, the offender shall be transferred to community custody.

(3) An offender may leave a correctional facility pursuant to an authorized furlough or leave of absence. In addition, offenders may leave a correctional facility when in the custody of a corrections officer or officers;

(4) The governor, upon recommendation from the clemency and pardons board, may grant an extraordinary release for reasons of serious health problems, senility, advanced age, extraordinary meritorious acts, or other extraordinary circumstances:

(5) No more than the final six months of the sentence may be served in partial confinement designed to aid the offender in finding work and reestablishing him or herself in the community:

(6) The governor may pardon any offender;

(7) The department of corrections may release an offender from confinement any time within ten days before a release date calculated under this section; and

(8) An offender may leave a correctional facility prior to completion of his sentence if the sentence has been reduced as provided in RCW 9.94A.160.

Sec. 3. Section 17, chapter 232, Laws of 1979 ex. sess. as last amended by section 1, chapter 298, Laws of 1985 and RCW 70.48.210 are each amended to read as follows:

(1) All cities and counties are authorized to establish and maintain farms, camps, and work release programs and facilities, as well as special detention facilities. The facilities shall meet the requirements of chapter 70.48 RCW and any rules adopted thereunder.

(2) Farms and camps may be established either inside or outside the territorial limits of a city or county. A sentence of confinement in a city or county jail may include placement in a farm or camp. Unless directed otherwise by court order, the chief law enforcement officer or department of corrections, may transfer the prisoner to a farm or camp. The sentencing court, chief law enforcement officer, or department of corrections may not transfer to a farm or camp a greater number of prisoners than can be furnished with constructive employment and can be reasonably accommodated.

(3) The city or county may establish a city or county work release program and housing facilities for the prisoners in the program. In such regard, factors such as employment conditions and the condition of jail facilities should be considered. When a work release program is established the following provisions apply:

(a) A person convicted of a felony and placed in a city or county jail is eligible for the work release program. A person sentenced to a city or county jail is eligible for the work release program. The program may be used as a condition of probation for a criminal offense. Good conduct is a condition of participation in the program.

(b) The court may permit a person who is currently, regularly employed to continue his or her employment. The chief law enforcement officer or department of corrections shall make all necessary arrangements if possible. The court may authorize the person to seek suitable employment and may authorize the chief law enforcement officer or department of corrections to make reasonable efforts to find suitable employment for the person. A person participating in the work release program may not work in an establishment where there is a labor dispute.

(c) The work release prisoner shall be confined in a work release facility or jail unless authorized to be absent from the facility for program-related purposes, unless the court directs otherwise.

(d) Each work release prisoner's earnings may be collected by the chief law enforcement officer or a designee. The chief law enforcement officer or a designee may deduct from the earnings moneys for the payments for the prisoner's board, personal expenses inside and outside the jail, a share of the administrative expenses of this section, court-ordered victim compensation, and court-ordered restitution. Support payments for the prisoner's dependents, if any, shall be made as directed by the court. With the prisoner's consent, the remaining funds may be used to pay the prisoner's preexisting debts. Any remaining balance shall be returned to the prisoner.

(e) ~~((With court approval))~~ The prisoner's sentence may be reduced by ~~((one-third if the prisoner's conduct, diligence, and general attitude merit the reduction))~~ earned early release time in accordance with procedures that shall be developed and promulgated by the work release facility. The earned early release time shall be for good behavior and good performance as determined by the facility. In no case may the aggregate earned early release time exceed one-third of the total sentence.

(f) If the work release prisoner violates the conditions of custody or employment, the prisoner shall be returned to the sentencing court. The sentencing court may require the prisoner to spend the remainder of the sentence in actual confinement and may cancel any earned reduction of the sentence.

(4) A special detention facility may be operated by a noncorrectional agency or by non-correctional personnel by contract with the governing unit. The employees shall meet the standards of training and education established by the criminal justice training commission as authorized by RCW 43.101.080. The special detention facility may use combinations of features including, but not limited to, low-security or honor prisoner status, work farm, work release, community review, prisoner facility maintenance and food preparation, training programs, or alcohol or drug rehabilitation programs. Special detention facilities may establish a reasonable fee schedule to cover the cost of facility housing and programs. The schedule shall be on a sliding basis that reflects the person's ability to pay.

NEW SECTION. Sec. 4. Section 1, chapter 99, Laws of 1937, section 1, chapter 276, Laws of 1983, section 1, chapter 209, Laws of 1984 and RCW 9.92.150 are each repealed.

NEW SECTION. Sec. 5. A new section is added to chapter 9.92 RCW to read as follows:

"This act applies only to sentences imposed for crimes committed on or after July 1, 1989."

On page 1, line 2 of the title, after "statutes;" strike the remainder of the title and insert "amending RCW 70.48.210; reenacting and amending RCW 9.94A.150; adding new sections to chapter 9.92 RCW; and repealing RCW 9.92.150."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Pullen, the Senate concurred in the House amendments to Substitute Senate Bill No. 5191.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5191, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5191, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yeas: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Sutherland, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 45.

Excused: Senators Bluechel, DeJarnatt, Smith, Talmadge - 4.

SUBSTITUTE SENATE BILL NO. 5191, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 10, 1989

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 5196 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. It is the intent of the legislature to provide emergency powers to the department of ecology to enable it to take actions, in a timely and expeditious manner, that are designed to alleviate hardships and reduce burdens on various water users and uses arising from drought conditions. As used in this chapter, "drought condition" means that the water supply for a geographical area or for a significant portion of a geographical area is below seventy-five percent of normal and the water shortage is likely to create undue hardships for various water uses and users.

NEW SECTION. Sec. 2. (1) Whenever it appears to the department of ecology that a drought condition either exists or is forecast to occur within the state or portions thereof, the department of ecology is authorized to issue orders, pursuant to rules previously adopted, to implement the powers as set forth in sections 3 through 5 of this act. The department shall, immediately upon the issuance of an order under this section, cause said order to be published in newspapers of general circulation in the areas of the state to which the order relates. Prior to the issuance of an order, the department shall (a) consult with and obtain the views of the federal and state government entities identified in the drought contingency plan periodically revised by the department pursuant to section 3(4) of this act, and (b) obtain the written approval of the governor. Orders issued under this section shall be deemed orders for the purposes of chapter 34.05 RCW.

(2) Any order issued under subsection (1) of this section shall contain a termination date for the order. The termination date shall be not later than one calendar year from the date the order is issued. Although the department may, with the written approval of the governor, change the termination date by amending the order, no such amendment or series of amendments may have the effect of extending its termination to a date which is later than two calendar years after the issuance of the order.

(3) The provisions of subsection (2) of this section do not preclude the issuance of more than one order under subsection (1) of this section for different areas of the state or sequentially for the same area as the need arises for such an order or orders.

NEW SECTION. Sec. 3. Upon the issuance of an order under section 2 of this act, the department of ecology is empowered to:

(1)(a) Authorize emergency withdrawal of public surface and ground waters, including dead storage within reservoirs, on a temporary basis and authorize associated physical works which may be either temporary or permanent. The termination date for the authority to make such an emergency withdrawal may not be later than the termination date of the order issued under section 2 of this act under which the power to authorize the withdrawal is established. The department of ecology may issue such withdrawal authorization when, after investigation and after providing appropriate federal, state, and local governmental bodies an opportunity to comment, the following are found:

(i) The waters proposed for withdrawal are to be used for a beneficial use involving a previously established activity or purpose;

(ii) The previously established activity or purpose was furnished water through rights applicable to the use of a public body of water that cannot be exercised due to the lack of water arising from natural drought conditions; and

(iii) The proposed withdrawal will not reduce flows or levels below essential minimums necessary (A) to assure the maintenance of fisheries requirements, and (B) to protect federal and state interests including, among others, power generation, navigation, and existing water rights;

(b) All withdrawal authorizations issued under this section shall contain provisions that allow for termination of withdrawals, in whole or in part, whenever withdrawals will conflict with flows and levels as provided in (a)(iii) of this subsection. Domestic and irrigation uses of public surface and ground waters shall be given priority in determining "beneficial uses." As to water withdrawal and associated works authorized under this subsection, the requirements of chapter 43.21C RCW and public bidding requirements as otherwise provided by law are waived and inapplicable. All state and local agencies with authority to issue permits or other authorizations for such works shall, to the extent possible, expedite the processing of the permits or authorizations in keeping with the emergency nature of the requests and shall provide a decision to the applicant within fifteen calendar days of the date of application. All state departments or other agencies having jurisdiction over state or other public lands, if such lands are necessary to effectuate the withdrawal authorizations issued under this subsection, shall provide short-term easements or other appropriate property interest upon the payment of the fair market value. This mandate shall not apply to any lands of the state that are reserved for a special purpose or use that cannot properly be carried out if the property interest were conveyed;

(2) Approve a temporary change in purpose, place of use, or point of diversion, consistent with existing state policy allowing transfer or lease of waters between willing parties, as provided for in RCW 90.03.380, 90.03.390, and 90.44.100. However, compliance with any requirements of (a) notice of newspaper publication of these sections or (b) the state environmental policy act, chapter 43.21C RCW, is not required when such changes are necessary to respond to drought conditions as determined by the department of ecology. An approval of a temporary change of a water right as authorized under this subsection is not admissible as evidence in either supporting or contesting the validity of water claims in STATE OF WASHINGTON, DEPARTMENT OF ECOLOGY V. ACQUAVELLA, Yakima county superior court number 77-2-01484-5 or any similar proceeding where the existence of a water right is at issue.

(3) Employ additional persons for specified terms of time, consistent with the term of a drought condition, as are necessary to ensure the successful performance of the activities associated with implementing the emergency drought program of this chapter.

(4) Revise the drought contingency plan previously developed by the department; and

(5) Acquire needed emergency drought-related equipment.

NEW SECTION, Sec. 4. (1) The department of ecology is authorized to make loans, grants, or combinations of loans and grants from emergency agricultural water supply funds when necessary to provide water to alleviate emergency drought conditions in order to ensure the survival of irrigated crops and the state's fisheries. For the purposes of this section, "emergency agricultural water supply funds" means funds appropriated from the state emergency water projects revolving account created under RCW 43.83B.360. The department of ecology may make the loans, grants, or combinations of loans and grants as matching funds in any case where federal, local, or other funds have been made available on a matching basis. The department may make a loan of up to ninety percent of the total eligible project cost or combination loan and grant up to one hundred percent of the total single project cost. The grant portion for any single project shall not exceed twenty percent of the total project cost except that, for activities forecast to have fifty percent or less of normal seasonal water supply, the grant portion for any single project or entity shall not exceed forty percent of the total project cost. No single entity shall receive more than ten percent of the total emergency agricultural water supply funds available for drought relief. These funds shall not be used for nonagricultural drought relief purposes unless there are no other capital budget funds available for these purposes. In any biennium the total expenditures of emergency agricultural water supply funds for nonagricultural drought relief purposes may not exceed ten percent of the total of such funds available during that biennium.

(2)(a) Except as provided in (b) of this subsection, after June 30, 1989, emergency agricultural water supply funds, including the repayment of loans and any accrued interest, shall not be used for any purpose except during drought conditions as determined under sections 1 and 2 of this act.

(b) Emergency agricultural water supply funds may be used on a one-time basis for the development of procedures to be used by state governmental entities to implement the state's drought contingency plan.

NEW SECTION, Sec. 5. The department shall adopt such rules as are necessary to ensure the successful implementation of this chapter.

NEW SECTION, Sec. 6. Nothing in this chapter shall:

(1) Authorize any interference whatsoever with existing water rights;

(2) Authorize the establishment of rights to withdrawal of waters of a permanent nature or of rights with any priority;

(3) Authorize the establishment of a water right under RCW 90.03.250 or 90.44.060;

(4) Preclude any person from filing an application pursuant to RCW 90.03.250 or 90.44.060.

Sec. 7. Section 3, chapter 295, Laws of 1975 1st ex. sess. as last amended by section 1, chapter 46, Laws of 1988 and RCW 43.83B.210 are each amended to read as follows:

The department of ecology is authorized to make loans or grants or combinations thereof ~~((~~ ~~†))~~ from funds under RCW 43.83B.010 through 43.83B.110 to eligible public bodies as defined in RCW 43.83B.050 for rehabilitation or betterment of agricultural water supply facilities, and/or construction of agricultural water supply facilities required to develop new irrigated lands ~~((~~ ~~-or~~ ~~†))~~ ~~from emergency agricultural water supply funds under RCW 43.83B.300 when required to provide water to alleviate emergency drought conditions to assure the survival of irrigated crops and the state's fisheries).~~ The department of ecology may make such loans or grants or combinations thereof as matching funds in any case where federal, local, or other funds have been made available on a matching basis. A loan or combination loan and grant shall not exceed fifty percent of the approved eligible project cost ~~((~~ ~~†))~~ for any single proposed project ~~((~~ ~~†))~~ ~~PROVIDED, That for purposes authorized by RCW 43.83B.300, 43.83B.310, and 43.83B.365 the department of ecology may make a loan up to ninety percent of the total eligible project cost or combination loan and grant up to one hundred percent of the total single project cost and the grant portion for any single project shall not exceed twenty percent of the total project cost except that, for activities forecast to have fifty percent or less of normal seasonal water supplies, the grant portion for any single project or entity shall not exceed forty percent of the total project cost. No single entity shall receive more than ten percent of the total funds available for drought relief. These funds shall not be used for nonagricultural drought relief purposes unless there are no other capital budget funds available for these purposes. The total expenditures for nonagricultural drought relief purposes shall not exceed ten percent of the total funds available for drought relief purposes on March 15, 1988).~~ Any grant or grant portion of a combination loan and grant from funds under RCW 43.83B.010 through 43.83B.110 for any single proposed project shall not exceed fifteen percent of the eligible project costs: PROVIDED, That the fifteen percent limitation established herein shall not be applicable to project commitments which the director or deputy director of the state department of ecology made to the bureau of reclamation of the United States department of interior for providing state funding at thirty-five percent of project costs during the period between August 1, 1974, and June 30, 1975.

~~((The department of social and health services is authorized to make grants of up to forty percent of the cost of construction of any eligible project necessitated by the 1977 drought conditions. Such grants may be made only to public bodies as defined in RCW 43.83B.050 for municipal and industrial water supply and distribution facilities.))~~

Sec. 8. Section 6, chapter 343, Laws of 1987 and RCW 75.20.150 are each amended to read as follows:

All state and local agencies with authority under this chapter to issue permits or other authorizations ~~((or))~~ in connection with emergency water withdrawals and facilities ~~((pursuant to RCW 43.83B.300 through 43.83B.345))~~ authorized under section 3 of this 1989 act shall expedite the processing of such permits or authorizations in keeping with the emergency nature of such requests and shall provide a decision to the applicant within fifteen calendar days of the date of application.

Sec. 9. Section 7, chapter 343, Laws of 1987 and RCW 86.16.180 are each amended to read as follows:

All state and local agencies with authority under this chapter to issue permits or other authorizations ~~((or))~~ in connection with emergency water withdrawals and facilities ~~((pursuant to RCW 43.83B.300 through 43.83B.345))~~ authorized under section 3 of this 1989 act shall expedite the processing of such permits or authorizations in keeping with the emergency nature of such requests and shall provide a decision to the applicant within fifteen calendar days of the date of application.

Sec. 10. Section 2, chapter 47, Laws of 1988 and RCW 90.54.022 are each amended to read as follows:

(1) The director of ecology shall contract with an independent fact-finding service for the purpose of consulting with all user groups and parties interested in Washington's water resource policy, including but not limited to:

(a) The departments of ecology, agriculture, social and health services, fisheries, wildlife, and natural resources;

(b) Municipal users of water;

(c) Agricultural interests;

(d) The governor's office;

(e) Environmental interests;

(f) Interests of industrial users of water;

(g) Indian tribes;

(h) Interests of public water utilities;

(i) Interests of recreational uses other than fishing;

(j) Public and private hydropower generating utilities;

(k) Interests of sport and commercial fishing; and

(l) Interests of the forest products industry.

(2) The fact-finding service shall consult with, obtain, and document the opinions of the interested parties, and may facilitate discussions between them on the fundamentals of water resource policy and the need, if any, to change or clarify the current policy for the state. The fact-finding service shall also identify and evaluate the clarity and consistency of state water allocation laws with the current policy based on those laws.

(3) The fact-finding service shall report its findings in a written report to the joint select committee established pursuant to RCW 90.54.024. The report shall be submitted to the joint select committee by June 30, 1988, unless the committee provides for an extension of the due date.

(4) The fact-finding service and the joint select committee shall consider the reports and recommendations of state and federal studies pertaining to allocation, augmentation, conservation, and efficient use of the water resources of this state, including but not limited to the department of ecology's instream resources and water allocation program review. By considering these studies, the fact-finding service and the joint select committee shall not duplicate the work already completed in such studies.

(5) Until July 1, 1989, or until the legislature has passed legislation based on recommendations from the joint select committee, whichever comes first, the department of ecology:

(a) Shall not amend or alter the current guidelines, standards, or criteria governing the instream flow and water allocation elements of the state water resources program established pursuant to chapters 90.22 and 90.54 RCW and set forth in chapters 173-500 to 173-596 WAC;

(b) Shall not adopt any water reservation under RCW 90.54.050, set forth in chapters 173-500 to 173-596 WAC, or the preferred alternative in the instream resources and water allocation environmental impact statement; and

(c) For any new application for surface water received under chapter 90.03 RCW after March 15, 1988, shall not issue any permanent appropriation permits and may only issue new temporary appropriation permits on streams by utilizing (i) the existing minimum or base flows adopted pursuant to chapters 90.54 and 90.22 RCW or (ii) the case-by-case process to maintain food fish and game fish populations as provided in RCW 75.20.050. These water appropriations shall not reduce flows necessary to provide for preservation of wildlife, fish, scenic, aesthetic, recreational, water quality, other environmental values, and navigational values, as provided in RCW 90.54.020 and chapters 90.03 and 90.22 RCW. These temporary permits shall be conditioned so that the appropriation may be altered based upon the enactment of legislation or adoption of regulations resulting from recommendations made pursuant to RCW 90.54.024 (3) and (4).

This subsection does not apply to any emergency water permits or transfers authorized under (~~RCW 43.83B.300 through 43.83B.344~~) section 3 of this 1989 act, and shall not affect any existing water rights established pursuant to law.

(6) The department of ecology shall provide staff support in the fact-finding process.

(7) This section shall expire on June 30, 1989.

Sec. 11. Section 5, chapter 343, Laws of 1987 and RCW 90.58.370 are each amended to read as follows:

All state and local agencies with authority under this chapter to issue permits or other authorizations (~~for~~) in connection with emergency water withdrawals and facilities (~~pursuant to RCW 43.83B.300 through 43.83B.345~~) authorized under section 3 of this 1989 act shall expedite the processing of such permits or authorizations in keeping with the emergency nature of such requests and shall provide a decision to the applicant within fifteen calendar days of the date of application.

NEW SECTION. Sec. 12. The following acts or parts of acts are each repealed:

(1) Section 2, chapter 1, Laws of 1977 ex. sess. and RCW 43.83B.305;

(2) Section 3, chapter 1, Laws of 1977 ex. sess., section 2, chapter 343, Laws of 1987, section 3, chapter 46, Laws of 1988 and RCW 43.83B.310;

(3) Section 4, chapter 1, Laws of 1977 ex. sess. and RCW 43.83B.315;

(4) Section 5, chapter 1, Laws of 1977 ex. sess., section 3, chapter 343, Laws of 1987, section 11, chapter 523, Laws of 1987 and RCW 43.83B.320;

(5) Section 6, chapter 1, Laws of 1977 ex. sess. and RCW 43.83B.325;

(6) Section 7, chapter 1, Laws of 1977 ex. sess. and RCW 43.83B.330;

(7) Section 9, chapter 1, Laws of 1977 ex. sess. and RCW 43.83B.340;

(8) Section 8, chapter 343, Laws of 1987, section 4, chapter 46, Laws of 1988 and RCW 43.83B.342; and

(9) Section 9, chapter 343, Laws of 1987, section 5, chapter 46, Laws of 1988 and RCW 43.83B.344.

NEW SECTION. Sec. 13. Sections 1 through 6 of this act are each added to chapter 43.83B RCW.

NEW SECTION. Sec. 14. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 15. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 1 of the title, after "relief," strike the remainder of the title and insert "amending RCW 43.83B.210, 75.20.150, 86.16.180, 90.54.022, and 90.58.370; adding new sections to chapter 43.83B RCW; repealing RCW 43.83B.305, 43.83B.310, 43.83B.315, 43.83B.320, 43.83B.325, 43.83B.330, 43.83B.340, 43.83B.342, and 43.83B.344; and declaring an emergency."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Barr, the Senate concurred in the House amendments to Substitute Senate Bill No. 5196.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5196, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5196, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Sutherland, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 45.

Excused: Senators Bluechel, DeJarnatt, Smith, Talmadge - 4.

SUBSTITUTE SENATE BILL NO. 5196, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Anderson, Senator Matson was excused.

MESSAGE FROM THE HOUSE

April 11, 1989

Mr. President:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5018 with the following amendments:

Strike everything after the enacting clause and insert the following:

*NEW SECTION. Sec. 1. The legislature finds that since 1921 there have existed in the laws of this state two separate incorporation statutes expressly designed for corporations intending to operate as nonprofit cooperatives. The existence of two cooperative incorporation statutes has been the source of confusion, disparity of treatment, and legal and administrative ambiguities, and the rationale for having two cooperative incorporation statutes is no longer valid. These cooperative incorporation statutes have not been updated with the regularity of this state's business incorporation statutes and, as a result, are deficient in certain respects.

NEW SECTION. Sec. 2. A new section is added to chapter 23.86 RCW to read as follows:

The provisions of this chapter relating to domestic cooperative associations shall apply to:

(1) All cooperative associations organized under this chapter; and

(2) All agricultural cooperative associations organized under chapter 24.32 RCW. All such agricultural cooperatives are deemed to have been incorporated under this chapter.

NEW SECTION. Sec. 3. A new section is added to chapter 23.86 RCW to read as follows:

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

(1) "Association" means any corporation subject to this chapter.

(2) "Member" or "members" includes a member or members of an association subject to this chapter without capital stock and a shareholder or shareholders of voting common stock in an association subject to this chapter with capital stock.

(3) "Articles of incorporation" means the original or restated articles of incorporation, articles of consolidation, or articles of association and all amendments including articles of merger. Corporations incorporated under this chapter with articles of association shall not be required to amend the title or references to the term "articles of association."

(4) "Director," "directors," or "board of directors" includes "trustee," "trustees," or "board of trustees" respectively. Corporations incorporated under this chapter with references in their articles of association or bylaws to "trustee," "trustees," or "board of trustees" shall not be required to amend the references.

Sec. 4. Section 1, chapter 19, Laws of 1913 and RCW 23.86.010 are each amended to read as follows:

Any number of persons (~~not less than five~~) may associate themselves together as a cooperative association, society, company or exchange, with or without capital stock, for the transaction of any lawful business on the cooperative plan. For the purposes of this chapter the words "association," "company," "exchange," "society" or "union" shall be construed the same.

Sec. 5. Section 17, chapter 19, Laws of 1913 as amended by section 706, chapter 212, Laws of 1987 and RCW 23.86.030 are each amended to read as follows:

(1) The name of any association subject to this chapter may contain the word "corporation," "incorporated," or "limited" or an abbreviation of any such word.

(2) No corporation or association organized or doing business (~~for profit~~) in this state shall be entitled to use the term "cooperative" as a part of its corporate or other business name or title, unless it (~~has complied with~~): (a) is subject to the provisions of this chapter, chapter 23.78, or 31.12 RCW; (~~and~~) (b) is subject to the provisions of chapter 24.06 RCW and operating on a cooperative basis; (c) is, on the effective date of this act, an organization lawfully using the term "cooperative" as part of its corporate or other business name or title; or (d) is a nonprofit corporation or association the voting members of which are corporations or associations operating on a cooperative basis. Any corporation or association violating the provisions of this section may be enjoined from doing business under such name at the instance of any (~~stockholder~~) member or any association (~~legally organized hereunder~~) subject to this chapter.

(~~(2)~~) (3) A member of the board of (~~trustees~~) directors or an officer of any association (~~legally organized under~~) subject to this chapter shall have the same immunity from liability as is granted in RCW 4.24.264.

NEW SECTION. Sec. 6. A new section is added to chapter 23.86 RCW to read as follows:

Each association subject to this chapter shall have the following powers:

(1) To have perpetual succession by its corporate name unless a limited period of duration is stated in the articles of incorporation.

(2) To sue and be sued, complain, and defend in its corporate name.

(3) To have and use a corporate seal.

(4) To purchase, take, receive, lease, or otherwise acquire, own, hold, improve, use, and deal in and with real or personal property or any interest therein, wherever situated.

(5) To sell, convey, mortgage, pledge, lease, exchange, transfer, or otherwise dispose of all or any part of its property and assets.

(6) To purchase, take, receive, subscribe for, or otherwise acquire, own, hold, vote, use, employ, sell, mortgage, lend, pledge, or otherwise dispose of, use, and deal in and with shares or other interest in, or obligations of, other domestic or foreign corporations, associations, partnerships or individuals, or direct or indirect obligations of the United States or any other government, state, territory, governmental district or municipality, or any instrumentality thereof.

(7) To make contracts and incur liabilities, borrow money at rates of interest the association may determine, issue notes, bonds, certificates of indebtedness, and other obligations, receive funds from members and pay interest thereon, issue capital stock and certificates representing equity interests in assets, allocate earnings and losses at the times and in the manner the articles of incorporation or bylaws or other contract specify, create book credits, capital funds, and reserves, and secure obligations by mortgage or pledge of any of its property, franchises, and income.

(8) To lend money for corporate purposes, invest and reinvest funds, and take and hold real and personal property as security for the payment of funds loaned or invested.

(9) To conduct business, carry on operations, have offices, and exercise the powers granted by this chapter, within or without this state.

(10) To elect or appoint officers and agents of the corporation, define their duties, and fix their compensation.

(11) To make and alter bylaws, not inconsistent with its articles of incorporation or with the laws of this state, for the administration and regulation of the affairs of the association.

(12) To make donations for the public welfare or for charitable, scientific, or educational purposes, and in time of war to make donations in aid of war activities.

(13) To pay pensions and establish pension plans, pension trusts, profit-sharing plans, stock bonus plans, stock option plans, and other incentive plans for any or all of its directors, officers, and employees.

(14) To be a partner, member, associate, or manager of any partnership, joint venture, trust, or other enterprise.

(15) To cease corporate activities and surrender its corporate franchise.

(16) To have and exercise all powers necessary or convenient to effect its purposes.

Sec. 7. Section 2, chapter 19, Laws of 1913 as last amended by section 704, chapter 212, Laws of 1987 and RCW 23.86.050 are each amended to read as follows:

Every association formed under this chapter after the effective date of this section shall prepare articles of (~~association~~) incorporation in writing, which shall set forth:

(1) The name of the association.

(2) The purpose for which it was formed which may include the transaction of any lawful business for which associations may be incorporated under this chapter. It shall not be necessary to set forth in the articles of incorporation any of the corporate powers enumerated in this chapter.

(3) Its principal place of business.

(4) The term for which it is to exist which may be perpetual or for a stated number of years.

(5) ~~(The amount of capital stock, the number of shares and the par value of each share.~~

(6) If organized without capital stock, whether the property rights and interest of each member shall be equal or unequal; and if unequal, the articles shall set forth the general rules by which the property rights and interests of all members shall be determined and fixed. The association may admit new members who shall be entitled to share in the property of the association with old members in accordance with the general rules.

(6) If the association is to have capital stock:

(a) The aggregate number of shares which the association shall have authority to issue; if shares are to consist of one class only, the par value of each share, or a statement that all shares are without par value; or, if shares are to be divided into classes, the number of shares of each class, and a statement of the par value of the shares of each class or that shares are to be without par value;

(b) If the shares are to be divided into classes, the designation of each class and a statement of the preferences, limitations, and relative rights in respect to the shares of each class;

(c) If the association is to issue the shares of any preferred or special class in series, the designation of each series and a statement of the variations in the relative rights and preferences between series fixed in the articles of incorporation, and a statement of any authority vested in the board of directors to establish series and fix and determine the variations in the relative rights and preferences between series; and

(d) Any provision limiting or denying to members the preemptive right to acquire additional shares of the association.

(7) Provisions for distribution of assets on dissolution or final liquidation.

(8) Whether a dissenting member shall be limited to a return of less than the fair value of the member's equity interest in the association. A dissenting member may not be limited to a return of less than the consideration paid to or retained by the association for the equity interest unless the fair value is less than the consideration paid to or retained by the association.

(9) The address of its initial registered office, including street and number, and the name of its initial registered agent at the address.

(10) The number of directors constituting the initial board of directors and the names and addresses of the persons who are to serve as the initial directors.

(11) The name and address of each incorporator.

(12) Any provision, not inconsistent with law, which the incorporators elect to set forth in the articles of incorporation for the regulation of the internal affairs of the association, including provisions regarding:

(a) Eliminating or limiting the personal liability of a director to the association or its members for monetary damages for conduct as a director: PROVIDED, That such provision shall not eliminate or limit the liability of a director for acts or omissions that involve intentional misconduct by a director or a knowing violation of law by a director, or for any transaction from which the director will personally receive a benefit in money, property, or services to which the director is not legally entitled. No such provision may eliminate or limit the liability of a director for any act or omission occurring before the date when such provision becomes effective; and

(b) Any provision which under this (~~title~~) chapter is required or permitted to be set forth in the bylaws.

Associations organized under this chapter before the effective date of this act or under chapter 24.32 RCW shall not be required to amend their articles of association or articles of incorporation to conform to this section unless the association is otherwise amending the articles of association or articles of incorporation.

The information specified in subsections (9) through (11) of this section may be deleted when filing amendments.

NEW SECTION, Sec. 8. A new section is added to chapter 23.86 RCW to read as follows:

(1) Duplicate originals of the articles of incorporation signed by the incorporators shall be delivered to the secretary of state. If the secretary of state finds that the articles of incorporation conform to law, the secretary of state shall, when all required fees have been paid:

- (a) Endorse each original with the word "filed" and the effective date of the filing.
- (b) File one original in his or her office.
- (c) Issue a certificate of incorporation with one original attached.

(2) The certificate of incorporation, with an original of the articles of incorporation affixed by the secretary of state, shall be returned to the incorporators or their representatives and shall be retained by the association.

(3) Upon the filing of the articles of incorporation, the corporate existence shall begin, and the certificate of incorporation shall, except as against the state in a proceeding to cancel or revoke the certificate of incorporation, be conclusive evidence that all conditions precedent required to be performed by the incorporators have been complied with and that the corporation has been incorporated under this chapter.

Sec. 9. Section 4, chapter 19, Laws of 1913 as last amended by section 173, chapter 35, Laws of 1982 and RCW 23.86.070 are each amended to read as follows:

For filing articles of incorporation of an association organized under this chapter or filing application for a certificate of authority by a foreign corporation, there shall be paid to the secretary of state the sum of twenty-five dollars and for filing of an amendment ((thereof)) the sum of twenty dollars. Fees for filing other documents with the secretary of state and issuing certificates shall be as prescribed in RCW 23A.40.020. Associations ((organized under)) subject to this chapter shall not be subject to any corporation license fees excepting the fees hereinabove enumerated.

Sec. 10. Section 5, chapter 19, Laws of 1913 and RCW 23.86.080 are each amended to read as follows:

~~((Every such)) (1) Associations shall be managed by a board of not less than three ((trustees)) directors (which may be referred to as "trustees"). The ((trustees)) directors shall be elected by and from the ((stockholders)) members of the association at such time, in such manner, and for such term of office as the bylaws may prescribe, and shall hold office during the term for which they were elected and until their successors are elected and qualified ((but a majority of the stockholders shall have the power at any regular or special meeting, legally called for that purpose to remove any trustee or officer for cause, and fill the vacancy. The officers of every such association shall be a president, one or more vice presidents, a secretary and a treasurer who shall be elected annually by the trustees. Each of said officers must be a member of the association. All elections shall be by ballot)).~~

(2) Except as provided in section 12 of this act, any vacancy occurring in the board of directors, and any directorship to be filled by reason of an increase in the number of directors, may be filled by the board of directors unless the articles of incorporation or the bylaws provide that a vacancy or directorship so created shall be filled in some other manner. A director elected or appointed to fill a vacancy shall be elected or appointed for the unexpired term of the predecessor in office.

NEW SECTION, Sec. 11. A new section is added to chapter 23.86 RCW to read as follows:

The directors shall elect a president and one or more vice-presidents, who need not be directors. If the president and vice-presidents are not members of the board of directors, the directors shall elect from their number a chairman of the board of directors and one or more vice-chairmen. They shall also elect a secretary and treasurer, who need not be directors, and they may combine the two offices and designate the combined office as secretary-treasurer. The treasurer may be a bank or any depository, and as such shall not be considered an officer but a function of the board of directors. In such case, the secretary shall perform the usual accounting duties of the treasurer, except that the funds shall be deposited only as authorized by the board of directors.

NEW SECTION, Sec. 12. A new section is added to chapter 23.86 RCW to read as follows:

Any member may bring charges against an officer or director by filing charges in writing with the secretary of the association, together with a petition signed by ten percent of the members requesting the removal of the officer or director in question. The removal shall be voted upon at the next regular or special meeting of the association and, by a vote of a majority of the members voting, the association may remove the officer or director and fill the vacancy. The director or officer against whom such charges have been brought shall be informed in writing of the charges prior to the meeting and shall have an opportunity at the meeting to be heard in person or by counsel and to present witnesses. The person or persons bringing the charges shall have the same opportunity. If the bylaws provide for election of directors by districts, the petition for removal of a director must be signed by the number of members residing in the district from which the officer or director was elected as the articles of incorporation or bylaws specify and, in the absence of such specification, the petition must be signed by ten percent of the members residing in the district. The board of directors must call a

special meeting of the members residing in that district to consider the removal of the director. By a vote of the majority of the members of the district voting, the association may remove the officer or director and fill the vacancy.

NEW SECTION, Sec. 13. A new section is added to chapter 23.86 RCW to read as follows:

Effective January 1, 1990, every association subject to this chapter shall have and maintain a registered office and a registered agent in this state in accordance with the requirements set forth in RCW 24.06.050.

NEW SECTION, Sec. 14. A new section is added to chapter 23.86 RCW to read as follows:

The provisions of RCW 24.06.055 and 24.06.060 shall apply to every association subject to this chapter.

NEW SECTION, Sec. 15. A new section is added to chapter 23.86 RCW to read as follows:

Effective January 1, 1990, every association subject to this chapter shall comply with the requirements set forth in RCW 24.06.440.

NEW SECTION, Sec. 16. A new section is added to chapter 23.86 RCW to read as follows:

The provisions of RCW 24.06.445 shall apply to every association subject to this chapter.

NEW SECTION, Sec. 17. A new section is added to chapter 23.86 RCW to read as follows:

The provisions of RCW 23A.28.125 shall apply to every association subject to this chapter formed on or after the effective date of this act.

NEW SECTION, Sec. 18. A new section is added to chapter 23.86 RCW to read as follows:

The provisions of RCW 23A.28.127 shall apply to every association subject to this chapter.

An association may apply for reinstatement within three years after the effective date of dissolution.

NEW SECTION, Sec. 19. A new section is added to chapter 23.86 RCW to read as follows:

(1) Except for debts lawfully contracted between a member and the association, no member shall be liable for the debts of the association to an amount exceeding the sum remaining unpaid on his or her membership fee or subscription to capital stock.

(2) Membership may be terminated under provisions, rules, or regulations prescribed in the articles of incorporation or bylaws. In the absence thereof, the board of directors may prescribe such provisions, rules, and regulations.

NEW SECTION, Sec. 20. A new section is added to chapter 23.86 RCW to read as follows:

The provisions of RCW 24.06.100 and 24.06.105 shall apply to every association subject to this chapter.

NEW SECTION, Sec. 21. A new section is added to chapter 23.86 RCW to read as follows:

(1) The right of a member to vote may be limited, enlarged, or denied to the extent specified in the articles of incorporation or bylaws. Unless so limited, enlarged, or denied, each member shall be entitled to one vote on each matter submitted to a vote of members. The bylaws may allow subscribers to vote as members if one-fifth of the subscription for the membership fee or capital stock has been paid.

(2) A member may vote in person or, unless the articles of incorporation or the bylaws otherwise provide, may vote by mail or by proxy executed in writing by the member or by a duly authorized attorney-in-fact. No proxy shall be valid for more than eleven months from the date of its execution unless otherwise specified in the proxy. Votes by mail or by proxy shall be made by mail ballot or proxy form prepared and distributed by the association in accordance with procedures set forth in the articles of incorporation or bylaws. Persons voting by mail shall be deemed present for all purposes of quorum, count of votes, and percentage voting of total voting power.

(3) If the articles of incorporation or bylaws provide for more or less than one vote per member on any matter, every reference in this chapter to a majority or other proportion of members shall refer to such a majority or other proportion of votes entitled to be cast by members.

NEW SECTION, Sec. 22. A new section is added to chapter 23.86 RCW to read as follows:

Except as otherwise provided in this chapter, the articles of incorporation or the bylaws may provide the number or percentage of votes that members are entitled to cast in person, by mail, or by proxy that shall constitute a quorum at meetings of members. In the absence of any provision in the articles of incorporation or bylaws, twenty-five percent of the total membership of the association shall constitute a quorum.

Sec. 23. Section 6, chapter 19, Laws of 1913 as last amended by section 174, chapter 35, Laws of 1982 and RCW 23.86.090 are each amended to read as follows:

The articles of (~~association~~) incorporation may be amended by a majority vote of the members voting thereon, at any regular meeting or at any special meeting called for that purpose, after notice of the proposed amendment has been given to all members entitled to vote thereon, in the manner provided by the bylaws: PROVIDED, That if the total vote upon the proposed amendment shall be less than twenty-five percent of the total membership of the association, the amendment shall not be approved. At the meeting, members may vote upon the proposed amendment in person, or by written proxy, or by mailed ballot. The power to amend shall include the power to extend the period of its duration for a further definite time or perpetually, and also include the power to increase or diminish the amount of capital stock and the number of shares: PROVIDED, The amount of the capital stock shall not be diminished

below the amount of the paid-up capital stock at the time such amendment is adopted. ~~((Within thirty days))~~ After the adoption of an amendment to its articles of ~~((association))~~ incorporation, the association shall cause a copy of such amendment adopted to be recorded in the office of the secretary of state as provided in RCW 24.06.195.

Sec. 24. Section 19, chapter 19, Laws of 1913 and RCW 23.86.100 are each amended to read as follows:

Any association ~~((formed under))~~ subject to this chapter may pass bylaws to govern itself in the carrying out of the provisions of this chapter which are not inconsistent with the provisions of this chapter.

Sec. 25. Section 13, chapter 19, Laws of 1913 as last amended by section 1, chapter 37, Laws of 1947 and RCW 23.86.160 are each amended to read as follows:

The ~~((trustees))~~ directors may apportion the net earnings by paying dividends upon the paid-up capital stock at a rate not exceeding eight percent per annum. They may set aside reasonable reserves out of such net earnings for any association purpose. The ~~((trustees))~~ directors may, however, distribute all or any portion of the net earnings to ~~((stockholders))~~ members in proportion to the business of each with the association ~~((-PROVIDED, That))~~ and they may include ~~((nonstockholders))~~ nonmembers at a rate not exceeding that paid to ~~((stockholders-PROVIDED-FURTHER, That))~~ members. The ~~((trustees))~~ directors may distribute, on a patronage basis, such net earnings at different rates on different classes, kinds, or varieties of products handled. All dividends declared or other distributions made under this section may, in the discretion of the ~~((trustees))~~ directors, be in the form of capital stock ~~((or other))~~, capital or equity certificates, book credits, or capital funds of the association. All unclaimed dividends or distributions authorized under this chapter or funds payable on redeemed stock ~~((or))~~, equity certificates, book credits, or capital funds shall revert to the association at the discretion of the ~~((trustees))~~ directors at any time after one year from the end of the fiscal year during which such distributions or redemptions have been declared.

Sec. 26. Section 38, chapter 297, Laws of 1981 and RCW 23.86.195 are each amended to read as follows:

Any cooperative association organized under any other statute may be reorganized under the provisions of this chapter by adopting and filing amendments to its articles of ~~((association))~~ incorporation in accordance with the provisions of this chapter for amending articles of ~~((association))~~ incorporation. The articles of ~~((association))~~ incorporation as amended must conform to the requirements of this chapter, and shall state that the cooperative association accepts the benefits and will be bound by the provisions of this chapter.

Sec. 27. Section 2, chapter 221, Laws of 1971 ex. sess. as last amended by section 175, chapter 35, Laws of 1982 and RCW 23.86.210 are each amended to read as follows:

(1) A cooperative association may be converted to a domestic ordinary business corporation pursuant to the following procedures:

(a) The board of ~~((trustees))~~ directors of the association shall, by affirmative vote of not less than two-thirds of all such ~~((trustees))~~ directors, adopt a plan for such conversion setting forth:

(i) The reasons why such conversion is desirable and in the interests of the members of the association;

(ii) The proposed contents of articles of conversion with respect to items (ii) through (ix) of subparagraph (c) below; and

(iii) Such other information and matters as the board of ~~((trustees))~~ directors may deem to be pertinent to the proposed plan.

(b) After adoption by the board of ~~((trustees))~~ directors, the plan for conversion shall be submitted for approval or rejection to the members of the association at any regular meetings or at any special meetings called for that purpose, after notice of the proposed conversion has been given to all members entitled to vote thereon, in the manner provided by the bylaws. The notice of the meeting shall be accompanied by a full copy of the proposed plan for conversion or by a summary of its provisions. At the meeting members may vote upon the proposed conversion in person, or by written proxy, or by mailed ballot. The affirmative vote of two-thirds of the members voting thereon shall be required for approval of the plan of conversion ~~((-PROVIDED, That))~~. If the total vote upon the proposed conversion shall be less than twenty-five percent of the total membership of the association, the conversion shall not be approved.

(c) Upon approval by the members of the association, the articles of conversion shall be executed in duplicate by the association by one of its officers and shall set forth:

(i) The dates and vote by which the plan for conversion was adopted by the board of ~~((trustees))~~ directors and members respectively;

(ii) The corporate name of the converted organization. The name shall comply with requirements for names of business corporations formed under Title 23A RCW, and shall not contain the term "cooperative";

(iii) The purpose or purposes for which the converted corporation is to exist;

(iv) The duration of the converted corporation, which may be perpetual or for a stated term of years;

(v) The capitalization of the converted corporation and the class or classes of shares of stock into which divided, together with the par value, if any, of such shares, in accordance

with statutory requirements applicable to ordinary business corporations, and the basis upon which outstanding shares of the association are converted into shares of the converted corporation;

(vi) Any provision limiting or denying to shareholders the preemptive right to acquire additional shares of the converted corporation;

(vii) The address of the converted corporation's initial registered office and its initial registered agent at such address;

(viii) The names and addresses of the persons who are to serve as directors of the converted corporation until the first annual meeting of shareholders of the converted corporation or until their successors are elected and qualify;

(ix) Any additional provisions, not inconsistent with law, provided for by the plan for conversion for the regulation of the internal affairs of the converted corporation, including any provision restricting the transfer of shares or which under Title 23A RCW is required or permitted to be set forth in bylaws.

(d) The executed duplicate originals of the articles of conversion shall be delivered to the secretary of state. If the secretary of state finds that the articles of conversion conform to law, the secretary of state shall, when all the fees have been paid as in this section prescribed:

(i) Endorse on each of such originals the word "Filed", and the effective date of such filing;

(ii) File one of such originals; and

(iii) Issue a certificate of conversion to which one of such originals shall be affixed.

(e) The certificate of conversion, together with the original of the articles of conversion affixed thereto by the secretary of state, shall be returned to the converted corporation or its representative. The original affixed to the certificate of conversion shall be retained by the converted corporation.

~~((e))~~ (f) Upon filing the articles of conversion the converted corporation shall pay, and the secretary of state shall collect, the same filing and license fees as for filing articles of incorporation of a newly formed business corporation similarly capitalized.

(2) Upon filing by the secretary of state of the articles of conversion, the conversion of the cooperative association to an ordinary business corporation shall become effective; the articles of conversion shall thereafter constitute and be treated in like manner as articles of incorporation; and the converted corporation shall be subject to all laws applicable to corporations formed under Title 23A RCW, and shall not thereafter be subject to laws applying only to cooperative associations. The converted corporation shall constitute and be deemed to constitute a continuation of the corporate substance of the cooperative association and the conversion shall in no way derogate from the rights of creditors of the former association.

~~((3) A member of the cooperative association who dissents from the plan for conversion shall have the same right of dissent and payment and in accordance with the same applicable procedures, as are provided for dissenting shareholders with respect to merger of ordinary business corporations under chapter 23A.24 RCW.))~~

Sec. 28. Section 3, chapter 221, Laws of 1971 ex. sess. as last amended by section 176, chapter 35, Laws of 1982 and RCW 23.86.220 are each amended to read as follows:

(1) A cooperative association may merge with one or more domestic cooperative associations, or with one or more domestic ordinary business corporations, in accordance with the procedures and subject to the conditions set forth or referred to in this section.

(2) If the merger is into another domestic cooperative association, the board of ~~((trustees))~~ directors of each of the associations shall approve by vote of not less than two-thirds of all the ~~((trustees))~~ directors, a plan of merger setting forth:

(a) The names of the associations proposing to merge;

(b) The name of the association which is to be the surviving association in the merger;

(c) The terms and conditions of the proposed merger;

(d) The manner and basis of converting the shares of each merging association into shares or other securities or obligations of the surviving association;

(e) A statement of any changes in the articles of ~~((association))~~ incorporation of the surviving association to be effected by such merger; and

(f) Such other provisions with respect to the proposed merger as are deemed necessary or desirable.

(3) Following approval by the boards of ~~((trustees))~~ directors, the plan of merger shall be submitted to a vote of the members of each of the associations at any regular meeting or at any special meetings called for that purpose, after notice of the proposed merger has been given to all members entitled to vote thereon, in the manner provided in the bylaws. The notice of the meeting shall be in writing stating the purpose or purposes of the meeting and include or be accompanied by a copy or summary of the plan of merger. At the meeting members may vote upon the proposed merger in person, or by written proxy, or by mailed ballot. The affirmative vote of two-thirds of the members voting thereon, by each association, shall be required for approval of the plan of merger ~~((PROVIDED, That))~~. If the total vote of either association upon the proposed merger shall be less than twenty-five percent of the total membership of such association, the merger shall not be approved.

(4) Upon approval by the members of the associations proposing to merge, articles of merger shall be executed in duplicate by each association by an officer of each association, and shall set forth:

- (a) The plan of merger;
- (b) As to each association, the number of members and, if there is capital stock, the number of shares outstanding; and
- (c) As to each association, the number of members who voted for and against such plan, respectively.

(5) Duplicate originals of the articles of merger shall be delivered to the secretary of state. If the secretary of state finds that such articles conform to law, the secretary of state shall, when all fees have been paid as in this section prescribed:

- (a) Endorse on each of such originals the word "Filed", and the effective date of such filing;
 - (b) File one of such originals; and
 - (c) Issue a certificate of merger to which one of such originals shall be affixed.
- (6) The certificate of merger, together with the duplicate original of the articles of merger affixed thereto by the secretary of state shall be returned to the surviving association or its representative.

(7) For filing articles of merger hereunder the secretary of state shall charge and collect the same fees as apply to filing of articles of merger of ordinary business corporations.

(8) If the plan of merger is for merger of the cooperative association into a domestic ordinary business corporation, the association shall follow the same procedures as hereinabove provided for merger of domestic cooperative associations and the ordinary business corporation shall follow the applicable procedures set forth in chapter 23A.20 RCW.

(9) At any time prior to filing of the articles of merger, the merger may be abandoned pursuant to provisions therefor, if any, set forth in the plan of merger.

~~((10) A member of a cooperative association, or shareholder of the ordinary business corporation, who dissents from the plan of merger shall have the same right of dissent and payment and in accordance with the same applicable procedures, as are provided for dissenting shareholders with respect to merger of ordinary business corporations under chapter 23A.24 RCW.))~~

Sec. 29, Section 4, chapter 221, Laws of 1971 ex. sess. and RCW 23.86.230 are each amended to read as follows:

(1) Upon issuance of the certificate of merger by the secretary of state, the merger of the cooperative association into another cooperative association or ordinary business corporation, as the case may be, shall be effected.

(2) When merger has been effected:

(a) The several parties to the plan of merger shall be a single cooperative association or corporation, as the case may be, which shall be that cooperative association or corporation designated in the plan of merger as the survivor.

(b) The separate existence of all parties to the plan of merger, except that of the surviving cooperative association or corporation, shall cease.

(c) If the surviving entity is a cooperative association, it shall have all the rights, privileges, immunities and powers and shall be subject to all the duties and liabilities of a cooperative association organized under chapter 23.86 RCW. If the surviving entity is an ordinary business corporation, it shall have all the rights, privileges, immunities and powers and shall be subject to all the duties and liabilities of a corporation organized or existing under Title 23A RCW.

(d) Such surviving cooperative association or corporation, as the case may be, shall thereupon and thereafter possess all the rights, privileges, immunities, and franchises, both public and private of each of the merging organizations, to the extent that such rights, privileges, immunities, and franchises are not inconsistent with the corporate nature of the surviving organization; and all property, real, personal and mixed, and all debts due on whatever account, including subscriptions to shares, and all other choses in action, and all and every other interest of or belonging to or due to each of the organizations so merged shall be taken and deemed to be transferred to and vested in such surviving cooperative association or corporation, as the case may be, without further act or deed; and the title to any real estate, or any interest therein, vested in any such merged cooperative association shall not revert or be in any way impaired by reason of such merger.

(3) The surviving cooperative association or corporation, as the case may be, shall, after the merger is effected, be responsible and liable for all the liabilities and obligations of each of the organizations so merged; and any claim existing or action or proceeding pending by or against any of such organizations may be prosecuted as if the merger had not taken place and the surviving cooperative association or corporation may be substituted in its place. Neither the right of creditors nor any liens upon the property of any cooperative association or corporation party to the merger shall be impaired by the merger.

(4) The articles of ~~((association))~~ incorporation of the surviving cooperative association or ~~((the articles of incorporation))~~ of the surviving ordinary business corporation, as the case may be, shall be deemed to be amended to the extent, if any, that changes in such articles are stated in the plan of merger.

NEW SECTION. Sec. 30. A new section is added to chapter 23.86 RCW to read as follows:

A member of an association shall have the right to dissent from any of the following association actions:

- (1) Any plan of merger or consolidation to which the association is a party;
- (2) Any plan of conversion of the association to an ordinary business corporation; or
- (3) Any sale or exchange of all or substantially all of the property and assets of the association not made in the usual and regular course of its business, including a sale in dissolution, but not including a sale pursuant to an order of a court having jurisdiction in the premises or a sale for cash on terms requiring that all or substantially all of the net proceeds of the sale be distributed to the members in accordance with their respective interests within one year from the date of sale.

NEW SECTION. Sec. 31. A new section is added to chapter 23.86 RCW to read as follows:

(1) Except as provided otherwise under subsection (2) of this section, the rights and procedures set forth in RCW 23A.24.040 shall apply to a member who elects to exercise the right of dissent.

(2) The articles of incorporation of an association subject to this chapter may provide that a dissenting member shall be limited to a return of less than the fair value of the member's equity interest in the association, but a dissenting member may not be limited to a return of less than the consideration paid to or retained by the association for the equity interest unless the fair value is less than the consideration paid to or retained by the association.

NEW SECTION. Sec. 32. A new section is added to chapter 23.86 RCW to read as follows:

The provisions of Title 23A RCW shall apply to the associations subject to this chapter, except where such provisions are in conflict with or inconsistent with the express provisions of this chapter. The terms "shareholder" or "shareholders" as used in Title 23A RCW, or in chapter 24.06 RCW as incorporated by reference herein, shall be deemed to refer to "member" or "members" as defined in this chapter. When the terms "share" or "shares" are used with reference to voting rights in Title 23A RCW, or in chapter 24.06 RCW as incorporated by reference herein, such terms shall be deemed to refer to the vote or votes entitled to be cast by a member or members.

NEW SECTION. Sec. 33. A new section is added to chapter 23.86 RCW to read as follows:

The provisions of RCW 24.06.340 through 24.06.435 shall apply to every foreign corporation which desires to conduct affairs in this state under the authority of this chapter.

Sec. 34. Section 32, chapter 282, Laws of 1959 as last amended by section 9, chapter 421, Laws of 1987 and by section 13, chapter 457, Laws of 1987 and RCW 21.20.320 are each reenacted and amended to read as follows:

The following transactions are exempt from RCW 21.20.040 through 21.20.300 except as expressly provided:

(1) Any isolated transaction, or sales not involving a public offering, whether effected through a broker-dealer or not; or any transaction effected in accordance with any rule by the director establishing a nonpublic offering exemption pursuant to this subsection where registration is not necessary or appropriate in the public interest or for the protection of investors.

(2) Any nonissuer distribution of an outstanding security by a registered broker-dealer if (a) a recognized securities manual contains the names of the issuer's officers and directors, a balance sheet of the issuer as of a date within eighteen months, and a profit and loss statement for either the fiscal year preceding that date or the most recent year of operations, or (b) the security has a fixed maturity or a fixed interest or dividend provision and there has been no default during the current fiscal year or within the three preceding fiscal years, or during the existence of the issuer and any predecessors if less than three years, in the payment of principal, interest, or dividends on the security.

(3) Any nonissuer transaction effected by or through a registered broker-dealer pursuant to an unsolicited order or offer to buy; but the director may by rule require that the customer acknowledge upon a specified form that the sale was unsolicited, and that a signed copy of each such form be preserved by the broker-dealer for a specified period.

(4) Any transaction between the issuer or other person on whose behalf the offering is made and an underwriter, or among underwriters.

(5) Any transaction in a bond or other evidence of indebtedness secured by a real or chattel mortgage or deed of trust, or by an agreement for the sale of real estate or chattels, if the entire mortgage, deed of trust, or agreement, together with all the bonds or other evidences of indebtedness secured thereby, is offered and sold as a unit. A bond or other evidence of indebtedness is not offered and sold as a unit if the transaction involves:

(a) A partial interest in one or more bonds or other evidences of indebtedness secured by a real or chattel mortgage or deed of trust, or by an agreement for the sale of real estate or chattels; or

(b) One of multiple bonds or other evidences of indebtedness secured by one or more real or chattel mortgages or deeds of trust, or agreements for the sale of real estate or chattels, sold to more than one purchaser as part of a single plan of financing; or

(c) A security including an investment contract other than the bond or other evidence of indebtedness.

(6) Any transaction by an executor, administrator, sheriff, marshal, receiver, trustee in bankruptcy, guardian, or conservator.

(7) Any transaction executed by a bona fide pledgee without any purpose of evading this chapter.

(8) Any offer or sale to a bank, savings institution, trust company, insurance company, investment company as defined in the Investment Company Act of 1940, pension or profit-sharing trust, or other financial institution or institutional buyer, or to a broker-dealer, whether the purchaser is acting for itself or in some fiduciary capacity.

(9) Any transaction pursuant to an offering not exceeding five hundred thousand dollars effected in accordance with any rule by the director if the director finds that registration is not necessary in the public interest and for the protection of investors.

(10) Any offer or sale of a preorganization certificate or subscription if (a) no commission or other remuneration is paid or given directly or indirectly for soliciting any prospective subscriber, (b) the number of subscribers does not exceed ten, and (c) no payment is made by any subscriber.

(11) Any transaction pursuant to an offer to existing security holders of the issuer, including persons who at the time of the transaction are holders of convertible securities, nontransferable warrants, or transferable warrants exercisable within not more than ninety days of their issuance, if (a) no commission or other remuneration (other than a standby commission) is paid or given directly or indirectly for soliciting any security holder in this state, or (b) the issuer first files a notice specifying the terms of the offer and the director does not by order disallow the exemption within the next five full business days.

(12) Any offer (but not a sale) of a security for which registration statements have been filed under both this chapter and the Securities Act of 1933 if no stop order or refusal order is in effect and no public proceeding or examination looking toward such an order is pending under either act.

(13) The issuance of any stock dividend, whether the corporation distributing the dividend is the issuer of the stock or not, if nothing of value is given by stockholders for the distribution other than the surrender of a right to a cash dividend where the stockholder can elect to take a dividend in cash or stock.

(14) Any transaction incident to a right of conversion or a statutory or judicially approved reclassification, recapitalization, reorganization, quasi reorganization, stock split, reverse stock split, merger, consolidation, or sale of assets.

(15) The offer or sale by a registered broker-dealer, or a person exempted from the registration requirements pursuant to RCW 21.20.040, acting either as principal or agent, of securities previously sold and distributed to the public: PROVIDED, That:

(a) Such securities are sold at prices reasonably related to the current market price thereof at the time of sale, and, if such broker-dealer is acting as agent, the commission collected by such broker-dealer on account of the sale thereof is not in excess of usual and customary commissions collected with respect to securities and transactions having comparable characteristics;

(b) Such securities do not constitute the whole or a part of an unsold allotment to or subscription or participation by such broker-dealer as an underwriter of such securities or as a participant in the distribution of such securities by the issuer, by an underwriter or by a person or group of persons in substantial control of the issuer or of the outstanding securities of the class being distributed; and

(c) The security has been lawfully sold and distributed in this state or any other state of the United States under this or any act regulating the sale of such securities.

(16) Any transaction by a mutual or cooperative association meeting the requirements of (a) and (b) of this subsection:

(a) The transaction:

(i) Does not involve advertising or public solicitation; or

(ii) Involves advertising or public solicitation, and:

(A) The association first files a notice of claim of exemption on a form prescribed by the director specifying the terms of the offer and the director does not by order deny the exemption within the next ten full business days; or

(B) The association is an employee cooperative and identifies itself as an employee cooperative in advertising or public solicitation.

(b) The transaction involves an instrument or interest, that:

(i)(A) Qualifies its holder to be a member or patron of the association;

(B) Represents a contribution of capital to the association by a person who is or intends to become a member or patron of the association;

(C) Represents a patronage dividend or other patronage allocation; or

(D) Represents the terms or conditions by which a member or patron purchases, sells, or markets products, commodities, or services from, to, or through the association; and

(i) Is nontransferable except in the case of death, operation of law, bona fide transfer for security purposes only to the association, a bank, or other financial institution, intrafamily

transfer, or transfer to an existing member or person who will become a member and, in the case of an instrument, so states conspicuously on its face.

(17) Any transaction effected in accordance with any rule adopted by the director establishing a limited offering exemption which furthers objectives of compatibility with federal exemptions and uniformity among the states, provided that in adopting any such rule the director may require that no commission or other remuneration be paid or given to any person, directly or indirectly, for effecting sales unless the person is registered under this chapter as a broker-dealer or salesperson.

NEW SECTION. Sec. 35. A new section is added to chapter 23.86 RCW to read as follows:

(1) The secretary of state shall notify all associations subject to this chapter thirty days prior to the effective date of this act that in the event they fail to appoint a registered agent as provided in section 13 of this act, they shall thereupon cease to be recorded as an active corporation.

(2) If the notification provided under subsection (1) of this section from the secretary of state to any association was or has been returned unclaimed or undeliverable, the secretary of state shall proceed to remove the name of such association from the records of active corporations.

(3) Associations removed from the records of active corporations under subsection (2) of this section may be reinstated at any time within ten years of the action by the secretary of state. The association shall be reinstated to active status by filing a request for reinstatement, by appointment of a registered agent and designation of a registered office as required by this chapter, and by filing an annual report for the reinstatement year. No fees may be charged for reinstatements under this section. If, during the period of inactive status, another person or corporation has reserved or adopted a corporate name which is identical to or deceptively similar to the association's name, the association seeking reinstatement shall be required to adopt another name consistent with the requirements of this chapter and to amend its articles of incorporation accordingly.

(4) If no action is taken to reinstate to active status as provided in subsection (3) of this section, the association shall be administratively dissolved.

Sec. 36. Section 24, chapter 230, Laws of 1971 ex. sess. as amended by section 1, chapter 164, Laws of 1987 and RCW 15.35.240 are each amended to read as follows:

The director may deny, suspend, or revoke a license upon due notice and an opportunity for a hearing as provided in chapter ~~(34.04 RCW, concerning contested cases, as enacted or hereafter amended)~~ 34.05 RCW concerning adjudicative proceedings, or rules adopted thereunder by the director, when he is satisfied by a preponderance of the evidence of the existence of any of the following facts:

(1) A milk dealer has failed to account and make payments without reasonable cause, for milk purchased from a producer subject to the provisions of this chapter or rules adopted hereunder;

(2) A milk dealer has committed any act injurious to the public health or welfare or to trade and commerce in milk;

(3) A milk dealer has continued in a course of dealing of such nature as to satisfy the director of his inability or unwillingness to properly conduct the business of handling or selling milk, or to satisfy the director of his intent to deceive or defraud producers subject to the provisions of this chapter or rules adopted hereunder;

(4) A milk dealer has rejected without reasonable cause any milk purchased or has rejected without reasonable cause or reasonable advance notice milk delivered in ordinary continuance of a previous course of dealing, except where the contract has been lawfully terminated;

(5) Where the milk dealer is insolvent or has made a general assignment for the benefit of creditors or has been adjudged bankrupt or where a money judgment has been secured against him upon which an execution has been returned wholly or partially satisfied;

(6) Where the milk dealer has been a party to a combination to fix prices, contrary to law; a cooperative association organized under chapter ~~(24.32)~~ 23.86 RCW and making collective sales and marketing milk pursuant to the provisions of such chapter, directly or through a marketing agent, shall not be deemed or construed to be a conspiracy or combination in restraint of trade or an illegal monopoly;

(7) Where there has been a failure either to keep records or to furnish statements or information required by the director;

(8) Where it is shown that any material statement upon which the license was issued is or was false or misleading or deceitful in any particular;

(9) Where the applicant is a partnership or a corporation and any individual holding any position or interest or power of control therein has previously been responsible in whole or in part for any act for which a license may be denied, suspended, or revoked, pursuant to the provisions of this chapter or rules adopted hereunder;

(10) Where the milk dealer has violated any provisions of this chapter or rules adopted hereunder;

(11) Where the milk dealer has ceased to operate the milk business for which the license was issued.

Sec. 37. Section 3, chapter 139, Laws of 1959 as last amended by section 10, chapter 254, Laws of 1988 and RCW 20.01.030 are each amended to read as follows:

This chapter does not apply to:

(1) Any cooperative marketing associations or federations incorporated under, or whose articles of incorporation and bylaws are equivalent to, the requirements of chapter 23.86 RCW ((or chapter 24.32 RCW)), except as to that portion of the activities of the association or federation that involve the handling or dealing in the agricultural products of nonmembers of the organization: PROVIDED, That the associations or federations may purchase up to fifteen percent of their gross from nonmembers for the purpose of filling orders: PROVIDED FURTHER, That if the cooperative or association acts as a processor as defined in RCW 20.01.500(2) and markets the processed agricultural crops on behalf of the grower or its own behalf, the association or federation is subject to the provisions of RCW 20.01.500 through 20.01.560 and the license provision of this chapter excluding bonding provisions: PROVIDED FURTHER, That none of the foregoing exemptions in this subsection apply to any such cooperative or federation dealing in or handling grain in any manner, and not licensed under the provisions of chapter 22.09 RCW;

(2) Any person who sells exclusively his or her own agricultural products as the producer thereof;

(3) Any public livestock market operating under a bond required by law or a bond required by the United States to secure the performance of the public livestock market's obligation. However, any such market operating as a livestock dealer or order buyer, or both, is subject to all provisions of this chapter except for the payment of the license fee required in RCW 20.01.040;

(4) Any retail merchant having a bona fide fixed or permanent place of business in this state, but only for the retail merchant's retail business conducted at such fixed or established place of business;

(5) Any person buying farm products for his or her own use or consumption;

(6) Any warehouseman or grain dealer licensed under the state grain warehouse act, chapter 22.09 RCW, with respect to his or her handling of any agricultural product as defined under that chapter;

(7) Any nurseryman who is required to be licensed under the horticultural laws of the state with respect to his or her operations as such licensee;

(8) Any person licensed under the now existing dairy laws of the state with respect to his or her operations as such licensee;

(9) Any producer who purchases less than fifteen percent of his or her volume to complete orders;

(10) Any person, association, or corporation regulated under chapter 67.16 RCW and the rules adopted thereunder while performing acts regulated by that chapter and the rules adopted thereunder;

(11) Any boom loader who loads exclusively his or her own hay or straw as the producer thereof.

Sec. 38. Section 72, chapter 120, Laws of 1969 ex. sess. as amended by section 2, chapter 45, Laws of 1982 and RCW 24.06.360 are each amended to read as follows:

A foreign corporation, in order to procure a certificate of authority to conduct affairs in this state, shall make application therefor to the secretary of state, which application shall set forth:

(1) The name of the corporation and the state or country under the laws of which it is incorporated.

(2) The date of incorporation and the period of duration of the corporation.

(3) The address of the principal office of the corporation in the state or country under the laws of which it is incorporated.

(4) The address of the proposed registered office of the corporation in this state, and the name of its proposed registered agent in this state at such address.

(5) For the purpose or purposes of the corporation which it proposes to pursue in conducting its affairs in this state.

(6) The names and respective addresses of the directors and officers of the corporation.

(7) Such additional information as may be necessary or appropriate in order to enable the secretary of state to determine whether such corporation is entitled to a certificate of authority to conduct affairs in this state.

~~((8) For any foreign agricultural cooperative association, evidence that the association has complied with the provisions of RCW 24.32.210;))~~

Sec. 39. Section 43.07.120, chapter 8, Laws of 1965 as last amended by section 187, chapter 35, Laws of 1982 and RCW 43.07.120 are each amended to read as follows:

(1) The secretary of state shall collect the fees herein prescribed for the secretary of state's official services:

(a) For a copy of any law, resolution, record, or other document or paper on file in the secretary's office for which no other fee is provided, fifty cents per page for the first ten pages and twenty-five cents per page for each additional page;

(b) For any certificate under seal, five dollars;

(c) For filing and recording trademark, fifty dollars;

(d) For each deed or patent of land issued by the governor, if for one hundred and sixty acres of land, or less, one dollar, and for each additional one hundred and sixty acres, or fraction thereof, one dollar:

(e) For recording miscellaneous records, papers, or other documents, five dollars for filing each case.

(2) The secretary of state may adopt rules under chapter ~~((34-04))~~ 34.05 RCW establishing reasonable fees for the following services rendered under Title 23A RCW, chapter 18.100, 23.86, 23.90, 24.03, 24.06, 24.12, 24.20, 24.24, 24.28, ~~((24-32;))~~ 24.36, or 25.10 RCW:

(a) Any service rendered in-person at the secretary of state's office;

(b) Any expedited service;

(c) The electronic transmittal of documents;

(d) The providing of information by microfiche or other reduced-format compilation;

(e) The handling of checks or drafts for which sufficient funds are not on deposit;

(f) The resubmission of documents previously submitted to the secretary of state where the documents have been returned to the submitter to make such documents conform to the requirements of the applicable statute;

(g) The handling of telephone requests for information; and

(h) Special search charges.

(3) To facilitate the collection of fees, the secretary of state may establish accounts for deposits by persons who may frequently be assessed such fees to pay the fees as they are assessed. The secretary of state may make whatever arrangements with those persons as may be necessary to carry out this section.

(4) No member of the legislature, state officer, justice of the supreme court, judge of the court of appeals, or judge of the superior court shall be charged for any search relative to matters pertaining to the duties of his or her office; nor may such official be charged for a certified copy of any law or resolution passed by the legislature relative to his or her official duties, if such law has not been published as a state law.

Sec. 40. Section 1, chapter 122, Laws of 1971 ex. sess. as last amended by section 188, chapter 35, Laws of 1982 and RCW 43.07.130 are each amended to read as follows:

There is created within the state treasury a revolving fund, to be known as the "secretary of state's revolving fund," which shall be used by the office of the secretary of state to defray the costs of printing, reprinting, or distributing printed matter authorized by law to be issued by the office of the secretary of state, and any other cost of carrying out the functions of the secretary of state under Title 23A RCW, or chapters 18.100, 23.86, 23.90, 24.03, 24.06, 24.12, 24.20, 24.24, 24.28, ~~((24-32;))~~ 24.36, or 25.10 RCW.

The secretary of state is hereby authorized to charge a fee for such publications in an amount which will compensate for the costs of printing, reprinting, and distributing such printed matter. Fees recovered by the secretary of state under RCW 43.07.120(2), 23A.36.050, 23A.40.030, 24.03.410, 24.06.455, or 46.64.040, and such other moneys as are expressly designated for deposit in the secretary of state's revolving fund shall be placed in the secretary of state's revolving fund.

Sec. 41. Section 193, chapter 35, Laws of 1982 and RCW 43.07.190 are each amended to read as follows:

Where the secretary of state determines that a summary face sheet or cover sheet would expedite review of any documents made under Title 23A RCW, or chapter 18.100, 23.86, 23.90, 24.03, 24.06, 24.12, 24.20, 24.24, ~~((24-32;))~~ 24.36, or 25.10 RCW, the secretary of state may require the use of a summary face sheet or cover sheet that accurately reflects the contents of the attached document. The secretary of state may, by rule adopted under chapter ~~((34-04))~~ 34.05 RCW, specify the required contents of any summary face sheet and the type of document or documents in which the summary face sheet will be required, in addition to any other filing requirements which may be applicable.

Sec. 42. Section 6, chapter 2, Laws of 1983 as last amended by section 17, chapter 117, Laws of 1986 and RCW 23A.32.050 are each amended to read as follows:

A foreign corporation, in order to procure a certificate of authority to transact business in this state, shall make application therefor to the secretary of state, which application shall set forth:

(1) The name of the corporation and the state or country under the laws of which it is incorporated.

(2) If the name of the corporation does not contain the word "corporation", "company", "incorporated", or "limited", or does not contain an abbreviation of one of such words, then the name of the corporation with the word or abbreviation which it elects to add thereto for use in this state.

(3) The date of incorporation and the period of duration of the corporation.

(4) The address of the principal office of the corporation.

(5) The purpose or purposes of the corporation which it proposes to pursue in the transaction of business in this state.

(6) The names and respective addresses of the directors and officers of the corporation.

(7) A statement of the aggregate number of shares which the corporation has authority to issue, itemized by classes and series, if any within a class.

(8) A statement that a registered agent has been appointed and the name and address of such agent, and that a registered office exists and the address of such registered office is identical to that of the registered agent.

(9) The date of the beginning of its current annual accounting period.

(10) Such additional information as may be necessary or appropriate in order to enable the secretary of state to determine whether such corporation is entitled to a certificate of authority to transact business in this state and to determine and assess the fees payable as in this title prescribed.

~~((11) For any foreign agricultural cooperative association, evidence that the association has complied with the provisions of RCW 24.32.210;))~~

Such application shall be made in the form prescribed by the secretary of state and shall be executed in duplicate by the corporation by one of its officers.

Such application shall be accompanied by a certificate of good standing which has been issued no more than sixty days before the date of filing of the application for a certificate of authority to do business in this state and has been certified to by the proper officer of the state or country under the laws of which it is incorporated.

Sec. 43. Section 6, chapter 205, Laws of 1982, as last amended by section 19, chapter 240, Laws of 1988 and RCW 18.11.070 are each amended to read as follows:

(1) It is unlawful for any person to act as an auctioneer or for an auction company to engage in any business in this state without a license.

(2) This chapter does not apply to:

(a) An auction of goods conducted by an individual who personally owns those goods and who did not acquire those goods for resale;

(b) An auction conducted by or under the direction of a public authority;

(c) An auction held under judicial order in the settlement of a decedent's estate;

(d) An auction which is required by law to be at auction;

(e) An auction conducted by or on behalf of a political organization or a charitable corporation or association if the person conducting the sale receives no compensation;

(f) An auction of livestock or agricultural products which is conducted under chapter 16.65 or 20.01 RCW. Auctions not regulated under chapter 16.65 or 20.01 RCW shall be fully subject to the provisions of this chapter; ~~((or))~~

(g) An auction held under chapter 19.150 RCW; or

(h) An auction of fur pelts conducted by any cooperative association organized under chapter 23.86 RCW or its wholly owned subsidiary. In order to qualify for this exemption, the fur pelts must be from members of the association. However, the association, without loss of the exemption, may auction pelts that it purchased from nonmembers for the purpose of completing lots or orders, so long as the purchased pelts do not exceed fifteen percent of the total pelts auctioned.

NEW SECTION. Sec. 44. The following acts or parts of acts are each repealed:

(1) Section 18, chapter 19, Laws of 1913, section 3, chapter 99, Laws of 1925 ex. sess. and RCW 23.86.040;

(2) Section 3, chapter 19, Laws of 1913, section 2, chapter 302, Laws of 1981, section 172, chapter 35, Laws of 1982 and RCW 23.86.060;

(3) Section 1, chapter 258, Laws of 1953, section 4, chapter 12, Laws of 1959 and RCW 23.86.110;

(4) Section 9, chapter 19, Laws of 1913, section 33, chapter 297, Laws of 1981 and RCW 23.86.120;

(5) Section 10, chapter 19, Laws of 1913 and RCW 23.86.130;

(6) Section 5, chapter 12, Laws of 1959 and RCW 23.86.140;

(7) Section 12, chapter 19, Laws of 1913 and RCW 23.86.150;

(8) Section 15, chapter 19, Laws of 1913 and RCW 23.86.180;

(9) Section 1, chapter 115, Laws of 1921, section 1, chapter 195, Laws of 1941 and RCW 24.32.010;

(10) Section 2, chapter 115, Laws of 1921, section 707, chapter 212, Laws of 1987 and RCW 24.32.020;

(11) Section 3, chapter 115, Laws of 1921 and RCW 24.32.030;

(12) Section 4, chapter 115, Laws of 1921 and RCW 24.32.040;

(13) Section 5, chapter 115, Laws of 1921, section 1, chapter 16, Laws of 1931, section 1, chapter 132, Laws of 1959 and RCW 24.32.050;

(14) Section 6, chapter 115, Laws of 1921, section 1, chapter 102, Laws of 1925 ex. sess., section 2, chapter 195, Laws of 1941, section 1, chapter 99, Laws of 1943 and RCW 24.32.060;

(15) Section 7, chapter 115, Laws of 1921, section 2, chapter 16, Laws of 1931, section 2, chapter 132, Laws of 1959, section 705, chapter 212, Laws of 1987 and RCW 24.32.070;

(16) Section 8, chapter 115, Laws of 1921, section 3, chapter 16, Laws of 1931, section 3, chapter 132, Laws of 1959 and RCW 24.32.080;

- (17) Section 9, chapter 115, Laws of 1921, section 4, chapter 16, Laws of 1931 and RCW 24.32.090;
- (18) Section 10, chapter 115, Laws of 1921 and RCW 24.32.100;
- (19) Section 11, chapter 115, Laws of 1921, section 1, chapter 69, Laws of 1929, section 5, chapter 16, Laws of 1931, section 1, chapter 64, Laws of 1969 and RCW 24.32.110;
- (20) Section 12, chapter 115, Laws of 1921, section 2, chapter 64, Laws of 1969 and RCW 24.32.150;
- (21) Section 13, chapter 115, Laws of 1921, section 6, chapter 16, Laws of 1931, section 2, chapter 99, Laws of 1943 and RCW 24.32.160;
- (22) Section 14, chapter 115, Laws of 1921 and RCW 24.32.200;
- (23) Section 15, chapter 115, Laws of 1921, section 1, chapter 138, Laws of 1927, section 7, chapter 16, Laws of 1931, section 4, chapter 132, Laws of 1959, section 1, chapter 45, Laws of 1982 and RCW 24.32.210;
- (24) Section 16, chapter 115, Laws of 1921 and RCW 24.32.240;
- (25) Section 17, chapter 115, Laws of 1921, section 1, chapter 285, Laws of 1927, section 3, chapter 195, Laws of 1941 and RCW 24.32.250;
- (26) Section 18, chapter 115, Laws of 1921 and RCW 24.32.260;
- (27) Section 19, chapter 115, Laws of 1921 and RCW 24.32.270;
- (28) Section 20, chapter 115, Laws of 1921, section 4, chapter 195, Laws of 1941 and RCW 24.32.280;
- (29) Section 21, chapter 115, Laws of 1921, section 8, chapter 16, Laws of 1931, section 5, chapter 132, Laws of 1959 and RCW 24.32.290;
- (30) Section 22, chapter 115, Laws of 1921, section 1, chapter 86, Laws of 1979, section 37, chapter 297, Laws of 1981 and RCW 24.32.300;
- (31) Section 23, chapter 115, Laws of 1921, section 6, chapter 132, Laws of 1959 and RCW 24.32.310;
- (32) Section 23-a, chapter 115, Laws of 1921 and RCW 24.32.320;
- (33) Section 24, chapter 115, Laws of 1921 and RCW 24.32.330;
- (34) Section 25, chapter 115, Laws of 1921 and RCW 24.32.340;
- (35) Section 26, chapter 115, Laws of 1921 and RCW 24.32.350;
- (36) Section 27, chapter 115, Laws of 1921 and RCW 24.32.355;
- (37) Section 28, chapter 115, Laws of 1921, section 68, chapter 81, Laws of 1971, section 25, chapter 202, Laws of 1988 and RCW 24.32.360;
- (38) Section 29, chapter 115, Laws of 1921 and RCW 24.32.400;
- (39) Section 30, chapter 115, Laws of 1921 and RCW 24.32.410;
- (40) Section 31, chapter 115, Laws of 1921 and RCW 24.32.900; and
- (41) Section 14, chapter 457, Laws of 1987 and RCW 21.20.321."

On page 1, line 1 of the title, after "associations;" strike the remainder of the title and insert "amending RCW 18.11.070, 23.86.010, 23.86.030, 23.86.050, 23.86.070, 23.86.080, 23.86.090, 23.86.100, 23.86.160, 23.86.195, 23.86.210, 23.86.220, 23.86.230, 15.35.240, 20.01.030, 24.06.360, 43.07.120, 43.07.130, 43.07.190, and 23A.32.050; reenacting and amending RCW 21.20.320; adding new sections to chapter 23.86 RCW; creating a new section; and repealing RCW 23.86.040, 23.86.060, 23.86.110, 23.86.120, 23.86.130, 23.86.140, 23.86.150, 23.86.180, 24.32.010, 24.32.020, 24.32.030, 24.32.040, 24.32.050, 24.32.060, 24.32.070, 24.32.080, 24.32.090, 24.32.100, 24.32.110, 24.32.150, 24.32.160, 24.32.200, 24.32.210, 24.32.240, 24.32.250, 24.32.260, 24.32.270, 24.32.280, 24.32.290, 24.32.300, 24.32.310, 24.32.320, 24.32.330, 24.32.340, 24.32.350, 24.32.355, 24.32.360, 24.32.400, 24.32.410, 24.32.900, and 21.20.321."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Barr, the Senate concurred in the House amendments to Engrossed Substitute Senate Bill No. 5018.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5018, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5018, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; excused, 5.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Sutherland, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 44.

Excused: Senators Bluechel, DeJarnatt, Matson, Smith, Talmadge - 5.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5018, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 12, 1989

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 5144 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature, finding in this centennial year that many old documents recorded or filed with county officials are deteriorating due to age and environmental degradation and that such documents require preservation in the public interest before they are irreparably damaged, enacts the centennial document preservation act of 1989.

NEW SECTION. Sec. 2. Each county auditor is hereby authorized to provide for the installation and thereafter for the maintenance of an improved system for copying, preserving, and indexing documents recorded in the county. Such a system may utilize the latest technology including, but not limited to, photomicrographic and computerized electronic digital storage methodology. The initial installation of the improved system shall include the following:

(1) The acquisition, installation, operation, and maintenance of the equipment provided for in the definition above; and

(2) The establishment of procedures for the continued preservation, indexing, and filing of all instruments and records that will, after the effective installation date, constitute a part of the improved system.

NEW SECTION. Sec. 3. A surcharge of two dollars per instrument shall be charged by the county auditor for each document recorded, which will be in addition to any other charge authorized by law. Fifty percent of the revenue generated through this surcharge shall be transmitted monthly to the state treasurer who shall distribute such funds to each county treasurer within the state in July of each year in accordance with the formula described in section 5 of this act. The county treasurer shall place the funds received in a special account titled the auditor's centennial document preservation and modernization account to be used solely for the purpose authorized by this chapter and shall not be added to the county current expense fund. Fifty percent of the revenue generated by this surcharge shall be retained by the county and deposited in the auditor's operation and maintenance fund for ongoing preservation of historical documents. The portion of the surcharge transmitted to the state treasurer shall expire January 1, 1995, at which time the surcharge authorized in this section shall be reduced to one dollar per instrument.

The centennial document preservation and modernization account is hereby created in the custody of the state treasurer and shall be classified as a treasury trust account. State distributions from the centennial document preservation and modernization account shall be made without appropriation.

NEW SECTION. Sec. 4. The state treasurer may charge the fund for the actual costs of collecting, administering, and disbursing the funds but the charge shall not exceed one percent of the funds collected. The state treasurer shall invest funds while in the department's custody in accordance with existing laws and the interest earned will be added to the fund.

NEW SECTION. Sec. 5. After deduction of those costs of the state treasurer that are described under section 4 of this act, the balance of the funds will be distributed to the counties according to the following formula: One-half of the funds available shall be equally distributed among the thirty-nine counties; and the balance will be distributed among the counties in direct proportion to their population as it relates to the total state's population based on the most recent population statistics.

Sec. 6. Section 36.18.010, chapter 4, Laws of 1963 as last amended by section 1, chapter 230, Laws of 1987 and RCW 36.18.010 are each amended to read as follows:

County auditors shall collect the following fees for their official services:

For recording instruments, for the first page, legal size (eight and one-half by thirteen inches or less), five dollars; for each additional legal size page, one dollar;

For preparing and certifying copies, for the first legal size page, three dollars; for each additional legal size page, one dollar;

For preparing noncertified copies, for each legal size page, one dollar;

For administering an oath or taking an affidavit, with or without seal, two dollars;

For issuing a marriage license, eight dollars, (this fee includes taking necessary affidavits, filing returns, indexing, and transmittal of a record of the marriage to the state registrar of vital statistics) plus an additional five-dollar fee to be transmitted monthly to the state treasurer and deposited in the state general fund, which five-dollar fee shall expire June 30, 1988, plus an additional ten-dollar fee to be transmitted monthly to the state treasurer and deposited in the

state general fund. The legislature intends to appropriate an amount at least equal to the revenue generated by this fee for the purposes of the displaced homemaker act, chapter 28B.04 RCW;

For searching records per hour, eight dollars;

For recording plats, fifty cents for each lot except cemetery plats for which the charge shall be twenty-five cents per lot; also one dollar for each acknowledgment, dedication, and description: PROVIDED, That there shall be a minimum fee of twenty-five dollars per plat;

For recording of miscellaneous records, not listed above, for first legal size page, five dollars; for each additional legal size page, one dollar;

For modernization and improvement of the recording and indexing system, a surcharge as provided in section 3 of this act.

NEW SECTION. Sec. 7. Sections 2 through 5 of this act are each added to chapter 36.18 RCW."

On page 1, line 2 of the title, after "auditors;" strike the remainder of the title and insert "amending RCW 36.18.010; adding new sections to chapter 36.18 RCW; and creating a new section."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator McCaslin, the Senate concurred in the House amendments to Substitute Senate Bill No. 5144.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5144, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5144, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; nays, 1; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 45.

Voting nay: Senator Rasmussen - 1.

Excused: Senators DeJarnatt, Matson, Talmadge - 3.

SUBSTITUTE SENATE BILL NO. 5144, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 11, 1989

Mr. President:

The House has passed ENGROSSED SENATE BILL NO. 5233 with the following amendment:

On page 4, line 12 strike "1991" and insert "1990".

and the bill and the amendment are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Pullen, the Senate concurred in the House amendment to Engrossed Senate Bill No. 5233.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5233, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5233, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Excused: Senators DeJarnatt, Matson, Talmadge - 3.

ENGROSSED SENATE BILL NO. 5233, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 10, 1989

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 5265 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. The purposes of this chapter are as follows:

(1) Regulate charter boats for the carrying of more than six passengers, which are operated on inland navigable waters of the state and which are not regulated by the United States coast guard;

(2) Protect the safety and health of employees, passengers, and persons utilizing charter boats;

(3) Authorize the department of labor and industries to adopt rules regulating the use of charter boats operating on inland navigable waters of the state and to issue licenses; and

(4) Provide penalties for violations of this chapter.

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

(1) "Department" means the department of labor and industries.

(2) "Carrying passengers or cargo" means the transporting of any person or persons or cargo on a vessel for a fee or other consideration.

(3) "Charter boat" means a vessel or barge operating on inland navigable waters of the state of Washington which is not inspected or licensed by the United States coast guard and over which the United States coast guard does not exercise jurisdiction and which is rented, leased, or chartered to carry more than six persons or cargo.

(4) "Equipment" means a system, part, or component of a vessel as originally manufactured, or a system, part, or component manufactured or sold for replacement, repair, or improvement of a system, part, or component of a vessel: an accessory or equipment for, or appurtenance to a vessel; or a marine safety article, accessory, or equipment, including radio equipment, intended for use by a person on board a vessel.

(5) "Inland navigable waters" means all waters within the territorial limits of the state of Washington, shoreward of the navigational demarcation lines dividing the high seas from harbors, rivers, lakes, and other inland waters of the state.

(6) "Operate" means to start or operate any engine which propels a vessel, or to physically control the motion, direction, or speed of a vessel.

(7) "Owner" means a person who claims lawful possession of a vessel by virtue of legal title or an equitable interest in a vessel which entitles that person to possession of the vessel; but does not include charterers and lessees.

(8) "Passenger" means a person carried on board a charter boat except:

(a) The owner of the vessel or the owner's agent; or

(b) The captain and members of the vessel's crew.

(9) "Operator's license" means a vessel operator's license issued by the United States coast guard or department for the specified tonnage and route of the vessel.

(10) "Vessel" means every description of motorized watercraft, other than a seaplane or sailboat, used or capable of being used to transport more than six passengers or cargo on water for rent, lease, or hire.

NEW SECTION, Sec. 3. A person shall not rent, lease, or hire out a charter boat, nor carry, advertise for the carrying of, nor arrange for the carrying of, more than six passengers on a vessel for a fee or other consideration on the inland navigable waters of the state unless each of the following conditions is satisfied:

(1)(a) The department has inspected the vessel within the previous twelve months and has issued for the vessel a certificate of inspection that is still valid and current and which allows the carrying of more than six passengers; or

(b) The United States coast guard has inspected the vessel and has issued a certificate of inspection that is still valid and current and which allows the carrying of more than six passengers.

(2) The operator of the vessel is licensed as an operator by either the United States coast guard or the department. The operator must carry such license at all times while operating the vessel and must display such license upon demand by the department.

(3) The vessel has a valid and current registration certificate which is available for inspection by the department.

(4) The vessel is covered by current and valid liability insurance. Proof of such coverage must be provided to the department upon demand.

NEW SECTION. Sec. 4. The department shall inspect or provide for the inspection of every charter boat once every twelve months with the vessel in the water, and once every twenty-four months with the vessel in drydock, to determine if the vessel and its equipment comply with the rules promulgated by the department and with the applicable state and federal laws and regulations. In addition, the department may at any time inspect or provide for the inspection of any charter boat if the department has reasonable cause to believe either that a provision of this chapter has been violated or that an inspection is necessary to ensure the safety of persons or property on the vessel.

(1) Ninety days before any certificate of inspection expires, the department shall mail written notification to the owner of the vessel that a twelve-month or twenty-four-month inspection must be completed before the expiration date. The department shall include with the notification an application for inspection, which must be completed and returned by the owner no later than sixty days before the expiration date of the current certificate of inspection. The owner shall include the registration fee with the completed application form. A person filing an application shall certify by the person's signature that the information furnished on the application is true and correct.

(2) If, after the inspection, the department determines that the charter boat and its equipment comply with the rules promulgated by the department and with the applicable state and federal laws and regulations, the department shall issue to the owner of the charter boat a certificate of inspection. Such certificate shall specify the maximum passenger, crew, and total person capacity of the charter boat. The certificate shall be valid for one year from the date of issuance. The certificate shall be prominently displayed on the charter boat while the charter boat is operating upon the inland navigable waters of the state.

(3) The department shall determine the minimum number of crew necessary for the safe operation of the charter boat.

(4) If the department determines that the charter boat or its equipment does not comply with the rules promulgated by the department and with the applicable state and federal laws and regulations, the department shall not issue a certificate of inspection and any current certificate of inspection shall be revoked by the department.

NEW SECTION. Sec. 5. (1) The owner of a vessel which does not have a current certificate of inspection or which has not previously been inspected by the department and which must be inspected by the department shall file an application for inspection, accompanied by the required fee, no later than sixty days before the scheduled or requested inspection date. A person filing an application shall certify by the person's signature that the information furnished on the application is true and correct.

(2) If a charter boat has not been inspected during the twenty-four-month period prior to the effective date of this act, the owner shall pay to the department the inspection fee for inspection in the water and the inspection fee for inspection in drydock.

(3) When the department inspects or provides for the inspection of any charter boat because the department has reasonable cause to believe either that a provision of this chapter has been violated or that an inspection is necessary to ensure the safety of persons or property, the owner shall not be required to pay an inspection fee for that inspection.

(4) When a twelve-month in-water inspection and a twenty-four-month drydock inspection are required in the same year, the owner shall only be required to pay the fee for the drydock inspection.

(5) All sums received from licenses, inspection fees, or other sources described in this chapter shall be deposited in the industrial insurance trust funds and shall be used for administrative, education, and enforcement costs associated with this chapter.

Sec. 6. Section 2, chapter 74, Laws of 1979 and RCW 88.04.310 are each amended to read as follows:

~~((All vessels shall be inspected by the department in accordance with rules adopted under RCW 88.04.330))~~ The owner or operator of every vessel inspected by the department shall pay the department a fee for each inspection ~~((as may be determined by the director under RCW 88.04.330)).~~ The fee shall be established by rule and shall cover the full cost of the inspection program including travel, per diem, ~~((and administrative and legal support costs for the program))~~ administrative and legal support costs for the program, and repayment to the state general fund by June 30, 1991, of the amount appropriated in section 15 of this act for the program.

Sec. 7. Section 3, chapter 74, Laws of 1979 and RCW 88.04.320 are each amended to read as follows:

(1) It is unlawful for any person to operate a vessel unless that person holds a valid license issued by the United States coast guard or the department to operate a vessel of that class.

(2) It is unlawful for any person to operate a vessel unless the vessel is operated in compliance with the rules of the department of labor and industries and has a current certificate of inspection posted.

(3) Any violation of the licensing and inspection provisions of this chapter is punishable pursuant to the penalties provided under the Washington industrial safety and health act, chapter 49.17 RCW.

Sec. 8. Section 4, chapter 74, Laws of 1979 and RCW 88.04.330 are each amended to read as follows:

(1) The department shall adopt by rule, under chapter ~~((34.04))~~ 34.05 RCW:

(a) Procedures, standards, and fees for the licensing of operators of any vessel used as a charter boat, as defined under section 2 of this act, operating on inland navigable waters for rent, lease, or hire;

(b) Standards and fees for the inspection of vessels;

~~((b) The federal laws and rules relating to navigation as they are now or hereafter amended; and))~~

(c) Minimum safety and health standards for passengers and crew on board charter boats. These rules shall approximate, where appropriate, the rules adopted by the United States coast guard in 46 C.F.R., subchapter T, small passenger vessels under one hundred gross tons; and

(d) Any other rules needed for the efficient administration of the purposes of this chapter.

(2) Rules adopted by the department shall use United States coast guard standards and precedents and be consistent with United States coast guard practices whenever possible.

NEW SECTION. Sec. 9. (1) A person who has been denied a certificate of inspection or a license may petition the department for an evidentiary hearing.

(2) A person who owns a charter boat may petition the department for an evidentiary hearing regarding the determination of the maximum passengers, crew, or total capacity of the charter boat.

NEW SECTION. Sec. 10. (1) The department may enter into reciprocal agreements with other states concerning the operation and inspection of charter boats from those states that operate on the inland navigable waters of the state of Washington. Reciprocity shall be granted only if a state can establish to the satisfaction of the department that their laws and standards concerning charter boats meet or exceed the laws and rules of the state of Washington. A charter boat that operates on the inland navigable waters of this state under a reciprocal agreement pursuant to this section shall obtain an annual operating permit from the department for a fee for each year the charter boat does business on the waters of the state of Washington. The department shall deposit the fees from annual operating permits issued pursuant to this section in the industrial insurance trust funds.

(2) The department shall develop an education and enforcement program designed to eliminate the operation of charter boats that have not been inspected and certified as required by this chapter, and shall prepare printed materials to provide the public with information regarding the safety features and requirements necessary for the lawful operation of charter boats.

NEW SECTION. Sec. 11. The provisions of this chapter shall not apply to:

(1) A vessel that is a charter boat but is being used by the documented or registered owner of the charter boat exclusively for the owner's own noncommercial or personal pleasure purposes;

(2) A vessel owned by a person or corporate entity which is donated and used by a person or nonprofit organization to transport passengers for charitable or noncommercial purposes, regardless of whether consideration is directly or indirectly paid to the owner;

(3) A vessel that is rented, leased, or hired by an operator to transport passengers for non-commercial or personal pleasure purposes; or

(4) A vessel used exclusively for, or incidental to, an educational purpose.

NEW SECTION. Sec. 12. Unless specifically provided by statute this chapter and the rules adopted thereunder shall be implemented and enforced, including penalties, violations, citations, appeals, and other administrative procedures, pursuant to the Washington industrial safety and health act, chapter 49.17 RCW.

NEW SECTION. Sec. 13. This chapter may be known and cited as the charter boat safety act.

NEW SECTION. Sec. 14. Sections 1 through 5 and 9 through 13 of this act are each added to chapter 88.04 RCW.

NEW SECTION. Sec. 15. The sum of forty-eight thousand three hundred dollars, or as much thereof as may be necessary, is appropriated from the general fund for the biennium ending June 30, 1991, to provide funds for start-up costs on a one-time basis.

NEW SECTION. Sec. 16. Section 1, chapter 74, Laws of 1979 and RCW 88.04.300 are each repealed."

On page 1, line 1 of the title, after "boats;" strike the remainder of the title and insert "amending RCW 88.04.310, 88.04.320, and 88.04.330; adding new sections to chapter 88.04 RCW; repealing RCW 88.04.300; prescribing penalties; and making an appropriation."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Patterson, the Senate concurred in the House amendments to Substitute Senate Bill No. 5265.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5265, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5265, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; absent, 1; excused, 3.

Voting yeas: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Sellar, Smith, Smitherman, Stratton, Sutherland, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 45.

Absent: Senator Saling - 1.

Excused: Senators DeJarnatt, Matson, Talmadge - 3.

SUBSTITUTE SENATE BILL NO. 5265, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Anderson, Senator Saling was excused.

MESSAGE FROM THE HOUSE

April 11, 1989

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 5305 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. Unless the context clearly indicates otherwise, the definitions in this section apply to sections 1 through 3 of this act.

(1) "Equine" means a horse, pony, mule, donkey, or hinny.

(2) "Equine activity" means: (a) Equine shows, fairs, competitions, performances, or parades that involve any or all breeds of equines and any of the equine disciplines, including, but not limited to, dressage, hunter and jumper horse shows, grand prix jumping, three-day events, combined training, rodeos, driving, pulling, cutting, polo, steeplechasing, endurance trail riding and western games, and hunting; (b) equine training and/or teaching activities; (c) boarding equines; (d) riding, inspecting, or evaluating an equine belonging to another whether or not the owner has received some monetary consideration or other thing of value for the use of the equine or is permitting a prospective purchaser of the equine to ride, inspect, or evaluate the equine; and (e) rides, trips, hunts, or other equine activities of any type however informal or impromptu that are sponsored by an equine activity sponsor.

(3) "Equine activity sponsor" means an individual, group or club, partnership, or corporation, whether or not the sponsor is operating for profit or nonprofit, which sponsors, organizes, or provides the facilities for, an equine activity including but not limited to: Pony clubs, 4-H clubs, hunt clubs, riding clubs, school and college sponsored classes and programs, therapeutic riding programs, and, operators, instructors, and promoters of equine facilities, including but not limited to stables, clubhouses, ponyride strings, fairs, and arenas at which the activity is held.

(4) "Participant" means any person, whether amateur or professional, who directly engages in an equine activity, whether or not a fee is paid to participate in the equine activity.

(5) "Engages in an equine activity" means a person who rides, trains, drives, or is a passenger upon an equine, whether mounted or unmounted, and does not mean a spectator at an equine activity or a person who participates in the equine activity but does not ride, train, drive, or ride as a passenger upon an equine.

(6) "Equine professional" means a person engaged for compensation (a) in instructing a participant or renting to a participant an equine for the purpose of riding, driving, or being a passenger upon the equine, or, (b) in renting equipment or tack to a participant.

NEW SECTION, Sec. 2. (1) Except as provided in subsection (2) of this section, an equine activity sponsor or an equine professional shall not be liable for an injury to or the death of a participant engaged in an equine activity, and, except as provided in subsection (2) of this section, no participant nor participant's representative may maintain an action against or recover from an equine activity sponsor or an equine professional for an injury to or the death of a participant engaged in an equine activity.

(2)(a) Sections 1 and 2 of this act do not apply to the horse racing industry as regulated in chapter 67.16 RCW.

(b) Nothing in subsection (1) of this section shall prevent or limit the liability of an equine activity sponsor or an equine professional:

(i) If the equine activity sponsor or the equine professional:

(A) Provided the equipment or tack and the equipment or tack caused the injury; or

(B) Provided the equine and failed to make reasonable and prudent efforts to determine the ability of the participant to engage safely in the equine activity, determine the ability of the equine to behave safely with the participant, and determine the ability of the participant to safely manage the particular equine;

(ii) If the equine activity sponsor or the equine professional owns, leases, rents, or otherwise is in lawful possession and control of the land or facilities upon which the participant sustained injuries because of a dangerous latent condition which was known to or should have been known to the equine activity sponsor or the equine professional and for which warning signs have not been conspicuously posted;

(iii) If the equine activity sponsor or the equine professional commits an act or omission that constitutes willful or wanton disregard for the safety of the participant and that act or omission caused the injury;

(iv) If the equine activity sponsor or the equine professional intentionally injures the participant;

(v) Under liability provisions as set forth in the products liability laws; or

(vi) Under liability provisions in chapter 16.04, 16.13, or 16.16 RCW.

NEW SECTION, Sec. 3. Sections 1 and 2 of this act apply only to causes of action filed on or after the effective date of this act.

NEW SECTION, Sec. 4. Sections 1 and 2 of this act are each added to chapter 4.24 RCW."

On page 1, line 2 of the title, after "activities;" strike the remainder of the title and insert "and adding new sections to chapter 4.24 RCW."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Pullen, the Senate concurred in the House amendments to Substitute Senate Bill No. 5305.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5305, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5305, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; absent, 1; excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Sellar, Smith, Smitherman, Stratton, Sutherland, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 44.

Absent: Senator Kreidler - 1.

Excused: Senators DeJarnatt, Matson, Saling, Talmadge - 4.

SUBSTITUTE SENATE BILL NO. 5305, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

STATEMENT FOR THE JOURNAL

April 17, 1989

Mary Wiley
Journal Clerk

Due to a meeting in Seattle with a foreign consul, I missed the votes on Engrossed Senate Bill No. 5121, Engrossed Substitute Senate Joint Resolution No. 8202, Substitute Senate Bill No. 5173, Substitute Senate Bill No. 5191, Substitute Senate Bill No. 5196, Engrossed Substitute Senate Bill No. 5018, Substitute Senate Bill No. 5144, Engrossed Senate Bill No. 5233, Substitute Senate Bill No. 5265 and Substitute Senate Bill No. 5305.

I would have voted 'yes' on each measure.

SENATOR PHIL TALMADGE,
34th District

MESSAGE FROM THE HOUSE

April 11, 1989

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 5357 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. A new section is added to chapter 48.17 RCW to read as follows:

It is unlawful for any unauthorized person to remove, reproduce, duplicate, or distribute in any form, any question(s) used by the state of Washington to determine the qualifications and competence of insurance agents, brokers, solicitors, or adjusters required by Title 48 RCW to be licensed. This section shall not prohibit an insurance education provider from creating and using sample test questions in courses approved pursuant to RCW 48.17.150.

Any person violating this section shall be subject to penalties as provided by RCW 48.01-.080 and 48.17.560.

NEW SECTION. Sec. 2. A new section is added to chapter 48.17 RCW to read as follows:

"Insurance education provider" means any insurer, health care service contractor, health maintenance organization, professional association, educational institution created by Washington statutes, or vocational school licensed under Title 28C RCW or independent contractor to which the commissioner has granted authority to conduct and certify completion of a course satisfying the insurance education requirements of RCW 48.17.150.

Sec. 3. Section .17.56, chapter 79, Laws of 1947 as last amended by section 8, chapter 266, Laws of 1975 1st ex. sess. and RCW 48.17.560 are each amended to read as follows:

After hearing or upon stipulation by the licensee or insurance education provider, and in addition to or in lieu of the suspension, revocation, or refusal to renew any such license or insurance education provider approval, the commissioner may levy a fine upon the licensee or insurance education provider. (1) For each offense ~~((m))~~ the fine shall be an amount ~~((not less than fifty dollars and))~~ not more than ~~((five hundred dollars, but in no case more than a total of))~~ one thousand dollars. (2) The order levying such fine shall specify ~~((the period within which))~~ that the fine shall be fully paid ~~((and which period shall be))~~ not less than fifteen nor more than thirty days from the date of the order. (3) Upon failure to pay any such fine when due, the commissioner shall revoke the licenses of the licensee or the approval(s) of the insurance education provider, if not already revoked ~~((, and))~~. The fine shall be recovered in a civil action brought ~~((m))~~ on behalf of the commissioner by the attorney general. Any fine so collected shall be paid by the commissioner to the state treasurer for the account of the general fund.

NEW SECTION. Sec. 4. A new section is added to chapter 48.17 RCW to read as follows:

If an investigation of any provider culminates in a finding by the commissioner or by any court of competent jurisdiction, that the provider has failed to comply with or has violated any statute or regulation pertaining to insurance education, the provider shall pay the expenses reasonably attributable and allocable to such investigation.

(1) The commissioner shall calculate such expenses and render a bill therefor by registered mail to the provider. Within thirty days after receipt of such bill, the provider shall pay the full amount to the commissioner. The commissioner shall transmit such payment to the state treasurer. The state treasurer shall credit the payment to the office of the insurance commissioner regulatory account, treating such payment as recovery of a prior expenditure.

(2) In any action brought under this section, if the insurance commissioner prevails, the court may award to the office of the insurance commissioner all costs of the action, including a reasonable attorneys' fee to be fixed by the court.

NEW SECTION. Sec. 5. A new section is added to chapter 48.17 RCW to read as follows:

In addition to the regulatory requirements imposed pursuant to RCW 48.17.150, the commissioner may require each insurance education provider to post a bond, cash deposit, or irrevocable letter of credit. Every insurance education provider, other than an insurer, health care service contractor, health maintenance organization, or educational institution established by Washington statutes, is subject to the requirement.

(1) The provider shall file with each request for course approval and shall maintain in force while so approved, the bond, cash deposit, or irrevocable letter of credit in favor of the state of Washington, according to criteria which the commissioner shall establish by regulation. The amount of such bond, cash deposit, or irrevocable letter of credit, shall not exceed five thousand dollars for the provider's first approved course and one thousand dollars for each additional approved course.

(2) Proceeds from the bond, cash deposit, or irrevocable letter of credit shall inure to the commissioner for payment of investigation expenses or for payment of any fine ordered per Washington statutes or regulations governing insurance education: PROVIDED, That recoverable investigation expenses or fines shall not be limited to the amount of such required bond, cash deposit, or irrevocable letter of credit.

Sec. 6. Section .17.12, chapter 79, Laws of 1947 as last amended by section 2, chapter 111, Laws of 1981 and RCW 48.17.120 are each amended to read as follows:

(1) Each such examination shall be of sufficient scope ~~((reasonably))~~ and difficulty to test the applicant's knowledge relative to the kinds of insurance which may be dealt with under the license applied for, and of the duties and responsibilities of, and laws of this state applicable to, such a licensee, and so as reasonably to assure that a passing score indicates that the applicant is qualified from the standpoint of knowledge and education.

(2) Examination as to ocean marine and related coverages may be waived by the commissioner as to any applicant deemed by the commissioner to be qualified by past experience to deal in such insurances.

(3) The commissioner shall prepare, or approve, and make available to insurers, general agents, brokers, agents, and applicants a printed manual specifying in general terms the subjects which may be covered in any examination for a particular license.

NEW SECTION. Sec. 7. A new section is added to chapter 48.17 RCW to read as follows:

(1) The commissioner may require insurance education providers to furnish specific information regarding their curricula, faculty, methods of monitoring attendance, and other matters reasonably related to providing insurance education under this chapter. The commissioner may grant approvals to such providers who demonstrate the ability to conduct and certify completion of one or more courses satisfying the insurance education requirements of RCW 48.17.150.

(2) In granting approvals for courses required by RCW 48.17.150(1)(d):

(a) The commissioner may require the availability of a licensed agent with appropriate experience on the premises whenever instruction is being offered; and

(b) The commissioner shall not deny approval to any provider on the grounds that the proposed method of education employs nontraditional teaching techniques, such as substituting taped lectures for live instruction, offering instruction without fixed schedules, or providing education at individual learning rates.

NEW SECTION. Sec. 8. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1989."

On page 1, line 1 of the title, after "providers;" strike the remainder of the title and insert "amending RCW 48.17.560 and 48.17.120; adding new sections to chapter 48.17 RCW; prescribing penalties; providing an effective date; and declaring an emergency."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator von Reichbauer, the Senate concurred in the House amendments to Substitute Senate Bill No. 5357.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5357, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5357, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Excused: Senators DeJarnatt, Matson, Saling - 3.

SUBSTITUTE SENATE BILL NO. 5357, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 10, 1989

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 5035 with the following amendments:

On page 1, line 27 after "from" strike "an occurrence peculiar to the foster care relationship or"

On page 2, line 10 after "occurrence" strike "is one peculiar to the foster-care relationship or" and insert "arose from"

On page 2, line 18 after "suit," insert "However, the attorney general may not represent or provide private representation for a foster parent in an action or proceeding brought by the department of social and health services against that foster parent."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Smith, the Senate concurred in the House amendments to Substitute Senate Bill No. 5035.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5035, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5035, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vogt, von Reichbauer, Warnke, West, Williams, Wojahn - 47.

Excused: Senators DeJarnatt, Saling - 2.

SUBSTITUTE SENATE BILL NO. 5035, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 10, 1989

Mr. President:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5048 with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 36.18.010, chapter 4, Laws of 1963 as last amended by section 1, chapter 230, Laws of 1987 and RCW 36.18.010 are each amended to read as follows:

County auditors shall collect the following fees for their official services:

For recording instruments, for the first page, legal size (eight and one-half by thirteen inches or less), five dollars; for each additional legal size page, one dollar;

For preparing and certifying copies, for the first legal size page, three dollars; for each additional legal size page, one dollar;

For preparing noncertified copies, for each legal size page, one dollar;

For administering an oath or taking an affidavit, with or without seal, two dollars;

For issuing a marriage license, eight dollars, (this fee includes taking necessary affidavits, filing returns, indexing, and transmittal of a record of the marriage to the state registrar of vital statistics) plus an additional five-dollar fee for use and support of the prevention of child abuse and neglect activities to be transmitted monthly to the state treasurer and deposited in the state general fund, which five-dollar fee shall expire June 30, ((1988)) 1995, plus an additional ten-dollar fee to be transmitted monthly to the state treasurer and deposited in the state general fund. The legislature intends to appropriate an amount at least equal to the revenue generated by this fee for the purposes of the displaced homemaker act, chapter 28B.04 RCW;

For searching records per hour, eight dollars;

For recording plats, fifty cents for each lot except cemetery plats for which the charge shall be twenty-five cents per lot; also one dollar for each acknowledgment, dedication, and description: PROVIDED, That there shall be a minimum fee of twenty-five dollars per plat;

For recording of miscellaneous records, not listed above, for first legal size page, five dollars; for each additional legal size page, one dollar.

Sec. 2. Section 5, chapter 261, Laws of 1984 as amended by section 7, chapter 270, Laws of 1986 and RCW 43.131.319 are each amended to read as follows:

The Washington council for the prevention of child abuse and neglect and its powers and duties shall be terminated on June 30, ((1989)) 1994, as provided in RCW 43.131.320.

Sec. 3. Section 6, chapter 261, Laws of 1984 as amended by section 8, chapter 270, Laws of 1986 and RCW 43.131.320 are each amended to read as follows:

The following acts or parts of acts as now existing or hereafter amended, are each repealed effective June 30, ((1990)) 1995:

(1) Section 1, chapter 4, Laws of 1982 and RCW 43.121.010;

(2) Section 2, chapter 351, Laws of 1987, section 4, chapter 278, Laws of 1988 and RCW 43.121.015;

(3) Section 2, chapter 4, Laws of 1982, section 1, chapter 261, Laws of 1984, section 3, chapter 351, Laws of 1987, section 4 of this act and RCW 43.121.020;

((3)) (4) Section 3, chapter 4, Laws of 1982, section 87, chapter 287, Laws of 1984 and RCW 43.121.030;

((4)) (5) Section 4, chapter 4, Laws of 1982 and RCW 43.121.040;

~~((6))~~ (6) Section 5, chapter 4, Laws of 1982, section 4, chapter 351, Laws of 1987, section 5, chapter 278, Laws of 1988 and RCW 43.121.050;

~~((7))~~ (7) Section 6, chapter 4, Laws of 1982 and RCW 43.121.060;

~~((8))~~ (8) Section 7, chapter 4, Laws of 1982 and RCW 43.121.070;

~~((9))~~ (9) Section 8, chapter 4, Laws of 1982 and RCW 43.121.080;

~~((10))~~ (10) Section 9, chapter 4, Laws of 1982, section 2, chapter 261, Laws of 1984, section 38, chapter 505, Laws of 1987 and RCW 43.121.090;

~~((11))~~ (11) Section 10, chapter 4, Laws of 1982, section 3, chapter 261, Laws of 1984, section 5, chapter 351, Laws of 1987 and RCW 43.121.100; ~~and~~

~~((12))~~ (12) Section 1, chapter 278, Laws of 1988 and RCW 43.121.110;

~~((13))~~ (13) Section 2, chapter 278, Laws of 1988 and RCW 43.121.120;

~~((14))~~ (14) Section 3, chapter 278, Laws of 1988 and RCW 43.121.130; ~~and~~

~~((15))~~ (15) Section 15, chapter 4, Laws of 1982 and RCW 43.121.910.

Sec. 4, Section 2, chapter 4, Laws of 1982 as last amended by section 3, chapter 351, Laws of 1987 and RCW 43.121.020 are each amended to read as follows:

(1) There is established in the executive office of the governor a Washington council for the prevention of child abuse and neglect subject to the jurisdiction of the governor.

(2) The council shall be composed of the chairperson and ~~((ten))~~ twelve other members as follows:

(a) The chairperson and ~~((four))~~ six other members shall be appointed by the governor and shall be selected for their interest and expertise in the prevention of child abuse. A minimum of four designees by the governor shall not be affiliated with governmental agencies. ~~((A minimum of two of the designees shall reside east of the Cascade mountain range))~~ The appointments shall be made on a geographic basis to assure state-wide representation. Members appointed by the governor shall serve for two-year terms, except that the chairperson and two other members designated by the governor shall initially serve for three years. Vacancies shall be filled for any unexpired term by appointment in the same manner as the original appointments were made.

(b) The secretary of social and health services or the secretary's designee and the superintendent of public instruction or the superintendent's designee shall serve as voting members of the council.

(c) In addition to the members of the council, four members of the legislature shall serve as nonvoting, ex officio members of the council, one from each political caucus of the house of representatives to be appointed by the speaker of the house of representatives and one from each political caucus of the senate to be appointed by the president of the senate."

On page 1, line 1 of the title, after "neglect," strike the remainder of the title and insert "and amending RCW 36.18.010, 43.131.319, 43.131.320, and 43.121.020."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Smith, the Senate concurred in the House amendments to Engrossed Substitute Senate Bill No. 5048.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5048, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5048, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; absent, 1; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Neilson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Absent: Senator Barr - 1.

Excused: Senators DeJarnatt, Saling - 2.

ENGROSSED SUBSTITUTION SENATE BILL NO. 5048, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Johnson, Senator Smith was excused.

MESSAGE FROM THE HOUSE

April 13, 1989

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 5369 with the following amendments:

Strike everything after the enacting clause and insert the following:

*Sec. 1. Section 2, chapter 280, Laws of 1988 and RCW 59.22.050 are each amended to read as follows:

(1) In order to provide general assistance to mobile home resident organizations, park owners, and landlords and tenants, the department shall establish an office of mobile home affairs which will serve as the coordinating office within state government for matters relating to mobile homes or manufactured housing.

This office will provide an ombudsman service to mobile home park owners and mobile home tenants with respect to problems and disputes between park owners and park residents and to provide technical assistance to resident organizations or persons in the process of forming a resident organization pursuant to chapter 59.22 RCW. The office will keep records of its activities in this area.

(2) In addition, the office shall work with the mobile home space availability and affordability task force to develop recommendations to (a) increase the availability of mobile home park spaces, (b) stabilize rent levels through traditional market forces of supply and demand and through incentives such as current use valuation of mobile home parks, but not through artificial controls on rent, and (c) allow senior citizens on fixed incomes to continue living in their mobile homes, including the possibility of direct subsidies.

The mobile home space availability and affordability task force shall be comprised of four legislators, one from each caucus in the house of representatives appointed by the speaker of the house and one from each caucus in the senate appointed by the president of the senate, two representatives of park-owners, two representatives of tenants, and two representatives of local governments. All nonlegislative members shall be appointed by the director of the department of community development. Staffing for the task force shall be supplied by the department of community development, the house of representatives housing committee, and the senate economic development and labor committee.

(3) In developing these recommendations the office and the task force shall:

(a) Review the ordinances of local government to assess their impact on the availability of mobile home rental spaces;

(b) Consult with federal, state, and local agencies, senior citizen organizations, the real estate industry, and other groups as it considers necessary;

(c) Use, to the fullest extent possible, the services, facilities, information, and advice of public and private agencies, organizations, and individuals in order to avoid duplication of effort and expense; and

(d) Hold public hearings to allow public input and involvement."

On page 1, line 1 of the title, after "homes;" strike the remainder of the title and insert "and amending RCW 59.22.050."

and the same are herewith transmitted.

DENNIS KARRAS, Deputy Chief Clerk

MOTION

On motion of Senator Lee, the Senate concurred in the House amendments to Substitute Senate Bill No. 5369.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5369, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5369, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 47.

Excused: Senators DeJarnatt, Smith - 2.

SUBSTITUTE SENATE BILL NO. 5369, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 11, 1989

Mr. President:

The House has passed SECOND SUBSTITUTE SENATE BILL NO. 5372 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. The legislature finds that the waters of Washington state provide a unique and valuable recreational resource to large and growing numbers of boaters. Proper stewardship of, and respect for, these waters requires that, while enjoying them for their scenic and recreational benefits, boaters must exercise care to assure that such activities do not contribute to the despoliation of these waters, and that watercraft be operated in a safe and responsible manner. The legislature has specifically addressed the topic of access to clean and safe waterways by requiring the 1987 boating safety study and by establishing the Puget Sound water quality authority.

The legislature finds that there is a need to educate Washington's boating community about safe and responsible actions on our waters and to increase the level and visibility of the enforcement of boating laws. To address the incidence of fatalities and injuries due to recreational boating on our state's waters, local and state efforts directed towards safe boating must be stimulated. To provide for safe waterways and public enjoyment, funds should be made available for boating safety and other boating recreation purposes.

In recognition of the need for clean waterways, and in keeping with the Puget Sound water quality authority's 1987 management plan, the legislature finds that adequate opportunities for responsible disposal of boat sewage must be made available. There is hereby established a five-year initiative to install sewage pumpout or sewage dump stations at appropriate marinas.

To assure the use of these sewage facilities, a boater environmental education program must accompany the five-year initiative and continue to educate boaters about boat wastes and aquatic resources.

The legislature also finds that, in light of the increasing numbers of boaters utilizing state waterways, a program to acquire and develop sufficient waterway access facilities for boaters must be undertaken.

To support boating safety, environmental protection and education, and public access to our waterways, the legislature declares that funds should be made available to support these efforts.

NEW SECTION, Sec. 2. As used in this chapter, the following terms have the meanings indicated unless the context clearly requires otherwise.

(1) "Boat wastes" shall include, but are not limited to, sewage, garbage, marine debris, plastics, contaminated bilge water, cleaning solvents, paint scrapings or discarded petroleum products associated with the use of vessels.

(2) "Boater" means any person on a vessel on waters of the state of Washington.

(3) "Commission" means the Washington state parks and recreation commission.

(4) "Environmentally sensitive area" means a restricted body of water where discharge of untreated sewage from boats is especially detrimental because of limited flushing, shallow water, commercial or recreational shellfish, swimming areas, diversity of species, the absence of other pollution sources, or other characteristics.

(5) "Marina" means a facility providing boat moorage space, fuel, or commercial services. Commercial services include but are not limited to overnight or live-aboard boating accommodations.

(6) "Polluted area" means a body of water used by boaters that is contaminated by boat wastes at unacceptable levels, based on applicable water quality and shellfish standards.

(7) "Public entities" means all elected or appointed bodies, including tribal governments, responsible for collecting and spending public funds.

(8) "Sewage dump station" means any receiving chamber or tank designed to receive vessel sewage from a "porta-potty" or a portable container.

(9) "Sewage pumpout station" means a mechanical device, generally stationed on a dock, pier, float, barge, or other location convenient to boaters, designed to remove sewage waste from holding tanks on vessels.

(10) "Vessel" means every watercraft used or capable of being used as a means of transportation on the water, other than a seaplane.

NEW SECTION, Sec. 3. The commission, in consultation with the departments of ecology, fisheries, wildlife, natural resources, social and health services, and the Puget Sound water quality authority shall conduct a literature search and analyze pertinent studies to identify areas which are polluted or environmentally sensitive within the state's waters. Based on this review the commission shall designate appropriate areas as polluted or environmentally sensitive, for the purposes of this act only.

NEW SECTION. Sec. 4. (1) A marina which meets one or more of the following criteria shall be designated by the commission as appropriate for installation of a sewage pumpout or sewage dump station:

(a) The marina is located in an environmentally sensitive or polluted area; or
 (b) The marina has one hundred twenty-five slips or more and there is a lack of sewage pumpouts within a reasonable distance.

(2) In addition to subsection (1) of this section, the commission may at its discretion designate a marina as appropriate for installation of a sewage pumpout or sewage dump station if there is a demonstrated need for a sewage pumpout or sewage dump station at the marina based on professionally conducted studies undertaken by federal, state, or local government, or the private sector; and it meets the following criteria:

(a) The marina provides commercial services, such as sales of food, fuel or supplies, or overnight or live-aboard moorage opportunities;

(b) The marina is located at a heavily used boating destination or on a heavily traveled route, as determined by the commission; or

(c) There is a lack of adequate sewage pumpout station capacity within a reasonable distance.

(3) Exceptions to the designation made under this section may be made by the commission if no sewer, septic, water, or electrical services are available at the marina.

(4) In addition to marinas, the commission may designate boat launches or boater destinations as appropriate for installation of a sewage pumpout or sewage dump station based on the criteria found in subsections (1) and (2) of this section.

NEW SECTION. Sec. 5. (1) Marinas and boat launches designated as appropriate for installation of a sewage pumpout or sewage dump station under section 4 of this act shall be eligible for funding support for installation of such facilities from funds specified in section 11 of this act. The commission shall notify owners or operators of all designated marinas and boat launches of the designation, and of the availability of funding to support installation of appropriate sewage disposal facilities. The commission shall encourage the owners and operators to apply for available funding.

(2) The commission shall contract with, or enter into an interagency agreement with another state agency to contract with, applicants based on the criteria specified below:

(a)(i) Contracts may be awarded to publicly owned, tribal, or privately owned marinas or boat launches.

(ii) Contracts may provide for state reimbursement to cover eligible costs as deemed reasonable by commission rule. Eligible costs include purchase, installation, or major renovation of the sewage pumpout or sewage dump stations, including sewer, water, electrical connections, and those costs attendant to the purchase, installation, and other necessary appurtenances, such as required pier space, as determined by the commission.

(iii) Ownership of the sewage pumpout or sewage dump station will be retained by the state through the commission in privately owned marinas. Ownership of the sewage pumpout or sewage dump station in publicly owned marinas will be held by the public entity.

(iv) Operation, normal and expected maintenance, and ongoing utility costs will be the responsibility of the marina or boat launch operator. The sewage pumpout or sewage dump station must be kept in operating condition and available for public use at all times during operating hours of the facility, excluding necessary maintenance periods.

(v) The marina owner agrees to allow the installation, existence and use of the sewage pumpout or sewage dump station by granting an easement at no cost for such purposes.

(b) Contracts awarded pursuant to (a) of this subsection shall be subject, for a period of at least ten years, to the following conditions:

(i) Any facility entering into a contract under this section must allow the boating public access to the sewage pumpout or sewage dump station during operating hours.

(ii) The applicant must agree to monitor and encourage the use of the sewage pumpout or sewage dump station, and to cooperate in any related boater environmental education program administered or approved by the commission.

(iii) The applicant must agree not to charge a fee for the use of the sewage pumpout or sewage dump station.

(iv) The applicant must agree to arrange and pay a reasonable fee for a periodic inspection of the sewage pumpout facility by the local health department or appropriate authority.

(v) Use of a free sewage pumpout or sewage dump station by the boating public shall be deemed to be included in the term "outdoor recreation" for the purposes of chapter 4.24 RCW.

NEW SECTION. Sec. 6. The department of ecology, in consultation with the commission, shall develop criteria for the design, installation, and operation of sewage pumpout and sewage dump stations, taking into consideration the ease of access to the station by the boating public. The department of ecology may adopt rules to administer the provisions of this section.

NEW SECTION. Sec. 7. The commission shall undertake a state-wide boater environmental education program concerning the effects of boat wastes. The boater environmental education

program shall provide informational materials on proper boat waste disposal methods, environmentally safe boat maintenance practices, locations of sewage pumpout and sewage dump stations, and boat oil recycling facilities.

NEW SECTION. Sec. 8. The commission shall award grants to local government entities for boater environmental education or boat waste management planning. Grants shall be allocated according to criteria developed by the commission.

NEW SECTION. Sec. 9. The commission shall, in consultation with interested parties, review progress on installation of sewage pumpout and sewage dump stations, the boater environmental education program, and the boating safety program. The commission shall report its findings to the legislature by December 1994.

NEW SECTION. Sec. 10. There is established the boater recreation financing program. Any amounts that the legislature chooses to appropriate to this program shall be expended in accordance with section 11 of this act.

NEW SECTION. Sec. 11. Any amounts appropriated to the boater recreation financing program shall be expended in accordance with the following limitations:

(1) Thirty percent to the interagency committee for outdoor recreation to be expended for use by state and local government for public recreational waterway boater access and boater destination sites. Priority shall be given to critical site acquisition. The interagency committee for outdoor recreation shall administer such funds as a competitive grants program. The amounts provided for in this subsection shall be evenly divided between state and local governments.

(2) Thirty percent of the funds shall be expended by the commission exclusively for sewage pumpout or sewage dump stations at publicly and privately owned marinas as provided for in sections 4 and 5 of this act.

(3) Twenty-five percent of the funds shall be expended for grants to state agencies and other public entities to enforce boating safety and registration laws and to carry out boating safety programs. The commission shall administer such grant program.

(4) Fifteen percent shall be expended for instructional materials, programs or grants to the public school system, public entities, or other nonprofit community organizations to support boating safety and boater environmental education or boat waste management planning. The commission shall administer this program.

Sec. 12. Section 17, chapter 7, Laws of 1983 and RCW 88.02.040 are each amended to read as follows:

The department shall provide for the issuance of vessel registrations and may appoint agents for collecting fees and issuing registration numbers and decals. Fees for vessel registrations collected by the director shall be deposited in the general fund; PROVIDED, That any amount above one million one hundred thousand dollars per fiscal year shall be allocated to counties by the state treasurer for boating safety/education and law enforcement programs. Eligibility for such allocation shall be contingent upon approval of the local boating safety program by the state parks and recreation commission. Fund allocation shall be based on the numbers of registered vessels by county of moorage. Each benefiting county shall be responsible for equitable distribution of such allocation to other jurisdictions with approved boating safety programs within said county. Any fees not allocated to counties due to the absence of an approved boating safety program, shall be allocated to the state parks and recreation commission for awards to local governments to offset law enforcement and boating safety impacts of boaters recreating in jurisdictions other than where registered.

Sec. 13. Section 18, chapter 7, Laws of 1983 as amended by section 45, chapter 3, Laws of 1983 2nd ex. sess. and RCW 88.02.050 are each amended to read as follows:

Application for a vessel registration shall be made to the department or its authorized agent in the manner and upon forms prescribed by the department. The application shall state the name and address of each owner of the vessel and such other information as may be required by the department, shall be signed by at least one owner, and shall be accompanied by a vessel registration fee of six dollars per year and the excise tax imposed under chapter 82.49 RCW. Any fees required for licensing agents under RCW 46.01.140 shall be in addition to the six-dollar annual registration fee.

Upon receipt of the application and the registration fee, the department shall assign a registration number and issue a decal for each vessel. The registration number and decal shall be issued and affixed to the vessel in a manner prescribed by the department consistent with the standard numbering system for vessels set forth in volume 33, part 174, of the code of federal regulations. A valid decal affixed as prescribed shall indicate compliance with the annual registration requirements of this chapter.

The vessel registrations and decals are valid for a period of one year, except that the director of licensing may extend or diminish vessel registration periods, and the decals therefor, for the purpose of staggered renewal periods. For registration periods of more or less than one year, the department may collect prorated annual registration fees and excise taxes based upon the number of months in the registration period. Vessel registrations are renewable every year in a manner prescribed by the department upon payment of the vessel registration

fee and excise tax. Upon renewing a vessel registration, the department shall issue a new decal to be affixed as prescribed by the department.

A person acquiring a vessel from a dealer or a vessel already validly registered under this chapter shall, within fifteen days of the acquisition or purchase of the vessel, apply to the department or its authorized agent for transfer of the vessel registration, and the application shall be accompanied by a transfer fee of one dollar which shall be deposited with the state treasurer and credited to the general fund to defray the cost of administration.

Sec. 14. Section 19, chapter 7, Laws of 1983 as amended by section 1, chapter 149, Laws of 1987 and RCW 88.02.060 are each amended to read as follows:

(1) Each vessel dealer in this state shall register with the department in the manner and upon forms prescribed by the department, in accordance with rules adopted under chapter ~~((34.04))~~ 34.05 RCW. After the completed vessel dealer application has been satisfactorily filed and the applicant is eligible as determined by the department's rules, the department shall, if no denial proceeding is in effect, issue the vessel dealer's registration on the basis of staggered annual expiration dates.

(2) Before issuing a vessel dealer's registration, the department shall require the applicant to file with the department a surety bond in the amount of five thousand dollars, running to the state of Washington, and executed by a surety company authorized to do business in the state of Washington. The bond shall be approved by the attorney general as to form and conditioned that the dealer shall conduct his business in conformity with the provisions of this chapter. Any vessel consignor or purchaser who has suffered any loss or damage by reason of any act or omission by a dealer that constitutes a violation of this chapter may institute an action for recovery against the dealer and the surety upon the bond. Successive recoveries against the bond shall be permitted, but the aggregate liability of the surety to all persons shall not exceed the amount of the bond. Upon exhaustion of the penalty of the bond or cancellation of the bond by the surety, the vessel dealer registration shall automatically be deemed canceled.

(3) Vessel dealers selling fifteen vessels or fewer per year having a retail value of no more than two thousand dollars each shall not be subject to the provisions of subsection (2).

(4) For the fiscal biennium from July 1, 1987, through June 30, 1989, the registration fee for dealers shall be fifty dollars per year for an original registration, and twenty-five dollars for any subsequent renewal. In addition, a fee of twenty-five dollars shall be collected for the first decal, fifteen dollars for each additional decal, and fifteen dollars for each vessel dealer display decal replacement. In ensuing biennia, the director shall establish the amount of such fees at a sufficient level to defray the costs of administering the vessel dealer registration program. All such fees shall be fixed by rule adopted by the director in accordance with the Administrative Procedure Act, chapter ~~((34.04))~~ 34.05 RCW. All fees collected under this section shall be deposited with the state treasurer and credited to the general fund to defray the cost of administration of the vessel dealer registration program.

Sec. 15. Section 46, chapter 3, Laws of 1983 2nd ex. sess. as amended by section 4, chapter 258, Laws of 1985 and RCW 88.02.070 are each amended to read as follows:

(1) The department shall provide for the issuance of vessel certificates of title. Applications for certificates may be made through the agents appointed under RCW 88.02.040. The fee for a vessel certificate of title is five dollars. Fees for vessel certificates of title shall be deposited ~~((tm))~~ with the state treasurer and credited to the general fund to defray the cost of administration of this section. Security interests in vessels subject to the requirements of this chapter and attaching after July 1, 1983, shall be perfected only by indication upon the vessel's title certificate. The provisions of chapters 46.12 and 46.16 RCW relating to motor vehicle certificates of registration, titles, certificate issuance, ownership transfer, and perfection of security interests, and other provisions which may be applied to vessels subject to this chapter, may be so applied by rule of the department if they are not inconsistent with this chapter.

(2) Whenever a vessel is to be registered for the first time as required by this chapter, except for a vessel having a valid marine document as a vessel of the United States, application shall be made at the same time for a certificate of title. Any person who purchases or otherwise obtains majority ownership of any vessel subject to the provisions of this chapter, except for a vessel having a valid marine document as a vessel of the United States, shall within fifteen days thereof apply for a new certificate of title which shows the vessel's change of ownership.

(3) Security interests may be released or acted upon as provided by the law under which they arose or were perfected. No new security interest or renewal or extension of an existing security interest is affected except as provided under the terms of this chapter and RCW 46.12.095.

(4) Notice shall be given to the issuing authority by the owner indicated on the certificate of registration within fifteen days of the occurrence of any of the following: Transfer of any part or all of the ownership of a vessel registered under this chapter; any change of address of owner; destruction, loss, abandonment, theft, or recovery of the vessel; or loss or destruction of a valid certificate of registration on the vessel.

Sec. 16. Section 16, chapter 7, Laws of 1983 as last amended by section 1, chapter 452, Laws of 1985 and RCW 88.02.030 are each amended to read as follows:

Vessel registration is required under this chapter except for the following:

- (1) Military or public vessels of the United States, except recreational-type public vessels;
- (2) Vessels owned by a state or subdivision thereof, used principally for governmental purposes and clearly identifiable as such;
- (3) Vessels owned by a resident of a country other than the United States if the vessel is not physically located upon the waters of this state for a period of more than sixty days;
- (4) Vessels owned by a resident of another state if the vessel is registered in accordance with the laws of the state in which the owner resides, but only to the extent that a similar exemption or privilege is granted under the laws of that state for vessels registered in this state: PROVIDED, That any vessel which is validly registered in another state and which is physically located in this state for a period of more than sixty days is subject to registration under this chapter;
- (5) Vessels used as a ship's lifeboat;
- (6) Vessels equipped with propulsion machinery of less than ten horse power that:
 - (a) Are owned by the owner of a vessel for which a valid vessel number has been issued;
 - (b) Display the number of that numbered vessel followed by the suffix "1" in the manner prescribed by the department; and
 - (c) Are used as a tender for direct transportation between that vessel and the shore and for no other purpose;
- (7) Vessels under sixteen feet in overall length which have no propulsion machinery of any type (~~or which are not used on waters subject to the jurisdiction of the United States or on the high seas beyond the territorial seas for vessels owned in the United States and are powered by propulsion machinery of ten or less horsepower~~);
- (8) Vessels with no propulsion machinery of any type for which the primary mode of propulsion is human power;
- (9) Vessels which are temporarily in this state undergoing repair or alteration;
- (10) Vessels primarily engaged in commerce which have or are required to have a valid marine document as a vessel of the United States. Commercial vessels which the department of revenue determines have the external appearance of vessels which would otherwise be required to register under this chapter, must display decals issued annually by the department of revenue that indicate the vessel's exempt status; and
- (11) Vessels primarily engaged in commerce which are owned by a resident of a country other than the United States.

NEW SECTION, Sec. 17. The commission shall adopt rules as are necessary to carry out all sections of this act except for sections 6, 10, 11(1), and 13 through 16 of this act. The commission shall comply with all applicable provisions of chapter 34.05 RCW in adopting the rules.

NEW SECTION, Sec. 18. The interagency committee for outdoor recreation shall adopt rules as are necessary to carry out section 11(1) of this act. The interagency committee for outdoor recreation shall comply with all applicable provisions of chapter 34.05 RCW in adopting the rules.

NEW SECTION, Sec. 19. By January 1, 1991, the commission shall issue a report to the appropriate committees of the house and senate showing how funds have been allocated under this section and the extent to which the allocations have resulted in additional vessel registrations and increased watercraft excise tax revenues.

NEW SECTION, Sec. 20. Sections 1 through 11 of this act shall constitute a new chapter in Title 88 RCW."

On page 1, line 1 of the title, after "boating;" strike the remainder of the title and insert "amending RCW 88.02.040, 88.02.050, 88.02.060, 88.02.070, and 88.02.030; creating a new chapter in Title 88 RCW; and creating new sections."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Metcalf, the Senate did not concur in the House amendments to Second Substitute Senate Bill No. 5372 and asks the House to recede therefrom.

MESSAGE FROM THE HOUSE

April 12, 1989

Mr. President:

The House has passed SENATE BILL NO. 5466 with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 6, chapter 96, Laws of 1974 ex. sess. as last amended by section 12, chapter 462, Laws of 1987 and RCW 19.27.060 are each amended to read as follows:

(1) The governing bodies of counties and cities may amend the codes enumerated in RCW 19.27.031 as they apply within their respective jurisdictions, but the amendments shall not result in a code that is less than the minimum performance standards and objectives contained in the

state building code. No amendment to a code enumerated in RCW 19.27.031 that affects single family or multifamily residential buildings shall be effective unless the amendment is approved by the building code council under RCW 19.27.074(1)(b). Any county or city amendment to a code enumerated in RCW 19.27.031 which is approved under RCW 19.27.074(1)(b) shall continue to be effective after any action is taken under RCW 19.27.074(1)(a) without necessity of reapproval under RCW 19.27.074(1)(b) unless the amendment is declared null and void by the council at the time any action is taken under RCW 19.27.074(1)(a) because such action in any way altered the impact of the amendment.

(2) Except as permitted or provided otherwise under this section, the state building code shall be applicable to all buildings and structures including those owned by the state or by any governmental subdivision or unit of local government.

(3) The governing body of each county or city may limit the application of any portion of the state building code to exclude specified classes or types of buildings or structures according to use other than single family or multifamily residential buildings: PROVIDED, That in no event shall fruits or vegetables of the tree or vine stored in buildings or warehouses constitute combustible stock for the purposes of application of the uniform fire code.

(4) The provisions of this chapter shall not apply to any building four or more stories high with a B occupancy as defined by the uniform building code, 1982 edition, and with a city fire insurance rating of 1, 2, or 3 as defined by a recognized fire rating bureau or organization.

(5) No provision of the uniform fire code concerning roadways shall be part of the state building code: PROVIDED, That this subsection shall not limit the authority of a county or city to adopt street, road, or access standards.

(6) The provisions of the state building code may be preempted by any city or county to the extent that the code provisions relating to the installation or use of sprinklers in jail cells conflict with the secure and humane operation of jails.

(7) (a) Effective one year after the effective date of this section, the governing bodies of counties and cities may adopt an ordinance or resolution to exempt from permit requirements certain construction or alteration of either group R, division 3, or group M, division 1 occupancies, or both, as defined in the uniform building code, 1988 edition, for which the total cost of fair market value of the construction or alteration does not exceed fifteen hundred dollars. The permit exemption shall not otherwise exempt the construction or alteration from the substantive standards of the codes enumerated in RCW 19.27.031, as amended and maintained by the state building code council under RCW 19.27.070.

(b) Prior to the effective date of this section, the state building code council shall adopt by rule, guidelines exempting from permit requirements certain construction and alteration activities under (a) of this subsection.

Sec. 2. Section 7, chapter 96, Laws of 1974 ex. sess. as last amended by section 7, chapter 505, Laws of 1987 and RCW 19.27.070 are each amended to read as follows:

There is hereby established a state building code council to be appointed by the governor.

(1) The state building code council shall consist of fifteen members, two of whom shall be county elected legislative body members or elected executives and two of whom shall be city elected legislative body members or mayors. One of the members shall be a local government building code enforcement official and one of the members shall be a local government fire service official. Of the remaining nine members, one member shall represent general construction, specializing in commercial and industrial building construction; one member shall represent general construction, specializing in residential and multifamily building construction; one member shall represent the architectural design profession; one member shall represent the structural engineering profession; one member shall represent the mechanical engineering profession; one member shall represent the construction building trades; one member shall represent manufacturers, installers, or suppliers of building materials and components; one member shall be a person with a physical disability and shall represent the disability community; and one member shall represent the general public. At least six of these fifteen members shall reside east of the crest of the Cascade mountains. The council shall include ((an employee of the office of the insurance commissioner)); Two members of the house of representatives appointed by the speaker of the house, one from each caucus; two members of the senate appointed by the president of the senate, one from each caucus; and an employee of the electrical division of the department of labor and industries, as ex officio, nonvoting members with all other privileges and rights of membership. Terms of office shall be for three years. The council shall elect a member to serve as chair of the council for one-year terms of office. Any member who is appointed by virtue of being an elected official or holding public employment shall be removed from the council if he or she ceases being such an elected official or holding such public employment. Before making any appointments to the building code council, the governor shall seek nominations from recognized organizations which represent the entities or interests listed in this subsection. Members serving on the council on July 28, 1985, may complete their terms of office. Any vacancy shall be filled by alternating appointments from governmental and nongovernmental entities or interests until the council is constituted as required by this subsection.

(2) Members shall not be compensated but shall receive reimbursement for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(3) The department of community development shall provide administrative and clerical assistance to the building code council.

Sec. 3. Section 36.21.070, chapter 4, Laws of 1963 as amended by section 1, chapter 134, Laws of 1987 and RCW 36.21.070 are each amended to read as follows:

Upon receipt of ~~(such)~~ a copy of a building permit, the county assessor shall, within twelve months of the date of issue of such permit, proceed to make a physical appraisal of the building or buildings covered by the permit.

Sec. 4. Section 36.21.080, chapter 4, Laws of 1963 as last amended by section 5, chapter 319, Laws of 1987 and RCW 36.21.080 are each amended to read as follows:

The county assessor is authorized to place any property ~~((under the provisions of RCW 36.21.040 through 36.21.080))~~ that is increased in value due to construction or alteration for which a building permit was issued, or should have been issued, under chapter 19.27, 19.27A, or 19.28 RCW or other laws providing for building permits on the assessment rolls for the purposes of tax levy up to August 31st of each year. The assessed valuation of the property ((under the provisions of RCW 36.21.040 through 36.21.080)) shall be considered as of July 31st of that year.

NEW SECTION. Sec. 5. A new section is added to chapter 19.27 RCW to read as follows:

A copy of any permit obtained under the state building code for construction or alteration work of a total cost or fair market value in excess of five hundred dollars, shall be transmitted by the issuing authority to the county assessor of the county where the property on which the construction or alteration work is located. The building permit shall contain the county assessor's parcel number.

NEW SECTION. Sec. 6. A new section is added to chapter 19.27 RCW to read as follows:

Every month a copy of the United States department of commerce, bureau of the census' "report of building or zoning permits issued and local public construction" or equivalent report shall be transmitted by the governing bodies of counties and cities to the department of community development.

NEW SECTION. Sec. 7. A new section is added to chapter 19.27 RCW to read as follows:

Any county of the seventh class that had in effect on July 1, 1985, an ordinance or resolution authorizing and regulating the construction of owner-built residences may reenact such an ordinance or resolution if the ordinance or resolution is reenacted before September 30, 1989. After reenactment, the county shall transmit a copy of the ordinance or resolution to the state building code council.

NEW SECTION. Sec. 8. The following acts or parts of acts are each repealed:

- (1) Section 36.21.040, chapter 4, Laws of 1963 and RCW 36.21.040;
- (2) Section 36.21.050, chapter 4, Laws of 1963 and RCW 36.21.050; and
- (3) Section 36.21.060, chapter 4, Laws of 1963, section 1, chapter 318, Laws of 1985 and RCW 36.21.060.

On page 1, line 1 of the title, after "council;" strike the remainder of the title and insert "amending RCW 19.27.060, 19.27.070, 36.21.070, and 36.21.080; adding new sections to chapter 19.27 RCW; and repealing RCW 36.21.040, 36.21.050, and 36.21.060."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator McCaslin, the Senate concurred in the House amendments to Senate Bill No. 5466.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5466, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5466, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; nays, 2; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Sutherland, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 45.

Voting nay: Senators Fleming, Talmadge - 2.

Excused: Senators DeJarnatt, Smith - 2.

SENATE BILL NO. 5466, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 13, 1989

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 5474 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. It is hereby declared to be the policy of this state to secure the rights, constitutional or otherwise, of persons who, because of a non-English-speaking cultural background, are unable to readily understand or communicate in the English language, and who consequently cannot be fully protected in legal proceedings unless qualified interpreters are available to assist them.

It is the intent of the legislature in the passage of this chapter to provide for the use and procedure for the appointment of such interpreters. Nothing in this act abridges the parties' rights or obligations under other statutes or court rules or other law.

NEW SECTION. Sec. 2. As used in this chapter:

(1) "Non-English-speaking person" means any person involved in a legal proceeding who cannot readily speak or understand the English language, but does not include hearing-impaired persons who are covered under chapter 2.42 RCW.

(2) "Qualified interpreter" means a person who is able readily to interpret or translate spoken and written English for non-English-speaking persons and to interpret or translate oral or written statements of non-English-speaking persons into spoken English.

(3) "Legal proceeding" means a proceeding in any court in this state, grand jury hearing, or hearing before an inquiry judge, or before administrative board, commission, agency, or licensing body of the state or any political subdivision thereof.

(4) "Certified interpreter" means an interpreter who is certified by the office of the administrator for the courts.

(5) "Appointing authority" means the presiding officer or similar official of any court, department, board, commission, agency, licensing authority, or legislative body of the state or of any political subdivision thereof.

NEW SECTION. Sec. 3. (1) Whenever an interpreter is appointed to assist a non-English-speaking person in a legal proceeding, the appointing authority shall, in the absence of a written waiver by the person, appoint a certified or a qualified interpreter to assist the person throughout the proceedings.

(a) Except as otherwise provided for in (b) of this subsection, the interpreter appointed shall be a qualified interpreter.

(b) Beginning on July 1, 1990, when a non-English-speaking person is a party to a legal proceeding, or is subpoenaed or summoned by an appointing authority or is otherwise compelled by an appointing authority to appear at a legal proceeding, the appointing authority shall use the services of only those language interpreters who have been certified by the office of the administrator for the courts, unless good cause is found and noted on the record by the appointing authority. For purposes of this act, "good cause" includes but is not limited to a determination that:

(i) Given the totality of the circumstances, including the nature of the proceeding and the potential penalty or consequences involved, the services of a certified interpreter are not reasonably available to the appointing authority; or

(ii) The current list of certified interpreters maintained by the office of the administrator for the courts does not include an interpreter certified in the language spoken by the non-English-speaking person.

(2) If good cause is found for using an interpreter who is not certified or if a qualified interpreter is appointed, the appointing authority shall make a preliminary determination, on the basis of testimony or stated needs of the non-English-speaking person, that the proposed interpreter is able to interpret accurately all communications to and from such person in that particular proceeding. The appointing authority shall satisfy itself on the record that the proposed interpreter:

(a) Is capable of communicating effectively with the court or agency and the person for whom the interpreter would interpret; and

(b) Has read, understands, and will abide by the code of ethics for language interpreters established by court rules.

NEW SECTION. Sec. 4. (1) Interpreters appointed according to this chapter are entitled to a reasonable fee for their services and shall be reimbursed for actual expenses which are reasonable as provided in this section.

(2) In all legal proceedings in which the non-English-speaking person is a party, or is subpoenaed or summoned by the appointing authority or is otherwise compelled by the appointing authority to appear, including criminal proceedings, grand jury proceedings, coroner's inquests, mental health commitment proceedings, and other legal proceedings initiated by agencies of government, the cost of providing the interpreter shall be borne by the governmental body initiating the legal proceedings.

(3) In other legal proceedings, the cost of providing the interpreter shall be borne by the non-English-speaking person unless such person is indigent according to adopted standards of the body. In such a case the cost shall be an administrative cost of the governmental body under the authority of which the legal proceeding is conducted.

(4) The cost of providing the interpreter is a taxable cost of any proceeding in which costs ordinarily are taxed.
as the title of the act.

NEW SECTION. Sec. 5. Before beginning to interpret, every interpreter appointed under this chapter shall take an oath affirming that the interpreter will make a true interpretation to the person being examined of all the proceedings in a language which the person understands, and that the interpreter will repeat the statements of the person being examined to the court or agency conducting the proceedings, in the English language, to the best of the interpreter's skill and judgment.

NEW SECTION. Sec. 6. (1) The right to a qualified interpreter may not be waived except when:

(a) A non-English-speaking person requests a waiver; and

(b) The appointing authority determines on the record that the waiver has been made knowingly, voluntarily, and intelligently.

(2) Waiver of a qualified interpreter may be set aside and an interpreter appointed, in the discretion of the appointing authority, at any time during the proceedings.

NEW SECTION. Sec. 7. (1) Subject to the availability of funds, the office of the administrator for the courts shall establish and administer a comprehensive testing and certification program for language interpreters.

(2) The office of the administrator for the courts shall work cooperatively with community colleges and other private or public educational institutions, and with other public or private organizations to establish a certification preparation curriculum and suitable training programs to ensure the availability of certified interpreters. Training programs shall be made readily available in both eastern and western Washington locations.

(3) The office of the administrator for the courts shall establish and adopt standards of proficiency, written and oral, in English and the language to be interpreted.

(4) The office of the administrator for the courts shall conduct periodic examinations to ensure the availability of certified interpreters. Periodic examinations shall be made readily available in both eastern and western Washington locations.

(5) The office of the administrator for the courts shall compile, maintain, and disseminate a current list of interpreters certified by the office of the administrator for the courts.

(6) The office of the administrator for the courts may charge reasonable fees for testing, training, and certification.

NEW SECTION. Sec. 8. All language interpreters serving in a legal proceeding, whether or not certified or qualified, shall abide by a code of ethics established by supreme court rule.

NEW SECTION. Sec. 9. The office of the administrator for the courts shall create and consult with an advisory committee on certification of interpreters. The committee shall consist of representatives of county prosecutors, public defenders, the bar association, judges, and groups representing non-English-speaking persons. The committee shall advise the office of the administrator for the courts on procedures and standards for the certification of interpreters, and shall determine in what order of priority various groups of non-English-speaking persons are in need of certified interpreters. The committee shall also consider and recommend to the legislature its findings regarding whether the function of certifying interpreters ought to be carried out by an agency other than the administrator for the courts.

NEW SECTION. Sec. 10. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 11. Sections 1 through 9 of this act are each added to chapter 2.42 RCW.

Sec. 12. Section 1, chapter 22, Laws of 1973 as amended by section 1, chapter 222, Laws of 1983 and RCW 2.42.010 are each amended to read as follows:

It is hereby declared to be the policy of this state to secure the constitutional rights of deaf persons and of other persons who, because of impairment of hearing or speech, ((or non-English-speaking cultural background)) are unable to readily understand or communicate the spoken English language, and who consequently cannot be fully protected in legal proceedings unless qualified interpreters are available to assist them.

It is the intent of the legislature in the passage of this chapter to provide for the appointment of such interpreters.

Sec. 13. Section 2, chapter 22, Laws of 1973 as amended by section 2, chapter 222, Laws of 1983 and RCW 2.42.020 are each amended to read as follows:

As used in this chapter (1) an "impaired person" is any person involved in a legal proceeding who is deaf or who, because of other hearing or speech defects, ((or because of non-English-speaking cultural background)) cannot readily understand or communicate in spoken language ((or readily speak or understand the English language)) and who, when involved as

a party to a legal proceeding, is unable by reason of such defects to obtain due process of law; (2) a "qualified interpreter" is one who is able readily to translate spoken (~~and written English~~) language to (~~and for~~) impaired persons and to translate statements of impaired persons into spoken (~~English~~) language; (3) "legal proceeding" is a proceeding in any court in this state, at grand jury hearings or hearings before an inquiry judge, or before administrative boards, commissions, agencies, or licensing bodies of the state or any political subdivision thereof.

Sec. 14, Section 5, chapter 22, Laws of 1973 as amended by section 20, chapter 389, Laws of 1985 and RCW 2.42.050 are each amended to read as follows:

Every qualified interpreter appointed under this chapter in a judicial or administrative proceeding shall, before beginning to interpret, take an oath that a true interpretation will be made to the person being examined of all the proceedings (~~in a language or~~) in a manner which the person understands, and that the interpreter will repeat the statements of the person being examined to the court or other agency conducting the proceedings, (~~in the English language~~;) to the best of the interpreter's skill and judgment."

On page 1, line 1 of the title, after "proceedings;" strike the remainder of the title and insert "amending RCW 2.42.010, 2.42.020, and 2.42.050; and adding new sections to chapter 2.42 RCW."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Pullen, the Senate concurred in the House amendments to Substitute Senate Bill No. 5474.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5474, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5474, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognlind, von Reichbauer, Warnke, West, Williams, Wojahn - 47.

Excused: Senators DeJarnatt, Smith - 2.

SUBSTITUTE SENATE BILL NO. 5474, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 14, 1989

Mr. President:

The House has passed SENATE BILL NO. 5492 with the following amendment:

On page 1, line 8 after "based" insert "only".

and the bill and the amendment are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Pullen, the Senate concurred in the House amendment to Senate Bill No. 5492.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5492, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5492, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton,

Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 48.

Excused: Senator DeJarmatt - 1.

SENATE BILL NO. 5492, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Smith, Senator Saling was excused.

MESSAGE FROM THE HOUSE

April 11, 1989

Mr. President:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5186 with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 2, chapter 268, Laws of 1981 as amended by section 1, chapter 186, Laws of 1987 and RCW 2.64.010 are each amended to read as follows:

~~((For purposes of this chapter,))~~ Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Admonishment" means a written disposition of an advisory nature that cautions a judge or justice not to engage in certain proscribed behavior. An admonishment may include a requirement that the judge or justice follow a specified corrective course of action.

(2) "Censure" means a written action of the commission that requires a judge or justice to appear personally before the commission, and that finds that conduct of the judge or justice violates a rule of judicial conduct, detrimentally affects the integrity of the judiciary, undermines public confidence in the administration of justice, and may or may not require a recommendation to the supreme court that the judge or justice be suspended or removed. A censure shall include a requirement that the judge or justice follow a specified corrective course of action.

(3) "Commission" means the commission on judicial conduct provided for in Article IV, section 31 of the state Constitution, which is authorized to recommend to the supreme court, after notice and hearing, the ~~((censure,))~~ suspension or removal of a judge or justice for violating a rule of judicial conduct, or the retirement of a judge or justice for disability ~~((which is permanent, or likely to become permanent, and which seriously interferes with the performance of judicial duties. For purposes of this chapter, the term))~~.

(4) "Judge or justice" includes justices of the supreme court, judges of the court of appeals, judges of the superior courts, judges of any court organized under Titles 3 or 35 RCW, judges pro tempore, court commissioners, and magistrates.

(5) "Removal" means a written recommendation by the commission and a finding by the supreme court that the conduct of a judge or justice is a violation of a rule of judicial conduct and seriously impairs the integrity of the judiciary and substantially undermines the public confidence in the administration of justice to such a degree that the judge or justice should be relieved of all duties of his or her office.

(6) "Reprimand" means a written action of the commission that requires a judge or justice to appear personally before the commission, and that finds that the conduct of the judge or justice is a minor violation of the code of judicial conduct and does not require censure or a formal recommendation to the supreme court that the judge or justice be suspended or removed. A reprimand shall include a requirement that the judge or justice follow a specified corrective course of action.

(7) "Retirement" means a written recommendation by the commission and a finding by the supreme court that a judge or justice has a disability which is permanent, or likely to become permanent, and that seriously interferes with the performance of judicial duties.

(8) "Suspension" means a written recommendation by the commission and a finding by the supreme court that the conduct of a judge or justice is a violation of a rule of judicial conduct and seriously impairs the integrity of the judiciary and substantially undermines the public confidence in the administration of justice to such a degree that the judge or justice should be relieved of the duties of his or her office by the court for a specified period of time, as determined by the court.

This chapter shall apply to any judge or justice, regardless of whether the judge or justice serves full time or part time, and regardless of whether the judge or justice is admitted to practice law in this state.

Sec. 2. Section 3, chapter 268, Laws of 1981 as amended by section 2, chapter 186, Laws of 1987 and RCW 2.64.020 are each amended to read as follows:

The commission shall consist of ~~((nine))~~ eleven members. One member shall be a judge selected by and from the court of appeals judges; one member shall be a judge selected by and from the superior court judges; one member shall be a judge selected by and from the

district court judges; two members shall be selected by the state bar association and be admitted to the practice of law in this state; and ~~((four))~~ six members shall be nonlawyers appointed by the governor ~~((and confirmed by the senate))~~. The term of each member of the commission shall be four years.

Sec. 3. Section 6, chapter 268, Laws of 1981 and RCW 2.64.050 are each amended to read as follows:

The commission may employ ~~((any))~~ personnel, including ((lawyers)) attorneys, and make any other expenditures necessary for the effective performance of its duties and the exercise of its powers. The commission may hire attorneys or others by personal service contract to conduct initial proceedings regarding a complaint against a judge or justice. Commission employees shall be exempt from the civil service law, chapter 41.06 RCW.

NEW SECTION. Sec. 4. A new section is added to chapter 2.64 RCW to read as follows:

The commission is authorized to impose the following disciplinary actions, in increasing order of severity: (a) Admonishment; (b) reprimand; or (c) censure. If the conduct of the judge or justice warrants more severe disciplinary action, the commission may recommend to the supreme court the suspension or removal of the judge or justice.

NEW SECTION. Sec. 5. A new section is added to chapter 2.64 RCW to read as follows:

The commission is authorized to investigate and consider for probative value any conduct that may have occurred prior to, on, or after December 4, 1980, by a person who was, or is now, a judge or justice when such conduct relates to a complaint filed with the commission against the same judge or justice.

NEW SECTION. Sec. 6. A new section is added to chapter 2.64 RCW to read as follows:

All pleadings, papers, evidence records, and files of the commission, including complaints and the identity of complainants, compiled or obtained during the course of an investigation or initial proceeding involving the discipline or retirement of a judge or justice, are exempt from the public disclosure requirements of chapter 42.17 RCW during such investigation or initial proceeding. As of the date of a public hearing, all those records of the initial proceeding that were the basis of a finding of probable cause are subject to the public disclosure requirements of chapter 42.17 RCW.

NEW SECTION. Sec. 7. A new section is added to chapter 2.64 RCW to read as follows:

The adjudicative proceedings, judicial review, and civil enforcement provisions of chapter 34.05 RCW, the administrative procedure act, do not apply to any investigations, initial proceedings, public hearings, or executive sessions involving the discipline or retirement of a judge or justice.

NEW SECTION. Sec. 8. A new section is added to chapter 2.64 RCW to read as follows:

The commission is subject to the open public meetings act, chapter 42.30 RCW. However, investigations, initial proceedings, public hearings, and executive sessions involving the discipline or retirement of a judge or justice are governed by this chapter and Article IV, section 31 of the state Constitution and are exempt from the provisions of chapter 42.30 RCW.

NEW SECTION. Sec. 9. A new section is added to chapter 2.64 RCW to read as follows:

The commission shall provide by rule for confidentiality of its investigations and initial proceedings in accordance with Article IV, section 31 of the state Constitution.

Any person violating a rule on confidentiality is subject to a proceeding for contempt in superior court.

NEW SECTION. Sec. 10. The following acts or parts of act are each repealed:

- (1) Section 4, chapter 186, Laws of 1987 and RCW 2.64.091; and
- (2) Section 12, chapter 268, Laws of 1981, section 5, chapter 186, Laws of 1987 and RCW 2.64.110.

NEW SECTION. Sec. 11. This act shall take effect upon the effective date of an amendment to Article IV, section 31 of the state Constitution making changes to the commission on judicial conduct. If such amendment is not validly submitted to and approved and ratified by the voters at a general election held in November 1989, this act shall be null and void in its entirety."

On page 1, line 1 of the title, after "conduct," strike the remainder of the title and insert "amending RCW 2.64.010, 2.64.020, and 2.64.050; adding new sections to chapter 2.64 RCW; repealing RCW 2.64.091 and 2.64.110; and providing a contingent effective date."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Pullen, the Senate concurred in the House amendments to Engrossed Substitute Senate Bill No. 5186.

MOTION

On motion of Senator Pullen, the rules were suspended and Engrossed Substitute Senate Bill No. 5186, as amended by the House, was returned to second reading and read the second time.

MOTION

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

On page 7, after line 22, insert a new section to read as follows:

***NEW SECTION.** Sec. 10. A new section is added to chapter 2.64 RCW to read as follows:

Whenever the commission determines that there is probable cause to believe that a judge or justice has violated a rule of judicial conduct or that the judge or justice suffers from a disability which is permanent or likely to become permanent and which seriously interferes with the performance of judicial duties, the commission shall disclose to the judge or justice any material or information within the commission's knowledge which tends to negate the determination of the commission, except as otherwise provided by a protective order."

Renumber the remaining sections accordingly

MOTION

On motion of Senator Pullen, the rules were suspended, Engrossed Substitute Senate Bill No. 5186, as amended by the House, with an additional amendment by the Senate and under suspension of the rules, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator Talmadge, I think it's an excellent law as proposed. My question has to do with, and you touched on it briefly, the confirmation of the members of the commission. The six members are non-lawyers. My understanding that if an appointment is confirmed by the Senate, that person can only be removed for cause, which must be preferred or they may resign, of course. Somebody that's appointed without confirmation can be removed by the Governor at any time. We have certain specific appointments made which say, 'serves a term at the pleasure of the Governor.' This says nothing other than four years. What is your understanding?"

Senator Talmadge: "Senator, my understanding is by providing for a term certain—a four year term for the membership of the commission—that the Governor would not be entitled to remove these individuals, that they would be entitled to serve throughout the duration of their term, that there would not be an opportunity for the Governor to remove them at his whim."

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5186, as amended by the House, with an additional amendment by the Senate and under suspension of the rules.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5048, as amended by the House, with an additional amendment by the Senate and under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 47.

Excused: Senators DeJarnatt, Saling - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5186, as amended by the House, with an additional amendment by the Senate and under suspension of the rules, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

REMARKS BY SENATOR PULLEN CLARIFYING FINAL PASSAGE
OF ENGROSSED SUBSTITUTE SENATE BILL NO. 5186

Senator Pullen: "Mr. President, just so the record is clear on what we just did. I would want the record to show that we did concur in the House amendments, with Senator Talmadge's amendment adopted, in addition. We are now seeking the House to concur with the final passage of the bill with the House amendment, as

amended by the amendment of Senator Talmadge. I believe that was the action we took and if there is no objection, I just wanted to clarify the record."

MESSAGE FROM THE HOUSE

April 15, 1989

Mr. President:

The House refuses to concur in the Senate amendment to ENGROSSED HOUSE BILL NO. 2131 and asks the Senate for a conference thereon. The Speaker has appointed the following members as Conferees: Representatives Nutley, Rector and Ballard.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Newhouse, the Senate granted the request of the House for a conference on Engrossed House Bill No. 2131 and the Senate amendment thereto.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Substitute House Bill No. 2131 and the Senate amendment thereto: Senators Bluechel, Murray and Matson.

MOTION

On motion of Senator Newhouse, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

April 15, 1989

Mr. President:

The House refuses to concur in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 1558 and asks the Senate for a conference thereon. The Speaker has appointed the following members as Conferees: Representatives Braddock, Inslee and Brumsickle.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Newhouse, the Senate granted the request of the House for a conference on Substitute House Bill No. 1558 and the Senate amendments thereto.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Substitute House Bill No. 1558 and the Senate amendments thereto: Senators West, Talmadge and Amondson.

MOTION

On motion of Senator Newhouse, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

April 15, 1989

Mr. President:

The House refuses to concur in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1254 and asks the Senate for a conference thereon. The Speaker has appointed the following members as Conferees: Representatives Appelwick, H. Myers and Padden.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Newhouse, the Senate granted the request of the House for a conference on Substitute House Bill No. 1254 and the Senate amendment thereto.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Substitute House Bill No. 1254 and the Senate amendment thereto: Senators Pullen, Sutherland and McCaslin.

MOTION

On motion of Senator Newhouse, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

April 15, 1989

Mr. President:

The House refuses to concur in the Senate amendments to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1635 and asks the Senate for a conference thereon. The Speaker has appointed the following members as Conferees: Representatives Appelwick, Belcher and Padden.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Newhouse, the Senate granted the request of the House for a conference on Engrossed Substitute House Bill No. 1635 and the Senate amendments thereto.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Substitute House Bill No. 1635 and the Senate amendments thereto: Senators Pullen, Owen and Nelson.

MOTION

On motion of Senator Newhouse, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

April 12, 1989

Mr. President:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5499 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. It is a privilege granted by the state to operate a motor vehicle upon the highways of this state. The legislature recognizes the threat that uninsured drivers are to the people of the state. In order to alleviate the threat posed by uninsured drivers it is the intent of the legislature to require that all persons driving vehicles registered in this state satisfy the financial responsibility requirements of this chapter. By enactment of this chapter it is not the intent of the legislature to modify, amend, or invalidate existing insurance contract terms, conditions, limitations, or exclusions or to preclude insurance companies from using similar terms, conditions, limitations, or exclusions in future contracts.

NEW SECTION. Sec. 2. (1) No person may operate a motor vehicle subject to registration under chapter 46.16 RCW in this state unless the person is insured under a motor vehicle liability policy with liability limits of at least the amounts provided in RCW 46.29.090, is self-insured as provided in RCW 46.29.630, is covered by a certificate of deposit in conformance with RCW 46.29.550, or is covered by a liability bond of at least the amounts provided in RCW 46.29.090.

(2) A violation of this section constitutes a traffic infraction punishable by a fine of two hundred and fifty dollars unless a court determines that in the interest of justice the fine should be reduced. In lieu of the fine, a court may permit the defendant to perform community service designated by the court.

(3) If a person cited for a violation of this section appears in person before the court and provides written evidence that at the time the person was cited, he or she was in compliance with this section, the citation shall be dismissed. In lieu of personal appearance, a person cited for a violation of this section may, before the date scheduled for the person's appearance before the court, submit by mail to the court written evidence that at the time the person was cited, he or she was in compliance with this section, in which case the citation shall be dismissed.

(4) The provisions of this chapter shall not govern:

(a) The operation of a motor vehicle registered under RCW 46.16.310 or 46.16.315, governed by RCW 46.16.020, registered with the Washington utilities and transportation commission as common or contract carriers; or

(b) The operation of a motorcycle as defined in RCW 46.04.330, a motor-driven cycle as defined in RCW 46.04.332, or a moped as defined in RCW 46.04.304.

(5) RCW 46.29.490 shall not be deemed to govern all motor vehicle liability policies required by this chapter but only those certified for the purposes stated in chapter 46.29 RCW.

NEW SECTION. Sec. 3. (1) Whenever an insurance company issues or renews a motor vehicle liability insurance policy, the company shall provide the policyholder with an identification card as specified by the department of licensing. At the policyholder's request, the insurer shall provide the policyholder a card for each vehicle covered under the policy.

(2) The department of licensing shall adopt rules specifying the type, style, and content of insurance identification cards to be used for proof of compliance with section 2 of this act, including the method for issuance of such identification cards by persons or organizations providing proof of compliance through self-insurance, certificate of deposit, or bond. In adopting such rules the department shall consider the guidelines for insurance identification cards developed by the insurance industry committee on motor vehicle administration.

NEW SECTION. Sec. 4. (1) Whenever a person operates a motor vehicle subject to registration under chapter 46.16 RCW, the person shall have in his or her possession an identification card of the type specified in section 3 of this act and shall display the card upon demand to a law enforcement officer.

(2) Every person who drives a motor vehicle required to be registered in another state that requires drivers and owners of vehicles in that state to maintain insurance or financial responsibility shall, when requested by a law enforcement officer, provide evidence of financial responsibility or insurance as is required by the laws of the state in which the vehicle is registered.

(3) Any person who knowingly provides false evidence of financial responsibility to a law enforcement officer or to a court, including an expired or canceled insurance policy, bond, or certificate of deposit is guilty of a misdemeanor.

Sec. 5. Section 2, chapter 11, Laws of 1979 as last amended by section 2, chapter 463, Laws of 1987 and RCW 46.52.030 are each amended to read as follows:

(1) The driver of any vehicle involved in an accident resulting in injury to or death of any person or damage to the property of any one person to an apparent extent equal to or greater than the minimum amount established by rule adopted by the chief of the Washington state patrol in accordance with subsection (5) of this section, shall, within twenty-four hours after such accident, make a written report of such accident to the chief of police of the city or town if such accident occurred within an incorporated city or town or the county sheriff or state patrol if such accident occurred outside incorporated cities and towns. Nothing in this subsection prohibits accident reports from being filed by drivers where damage to property is less than the minimum amount.

(2) The original of such report shall be immediately forwarded by the authority receiving such report to the chief of the Washington state patrol at Olympia, Washington, and the second copy of such report to be forwarded to the department of licensing at Olympia, Washington.

(3) Any law enforcement officer who investigates an accident for which a driver's report is required under subsection (1) of this section shall submit an investigator's report as required by RCW 46.52.070.

(4) The chief of the Washington state patrol may require any driver of any vehicle involved in an accident, of which report must be made as provided in this section, to file supplemental reports whenever the original report in his opinion is insufficient, and may likewise require witnesses of any such accident to render reports. For this purpose, the chief of the Washington state patrol shall prepare and, upon request, supply to any police department, coroner, sheriff, and any other suitable agency or individual, sample forms of accident reports required hereunder, which reports shall be upon a form devised by the chief of the Washington state patrol and shall call for sufficiently detailed information to disclose all material facts with reference to the accident to be reported thereon, including the location, the cause, the conditions then existing, ~~((and))~~ the persons and vehicles involved, the insurance information required under section 3 of this act, personal injury or death, if any, the amounts of property damage claimed, the total number of vehicles involved, whether the vehicles were legally parked, legally standing, or moving, and whether such vehicles were occupied at the time of the accident. Every required accident report shall be made on a form prescribed by the chief of the Washington state patrol and each authority charged with the duty of receiving such reports shall provide sufficient report forms in compliance with the form devised. The report forms shall be designated so as to provide that a copy may be retained by the reporting person.

(5) The chief of the Washington state patrol shall adopt rules establishing the accident-reporting threshold for property damage accidents. Beginning October 1, 1987, the accident-reporting threshold for property damage accidents shall be five hundred dollars. The accident-reporting threshold for property damage accidents shall be revised when necessary, but

not more frequently than every two years. The revisions shall only be for the purpose of recognizing economic changes as reflected by an inflationary index recommended by the office of financial management. The revisions shall be guided by the change in the index for the time period since the last revision.

Sec. 6. Section 46.56.190, chapter 12, Laws of 1961 as amended by section 65, chapter 32, Laws of 1967 and RCW 46.61.020 are each amended to read as follows:

It (~~shall be~~) is unlawful for any person while operating or in charge of any vehicle to refuse when requested by a police officer to give his name and address and the name and address of the owner of such vehicle, or for such person to give a false name and address, and it (~~shall~~) is likewise (~~be~~) unlawful for any such person to refuse or neglect to stop when signaled to stop by any police officer or to refuse upon demand of such police officer to produce his certificate of license registration of such vehicle, his insurance identification card, or his vehicle driver's license or to refuse to permit such officer to take any such license, card, or certificate for the purpose of examination thereof or to refuse to permit the examination of any equipment of such vehicle or the weighing of such vehicle or to refuse or neglect to produce the certificate of license registration of such vehicle, insurance card, or his vehicle driver's license when requested by any court. Any police officer shall on request produce evidence of his authorization as such.

Sec. 7. Section 4, chapter 136, Laws of 1979 ex. sess. and RCW 46.61.021 are each amended to read as follows:

(1) Any person requested or signaled to stop by a law enforcement officer for a traffic infraction has a duty to stop.

(2) Whenever any person is stopped for a traffic infraction, the officer may detain that person for a reasonable period of time necessary to identify the person, check the status of the person's license, insurance identification card, and the vehicle's registration, and complete and issue a notice of traffic infraction.

(3) Any person requested to identify himself to a law enforcement officer pursuant to an investigation of a traffic infraction has a duty to identify himself, give his current address, and sign an acknowledgement of receipt of the notice of infraction.

Sec. 8. Section 3, chapter 186, Laws of 1986 as amended by section 2, chapter 181, Laws of 1987, by section 55, chapter 244, Laws of 1987, by section 6, chapter 247, Laws of 1987 and by section 11, chapter 388, Laws of 1987 and RCW 46.63.020 are each reenacted and amended to read as follows:

Failure to perform any act required or the performance of any act prohibited by this title or an equivalent administrative regulation or local law, ordinance, regulation, or resolution relating to traffic including parking, standing, stopping, and pedestrian offenses, is designated as a traffic infraction and may not be classified as a criminal offense, except for an offense contained in the following provisions of this title or a violation of an equivalent administrative regulation or local law, ordinance, regulation, or resolution:

(1) RCW 46.09.120(2) relating to the operation of a nonhighway vehicle while under the influence of intoxicating liquor or a controlled substance;

(2) RCW 46.09.130 relating to operation of nonhighway vehicles;

(3) RCW 46.10.090(2) relating to the operation of a snowmobile while under the influence of intoxicating liquor or narcotics or habit-forming drugs or in a manner endangering the person of another;

(4) RCW 46.10.130 relating to the operation of snowmobiles;

(5) Chapter 46.12 RCW relating to certificates of ownership and registration;

(6) RCW 46.16.010 relating to initial registration of motor vehicles;

(7) RCW 46.16.011 relating to permitting unauthorized persons to drive;

(8) RCW 46.16.160 relating to vehicle trip permits;

~~((8)) RCW 46.16.011 relating to permitting unauthorized persons to drive;~~

(9) RCW 46.16.381(8) relating to unauthorized acquisition of a special decal, license plate, or card for disabled persons' parking;

(10) RCW 46.20.021 relating to driving without a valid driver's license;

(11) RCW 46.20.336 relating to the unlawful possession and use of a driver's license;

(12) RCW 46.20.342 relating to driving with a suspended or revoked license;

(13) RCW 46.20.410 relating to the violation of restrictions of an occupational driver's license;

(14) RCW 46.20.416 relating to driving while in a suspended or revoked status;

(15) RCW 46.20.420 relating to the operation of a motor vehicle with a suspended or revoked license;

(16) RCW 46.20.750 relating to assisting another person to start a vehicle equipped with an ignition interlock device;

(17) Chapter 46.29 RCW relating to financial responsibility;

(18) Section 4 of this act relating to providing false evidence of financial responsibility;

(19) RCW 46.44.180 relating to operation of mobile home pilot vehicles;

~~((19))~~ (20) RCW 46.48.175 relating to the transportation of dangerous articles;

~~((20))~~ (21) RCW 46.52.010 relating to duty on striking an unattended car or other property;

- (((21))) (22) RCW 46.52.020 relating to duty in case of injury to or death of a person or damage to an attended vehicle;
- (((22))) (23) RCW 46.52.090 relating to reports by repairmen, storagemen, and appraisers;
- (((23))) (24) RCW 46.52.100 relating to driving under the influence of liquor or drugs;
- (((24))) (25) RCW 46.52.130 relating to confidentiality of the driving record to be furnished to an insurance company, an employer, and an alcohol/drug assessment or treatment agency;
- (((25))) (26) RCW 46.55.020 relating to engaging in the activities of a registered tow truck operator without a registration certificate;
- (((26))) (27) RCW 46.61.015 relating to obedience to police officers, flagmen, or fire fighters;
- (((27))) (28) RCW 46.61.020 relating to refusal to give information to or cooperate with an officer;
- (((28))) (29) RCW 46.61.022 relating to failure to stop and give identification to an officer;
- (((29))) (30) RCW 46.61.024 relating to attempting to elude pursuing police vehicles;
- (((30))) (31) RCW 46.61.500 relating to reckless driving;
- (((31))) (32) RCW 46.61.502 and 46.61.504 relating to persons under the influence of intoxicating liquor or drugs;
- (((32))) (33) RCW 46.61.520 relating to vehicular homicide by motor vehicle;
- (((33))) (34) RCW 46.61.522 relating to vehicular assault;
- (((34))) (35) RCW 46.61.525 relating to negligent driving;
- (((35))) (36) RCW 46.61.530 relating to racing of vehicles on highways;
- (((36))) (37) RCW 46.61.685 relating to leaving children in an unattended vehicle with the motor running;
- (((37))) (38) RCW 46.64.010 relating to unlawful cancellation of or attempt to cancel a traffic citation;
- (((38))) (39) RCW 46.64.020 relating to nonappearance after a written promise;
- (((39))) (40) RCW 46.64.048 relating to attempting, aiding, abetting, coercing, and committing crimes;
- (((40))) (41) Chapter 46.65 RCW relating to habitual traffic offenders;
- (((41))) (42) Chapter 46.70 RCW relating to unfair motor vehicle business practices, except where that chapter provides for the assessment of monetary penalties of a civil nature;
- (((42))) (43) Chapter 46.72 RCW relating to the transportation of passengers in for hire vehicles;
- (((43))) (44) Chapter 46.80 RCW relating to motor vehicle wreckers;
- (((44))) (45) Chapter 46.82 RCW relating to driver's training schools;
- (((45))) (46) RCW 46.87.260 relating to alteration or forgery of a cab card, letter of authority, or other temporary authority issued under chapter 46.87 RCW;
- (((46))) (47) RCW 46.87.290 relating to operation of an unregistered or unlicensed vehicle under chapter 46.87 RCW.

NEW SECTION. Sec. 9. The director of licensing shall compile records on uninsured motorists and file a report with the legislature after accumulating data for twelve months after the effective date of this act.

NEW SECTION. Sec. 10. The department of licensing shall notify the public of the requirements of sections 2 through 4 of this act at the time of new vehicle registration and when the department sends a registration renewal notice.

NEW SECTION. Sec. 11. Sections 1 through 4 of this act shall constitute a new chapter in Title 46 RCW.

NEW SECTION. Sec. 12. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 13. This act shall take effect January 1, 1990. The director of the department of licensing may immediately take such steps as are necessary to ensure that this act is implemented on its effective date."

On line 1 of the title, after "motorists;" strike the remainder of the title and insert "amending RCW 46.52.030, 46.61.020, and 46.61.021; reenacting and amending RCW 46.63.020; adding a new chapter to Title 46 RCW; creating new sections; prescribing penalties; and providing an effective date."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

Senator von Reichbauer moved that the Senate do concur in the House amendments to Engrossed Substitute Senate Bill No. 5499.

POINT OF INQUIRY

Senator Smitherman: "Senator von Reichbauer, as this bill originally went over to the House, I believe it contained a provision that said something to the effect that if a person didn't have insurance, then he would not be fully covered. My inquiry

had to do with the provision that was in the bill--I think it was put in on the floor--that said basically if a person did not have insurance coverage that he couldn't sue for certain damages. Is that provision still within this measure?"

Senator von Reichbauer: "Senator Smitherman, we removed that measure and that is not in this current measure and in the intent. In trying to get a vehicle out of this chamber, we've decided not to fight that particular issue. We'll save that for another day."

Further debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator von Reichbauer, I had a question the same as Senator Smitherman did, but it was answered. The Basil Badley amendment is off, then?"

Senator von Reichbauer: "Yes sir."

Senator Rasmussen: "That's treating Basil badly, but that's all right. It's good for the people. My other question related to what you mentioned that out-of-state drivers had to conform with Washington laws. How are they going to be advised of that? When you enter Canada, of course, you have to show you have insurance that's equal to the coverage that they have. How are we going to control the out-of-state drivers that come in without insurance? How are they to be notified at the border? We don't have border patrol."

Senator von Reichbauer: "Senator Rasmussen, you must have had Basil Badley on your mind or I might have misspoke. This bill requires out-of-state drivers to be in compliance with the mandatory insurance laws of the state where the vehicle is registered while driving in Washington. So, as long as they're driving their own vehicle from out-of-state, they have to be in compliance with the laws of the state of origin."

Senator Rasmussen: "With their state, not our state?"

Senator von Reichbauer: "No."

The President declared the question before the Senate to be the motion by Senator von Reichbauer that the Senate do concur in the House amendments to Engrossed Substitute Senate Bill No. 5499.

The motion by Senator von Reichbauer carried and the Senate concurred in the House amendments to Engrossed Substitute Senate Bill No. 5499.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5499, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5499, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; nays, 1; absent, 2; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCasin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Sellar, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Wojahn - 44.

Voting nay: Senator Williams - 1.

Absent: Senators Amondson, Smith - 2.

Excused: Senators DeJarnatt, Saling - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5499, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTIONS

On motion of Senator Bender, Senator Murray was excused.

On motion of Senator Anderson, Senators Sellar and Smith were excused.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 5543 with the following amendments:

April 13, 1989

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that it is in the public interest to increase the level of accountability to the public of nonprofit corporations through improved reporting, increased consistency between state and federal statutes, and a clear definition of those nonprofit corporations that may hold themselves out as operating to benefit the public.

Sec. 2. Section 80, chapter 235, Laws of 1967 as last amended by section 4, chapter 117, Laws of 1987 and RCW 24.03.395 are each amended to read as follows:

Each domestic corporation, and each foreign corporation authorized to conduct affairs in this state, shall file, within the time prescribed by this chapter, an annual report in the form prescribed by the secretary of state setting forth:

(1) The name of the corporation and the state or country under the laws of which it is incorporated((:));

(2) The address of the registered office of the corporation in this state including street and number and the name of its registered agent in this state at such address, and, in the case of a foreign corporation, the address of its principal office((:));

(3) A brief statement of the character of the affairs which the corporation is actually conducting, or, in the case of a foreign corporation, which the corporation is actually conducting in this state((:));

(4) The names and respective addresses of the directors and officers of the corporation;

(5) An affirmative indication whether or not any change has been made in the corporation's purpose and if so, the nature and reason for the change along with accompanying documentation;

(6) Whether the corporation has filed an internal revenue service form 990 with the internal revenue service, which if filed, shall be made available upon request to the secretary of state's office;

(7) The gross revenue and any unrelated business income as required to be reported under federal law; and

(8) The corporation's unified business identifier number.

The information shall be given as of the date of the execution of the report. It shall be executed by the corporation by an officer of the corporation, or, if the corporation is in the hands of a receiver or trustee, it shall be executed on behalf of the corporation by such receiver or trustee.

The secretary of state may provide that correction or updating of information appearing on previous annual filings is sufficient to constitute the current annual filing.

Sec. 3. Section 2, chapter 235, Laws of 1967 as last amended by section 1, chapter 240, Laws of 1986 and RCW 24.03.005 are each amended to read as follows:

As used in this chapter, unless the context otherwise requires, the term:

(1) "Corporation" or "domestic corporation" means a corporation not for profit subject to the provisions of this chapter, except a foreign corporation.

(2) "Foreign corporation" means a corporation not for profit organized under laws other than the laws of this state.

(3) "Not for profit corporation" or "nonprofit corporation" means a corporation no part of the income of which is distributable to its members, directors or officers.

(4) "Articles of incorporation" and "articles" mean the original articles of incorporation and all amendments thereto, and includes articles of merger and restated articles.

(5) "Bylaws" means the code or codes of rules adopted for the regulation or management of the affairs of the corporation irrespective of the name or names by which such rules are designated.

(6) "Member" means an individual or entity having membership rights in a corporation in accordance with the provisions of its articles or incorporation or bylaws.

(7) "Board of directors" means the group of persons vested with the management of the affairs of the corporation irrespective of the name by which such group is designated in the articles or bylaws.

(8) "Insolvent" means inability of a corporation to pay debts as they become due in the usual course of its affairs.

(9) "Duplicate originals" means two copies, original or otherwise, each with original signatures, or one original with original signatures and one copy thereof.

(10) "Conforms to law" as used in connection with duties of the secretary of state in reviewing documents for filing under this chapter, means the secretary of state has determined that the document complies as to form with the applicable requirements of this chapter.

(11) "Effective date" means, in connection with a document filing made by the secretary of state, the date which is shown by affixing a "filed" stamp on the documents. When a document is received for filing by the secretary of state in a form which complies with the requirements of this chapter and which would entitle the document to be filed immediately upon receipt, but the secretary of state's approval action occurs subsequent to the date of receipt, the secretary of state's filing date shall relate back to the date on which the secretary of state first received the document in acceptable form. An applicant may request a specific effective date no more

than thirty days later than the receipt date which might otherwise be applied as the effective date.

(12) "Executed by an officer of the corporation," or words of similar import, means that any document signed by such person shall be and is signed by that person under penalties of perjury and in an official and authorized capacity on behalf of the corporation or person making the document submission with the secretary of state.

(13) "An officer of the corporation" means, in connection with the execution of documents submitted for filing with the secretary of state, the president, a vice president, the secretary, or the treasurer of the corporation.

(14) "Public benefit not for profit corporation" or "public benefit nonprofit corporation" means a corporation no part of the income of which is distributable to its members, directors, or officers and that holds a current tax exempt status as provided under 26 U.S.C. Sec. 501(c)(3) or is specifically exempted from the requirement to apply for its tax exempt status under 26 U.S.C. Sec. 501(c)(3).

NEW SECTION. Sec. 4. There is hereby established the special designation "public benefit not for profit corporation" or "public benefit nonprofit corporation." A corporation may be designated as a public benefit nonprofit corporation if it meets the following requirements:

(1) The corporation complies with the provisions of this chapter; and

(2) The corporation holds a current tax exempt status as provided under 26 U.S.C. Sec. 501(c)(3) or is not required to apply for its tax exempt status under 26 U.S.C. Sec. 501(c)(3).

NEW SECTION. Sec. 5. A temporary designation as a public benefit nonprofit corporation may be provided to a corporation that has applied for tax exempt status under 26 U.S.C. Sec. 501(c)(3). The temporary designation is valid for up to one year and may be renewed at the discretion of the secretary.

NEW SECTION. Sec. 6. The secretary shall develop an application process for new and existing corporations to apply for public benefit nonprofit corporation status.

NEW SECTION. Sec. 7. The designation "public benefit nonprofit corporation" shall be renewed annually. The secretary may schedule renewals in conjunction with existing corporate renewals.

NEW SECTION. Sec. 8. The secretary may establish fees to cover the cost of renewals.

NEW SECTION. Sec. 9. The secretary may remove a corporation's public benefit nonprofit corporation designation if it does not comply with the provisions of this chapter or does not maintain its exempt status under 26 U.S.C. Sec. 501(c)(3). The secretary in removing a corporation's public benefit nonprofit corporation status shall comply with administrative procedures provided by this chapter.

Sec. 10. Section 10, chapter 235, Laws of 1967 as last amended by section 39, chapter 55, Laws of 1987 and RCW 24.03.045 are each amended to read as follows:

The corporate name:

(1) Shall not contain any word or phrase which indicates or implies that it is organized for any purpose other than one or more of the purposes contained in its articles of incorporation.

(2) Shall not be the same as, or deceptively similar to, the name of any corporation, whether for profit or not for profit, existing under any act of this state, or any foreign corporation, whether for profit or not for profit, authorized to transact business or conduct affairs in this state, any domestic or foreign limited partnership on file with the secretary, or a limited partnership existing under chapter 25.10 RCW, or a corporate name reserved or registered as permitted by the laws of this state. This subsection shall not apply if the applicant files with the secretary of state either of the following: (a) The written consent of the other corporation, limited partnership, or holder of a reserved name to use the same or deceptively similar name and one or more words are added or deleted to make the name distinguishable from the other name as determined by the secretary of state, or (b) a certified copy of a final decree of a court of competent jurisdiction establishing the prior right of the applicant to the use of the name in this state.

(3) Shall be transliterated into letters of the English alphabet, if it is not in English.

(4) Shall not include or end with "incorporated," "company," "corporation," "partnership," "limited partnership," or "Ltd.," or any abbreviation thereof, but may use "club," "league," "association," "services," "committee," "fund," "society," "foundation," ".....," a nonprofit corporation," or any name of like import.

(5) May only include the term "public benefit" or names of like import if the corporation has been designated as a public benefit nonprofit corporation by the secretary in accordance with this chapter.

Sec. 11. Sections 4 through 9 of this act are each added to chapter 24.03 RCW.

NEW SECTION. Sec. 12. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 1 of the title, after "reports;" strike the remainder of the title and insert "amending RCW 24.03.395, 24.03.005, and 24.03.045; adding new sections to chapter 24.03 RCW; and creating a new section."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Lee, the Senate concurred in the House amendments to Substitute Senate Bill No. 5543

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5543, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5543, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 42; absent, 2; excused, 5.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 42.

Absent: Senators Amondson, Conner - 2.

Excused: Senators DeJarmatt, Murray, Saling, Sellar, Smith - 5.

SUBSTITUTE SENATE BILL NO. 5543, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 10, 1989

Mr. President:

The House has passed SUBSTITTUTE SENATE BILL NO. 5560 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds that:

(1) Temporomandibular joint disorders are conditions for which treatment often is not covered in medical and dental group insurance contracts;

(2) Individuals with temporomandibular joint disorders experience substantial pain and financial hardship;

(3) Public awareness is needed concerning temporomandibular joint disorders and would be promoted by a mandated offering of temporomandibular joint disorders coverage to group purchasers; and

(4) A mandated offering of temporomandibular joint disorders coverage shall not prescribe minimum initial benefits so that the insurers and the purchasers are allowed broad flexibility in benefit design and application.

NEW SECTION. Sec. 2. A new section is added to chapter 48.21 RCW to read as follows:

(1) Except as provided in this section, a group disability policy entered into or renewed after December 31, 1989, shall offer optional coverage for the treatment of temporomandibular joint disorders.

(a) Insurers offering medical coverage only may limit benefits in such coverages to medical services related to treatment of temporomandibular joint disorders. Insurers offering dental coverage only may limit benefits in such coverage to dental services related to treatment of temporomandibular joint disorders. No insurer offering medical coverage only may define all temporomandibular joint disorders as purely dental in nature, and no insurer offering dental coverage only may define all temporomandibular joint disorders as purely medical in nature.

(b) Insurers offering optional temporomandibular joint disorder coverage as provided in this section may, but are not required to, offer lesser or no temporomandibular joint disorder coverage as part of their basic group disability contract.

(c) Benefits and coverage offered under this section may be subject to negotiation to promote broad flexibility in potential benefit coverage. This flexibility shall apply to services to be reimbursed, determination of treatments to be considered medically necessary, systems through which services are to be provided, including referral systems and use of other providers, and related issues.

(2) Unless otherwise directed by law, the insurance commissioner shall adopt rules, to be implemented on January 1, 1993, establishing minimum benefits, terms, definitions, conditions, limitations, and provisions for the use of reasonable deductibles and copayments.

(3) An insurer need not make the offer of coverage required by this section to an employer or other group that offers to its eligible enrollees a self-insured health plan not subject to mandated benefit statutes under Title 48 RCW that does not provide coverage for temporomandibular joint disorders.

NEW SECTION. Sec. 3. A new section is added to chapter 48.44 RCW to read as follows:

(1) Except as provided in this section, a group health care service contract entered into or renewed after December 31, 1989, shall offer optional coverage for the treatment of temporomandibular joint disorders.

(a) Health care service contractors offering medical coverage only may limit benefits in such coverages to medical services related to treatment of temporomandibular joint disorders. Health care service contractors offering dental coverage only may limit benefits in such coverage to dental services related to treatment of temporomandibular joint disorders. No health care service contractor offering medical coverage only may define all temporomandibular joint disorders as purely dental in nature, and no health care service contractor offering dental coverage only may define all temporomandibular joint disorders as purely medical in nature.

(b) Health care contractors offering optional temporomandibular joint disorder coverage as provided in this section may, but are not required to, offer lesser or no temporomandibular joint disorder coverage as part of their basic group disability contract.

(c) Benefits and coverage offered under this section may be subject to negotiation to promote broad flexibility in potential benefit coverage. This flexibility shall apply to services to be reimbursed, determination of treatments to be considered medically necessary, systems through which services are to be provided, including referral systems and use of other providers, and related issues.

(2) Unless otherwise directed by law, the insurance commissioner shall adopt rules, to be implemented on January 1, 1993, establishing minimum benefits, terms, definitions, conditions, limitations, and provisions for the use of reasonable deductibles and copayments.

(3) A contractor need not make the offer of coverage required by this section to an employer or other group that offers to its eligible enrollees a self-insured health plan not subject to mandated benefit statutes under Title 48 RCW that does not provide coverage for temporomandibular joint disorders.

NEW SECTION. Sec. 4. A new section is added to chapter 48.46 RCW to read as follows:

(1) Except as provided in this section, a health maintenance agreement entered into or renewed after December 31, 1989, shall offer optional coverage for the treatment of temporomandibular joint disorders.

(a) Health maintenance organizations offering medical coverage only may limit benefits in such coverages to medical services related to treatment of temporomandibular joint disorders. No health maintenance organizations offering medical and dental coverage may limit benefits in such coverage to dental services related to treatment of temporomandibular joint disorders. No health maintenance organization offering medical coverage only may define all temporomandibular joint disorders as purely dental in nature.

(b) Health maintenance organizations offering optional temporomandibular joint disorder coverage as provided in this section may, but are not required to, offer lesser or no temporomandibular joint disorder coverage as part of their basic group disability contract.

(c) Benefits and coverage offered under this section may be subject to negotiation to promote broad flexibility in potential benefit coverage. This flexibility shall apply to services to be reimbursed, determination of treatments to be considered medically necessary, systems through which services are to be provided, including referral systems and use of other providers, and related issues.

(2) Unless otherwise directed by law, the insurance commissioner shall adopt rules, to be implemented on January 1, 1993, establishing minimum benefits, terms, definitions, conditions, limitations, and provisions for the use of reasonable deductibles and copayments.

(3) A health maintenance organization need not make the offer of coverage required by this section to an employer or other group that offers to its eligible enrollees a self-insured health plan not subject to mandated benefit statutes under Title 48 RCW that does not provide coverage for temporomandibular joint disorders.

NEW SECTION. Sec. 5. (1) Not later than eighteen months after the effective date of this act, the insurance commissioner shall report to the legislature findings regarding the availability, cost, use, and nature of benefits for temporomandibular joint disorders coverage offered under sections 2, 3, and 4 of this act. Upon request, insurers, health care service contractors, and health maintenance organizations shall furnish such data and any other nonproprietary information the commissioner requires to facilitate the development of the report.

(2) If the commissioner finds in preparation of the report that group disability insurers, health care contractors, and health maintenance organizations have not offered meaningful and reasonably priced temporomandibular joint coverage pursuant to this act, the commissioner shall include legislative recommendations to resolve these problems in the report. Such recommendations should include an analysis of mandating temporomandibular joint coverage.

(3) The commissioner shall consult with a panel of experts acting as an advisory committee for the preparation of any rules adopted pursuant to this act. This panel of experts shall provide continued assistance to the commissioner in any ongoing revisions of such rules. Members of this panel shall include health care professionals, both medical and dental, specializing in the

treatment of temporomandibular dysfunctions; an employer purchasing a group policy; and a representative of the insurers, health care contractors, or health maintenance organizations.

NEW SECTION. Sec. 6. This act shall take effect January 1, 1990, but the insurance commissioner may immediately take such steps as are necessary to ensure that this act is fully implemented on its effective date."

On line 1 of the title, after "insurance;" strike the remainder of the title and insert "adding a new section to chapter 48.21 RCW; adding a new section to chapter 48.44 RCW; adding a new section to chapter 48.46 RCW; creating new sections; and providing an effective date."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator von Reichbauer, the Senate concurred in the House amendments to Substitute Senate Bill No. 5560.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5560, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5560, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; absent, 1; excused, 3.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 45.

Absent: Senator Amondson - 1.

Excused: Senators DeJarnatt, Saling, Sellar - 3.

SUBSTITUTE SENATE BILL NO. 5560, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Anderson, Senator Amondson was excused.

MESSAGE FROM THE HOUSE

April 10, 1989

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 5561 with the following amendment:

On page 2, after line 6 strike all material through "chapter," on line 33 and insert the following:

"Sec. 2. Section 1, chapter 71, Laws of 1955 as last amended by section 3, chapter 155, Laws of 1973 and RCW 90.48.160 are each amended to read as follows:

Any person who conducts a commercial or industrial operation of any type which results in the disposal of solid or liquid waste material into the waters of the state, including commercial or industrial operators discharging solid or liquid waste material into sewerage systems operated by municipalities or public entities which discharge into public waters of the state, shall procure a permit from either the department or the thermal power plant site evaluation council as provided in RCW 90.48.262(2) before disposing of such waste material: PROVIDED, That this section shall not apply to any person discharging domestic sewage only into a sewerage system.

The department may, through the adoption of rules, eliminate the permit requirements for disposing of wastes into publicly operated sewerage systems for:

(1) Categories of or individual municipalities or public corporations operating sewerage systems; or

(2) Any category of waste disposer;

if the department determines such permit requirements are no longer necessary for the effective implementation of this chapter. The department may by rule eliminate the permit requirements for disposing of wastes by upland fin-fish rearing facilities unless a permit is required under the federal clean water act's national pollutant discharge elimination system."

and the bill and the amendment are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

Senator Metcalf moved that the Senate do concur in the House amendment to Substitute Senate Bill No. 5561.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Metcalf that the Senate do concur in the House amendment to Substitute Senate Bill No. 5561.

The motion by Senator Metcalf carried and the Senate concurred in the House amendment to Substitute Senate Bill No. 5561.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5561, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5561, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voiting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognlild, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Excused: Senators Amondson, DeJarnatt, Sellar - 3.

SUBSTITUTE SENATE BILL NO. 5561, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 4, 1989

Mr. President:

The House has passed REENGROSSED SUBSTITUTE SENATE BILL NO. 5566 with the following amendments:

On page 9, line 27 after "servng" strike "fewer than five" and insert "only one"

On page 11, line 6 after "servng" strike "fewer than five" and insert "only one".

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

Senator Metcalf moved that the Senate do not concur in the House amendments to Reengrossed Substitute Senate Bill No. 5566 and asks the House to recede therefrom.

MOTION

Senator Kreidler moved that the Senate do concur in the House amendments to Reengrossed Substitute Senate Bill No. 5566.

Debate ensued.

POINT OF INQUIRY

Senator McCaslin: "Senator Kreidler, would this mean then any well serving two people, or more, would be a public system? I'm trying to analyze what you're doing here. I think you're all wet, but I don't want to say that, especially since we're dealing in wells."

Senator Kreidler: "It would require state approval on a well that was going to be used for more than one user--one household. That's correct."

Senator McCaslin: "This would involve quite a few people in the state then. It would be like the Metcalfs--Jack and his cousin and--"

Senator Kreidler: "Well, Senator McCaslin, look at it this way. If you were in the real estate business and you were selling a house, and all of a sudden you had a buyer there that was very interested in buying the house and you went to them and they found out they had a common well that was shared with two, three, four, up to five other people, that all of a sudden it wasn't checked off.

"Therefore, they had to go then to the mortgage company and the mortgage company was in the process of making the approval and you have to go to the

health department to check your septic system, and you have to check on your water system and it was found out that it was not a regulated system. Look at it from the standpoint that if it isn't regulated, what the potential impact on that potential buyer would be. It could be a significant impetus to maybe not being able to make the sale. It really is a question of what you might say, as Senator Newhouse said, of between those who live on a farm as opposed to those who would live where there would be several residences involved. In that situation, you have a very different environment which one could have a serious problem."

Senator McCaslin: "Thank you very much. This is almost like passing a law that says an optometrist looks at one eye and an ophthalmologist looks at the other. You can imagine how many problems we would have with that. I hope everyone votes 'no' on these amendments."

Further debate ensued.

The President declared the question before the Senate to be the positive motion by Senator Kreidler that the Senate do concur in the House amendments to Reengrossed Substitute Senate Bill No. 5566.

The motion by Senator Kreidler failed and the Senate did not concur in the House amendments to Reengrossed Substitute Senate Bill No. 5566.

The President declared the question before the Senate to be the motion by Senator Metcalf that the Senate do not concur in the House amendments to Reengrossed Substitute Senate Bill No. 5566 and asks the House to recede therefrom.

The motion by Senator Metcalf carried and the Senate did not concur in the House amendments to Reengrossed Substitute Senate Bill No. 5566 and asks the House to recede therefrom.

MOTION

On motion of Senator Bender, Senator Owen was excused.

MESSAGE FROM THE HOUSE

April 12, 1989

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 5591 with the following amendments:

On page 1, at the beginning of line 6 insert "(1)"

On page 1, line 12 after "misdemeanor" strike all material through "mail" on line 16 and insert "((and))"

On page 1, line 18 strike all material through "chapter," on line 29 and insert:

"(2) Any person, firm, or corporation who constructs or maintains on, over, across, or along any state highway any water pipe, flume, gas pipe, telegraph, telephone, electric light or power lines, or tram or railway, or any other such facilities, without having first obtained and having at all times in full force and effect a franchise or permit to do so in the manner provided by law is liable for a civil penalty of one hundred dollars per calendar day beginning forty-five days from the date notice is given and until application is made for a franchise or permit or until the facility is removed as required by notice. The state shall give notice by certified mail that a franchise or permit is required or the facility must be removed and shall include in the notice sufficient information to identify the portion of right of way in question. Notice is effective upon delivery.

(3) If a person, firm or corporation does not apply for a permit or franchise within forty-five days of notice given in accordance with subsection (2) or the state determines that the facility constructed or maintained without a permit or franchise would not be granted a permit or franchise, the state may order the facility to be removed within such time period as the state may specify. If the facility is not removed, the state, in addition to any other remedy, may remove the facility at the expense of the owner."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

Senator Nelson moved that the Senate do concur in the House amendments to Substitute Senate Bill No. 5591.

POINT OF INQUIRY

Senator Rasmussen: "Senator Nelson, if I've got a satellite dish on my place and I wish to run it across the road to my mother's place and I hang it high enough

above the road, do I still have to apply for permission? I notice this says, 'electric light or power lines.' It doesn't mention antennae lines or satellite connection. Would it be OK then to put that across?"

Senator Nelson: "Senator Rasmussen, it would not be permissible to cross the right-of-way, either aerially or buried without the proper permit. If one were to read Section 2 of the bill, and you may see that on the House Committee amendment, it says, 'any person, firm, or corporation.' So what you would do, Senator Rasmussen, you would go to the entity that has that road, and I would assume that this would be the City of Tacoma, and you would ask them for a permit to now go aerially. Now to do that, you have one of two choices. You either put the poles up yourself on each side of the right-of-way and I might point out poles are normally constructed in the right-of-way, or you go to the local utility--Tacoma City Light perhaps--and you ask for a permit to make what's called a pole-contact agreement, and to then run your cable across. Normally, in a cable TV situation, you would be in a location that is the lowest on the pole, right below the telephone facility."

Senator Rasmussen: "Would they give me the permit?"

Senator Nelson: "Quite likely, if they feel, as I think most of the colleagues of yours here on the Senate, that you are responsible and honest and are going to do the work appropriately, and essentially will maintain that facility without degradation to those who are also using that pole, they will permit you to do that."

The President declared the question before the Senate to be the motion by Senator Nelson that the Senate do concur in the House amendments to Substitute Senate Bill No. 5591.

The motion by Senator Nelson carried and the Senate concurred in the House amendments to Substitute Senate Bill No. 5591.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5591, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5591, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; nays, 1; absent, 1; excused, 3.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Patterson, Pullen, Rasmussen, Rinehart, Sailing, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 44.

Voting nay: Senator Hansen - 1.

Absent: Senator Matson - 1.

Excused: Senators Amondson, DeJarnatt, Owen - 3.

SUBSTITUTE SENATE BILL NO. 5591, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Anderson, Senators Benitz and Johnson were excused.

MESSAGE FROM THE HOUSE

April 11, 1989

Mr. President:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5713 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. The legislature intends that medical test sites meet criteria known to promote accurate and reliable analysis, thus improving health care through uniform test site licensure and regulation including quality control, quality assurance, and proficiency testing. The legislature also intends to meet the requirements of federal laws licensing and regulating medical testing.

The legislature intends that nothing in this chapter shall be interpreted to place any liability whatsoever on the state for the action or inaction of test sites or test site personnel. The legislature further intends that nothing in this chapter shall be interpreted to expand the state's role regarding medical testing beyond the provisions of this chapter.

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

(1) "Department" means the department of health if enacted, otherwise the department of social and health services.

(2) "Designated test site supervisor" means the available individual who is responsible for the technical functions of the test site and who meets the department's qualifications set out in rule by the department.

(3) "Person" means any individual, or any public or private organization, agent, agency, corporation, firm, association, partnership, or business.

(4) "Proficiency testing program" means an external service approved by the department which provides samples to evaluate the accuracy, reliability and performance of the tests at each test site.

(5) "Quality assurance" means a comprehensive set of policies, procedures, and practices to assure that a test site's results are accurate and reliable. Quality assurance means a total program of internal and external quality control, equipment preventative maintenance, calibration, recordkeeping, and proficiency testing evaluation, including a written quality assurance plan.

(6) "Quality control" means internal written procedures and day-to-day analysis of laboratory reference materials at each test site to insure precision and accuracy of test methodology, equipment, and results.

(7) "Test" means any examination or procedure conducted on a sample taken from the human body, including screening.

(8) "Test site" means any facility or site, public or private, which analyzes materials derived from the human body for the purposes of health care, treatment, or screening. A test site does not mean a facility or site, including a residence, where a test approved for home use by the federal food and drug administration is used by an individual to test himself or herself without direct supervision or guidance by another and where this test is not part of a commercial transaction.

NEW SECTION. Sec. 3. After July 1, 1990, no person may advertise, operate, manage, own, conduct, open, or maintain a test site without first obtaining a license for the tests to be performed, except as provided in section 4 of this act.

NEW SECTION. Sec. 4. (1) As a part of the application for licensure, a test site may request a waiver from licensure under this chapter if the test site performs only examinations which are determined to have insignificant risk of an erroneous result, including those which (a) are approved by the federal food and drug administration for home use; (b) are so simple and accurate as to render the likelihood of erroneous results negligible; or (c) pose no reasonable risk of harm to the patient if performed incorrectly.

(2) The department shall determine by rule which tests meet the criteria in subsection (1) of this section and shall be exempt from coverage of this chapter. The standards applied in developing the list shall be consistent with federal law and regulations.

(3) The department shall grant a waiver from licensure for two years for a valid request based on subsections (1) and (2) of this section.

(4) Any test site which has received a waiver under subsection (3) of this section shall report to the department any changes in the type of tests it intends to perform thirty days in advance of the changes. In no case shall a test site with a waiver perform tests which require a license under this chapter.

NEW SECTION. Sec. 5. Test sites accredited, certified, or licensed by an organization or agency approved by the department consistent with federal law and regulations shall receive a license under section 12 of this act.

NEW SECTION. Sec. 6. A licensee that desires to perform tests for which it is not currently licensed shall notify the department. To the extent allowed by federal law and regulations, upon notification and pending the department's determination, the department shall grant the licensee temporary permission to perform the additional tests. The department shall amend the license if it determines that the licensee meets all applicable requirements.

NEW SECTION. Sec. 7. The department shall adopt standards established in rule governing test sites for quality control, quality assurance, recordkeeping, and personnel consistent with federal laws and regulations. "Recordkeeping" for purposes of this chapter means books, files, or records necessary to show compliance with the quality control and quality assurance requirements adopted by the department.

NEW SECTION. Sec. 8. (1) Except where there is no reasonable proficiency test, each licensed test site must participate in a department-approved proficiency testing program appropriate to the test or tests which it performs. The department may approve proficiency testing programs offered by private or public organizations when the program meets the standards set by the department. Testing shall be conducted quarterly except as otherwise provided for in rule.

(2) The department shall establish proficiency testing standards by rule which include a measure of acceptable performance for tests, and a system for grading proficiency testing

performance for tests. The standards may include an evaluation of the personnel performing tests.

NEW SECTION. Sec. 9. A test site shall have a designated test site supervisor who shall meet the qualifications determined by the department in rule. The designated test site supervisor shall be responsible for the testing functions of the test site.

NEW SECTION. Sec. 10. (1) The department shall establish a schedule of fees for license applications, renewals, amendments, and waivers. In fixing said fees, the department shall set the fees at a sufficient level to defray the cost of administering the licensure program. All such fees shall be fixed by rule adopted in accordance with the provisions of the administrative procedure act, chapter 34.05 RCW. In determining the fee schedule, the department shall consider the following: (a) Complexity of the license required; (b) number and type of tests performed at the test site; (c) degree of supervision required from the department staff; (d) whether the license is granted under section 5 of this act; and (e) general administrative costs of the test site licensure program established under this chapter. For each category of license, fees charged shall be related to program costs.

(2) The medical test site licensure account is created in the state treasury. The state treasurer shall transfer into the medical test site licensure account all revenue received from medical test site license fees. Funds for this account may only be appropriated for the support of the activities defined under this chapter.

(3) The department may establish separate fees for repeat inspections and repeat audits it performs under section 18 of this act.

NEW SECTION. Sec. 11. An applicant for issuance or renewal of a medical test site license shall:

- (1) File a written application on a form provided by the department;
- (2) Demonstrate ability to comply with this chapter and the rules adopted under this chapter;
- (3) Cooperate with any on-site review which may be conducted by the department prior to licensure or renewal.

NEW SECTION. Sec. 12. Upon receipt of an application for a license and the license fee, the department shall issue a license if the applicant meets the requirements established under this chapter. All persons operating test sites before July 1, 1990, shall submit applications by July 1, 1990. A license issued under this chapter shall not be transferred or assigned without thirty days' prior notice to the department and the department's timely approval. A license, unless suspended or revoked, shall be effective for a period of two years. The department may establish penalty fees or take other appropriate action pursuant to this chapter for failure to apply for licensure or renewal as required by this chapter.

NEW SECTION. Sec. 13. Under this chapter, and chapter 34.05 RCW, the department may deny a license to any applicant who:

- (1) Refuses to comply with the requirements of this chapter or the standards or rules adopted under this chapter;
- (2) Was the holder of a license under this chapter which was revoked for cause and never reissued by the department;
- (3) Has knowingly or with reason to know made a false statement of a material fact in the application for a license or in any data attached thereto or in any record required by the department;
- (4) Refuses to allow representatives of the department to examine any book, record, or file required by this chapter to be maintained;
- (5) Willfully prevented, interfered with, or attempted to impede in any way the work of a representative of the department; or
- (6) Misrepresented, or was fraudulent in, any aspect of the applicant's business.

NEW SECTION. Sec. 14. Under this chapter, and chapter 34.05 RCW, the department may place conditions on a license which limit or cancel a test site's authority to conduct any of the tests or groups of tests of any licensee who:

- (1) Fails or refuses to comply with the requirements of this chapter or the rules adopted under this chapter;
- (2) Has knowingly or with reason to know made a false statement of a material fact in the application for a license or in any data attached thereto or in any record required by the department;
- (3) Refuses to allow representatives of the department to examine any book, record, or file required by this chapter to be maintained;
- (4) Willfully prevented, interfered with, or attempted to impede in any way the work of a representative of the department;
- (5) Willfully prevented or interfered with preservation of evidence of a known violation of this chapter or the rules adopted under this chapter; or
- (6) Misrepresented, or was fraudulent in, any aspect of the licensee's business.

NEW SECTION. Sec. 15. Under this chapter, and chapter 34.05 RCW, the department may suspend the license of any licensee who:

(1) Fails or refuses to comply with the requirements of this chapter or the rules adopted under this chapter;

(2) Has knowingly or with reason to know made a false statement of a material fact in the application for a license or in any data attached thereto or in any record required by the department;

(3) Refuses to allow representatives of the department to examine any book, record, or file required by this chapter to be maintained;

(4) Willfully prevented, interfered with, or attempted to impede in any way the work of a representative of the department;

(5) Willfully prevented or interfered with preservation of evidence of a known violation of this chapter or the rules adopted under this chapter;

(6) Misrepresented, or was fraudulent in, any aspect of the licensee's business;

(7) Used false or fraudulent advertising; or

(8) Failed to pay any civil monetary penalty assessed by the department under this chapter within twenty-eight days after the assessment becomes final.

NEW SECTION, Sec. 16. Under this chapter, and chapter 34.05 RCW, the department may revoke the license of any licensee who:

(1) Fails or refuses to comply with the requirements of this chapter or the rules adopted under this chapter;

(2) Has knowingly or with reason to know made a false statement of a material fact in the application for a license or in any data attached thereto or in any record required by the department;

(3) Refuses to allow representatives of the department to examine any book, record, or file required by this chapter to be maintained;

(4) Willfully prevented, interfered with, or attempted to impede in any way the work of a representative of the department;

(5) Willfully prevented or interfered with preservation of evidence of a known violation of this chapter or the rules adopted under this chapter;

(6) Misrepresented, or was fraudulent in, any aspect of the licensee's business;

(7) Used false or fraudulent advertising; or

(8) Failed to pay any civil monetary penalty assessed by the department pursuant to this chapter within twenty-eight days after the assessment becomes final.

The department may summarily revoke a license when it finds continued licensure of a test site immediately jeopardizes the public health, safety, or welfare.

NEW SECTION, Sec. 17. Under this chapter, and chapter 34.05 RCW, the department may assess monetary penalties of up to ten thousand dollars per violation in addition to or in lieu of conditioning, suspending, or revoking a license. A violation occurs when a licensee:

(1) Fails or refuses to comply with the requirements of this chapter or the standards or rules adopted under this chapter;

(2) Has knowingly or with reason to know made a false statement of a material fact in the application for a license or in any data attached thereto or in any record required by the department;

(3) Refuses to allow representatives of the department to examine any book, record, or file required by this chapter to be maintained;

(4) Willfully prevents, interferes with, or attempts to impede in any way the work of any representative of the department;

(5) Willfully prevents or interferes with preservation of evidence of any known violation of this chapter or the rules adopted under this chapter;

(6) Misrepresents or was fraudulent in any aspect of the applicant's business; or

(7) Uses advertising which is false or fraudulent.

Each day of a continuing violation is a separate violation.

NEW SECTION, Sec. 18. The department may at any time conduct an on-site review of a licensee or applicant in order to determine compliance with this chapter. When the department has reason to believe a waived site is conducting tests requiring a license, the department may conduct an on-site review of the waived site in order to determine compliance. The department may also examine and audit records necessary to determine compliance with this chapter. The right to conduct an on-site review and audit and examination of records shall extend to any premises and records of persons whom the department has reason to believe are opening, owning, conducting, maintaining, managing, or otherwise operating a test site without a license.

Following an on-site review, the department shall give written notice of any violation of this chapter or the rules adopted under this chapter. The notice shall describe the reasons for noncompliance and inform the licensee or applicant or test site operator that it shall comply within a specified reasonable time. If the licensee or applicant or test site operator fails to comply, the department may take disciplinary action under sections 13 through 16 of this act, or further action as authorized by this chapter.

NEW SECTION, Sec. 19. Notwithstanding the existence or use of any other remedy, the department may, in the manner provided by law and upon the advice of the attorney general,

who shall represent the department in the proceedings, maintain an action in the name of the state for an injunction or other process against any person to restrain or prevent the advertising, operating, maintaining, managing, or opening of a test site without a license under this chapter. It is a misdemeanor to own, operate, or maintain a test site without a license.

NEW SECTION. Sec. 20. Any test site which has had a denial, condition, suspension, or revocation of its license, or a civil monetary penalty upheld after administrative review under chapter 34.05 RCW, may, within sixty days of the administrative determination, petition the superior court for review of the decision.

NEW SECTION. Sec. 21. No person who has owned or operated a test site that has had its license revoked may own or operate a test site within two years of the final adjudication of a license revocation.

NEW SECTION. Sec. 22. All information received by the department through filed reports, audits, or on-site reviews, as authorized under this chapter shall not be disclosed publicly in any manner that would identify persons who have specimens of material from their bodies at a test site, absent a written release from the person, or a court order.

NEW SECTION. Sec. 23. The department shall adopt rules under chapter 34.05 RCW necessary to implement the purposes of this chapter.

NEW SECTION. Sec. 24. Sections 1 through 23 of this act shall constitute a new chapter in Title 70 RCW.

NEW SECTION. Sec. 25. (1) Sections 1 through 22 of this act shall take effect July 1, 1990.

(2) Section 23 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1989."

On page 1, line 1 of the title, after "licensure," insert "adding a new chapter to Title 70 RCW; prescribing penalties; providing effective dates; and declaring an emergency."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator West, the Senate concurred in the House amendments to Engrossed Substitute Senate Bill No. 5713.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5713, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5713, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; excused, 5.

Yoting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 44.

Excused: Senators Amondson, Benitz, DeJarnatt, Johnson, Owen - 5.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5713, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Newhouse, the Senate advanced to the eighth order of business.

MOTION

On motion of Senator Hayner, the following resolution was adopted:

SENATE RESOLUTION 1989-8678

by Senators Hayner, Vognild, Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, Warnke, West, Williams and Wojahn

WHEREAS, Katherine Ann Pullen, a junior at the University of Washington, is to be awarded the Sophomore Medal by President William Gerberding on April 28, 1989; and

WHEREAS, The Sophomore Medal is awarded annually to the one junior student having the most distinguished academic record for the first two years at the University; and

WHEREAS, Katherine, known as Kathy to her friends, currently ranks number one at the University of Washington among all students due to graduate as the class of 1990; and

WHEREAS, Kathy has currently achieved the highest grade point average of any student of the class of 1990, in spite of engaging in a variety of extracurricular activities and holding down a part-time job; and

WHEREAS, Kathy attended Kentwood High School in Kent, Washington, for three years, and during that time made grades of all A's and A pluses, not once ever making even one grade as low as an A minus; and

WHEREAS, Kathy served as a Page in the Washington State Senate and is still fondly remembered by many Senate personnel for her creative drawings commonly known as "strange creatures," which would mysteriously appear at certain strategic locations around the Senate Chamber; and

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the state of Washington that Kathy is to be congratulated for her outstanding academic excellence and for being the 1989 University of Washington Sophomore Medalist; and

BE IT FURTHER RESOLVED, That copies of this resolution are to be transmitted to Kathy Pullen; to her parents, State Senator Kent Pullen and Dr. Fay E. Pullen; to her grandparents, Carl and Marjorie E. Endres and Maris M. Pullen; and to the Superintendent of the Kent School District, Dr. George Daniel.

Senators Vognild, Pullen and Rasmussen spoke to Senate Resolution 1989-8678.

There being no objection, the President included all Senators as sponsors of Senate Resolution 1989-8678.

MOTION

At 12:01 p.m., on motion of Senator Newhouse, the Senate recessed until 1:00 p.m.

The Senate was called to order at 1:03 p.m. by President Pritchard.

There being no objection, the President returned the Senate to the fourth order of business.

MESSAGE FROM THE HOUSE

April 11, 1989

Mr. President:

The House has passed SENATE BILL NO. 5736 with the following amendments:

Strike everything after the enacting clause and insert the following:

* Sec. 1. Section 2, chapter 244, Laws of 1969 ex. sess. as last amended by section 18, chapter 154, Laws of 1980 and RCW 28A.47.801 are each amended to read as follows:

(1) Funds appropriated to the state board of education from the common school construction fund shall be allotted by the state board of education in accordance with student enrollment ~~((as computed for the purposes of RCW 28A.41.140))~~ and the provisions of RCW ~~((28A.47.800 through 28A.47.811; PROVIDED, That))~~ 28A.47.830.

(2) No allotment shall be made to a school district ((for the purpose aforesaid)) until such district has provided matching funds equal to or greater than the difference between the total approved project cost and the amount of state assistance to the district for financing the project computed pursuant to RCW 28A.47.803, with the following exceptions:

(a) The state board may waive the matching requirement for districts which have provided funds for school building construction purposes through the authorization of bonds or through the authorization of excess tax levies or both in an amount equivalent to two and one-half percent of the value of its taxable property, as defined in RCW 39.36.015((or such lesser amount as may be required by the state board of education; PROVIDED FURTHER, That)).

(b) No such matching funds shall be required as a condition to the allotment of funds for the purpose of making major or minor structural changes to existing school facilities in order to bring such facilities into compliance with the handicapped access requirements of section 504 of the federal rehabilitation act of 1973 (29 U.S.C. Sec. 706) and rules implementing the act.

(3) For the purpose of computing the state matching percentage under RCW 28A.47.803 when a school district is granted authority to enter into contracts, adjusted valuation per pupil shall be calculated using headcount student enrollments from the most recent October enrollment reports submitted by districts to the superintendent of public instruction, adjusted as follows:

(a) In the case of projects for which local bonds were approved after the effective date of this act:

(i) For districts which have been designated as serving high school districts under RCW 28A.56.200, students residing in the nonhigh district so designating shall be excluded from the enrollment count if the student is enrolled in any grade level not offered by the nonhigh district;

(ii) The enrollment of nonhigh school districts shall be increased by the number of students residing within the district who are enrolled in a serving high school district so designated by the nonhigh school district under RCW 28A.56.200, including only students who are enrolled in grade levels not offered by the nonhigh school district; and

(iii) The number of preschool handicapped students included in the enrollment county shall be multiplied by one-half;

(b) In the case of construction or modernization of high school facilities in districts serving students from nonhigh school districts, the adjusted valuation per pupil shall be computed using the combined adjusted valuations and enrollments of each district, each weighted by the percentage of the district's resident high school students served by the high school district; and

(c) The number of kindergarten students included in the enrollment count shall be multiplied by one-half.

(4) The state board of education shall prescribe and make effective such rules and regulations as are necessary to equate insofar as possible the efforts made by school districts to provide capital funds by the means aforesaid.

(5) For the purposes of this section, "preschool handicapped students" means developmentally disabled children of preschool age who are entitled to services under chapter 28A.13 RCW and are not included in the kindergarten enrollment count of the district.

Sec. 2. Section 3, chapter 244, Laws of 1969 ex. sess. as amended by section 2, chapter 56, Laws of 1974 ex. sess. and RCW 28A.47.802 are each amended to read as follows:

In allotting the state funds provided by RCW 28A.47.800 through 28A.47.811, ~~((and in accordance with student enrollment as computed for the purposes of RCW 28A.41.140;))~~ the state board of education shall:

(1) Prescribe rules and regulations not inconsistent with RCW 28A.47.800 through 28A.47.811 governing the administration, control, terms, conditions, and disbursement of allotments to school districts to assist them in providing school plant facilities;

(2) Approve, whenever the board deems such action advisable, allotments to districts that apply for state assistance;

(3) Authorize the payment of approved allotments by warrant of the state treasurer; and

(4) In the event that the amount of state assistance applied for pursuant to the provisions hereof exceeds the funds available for such assistance during any biennium, make allotments on the basis of the urgency of need for school facilities in the districts that apply for assistance or prorate allotments among such districts in conformity with procedures and regulations applicable thereto which shall be established by the board.

Sec. 3. Section 4, chapter 244, Laws of 1969 ex. sess. as last amended by section 1, chapter 98, Laws of 1975 1st ex. sess. and RCW 28A.47.803 are each amended to read as follows:

Allocations to school districts of state funds provided by RCW 28A.47.800 through 28A.47.811 shall be made by the state board of education and the amount of state assistance to a school district in financing a school plant project shall be determined in the following manner:

(1) The boards of directors of the districts shall determine the total cost of the proposed project, which cost may include the cost of acquiring and preparing the site, the cost of constructing the building or of acquiring a building and preparing the same for school use, the cost of necessary equipment, taxes chargeable to the project, necessary architects' fees, and a reasonable amount for contingencies and for other necessary incidental expenses: PROVIDED, That the total cost of the project shall be subject to review and approval by the state board of education.

(2) The state matching percentage for a school district shall be computed by the following formula:

The ratio of the school district's adjusted valuation per ~~((full-time equivalent))~~ pupil divided by the ratio of the total state adjusted valuation per ~~((full-time))~~ pupil shall be subtracted from three, and then the result of the foregoing shall be divided by three plus (the ratio of the school district's adjusted valuation per ~~((full-time equivalent))~~ pupil divided by the ratio of the total state adjusted valuation per ~~((full-time))~~ pupil).

	District adjusted 3- valuation per ((full time equivalent)) pupil	+ Total state ad- justed valuation per ((full time equivalent)) pupil	
Computed State Ratio	=	-----	= % State Assist- ance
	District adjusted 3+ valuation per ((full time equivalent)) pupil	+ Total state ad- justed valuation per ((full time equivalent)) pupil	

PROVIDED, That in the event the percentage of state assistance to any school district based on the above formula is less than twenty percent and such school district is otherwise eligible for state assistance under RCW 28A.47.800 through 28A.47.811, the state board of education may establish for such district a percentage of state assistance not in excess of twenty percent of the approved cost of the project, if the state board finds that such additional assistance is necessary to provide minimum facilities for housing the pupils of the district.

(3) In addition to the computed percent of state assistance developed in (2) above, a school district shall be entitled to additional percentage points determined by the average percentage of growth for the past three years. One percent shall be added to the computed percent of state assistance for each percent of growth, with a maximum of twenty percent.

(4) The approved cost of the project determined in the manner herein prescribed times the percentage of state assistance derived as provided for herein shall be the amount of state assistance to the district for the financing of the project: PROVIDED, That need therefor has been established to the satisfaction of the state board of education: PROVIDED, FURTHER, That additional state assistance may be allowed if it is found by the state board of education that such assistance is necessary in order to meet (a) a school housing emergency resulting from the destruction of a school building by fire, the condemnation of a school building by properly constituted authorities, a sudden excessive and clearly foreseeable future increase in school population, or other conditions similarly emergent in nature; or (b) a special school housing burden imposed by virtue of the admission of nonresident students into educational programs established, maintained and operated in conformity with the requirements of law; or (c) a deficiency in the capital funds of the district resulting from financing, subsequent to April 1, 1969, and without benefit of the state assistance provided by prior state assistance programs, the construction of a needed school building project or projects approved in conformity with the requirements of such programs, after having first applied for and been denied state assistance because of the inadequacy of state funds available for the purpose, or (d) a condition created by the fact that an excessive number of students live in state owned housing, or (e) a need for the construction of a school building to provide for improved school district organization or racial balance, or (f) conditions similar to those defined under (a), (b), (c), (d) and (e) hereinabove, creating a like emergency.

Sec. 4. Section 1, chapter 239, Laws of 1981 and RCW 28A.56.200 are each amended to read as follows:

(1) In cases where high school students resident in a nonhigh school district are to be educated in a high school district, the board of directors of the nonhigh school district shall, by mutual agreement with the serving district(s), designate the serving high school ((~~serv~~ing)) district or districts which its high school students shall attend. A nonhigh school district shall designate a district as a serving high school district when more than thirty-three and one-third percent of the high school students residing within the boundaries of the nonhigh school district are enrolled in the serving district.

(2) Students residing in a nonhigh school district shall be allowed to attend a high school other than in the designated serving district referred to in subsection (1) of this section((~~PROVIDED, That~~)), however the nonhigh school board of directors shall not be required to contribute to building programs in any such high school district. Contribution shall be made only to those ((~~high school~~)) districts which are designated ((~~by the local nonhigh school board of directors for attendance by their high school students~~)) as serving high school districts at the time the county auditor is requested by the high school district to place a measure on the ballot regarding a proposal or proposals for the issuance of bonds or the authorization of an excess tax levy to provide capital funds for building programs. The nonhigh school district shall be subject to the capital fund aid provisions contained in this chapter with respect to the designated high school serving district(s).

NEW SECTION, Sec. 5. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 2 of the title, after "projects;" strike the remainder of the title and insert "amending RCW 28A.47.801, 28A.47.802, 28A.47.803, and 28A.56.200; and declaring an emergency."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Bailey, the Senate concurred in the House amendments to Senate Bill No. 5736.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5736, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5736, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; absent, 2; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vogt, von Reichbauer, Warnke, West, Williams, Wojahn - 44.

Absent: Senators Bluechel, McDonald - 2.

Excused: Senators Benitz, DeJarnatt, Owen - 3.

SENATE BILL NO. 5736, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 13, 1989

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 5776 with the following amendments:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The department of community development shall establish an advisory committee to study the issue of untrained and uncertified city and town law enforcement personnel. This study shall include a determination of the number of such uncertified personnel, location of the cities and towns with such uncertified personnel, other responsibilities that such uncertified personnel may have within the city or town, training needs for such uncertified personnel, and alternative measures to address the training needs.

The advisory committee shall be chaired by the director of the department of community development, or the director's designee. The remaining members on the advisory committee shall be law enforcement personnel and representatives of cities and towns. Technical assistance and staff support shall be provided by the criminal justice training commission.

The advisory committee shall report its findings, and any proposed legislation relating to such findings, to the legislature on or before January 15, 1990.

Sec. 2. Section 2, chapter 212, Laws of 1977 ex. sess. and RCW 43.101.200 are each amended to read as follows:

(1) All law enforcement personnel, except volunteers, and reserve officers whether paid or unpaid, initially employed on or after January 1, 1978, shall engage in basic law enforcement training which complies with standards adopted by the commission pursuant to RCW 43.101-.080 and 43.101.160. For personnel initially employed before January 1, 1990, such training shall be successfully completed during the first fifteen months of employment of such personnel unless otherwise extended or waived by the commission and shall be requisite to the continuation of such employment. Personnel initially employed on or after January 1, 1990, shall commence basic training during the first six months of employment unless the basic training requirement is otherwise waived or extended by the commission. Successful completion of basic training is requisite to the continuation of employment of such personnel initially employed on or after January 1, 1990.

(2) The commission shall provide the aforementioned training together with necessary facilities, supplies, materials, and the board and room of noncommuting attendees for seven days per week. Additionally, the commission shall reimburse to participating law enforcement agencies with ten or less full-time commissioned patrol officers the cost of temporary replacement of each officer who is enrolled in basic law enforcement training; PROVIDED, That such reimbursement shall include only the actual cost of temporary replacement not to exceed the total amount of salary and benefits received by the replaced officer during his training period."

On page 1, line 1 of the title, after "training;" strike the remainder of the title and insert "amending RCW 43.101.200; and creating a new section."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Pullen, the Senate concurred in the House amendments to Substitute Senate Bill No. 5776.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5776, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5776, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; absent, 1; excused, 3.

Voting yeas: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McMullen, Meicall, Moore, Murray, Nelson, Newhouse, Niemi, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warmke, West, Williams, Wojahn - 45.

Absent: Senator McDonald - 1.

Excused: Senators Benitz, DeJarnatt, Owen - 3.

SUBSTITUTE SENATE BILL NO. 5776, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 13, 1989

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 5071 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. The legislature finds that the legal status of children born under surrogate parenting arrangements is currently uncertain, and that there remain many ethical and legal problems and issues concerning rights and responsibilities of the parents, child, and the surrogate mother and her husband, if any. There are further concerns about the risk of exploitation and coercion which may arise from the commercialization of surrogate parenting.

NEW SECTION, Sec. 2. As used in this chapter:

(1) "Assisted conception" means a pregnancy resulting from insemination of an egg of a woman with sperm of a man: (a) By means other than sexual intercourse; or (b) by removal and implantation of an embryo after sexual intercourse; but does not include the pregnancy of a wife resulting from the insemination of her egg using her husband's sperm.

(2) "Donor" means an individual whose body produces sperm or egg used for the purpose of assisted conception, whether or not a payment is made for the sperm or egg used, but does not include a woman who gives birth to a resulting child.

(3) "Surrogate" means an adult woman who enters into an agreement to bear a child conceived through assisted conception for intended parents.

(4) "Child" includes children.

NEW SECTION, Sec. 3. A woman who gives birth to a child is the child's mother.

NEW SECTION, Sec. 4. The husband of a woman who bears a child through assisted conception is the father of the child, notwithstanding any declaration of invalidity or annulment of the marriage obtained after the assisted conception, unless within two years after learning of the child's birth he commences an action in which the mother and child are parties and in which it is determined that he did not consent to the assisted conception.

NEW SECTION, Sec. 5. (1) A donor is not the parent of a child conceived through assisted conception.

(2) A person who dies before a conception using his sperm or her egg is not a parent of any resulting child born of the conception.

NEW SECTION, Sec. 6. A child whose status as a child is declared or negated by this chapter is the child, legal heir, and lawful issue only of his or her parent or parents as determined under this chapter for all purposes under the laws of the state of Washington.

NEW SECTION, Sec. 7. Any agreement in which a woman agrees to become a surrogate or to relinquish her rights and duties as parent of a child conceived through assisted conception is void. The surrogate, however, is the mother of a resulting child and the surrogate's husband, if a party to the agreement, is the father of the child. If the surrogate's husband is not a party to the agreement or the surrogate is unmarried, paternity of the child is governed by chapter 26.26 RCW, the uniform parentage act.

NEW SECTION, Sec. 8. A person, with or without compensation, shall not enter into, induce, arrange, procure, or otherwise assist in the formation of a surrogate parentage contract under which an unemancipated minor female or a female diagnosed as having a mental illness or developmental disability is the surrogate mother.

NEW SECTION. Sec. 9. No person, organization, or agency, with or without compensation, shall enter into, induce, arrange, procure, or otherwise assist in the formation of a surrogate parentage contract, written or unwritten.

NEW SECTION. Sec. 10. Every person who violates the provisions of section 8 of this act shall be subject to a civil penalty of not more than fifty thousand dollars. Every person who violates the provisions of section 9 of this act shall be subject to a civil penalty of not more than twenty thousand dollars. The prosecuting attorney may seek recovery of such penalties in a civil action.

NEW SECTION. Sec. 11. This chapter shall be applied and construed to effectuate its general purpose to make uniform the law with respect to the subject of this chapter among states enacting it.

NEW SECTION. Sec. 12. This chapter applies prospectively only and not retroactively.

Sec. 13. Section 4, chapter 30, Laws of 1985 and RCW 11.02.005 are each amended to read as follows:

When used in this title, unless otherwise required from the context:

(1) "Personal representative" includes executor, administrator, special administrator, and guardian or limited guardian and special representative.

(2) "Net estate" refers to the real and personal property of a decedent exclusive of homestead rights, exempt property, the family allowance and enforceable claims against, and debts of, the estate.

(3) "Representation" refers to a method of determining distribution in which the takers are in unequal degrees of kinship with respect to the intestate, and is accomplished as follows: After first determining who, of those entitled to share in the estate, are in the nearest degree of kinship, the estate is divided into equal shares, the number of shares being the sum of the number of persons who survive the intestate who are in the nearest degree of kinship and the number of persons in the same degree of kinship who died before the intestate but who left issue surviving the intestate; each share of a deceased person in the nearest degree shall be divided among those of the intestate's issue who survive the intestate and have no ancestor then living who is in the line of relationship between them and the intestate, those more remote in degree taking together the share which their ancestor would have taken had he or she survived the intestate. Posthumous children are considered as living at the death of their parent.

(4) "Issue" includes all the lawful lineal descendants of the ancestor (and), all lawfully adopted children, and all children whose status as children are declared under sections 2 through 7 of this act.

(5) "Degree of kinship" means the degree of kinship as computed according to the rules of the civil law; that is, by counting upward from the intestate to the nearest common ancestor and then downward to the relative, the degree of kinship being the sum of these two counts.

(6) "Heirs" denotes those persons, including the surviving spouse, who are entitled under the statutes of intestate succession to the real and personal property of a decedent on the decedent's death intestate.

(7) "Real estate" includes, except as otherwise specifically provided herein, all lands, tenements, and hereditaments, and all rights thereto, and all interest therein possessed and claimed in fee simple, or for the life of a third person.

(8) "Will" means an instrument validly executed as required by RCW 11.12.020 and includes all codicils.

(9) "Codicil" means an instrument that is validly executed in the manner provided by this title for a will and that refers to an existing will for the purpose of altering or changing the same, and which need not be attached thereto.

(10) "Guardian" or "limited guardian" means a personal representative of the person or estate of an incompetent or disabled person as defined in RCW 11.88.010 and the term may be used in lieu of "personal representative" wherever required by context.

(11) "Administrator" means a personal representative of the estate of a decedent and the term may be used in lieu of "personal representative" wherever required by context.

(12) "Executor" means a personal representative of the estate of a decedent appointed by will and the term may be used in lieu of "personal representative" wherever required by context.

(13) "Special administrator" means a personal representative of the estate of a decedent appointed for limited purposes and the term may be used in lieu of "personal representative" wherever required by context.

(14) "Trustee" means an original, added, or successor trustee and includes the state, or any agency thereof, when it is acting as the trustee of a trust to which chapter 11.98 RCW applies.

(15) Words that import the singular number may also be applied to the plural of persons and things.

(16) Words importing the masculine gender only may be extended to females also.

Sec. 14. Section 2, chapter 291, Laws of 1977 ex. sess. as amended by section 1, chapter 155, Laws of 1979 and RCW 13.04.011 are each amended to read as follows:

For purposes of this title:

(1) Except as specifically provided in RCW 13.40.020 and chapter 13.24 RCW, as now or hereafter amended, "juvenile," "youth," and "child" mean any individual who is under the chronological age of eighteen years;

(2) "Juvenile offender" and "juvenile offense" have the meaning ascribed in RCW 13.40.010 through 13.40.240;

(3) "Court" when used without further qualification means the juvenile court judge(s) or commissioner(s);

(4) "Parent" or "parents," except as used in chapter 13.34 RCW, as now or hereafter amended, means that parent or parents who have the right of legal custody of the child. "Parent" or "parents" as used in chapter 13.34 RCW, means the biological ((or)), adoptive parents of a child, or parents whose status as parents are declared under sections 2 through 7 of this act, unless the legal rights of that person have been terminated by judicial proceedings;

(5) "Custodian" means that person who has the legal right to custody of the child.

NEW SECTION. Sec. 15. This chapter may be cited as the uniform status of children of assisted conception act.

NEW SECTION. Sec. 16. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 17. Sections 2 through 12 and 15 of this act shall constitute a new chapter in Title 26 RCW.

NEW SECTION. Sec. 18. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 1 of the title, after "parenting," strike the remainder of the title and insert "amending RCW 11.02.005 and 13.04.011; adding a new chapter to Title 26 RCW; creating new sections; prescribing penalties; and declaring an emergency."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

Senator Smith moved that the Senate do concur in the House amendments to Substitute Senate Bill No. 5071.

POINT OF INQUIRY

Senator Rinehart: "Senator Smith, there's been discussion about whether or not the House amendments actually, in fact, do ban surrogate parenting completely."

Senator Smith: "There's quite a bit of debate as to whether it does. The House amendments do ban surrogate parenting for compensation or not, written or unwritten, so in most cases they would ban contracts. The question is whether or not, in personal relationships where the sisters who were involved in an embryo transplant—if that would apply or not. Everything we can see says, 'no, it would not,' because they would never become involved in the legal system. It would not prohibit the doctor from delivering the baby. An attorney would not be prohibited from the baby being adopted. Therefore, it appears that this bill does allow for the sisters to do what they did, but it does make it illegal for compensation or not compensation in other circumstances."

Senator Rinehart: "If I might ask one more follow-up question. In that case, in what you're saying, the effect of the House amendment is to prohibit any arrangement for surrogate parenting except what might be done outside of the legal system?"

Senator Smith: "I don't know how you ever get outside the legal system. You can conclude whatever you want. The contracts would not be valid. Therefore, if the sisters entered into an agreement as they did without any legal ability, they would come under the adoption law, just as they do now. So, the sisters would be under the adoption laws and would do exactly what they did before under the current law if this passes."

Further debate ensued.

POINT OF INQUIRY

Senator Talmadge asked Senator Smith to yield to a question, but Senator Smith did not yield.

The President declared the question before the Senate to be the motion by Senator Smith that the Senate do concur in the House amendments to Substitute Senate Bill No. 5071.

The motion by Senator Smith failed and the Senate did not concur in the House amendments to Substitute Senate Bill No. 5071 and asks the House to recede therefrom.

MOTION

On motion of Senator Anderson, Senator McDonald was excused.

MESSAGE FROM THE HOUSE

April 13, 1989

Mr. President:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5810 with the following amendment:

On page 1, line 26 after "incident" strike "command" and insert "oversight".

and the bill and the amendment are herewith transmitted.

DENNIS KARRAS, Deputy Chief Clerk

MOTION

Senator Barr moved that the Senate do concur in the House amendment to Engrossed Substitute Senate Bill No. 5810.

POINT OF INQUIRY

Senator Madsen: "Senator Barr, this bill seems to establish different standards of liability 'for extraordinary costs' incurred by government in responding to hazardous waste, or hazardous material incidents. Transporters who cause such an incident are liable for cost to the state and political subdivisions. Non-transporters of hazardous materials who cause an incident, are liable to municipal fire districts or districts. Is there any intent in this measure to assess liability for extraordinary costs against transporters of hazardous materials for incidents which they may be involved, but did not cause?"

Senator Barr: "The answer to your question, Senator Madsen, is 'no.'"

The President declared the question before the Senate to be the motion by Senator Barr that the Senate do concur in the House amendment to Engrossed Substitute Senate Bill No. 5810.

The motion by Senator Barr carried and the Senate concurred in the House amendment to Engrossed Substitute Senate Bill No. 5810.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5810, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5810, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; absent, 1; excused, 2.

Voting yeas: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vogt, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Absent: Senator McMullen - 1.

Excused: Senators DeJarnatt, McDonald - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5810, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 1:36 p.m., on motion of Senator Newhouse, the Senate was declared to be at ease.

The Senate was called to order at 3:30 p.m. by President Pritchard.

MESSAGE FROM THE HOUSE

April 11, 1989

Mr. President:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5819 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. In order to improve the enforcement of wildlife laws it is important to increase the penalties upon poachers by seizing the conveyances and gear that are used in poaching activities and to cause forfeiture of those items to the department.

NEW SECTION. Sec. 2. (1) Wildlife agents and ex officio wildlife agents may seize without a warrant wildlife, as defined in RCW 77.08.010(16), they have probable cause to believe have been taken, killed, transported, or possessed in violation of this title or rule of the commission or director. Agents may also seize without warrant boat(s), vehicle(s), all conveyances, airplane(s), motorized implement(s), gear, appliance(s), or other articles they have probable cause to believe: (a) Are held with intent to violate; or (b) were used in the violation of Title 77 RCW, or any regulation pursuant thereto when the species involved is one which is listed in RCW 77.21.070, or any wildlife involved in trafficking under RCW 77.16.040 or illegal netting of game fish under RCW 77.16.060. However, agents may not seize any item or article, other than evidence, from a violator if under the circumstances it is reasonable to conclude that the violation was inadvertent. The articles seized shall be forfeited to the state, upon conviction, plea of guilty, or bail forfeiture. Articles seized may be recovered by their owner by depositing into court a cash bond equal to the value of the seized articles. The cash bond is subject to forfeiture in lieu of the seized articles.

(2)(a) In the event of a seizure of an article under subsection (1) of this section, proceedings for forfeiture shall be deemed commenced by bail forfeiture, plea of guilty, or upon conviction. The seizing authority shall serve notice within fifteen days following the seizure on the owner of the property seized and on any person having any known right or interest in the property seized. Notice may be served by any method authorized by law or court rule, including service by certified mail with return receipt requested, and service by such mail shall be deemed complete upon mailing within the fifteen-day period following the seizure.

(b) If no person notifies the department in writing of the person's claim of ownership or right to possession of articles seized pursuant to subsection (1) of this section within forty-five days of the seizure, the articles shall be deemed forfeited.

(c) If any person notifies the department in writing within forty-five days of the seizure, the person shall be afforded an opportunity to be heard as to the claim or right. The hearing shall be before the director or his designee, or before an administrative law judge appointed under chapter 34.12 RCW, except that any person asserting a claim or right may remove the matter to a court of competent jurisdiction. The department hearing and any appeal therefrom shall be under Title 34 RCW. The burden of producing evidence shall be upon the person claiming to be the lawful owner or person claiming lawful right of possession of the articles seized. The department shall promptly return the seized articles to the claimant upon a determination by the director or designee, an administrative law judge, or a court that the claimant is the present lawful owner or is lawfully entitled to possession of the articles seized, and that the seized articles were improperly seized.

(d)(i) No conveyance, including vessels, vehicles, or aircraft, is subject to forfeiture under this section by reason of any act or omission established by the owner of the conveyance to have been committed or omitted without his knowledge or consent.

(ii) A forfeiture of a conveyance encumbered by a bona fide security interest is subject to the interest of the secured party if the secured party neither had knowledge nor consented to the act or omission.

(e) When seized property is forfeited under this section the department may retain it for official use unless the property is required to be destroyed, or upon application by any law enforcement agency of the state, release such property to such agency for the use of enforcing Title 77 RCW, or sell such property, and deposit the proceeds to the wildlife fund in the state treasury, as provided for in RCW 77.12.170.

NEW SECTION. Sec. 3. (1) The burden of proof of any exemption or exception to seizure or forfeiture of personal property involved with wildlife offenses is upon the person claiming it.

(2) An authorized state, county, or municipal officer may be subject to civil liability under section 2 of this act for willful misconduct or gross negligence in the performance of his or her duties.

(3) The director of wildlife, the wildlife commission, or the department of wildlife may be subject to civil liability for their willful or reckless misconduct in matters involving the seizure and forfeiture of personal property involved with wildlife offenses.

Sec. 4. Section 334, chapter 258, Laws of 1984 as amended by section 25, chapter 506, Laws of 1987 and RCW 77.12.170 are each amended to read as follows:

(1) There is established in the state treasury the state wildlife fund which consists of moneys received from:

- (a) Rentals or concessions of the department;
- (b) The sale of real or personal property held for department purposes;
- (c) The sale of licenses, permits, tags, stamps, and punchcards required by this title;
- (d) Fees for informational materials published by the department;
- (e) Fees for personalized vehicle license plates as provided in chapter 46.16 RCW;
- (f) Articles or wildlife sold by the director under this title;
- (g) Compensation for wildlife losses or gifts or grants received under RCW 77.12.320;

((and))

(h) Excise tax on anadromous game fish collected under chapter 82.27 RCW; and

(i) The sale of personal property seized by the department for wildlife violations.

(2) State and county officers receiving any moneys listed in subsection (1) of this section shall deposit them in the state treasury to be credited to the state wildlife fund.

Sec. 5. Section 77.12.110, chapter 36, Laws of 1955 as last amended by section 72, chapter 506, Laws of 1987 and RCW 77.21.040 are each amended to read as follows:

(1) ~~((In addition to other penalties provided by law, a court may forfeit, for the use of the department, wildlife seized under this title and proven, in either a criminal or civil action, to have been unlawfully taken, killed, transported, or possessed and articles or devices seized under this title and proven, in either a criminal or civil action, to have been unlawfully used or held with intent to unlawfully use. Unless forfeited by the court, the department shall return an item seized under this title to its owner after the completion of the case and all fines have been paid. If the owner of a seized item cannot be found, the court may forfeit that item after summons has been served by publication as in civil actions and a hearing has been held.~~

(2)) Wildlife unlawfully taken or possessed remains the property of the state.

((3)) (2) The director may sell articles or devices seized and forfeited under this title by the court at public auction. The time, place, and manner of holding the sale shall be determined by the director. The director shall publish notice of the sale once a week for at least two consecutive weeks prior to the sale in at least one newspaper of general circulation in the county in which the sale is to be held. Proceeds from the sales shall be deposited in the state treasury to be credited to the state wildlife fund.

Sec. 6. Section 77.32.260, chapter 36, Laws of 1955 as last amended by section 73, chapter 506, Laws of 1987 and RCW 77.21.060 are each amended to read as follows:

(1) Upon conviction of a violation of this title or rules adopted pursuant to this title, the court may forfeit a license, in addition to other penalties provided by law. Upon subsequent conviction, the forfeiture of the license is mandatory. The director may prohibit issuance of a license to a person convicted two or more times or prescribe the conditions for subsequent issuance of a license.

(2) It shall be unlawful for a person to conduct an activity requiring a wildlife license, tag, or stamp for which they have had a license forfeiture or for which the director has prohibited the issuance of a license.

NEW SECTION, Sec. 7. Sections 2 and 3 of this act are each added to chapter 77.12 RCW.

NEW SECTION, Sec. 8. Section 77.12.100, chapter 36, Laws of 1955, section 23, chapter 78, Laws of 1980, section 21, chapter 506, Laws of 1987 and RCW 77.12.100 are each repealed."

On page 1, line 2 of the title, after "offenses;" strike the remainder of the title and insert "amending RCW 77.12.170, 77.21.040, and 77.21.060; adding new sections to chapter 77.12 RCW; creating a new section; and repealing RCW 77.12.100."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Metcalf, the Senate concurred in the House amendments to Engrossed Substitute Senate Bill No. 5819.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5819, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5819, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; absent, 1; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Hansen, Hayner, Johnson, Kroidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vogndil, von Reichbauer, Warnke, West, Williams, Wojahn - 47.

Absent: Senator Gaspard - 1.

Excused: Senator DeJarnatt - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5819, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Bender, Senator Gaspard was excused.

MESSAGE FROM THE HOUSE

April 12, 1989

Mr. President:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5850 with the following amendments:

On page 3, line 6 after "to" strike "fifteen" insert "ten"

On page 3, line 17 after "least" strike "eighty-five" and insert "ninety"

On page 3, line 23 after "last" strike "eighty-five" and insert "ninety"

On page 6, line 28 after "to" strike "fifteen" and insert "ten".

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Johnson, the Senate concurred in the House amendments to Engrossed Substitute Senate Bill No. 5850.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5850, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5850, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 47.

Excused: Senators DeJarnatt, Gaspard - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5850, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 11, 1989

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 5859 with the following amendments:

On page 2, after line 8 insert a new subsection to read as follows:

"(8) To provide advice and assistance to local boards to promote their primary duty of representing the public interest;"

Renumber the remaining subsection

On page 2, line 23 strike "1995" and insert "1998"

On page 2, line 24 strike "1996" and insert "1999".

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Bailey, the Senate concurred in the House amendments to Substitute Senate Bill No. 5859.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5859, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5859, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; absent, 1; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Brauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorness, Vogtild, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Absent: Senator Owen - 1.

Excused: Senators DeJarnatt, Gaspard - 2.

SUBSTITUTE SENATE BILL NO. 5859, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 11, 1989

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 5866 with the following amendments:

Strike everything after the enacting clause and insert the following:

*Sec. 1. Section 7, chapter 42, Laws of 1982 1st ex. sess. and RCW 39.88.060 are each amended to read as follows:

(1) Any taxing district that objects to the apportionment district, the duration of the apportionment, the manner of apportionment, or the propriety of cost items established by the public improvement ordinance of the sponsor may, within thirty days after ((receipt)) mailing of the ordinance, petition for review thereof by the state board of tax appeals. The state board of tax appeals shall meet within a reasonable time, hear all the evidence presented by the parties on matters in dispute, and determine the issues upon the evidence as may be presented to it at the hearing. The board may approve or deny the public improvement ordinance as enacted or may grant approval conditioned upon modification of the ordinance by the sponsor. The decision by the state board of tax appeals shall be final and conclusive but shall not preclude modification or discontinuation of the public improvement.

(2) If the sponsor modifies the public improvement ordinance as directed by the board, the public improvement ordinance shall be effective without further hearings or findings and shall not be subject to any further appeal. If the sponsor modifies the public improvement ordinance in a manner other than as directed by the board, the public improvement ordinance shall be subject to the procedures established pursuant to RCW 39.88.040 and 39.88.050.

Sec. 2. Section 2, chapter 129, Laws of 1893 as last amended by section 74, chapter 195, Laws of 1973 1st ex. sess. and RCW 58.08.040 are each amended to read as follows:

Any person filing a plat, replat, altered plat, binding site plan, or condominium plan subsequent to May 31st in any year and prior to the date of the collection of taxes, shall deposit with the county treasurer a sum equal to the product of the county assessor's latest valuation on the unimproved property in such subdivision multiplied by the current year's dollar rate increased by twenty-five percent on the property platted. The treasurer's receipt for said amount shall be taken by the auditor as evidence of the payment of the tax. The treasurer shall appropriate so much of said deposit as will pay the taxes on the said property when the tax rolls are placed in his hands for collection, and in case the sum deposited is in excess of the amount necessary for the payment of the said taxes, the treasurer shall return, to the party depositing, the amount of said excess, taking his receipt therefor, which receipt shall be accepted for its face value on the treasurer's quarterly settlement with the county auditor.

Sec. 3. Section 106, chapter 21, Laws of 1982 1st ex. sess. and RCW 79.94.210 are each amended to read as follows:

(1) The legislature finds that maintaining public lands in public ownership is often in the public interest. However, when second class shorelands on navigable lakes have minimal public value, the sale of those shorelands to the abutting upland owner may not be contrary to the public interest: PROVIDED, That the purpose of this section is to remove the prohibition contained in RCW 79.94.150 regarding the sale of second class shorelands to abutting owners, whose uplands front on the shorelands. Nothing contained in this section shall be construed to otherwise affect the rights of interested parties relating to public or private ownership of shorelands within the state.

(2) Notwithstanding the provisions of RCW 79.94.150, the department of natural resources may sell second class shorelands on navigable lakes to abutting owners whose uplands front upon the shorelands in cases where the board of natural resources has determined that these sales would not be contrary to the public interest. These shorelands shall be sold at fair market value, but not less than five percent of the fair market value of the abutting upland, less

improvements, to a maximum depth of one hundred and fifty feet landward from the line of ordinary high water.

(3) Review of the decision of the department regarding the sale price established for a shoreland to be sold pursuant to this section may be obtained by the upland owner by filing a petition with the board of tax appeals created in accordance with chapter 82.03 RCW within thirty days ~~((of the date the department notified))~~ after the mailing of notification by the department to the owner regarding the price. The board of tax appeals shall review such cases in ~~((a "contested case"))~~ an adjudicative proceeding as described in chapter ~~((34.04))~~ 34.05 RCW, the administrative procedure act, and the board's review shall be de novo. Decisions of the board of tax appeals regarding fair market values determined pursuant to this section shall be final unless appealed to the superior court pursuant to RCW ~~((34.04.130))~~ 34.05.510 through 34.05.598.

Sec. 4. Section 42, chapter 26, Laws of 1967 ex. sess. as last amended by section 6, chapter 46, Laws of 1982 1st ex. sess. and RCW 82.03.130 are each amended to read as follows:

The board shall have jurisdiction to decide the following types of appeals:

(1) Appeals taken pursuant to RCW 82.03.190.

(2) Appeals from a county board of equalization pursuant to RCW 84.08.130.

(3) Appeals by an assessor or landowner from an order of the director of revenue made pursuant to RCW 84.08.010 and 84.08.060, if filed with the board of tax appeals within thirty days after the mailing of the order, the right to such an appeal being hereby established.

(4) Appeals by an assessor or owner of an intercounty public utility or private car company from determinations by the director of revenue of equalized assessed valuation of property and the apportionment thereof to a county made pursuant to chapter 84.12 RCW and 84.16 RCW, if filed with the board of tax appeals within thirty days after mailing of the determination, the right to such appeal being hereby established.

(5) Appeals by an assessor, landowner, or owner of an intercounty public utility or private car company from a determination of any county indicated ratio for such county compiled by the department of revenue pursuant to RCW 84.48.075: PROVIDED, That

(a) Said appeal be filed after review of the ratio under RCW 84.48.075(3) and not later than fifteen days after the ~~((date of))~~ mailing of the certification ~~((as required by RCW 84.48.075))~~; and

(b) The hearing before the board shall be expeditiously held in accordance with rules prescribed by the board and shall take precedence over all matters of the same character.

(6) Appeals from the decisions of sale price of second class shorelands on navigable lakes by the department of natural resources pursuant to RCW 79.94.210.

(7) Appeals from urban redevelopment property tax apportionment district proposals established by governmental ordinances pursuant to RCW 39.88.060.

(8) Appeals from interest rates as determined by the department of revenue for use in valuing farmland under current use assessment pursuant to RCW 84.34.065.

(9) Appeals from revisions to stumpage value tables used to determine value by the department of revenue pursuant to RCW 84.33.091.

(10) Appeals from denial of tax exemption application by the department of revenue pursuant to RCW 84.36.850.

Sec. 5. Section 48, chapter 26, Laws of 1967 ex. sess. as last amended by section 211, chapter 3, Laws of 1983 and RCW 82.03.190 are each amended to read as follows:

Any person having received notice of a denial of a petition or a notice of determination made under RCW 82.32.160 ~~((or)), 82.32.170, 82.34.110, or 82.49.060~~ may appeal, within thirty days ~~((from the date))~~ after the mailing of the notice of such denial or determination, to the board of tax appeals. In the notice of appeal the taxpayer shall set forth the amount of the tax which ~~((he))~~ the taxpayer contends should be reduced or refunded and the reasons for such reduction or refund, in accordance with rules of practice and procedure prescribed by the board. ~~((The appeal shall be perfected by serving))~~ A copy of the notice of appeal ~~((upon))~~ shall be provided to the department ~~((of revenue))~~ within the time specified ~~((herein and by filing the original thereof with proof of service with the clerk of the board.~~ PROVIDED, HOWEVER, That)) in the rules of practice and procedure prescribed by the board. However, if the notice of appeal relates to an application made to the department ~~((of revenue))~~ under chapter 82.34 RCW, the taxpayer shall set forth the amount to which the taxpayer claims the credit or exemption should apply, and the grounds for such contention, in accordance with rules of practice and procedure prescribed by the board. If the taxpayer intends that the hearing before the board be held pursuant to the administrative procedure act (chapter ~~((34.04))~~ 34.05 RCW), the notice of appeal shall also so state. In the event that the notice of appeal does not so state, the department may, within ~~((ten))~~ thirty days from the date of its receipt of the notice of appeal, file with ~~((the clerk of))~~ the board notice of its intention that the hearing be held pursuant to the administrative procedure act.

NEW SECTION. Sec. 6. A new section is added to chapter 84.04 RCW to read as follows:

"Legal description" shall be given its commonly accepted meaning, but for property tax purposes, the parcel number is sufficient for the legal description.

Sec. 7. Section 84.08.130, chapter 15, Laws of 1961 as last amended by section 8, chapter 222, Laws of 1988 and RCW 84.08.130 are each amended to read as follows:

Any taxpayer or taxing unit feeling aggrieved by the action of any county board of equalization may appeal to the board of tax appeals by filing with the county auditor a notice of appeal in duplicate within thirty days after the mailing of the decision of such board of equalization, which notice shall specify the actions complained of, and said auditor shall forthwith transmit one of said notices to the board of tax appeals; and in like manner any county assessor may appeal to the board of tax appeals from any action of any county board of equalization. There shall be no fee charged for the filing of an appeal. The petitioner shall provide a copy of the notice of appeal to all named parties within the time period provided in the rules of practice and procedure of the board of tax appeals. Appeals which are not filed as provided in this section shall be continued or dismissed. The board of tax appeals shall require the board appealed from to file a true and correct copy of its decision in such action and all evidence taken in connection therewith, and may receive further evidence, and shall make such order as in its judgment is just and proper.

Sec. 8. Section 84.09.030, chapter 15, Laws of 1961 as last amended by section 1, chapter 82, Laws of 1987 and by section 1, chapter 358, Laws of 1987 and RCW 84.09.030 are each reenacted and amended to read as follows:

For the purposes of property taxation and the levy of property taxes the boundaries of counties, cities and all other taxing districts shall be the established official boundaries of such districts existing on the first day of March of the year in which the levy is made, and no such levy shall be made for any taxing district whose boundaries were not duly established on the first day of March of such year. Boundaries for port districts newly formed by election, with boundaries coterminous with other taxing district boundaries established prior to the first day of March, shall be the established official boundaries existing on the first day of October following formation. However, the boundaries of a taxing district shall be established on the first day of June of the year in which the property tax levy is made whenever the taxing district has incorporated that year and has boundaries coterminous with the boundaries of another taxing district, as they existed on the first day of March of that year, or the boundaries of a taxing district have been altered that year by removing or adding territory with boundaries coterminous with the boundaries of another taxing district to the taxing district as they existed on the first day of March of that year. In any case where any instrument setting forth the official boundaries of any newly established taxing district, or setting forth any change in such boundaries, is required by law to be filed in the office of the county auditor or other county official, said instrument shall be filed in triplicate. The officer with whom such instrument is filed shall transmit two copies to the county assessor.

Sec. 9. Section 5, chapter 138, Laws of 1987 and RCW 84.09.035 are each amended to read as follows:

Notwithstanding the provisions of RCW 84.09.030, the boundaries of a library district, metropolitan park district, fire protection district, or public hospital district that withdraws an area from its boundaries pursuant to RCW 27.12.355, 35.61.360, 52.04.056, or 70.44.235, which area has boundaries that are coterminous with the boundaries of a (taxing district) tax code area, shall be established as of the first day of October in the year in which the area is withdrawn.

Sec. 10. Section 3, chapter 87, Laws of 1970 ex. sess. as amended by section 3, chapter 212, Laws of 1973 1st ex. sess. and RCW 84.34.030 are each amended to read as follows:

An owner of agricultural land desiring current use classification under subsection (2) of RCW 84.34.020 shall make application to the county assessor upon forms prepared by the state department of revenue and supplied by the county assessor. An owner of open space or timber land desiring current use classification under subsections (1) and (3) of RCW 84.34.020 shall make application to the county legislative authority upon forms prepared by the state department of revenue and supplied by the county assessor. The application shall be accompanied by a reasonable processing fee if such processing fee is established by the city or county legislative authority ~~((but that such fee may not exceed thirty dollars for each application. PROVIDED: That if the application is not approved, then the application fee shall be returned to the applicant)).~~ Said application shall require only such information reasonably necessary to properly classify an area of land under this ~~((1973 amendatory act))~~ chapter with a notarized verification of the truth thereof and shall include a statement that the applicant is aware of the potential tax liability involved when such land ceases to be designated as open space, farm and agricultural or timber land. Applications must be made during the calendar year preceding that in which such classification is to begin. The assessor shall make necessary information, including copies of this chapter and applicable regulations, readily available to interested parties, and shall render reasonable assistance to such parties upon request.

Sec. 11. Section 10, chapter 212, Laws of 1973 1st ex. sess. and RCW 84.34.065 are each amended to read as follows:

The true and fair value of farm and agricultural land shall be determined by consideration of the earning or productive capacity of comparable lands from crops grown most typically in the area averaged over not less than five years, capitalized at indicative rates. The earning or productive capacity of farm and agricultural lands shall be the "net cash rental".

capitalized at a "rate of interest" charged on long term loans secured by a mortgage on farm or agricultural land plus a component for property taxes.

For the purposes of the above computation:

(1) The term "net cash rental" shall mean the average rental paid on an annual basis, in cash or its equivalent, for the land being appraised and other farm and agricultural land of similar quality and similarly situated that is available for lease for a period of at least three years to any reliable person without unreasonable restrictions on its use for production of agricultural crops. There shall be allowed as a deduction from the rental received or computed any costs of crop production charged against the landlord if the costs are such as are customarily paid by a landlord. If "net cash rental" data is not available, the earning or productive capacity of farm and agricultural lands shall be determined by the cash value of typical or usual crops grown on land of similar quality and similarly situated averaged over not less than five years. Standard costs of production shall be allowed as a deduction from the cash value of the crops.

The current "net cash rental" or "earning capacity" shall be determined by the assessor with the advice of the advisory committee as provided in RCW 84.34.145, and through a continuing study within his office, assisted by studies of the department of revenue. This net cash rental figure as it applies to any farm and agricultural land may be challenged before the same boards or authorities as would be the case with regard to assessed values on general property.

(2) The term "rate of interest" shall mean the rate of interest charged by the farm credit administration and other large financial institutions regularly making loans secured by farm and agricultural lands through mortgages or similar legal instruments, averaged over the immediate past five years.

The "rate of interest" shall be determined annually by adoption of a rule by the revenue department of the state of Washington, and such ((determination)) rule shall be published in the state register not later than January 1 of each year for use in that assessment year. The determination of the revenue department may be appealed to the state board of tax appeals within thirty days after the date of publication by any owner of farm or agricultural land or the assessor of any county containing farm and agricultural land.

(3) The "component for property taxes" shall be a percentage equal to the estimated millage rate times the legal assessment ratio.

Sec. 12. Section 8, chapter 169, Laws of 1974 ex. sess. as amended by section 17, chapter 291, Laws of 1975 1st ex. sess. and RCW 84.36.470 are each amended to read as follows:

The following property shall be exempt from taxation: Any agricultural or horticultural produce or crop, including any animal, bird, or insect, or the milk, eggs, wool, fur, meat, honey, or other substance obtained therefrom grown or produced for sale by any person upon his own lands or upon lands in which he has a present right of possession who is exempted from payment of business and occupation tax pursuant to RCW 82.04.330 ((as now or hereafter amended shall be assessed for the purposes of ad valorem taxes according to the following schedule:

Commencing with assessment as of January 1, 1975, for taxes due in 1976 the assessment level shall be seventy-five percent of true and fair value.

Commencing with assessment as of January 1, 1976, for taxes due in 1977 the assessment level shall be seventy percent of true and fair value.

Commencing with assessment as of January 1, 1977, for taxes due in 1978 the assessment level shall be sixty percent of true and fair value.

Commencing with assessment as of January 1, 1978, for taxes due in 1979 the assessment level shall be fifty percent of true and fair value.

Commencing with assessment as of January 1, 1979, for taxes due in 1980 the assessment level shall be forty percent of true and fair value.

Commencing with assessment as of January 1, 1980, for taxes due in 1981 the assessment level shall be thirty percent of true and fair value.

Commencing with assessment as of January 1, 1981, for taxes due in 1982 the assessment level shall be twenty percent of true and fair value.

Commencing with assessment as of January 1, 1982, for taxes due in 1983 the assessment level shall be ten percent of true and fair value.

Commencing with assessment as of January 1, 1983, for taxes due in 1984 such inventories shall be fully exempt under chapter 84.36 RCW.

Commencing with January 1, 1983, assessments for taxes due in 1984, Taxpayers shall not be required to report, or assessors to list, the inventories covered by this ((phase-out)) exemption.

Nothing in this section shall be construed to remove or otherwise affect any exemption from assessment granted by RCW 84.44.060.

Sec. 13. Section 16, chapter 40, Laws of 1973 2nd ex. sess. and RCW 84.36.850 are each amended to read as follows:

Any applicant aggrieved by the department of revenue's denial of an exemption application may petition the state board of tax appeals to review an application for either real or

personal property tax exemption and the board shall consider any appeals to determine (1) if the property is entitled to an exemption, and (2) the amount or portion thereof.

A county assessor of the county in which the exempted property is located shall be empowered to appeal to the state board of tax appeals to review any real or personal property tax exemption approved by the department of revenue which he feels is not warranted.

Appeals from a department of revenue decision must be made within thirty days (~~of the notification~~) after the mailing of the approval or denial.

Sec. 14. Section 25, chapter 222, Laws of 1988 and RCW 84.48.065 are each amended to read as follows:

The county assessor or treasurer may cancel or correct assessments on the assessment or tax rolls which are erroneous due to manifest errors in description, double assessments, clerical errors in extending the rolls, and such manifest errors in the listing of the property which do not involve a revaluation of property, such as the assessment of property exempted by law from taxation or the failure to deduct the exemption allowed by law to the head of a family. When the county assessor cancels or corrects an assessment, the assessor shall send a notice to the taxpayer advising the taxpayer that the action of the county assessor is not final and shall be considered by the county board of equalization, and that such notice shall constitute legal notice of such fact. When the county assessor or treasurer cancels or corrects an assessment, a record of such action shall be prepared and filed with the county board of equalization, setting forth therein the facts relating to the error. The record shall also set forth by legal description all property belonging exclusively to the state, any county, or any municipal corporation whose property is exempt from taxation, upon which there remains, according to the tax roll, any unpaid taxes.

The county board of equalization shall consider only such matters as appear in the record filed with it by the county assessor or treasurer and shall correct only such matters as are set forth in the record, but it shall have no power to change or alter the assessment of any person, or change the aggregate value of the taxable property of the county, except insofar as it is necessary to correct the errors mentioned in this section. If the county board of equalization finds that the action of the assessor was not correct, it shall issue a supplementary roll including such corrections as are necessary, and the assessment and levy shall have the same force and effect as if made in the first instance, and the county treasurer shall proceed to collect the taxes due on the supplementary roll. The board shall make findings of the facts upon which it bases its decision on all matters submitted to it, and when so made the assessment and levy shall have the same force as if made in the first instance, and the county treasurer shall proceed to collect the taxes due on the rolls as modified.

The county board of equalization shall convene on a day fixed by the board for the purpose of considering such matters as appear in the record filed by the county assessor or treasurer.

Sec. 15. Section 1, chapter 156, Laws of 1987 and RCW 84.52.018 are each amended to read as follows:

Whenever any property value or claim for exemption or cancellation of a property assessment is appealed to the state board of tax appeals or court of competent jurisdiction and the dollar difference between the total value asserted by the taxpayer and the total value asserted by the opposing party exceeds one-fourth of one percent of the total assessed value of property in the county, the assessor shall use only that portion of the total value which is not in controversy for purposes of computing the levy rates and extending the tax on the tax roll in accordance with this chapter, unless the state board of tax appeals has issued its determination at the time of extending the tax.

When the state board of tax appeals or court of competent jurisdiction makes its final determination, the proper amount of tax shall be extended and collected for each taxing district if this has not already been done. The amount of tax collected and extended shall include interest at the rate of nine percent per year on the amount of the board's final determination minus the amount not in controversy. The interest shall accrue from the date the amount not in controversy was first due and payable. Any amount extended in excess of that permitted by chapter 84.55 RCW shall be held in abeyance and used to reduce the levy rates of the next succeeding levy.

Sec. 16. Section 84.52.080, chapter 15, Laws of 1961 as last amended by section 29, chapter 222, Laws of 1988 and RCW 84.52.080 are each amended to read as follows:

(1) The county assessor shall extend the taxes upon the tax rolls in the form herein prescribed. The rate percent necessary to raise the amounts of taxes levied for state and county purposes, and for purposes of taxing districts coextensive with the county, shall be computed upon the assessed value of the property of the county; the rate percent necessary to raise the amount of taxes levied for any taxing district within the county shall be computed upon the assessed value of the property of the district; all taxes assessed against any property shall be added together and extended on the rolls in a column headed consolidated or total tax. In extending any tax, whenever it amounts to a fractional part of a cent greater than five mills it shall be made one cent, and whenever it amounts to five mills or less than five mills it shall be dropped. The amount of all taxes shall be entered in the proper columns, as shown by entering

the rate percent necessary to raise the consolidated or total tax and the total tax assessed against the property.

(2) For the purpose of computing the rate necessary to raise the amount of any excess levy in a taxing district which has classified or designated forest land under chapter 84.33 RCW, other than the state, the county assessor shall add the district's timber assessed value, as defined in RCW 84.33.035, to the assessed value of the property: PROVIDED, That for school districts maintenance and operations levies only one-half of the district's timber assessed value or eighty percent of the timber roll of such district in calendar year 1983 as determined under chapter 84.33 RCW, whichever is greater, shall be added.

(3) Upon the completion of such tax extension, it shall be the duty of the county assessor to make in each assessment book, tax roll or list a certificate in the following form:

I,, assessor of county, state of Washington, do hereby certify that the foregoing is a correct list of taxes levied on the real and personal property in the county of for the year one thousand nine hundred and

Witness my hand this day of, 19.....

..... County Assessor

(4) The county assessor shall deliver said tax rolls to the county treasurer, on or before the fifteenth day of January, taking receipt therefor, and at the same time the county assessor shall provide the county auditor with an abstract of the tax rolls showing the total amount of taxes collectible in each of the taxing districts.

Sec. 17. Section 84.69.020, chapter 15, Laws of 1961 as last amended by section 1, chapter 228, Laws of 1981 and RCW 84.69.020 are each amended to read as follows:

~~((On order of the board of county commissioners or other county legislative authority of any county:))~~ Ad valorem taxes paid before or after delinquency shall be refunded if they were:

(1) Paid more than once; or
 (2) Paid as a result of manifest error in description; or
 (3) Paid as a result of a clerical error in extending the tax rolls; or
 (4) Paid as a result of other clerical errors in listing property; or
 (5) Paid with respect to improvements which did not exist on assessment date; or
 (6) Paid under levies or statutes adjudicated to be illegal or unconstitutional; or
 (7) Paid as a result of mistake, inadvertence, or lack of knowledge by any person exempted from paying real property taxes or a portion thereof pursuant to RCW 84.36.381 through 84.36.389, as now or hereafter amended; or

(8) Paid or overpaid as a result of mistake, inadvertence, or lack of knowledge by either a public official or employee or by any person paying the same or paid as a result of mistake, inadvertence, or lack of knowledge by either a public official or employee or by any person paying the same with respect to real property in which the person paying the same has no legal interest; or

(9) Paid on the basis of an assessed valuation which was appealed to the county board of equalization and ordered reduced by the board; or

(10) Paid on the basis of an assessed valuation which was appealed to the state board of tax appeals and ordered reduced by the board: PROVIDED, That the amount refunded under subsections (9) and (10) shall only be for the difference between the tax paid on the basis of the appealed valuation and the tax payable on the valuation adjusted in accordance with the board's order; or

(11) Paid as a state property tax levied upon ~~((county assessed))~~ property, the assessed value of which has been established by the state board of tax appeals for the year of such levy: PROVIDED, HOWEVER, That the amount refunded shall only be for the difference between the state property tax paid and the amount of state property tax which would, when added to all other property taxes within the one percent limitation of Article VII, section 2 (Amendment 59) of the state Constitution equal one percent of the assessed value established by the board; ~~((or))~~

(12) Paid on the basis of an assessed valuation which was adjudicated to be unlawful or excessive: PROVIDED, That the amount refunded shall be for the difference between the amount of tax which was paid on the basis of the valuation adjudged unlawful or excessive and the amount of tax payable on the basis of the assessed valuation determined as a result of the proceeding; or

(13) Paid on property acquired under RCW 84.60.050, and canceled under RCW 84.60.050(2).

No refunds under the provisions of this section shall be made because of any error in determining the valuation of property, except as authorized in subsections (9), (10), (11), and (12).

The county treasurer of each county shall, by the first Monday in January of each year, report to the county legislative authority a list of all refunds made under this section during the previous year. The list is to include the name of the person receiving the refund, the amount of the refund, and the reason for the refund.

Sec. 18. Section 84.69.060, chapter 15, Laws of 1961 as last amended by section 32, chapter 222, Laws of 1988 and RCW 84.69.060 are each amended to read as follows:

Refunds ordered under this chapter with respect to county, state, and taxing district taxes shall be paid by checks drawn upon the appropriate fund by the county treasurer: PROVIDED, That in making refunds on a levy code or tax code basis, the county treasurer may make an adjustment on the next property tax payment due for the amount of the refund unless the taxpayer requests immediate refund.

Sec. 19. Section 82.32.050, chapter 15, Laws of 1961 as last amended by section 16, chapter 299, Laws of 1971 ex. sess. and RCW 82.32.050 are each amended to read as follows:

If upon examination of any returns or from other information obtained by the department it appears that a tax or penalty has been paid less than that properly due, the department shall assess against the taxpayer such additional amount found to be due and ~~((as to assessments made on and after May 1, 1965, including assessments for additional tax or penalties due prior to that date))~~ shall add thereto interest at the rate of nine percent per annum from the last day of the year in which the deficiency is incurred until date of payment. The department shall notify the taxpayer by mail of the additional amount and the same shall become due and shall be paid within ~~((ten))~~ thirty days from the date of the notice, or within such further time as the department may provide. If payment is not received by the department by the due date specified in the notice, or any extension thereof, the department shall add a penalty of ten percent of the amount of the additional tax found due. If the department finds that all or any part of the deficiency resulted from an intent to evade the tax payable hereunder, a further penalty of fifty percent of the additional tax found to be due shall be added.

No assessment or correction of an assessment for additional taxes due may be made by the department more than four years after the close of the tax year, except (1) against a taxpayer who has not registered as required by this chapter, (2) upon a showing of fraud or of misrepresentation of a material fact by the taxpayer, or (3) where a taxpayer has executed a written waiver of such limitation.

Sec. 20. Section 82.32.060, chapter 15, Laws of 1961 as last amended by section 4, chapter 95, Laws of 1979 ex. sess. and RCW 82.32.060 are each amended to read as follows:

If, upon receipt of an application by a taxpayer for a refund or for an audit of ~~((his))~~ the taxpayer's records, or upon an examination of the returns or records of any taxpayer, it is determined by the department that within the statutory period for assessment of taxes prescribed by RCW 82.32.050 a tax has been paid in excess of that properly due, the excess amount paid within such period shall be credited to the taxpayer's account or shall be refunded to the taxpayer, at ~~((his))~~ the taxpayer's option. No refund or credit shall be made for taxes paid more than four years prior to the beginning of the calendar year in which the refund application is made or examination of records is completed.

Notwithstanding the foregoing limitations there shall be refunded or credited to taxpayers engaged in the performance of United States government contracts or subcontracts the amount of any tax paid, measured by that portion of the amounts received from the United States, which the taxpayer is required by contract or applicable federal statute to refund or credit to the United States, if claim for such refund is filed by the taxpayer with the department within one year of the date that the amount of the refund or credit due to the United States is finally determined and filed within four years of the date on which the tax was paid: PROVIDED, That no interest shall be allowed on such refund.

Any such refunds shall be made by means of vouchers approved by the department and by the issuance of state warrants drawn upon and payable from such funds as the legislature may provide.

Any judgment for which a recovery is granted by any court of competent jurisdiction, not appealed from, for tax, penalties, and interest which were paid by the taxpayer, and costs, in a suit by any taxpayer shall be paid in like manner, upon the filing with the department of a certified copy of the order or judgment of the court. Except as to the credits in computing tax authorized by RCW 82.04.435, interest at the rate of three percent per annum shall be allowed by the department and by any court on the amount of any refund or recovery allowed to a taxpayer for taxes, penalties, or interest paid by ~~((him after May 1, 1949, and interest at the same rate shall be allowed on any judgment recovered by a taxpayer for taxes, penalties, or interest paid after such date))~~ the taxpayer.

Sec. 21. Section 82.32.100, chapter 15, Laws of 1961 as last amended by section 20, chapter 299, Laws of 1971 ex. sess. and RCW 82.32.100 are each amended to read as follows:

If any person fails or refuses to make any return or to make available for examination the records required by this chapter, the department shall proceed, in such manner as it may deem best, to obtain facts and information on which to base its estimate of the tax; and to this end the department may examine the books, records, and papers of any such person and may take evidence, on oath, of any person, relating to the subject of inquiry.

As soon as the department procures such facts and information as it is able to obtain upon which to base the assessment of any tax payable by any person who has failed or refused to make a return, it shall proceed to determine and assess against such person the tax and penalties due, but such action shall not deprive such person from appealing to the superior court

as hereinafter provided. To the assessment the department shall add(~~;~~) the penalties provided in RCW 82.32.090. The department shall notify the taxpayer by mail of the total amount of such tax, penalties, and interest, and the total amount shall become due and shall be paid within (~~ten~~) thirty days from the date of such notice.

No assessment or correction of an assessment may be made by the department more than four years after the close of the tax year, except (1) against a taxpayer who has not registered as required by this chapter, (2) upon a showing of fraud or of misrepresentation of a material fact by the taxpayer, or (3) where a taxpayer has executed a written waiver of such limitation.

Sec. 22. Section 82.32.160, chapter 15, Laws of 1961 as last amended by section 4, chapter 158, Laws of 1975 1st ex. sess. and RCW 82.32.160 are each amended to read as follows:

Any person having been issued a notice of additional taxes, delinquent taxes, interest, or penalties assessed by the department (~~(of revenue)~~), may within (~~(twenty)~~) thirty days after the issuance of the original notice of the amount thereof or within the period covered by any extension of the due date thereof granted by the department petition the department in writing for a correction of the amount of the assessment, and a conference for examination and review of the assessment. The petition shall set forth the reasons why the correction should be granted and the amount of the tax, interest, or penalties, which the petitioner believes to be due. The department shall promptly consider the petition and may grant or deny it. If denied, the petitioner shall be notified by mail thereof forthwith. If a conference is granted, the department shall fix the time and place therefor and notify the petitioner thereof by mail. After the conference the department may make such determination as may appear to it to be just and lawful and shall mail a copy of its determination to the petitioner. If no such petition is filed within the (~~(twenty-day)~~) thirty-day period the assessment covered by the notice shall become final.

The procedures provided for herein shall apply also to a notice denying, in whole or in part, an application for a pollution control tax exemption and credit certificate, with such modifications to such procedures established by departmental rules and regulations as may be necessary to accommodate a claim for exemption or credit.

Sec. 23. Section 82.32.180, chapter 15, Laws of 1961 as last amended by section 67, chapter 202, Laws of 1988 and RCW 82.32.180 are each amended to read as follows:

Any person, except one who has failed to keep and preserve books, records, and invoices as required in this chapter and chapter 82.24 RCW, having paid any tax as required and feeling aggrieved by the amount of the tax may appeal to the superior court of Thurston county, within the time limitation for a refund provided in chapter 82.32 RCW or, if an application for refund has been made to the department within that time limitation, then within thirty days after rejection of the application, whichever time limitation is later. In the appeal the taxpayer shall set forth the amount of the tax imposed upon (~~(him)~~) the taxpayer which (~~(he)~~) the taxpayer concedes to be the correct tax and the reason why the tax should be reduced or abated. The appeal shall be perfected by serving a copy of the notice of appeal upon the department within the time herein specified and by filing the original thereof with proof of service with the clerk of the superior court of Thurston county. Within ten days after filing the notice of appeal, the taxpayer shall file with the clerk of the superior court a good and sufficient surety bond payable to the state in the sum of two hundred dollars, conditioned to diligently prosecute the appeal and pay the state all costs that may be awarded if the appeal of the taxpayer is not sustained.

The trial in the superior court on appeal shall be de novo and without the necessity of any pleadings other than the notice of appeal. The burden shall rest upon the taxpayer to prove that the tax as paid by (~~(him)~~) the taxpayer is incorrect, either in whole or in part, and to establish the correct amount of the tax. In such proceeding the taxpayer shall be deemed the plaintiff, and the state, the defendant; and both parties shall be entitled to subpoena the attendance of witnesses as in other civil actions and to produce evidence that is competent, relevant, and material to determine the correct amount of the tax that should be paid by the taxpayer. Either party may seek appellate review in the same manner as other civil actions are appealed to (~~(those)~~) the appellate courts.

It shall not be necessary for the taxpayer to protest against the payment of any tax or to make any demand to have the same refunded or to petition the director for a hearing in order to appeal to the superior court, but no court action or proceeding of any kind shall be maintained by the taxpayer to recover any tax paid, or any part thereof, except as herein provided.

The provisions of this section shall not apply to any tax payment which has been the subject of an appeal to the board of tax appeals with respect to which appeal a formal hearing has been elected.

Sec. 24. Section 82.36.040, chapter 15, Laws of 1961 as last amended by section 4, chapter 174, Laws of 1987 and RCW 82.36.040 are each amended to read as follows:

If payment of any tax due is not received by the due date, there shall be assessed a penalty of two percent of the amount of the tax. If any distributor establishes by a fair preponderance of evidence that (~~(his or her)~~) the distributor's failure to pay the amount of tax due by the due date was attributable to reasonable cause and was not intentional or willful, the department may waive the penalty imposed by this section.

Any motor vehicle fuel tax, penalties, and interest payable under the provisions of this chapter shall bear interest at the rate of one percent per month, or fraction thereof, from the first day of the calendar month after the close of the monthly period for which the amount or any portion thereof should have been paid until the date of payment. The department may waive the interest when the department determines that the cost of processing the collection of the interest exceeds the amount of interest due.

In any suit brought to enforce the rights of the state under this chapter, the certificate of the director showing the amount of taxes, penalties, interest and cost unpaid by any distributor and that the same are due and unpaid to the state shall be prima facie evidence of the facts as shown.

Sec. 25. Section 82.48.090, chapter 15, Laws of 1961 as last amended by section 9, chapter 220, Laws of 1987 and RCW 82.48.090 are each amended to read as follows:

In case a claim is made by any person that ~~((he))~~ the person has paid an erroneously excessive amount of excise tax under this chapter, ~~((he))~~ the person may apply to the department of transportation for a refund of the claimed excessive amount. The department of transportation shall review such application, and if it determines that an excess amount of tax has actually been paid by the taxpayer, such excess amount shall be refunded to the taxpayer by means of a voucher approved by the department of transportation and by the issuance of a state warrant drawn upon and payable from such funds as the legislature may provide for that purpose. No refund shall be allowed, however, unless application for the refund is filed with the department of transportation within ninety days after the claimed excessive excise tax was paid and the amount of the overpayment exceeds five dollars.

Sec. 26. Section 16, chapter 260, Laws of 1981 and RCW 82.50.170 are each amended to read as follows:

In case a claim is made by any person that ~~((he))~~ the person has erroneously paid the tax or a part thereof or any charge hereunder, ~~((he))~~ the person may apply in writing to the department of licensing for a refund of the amount of the claimed erroneous payment within thirteen months of the time of payment of the tax on such a form as is prescribed by the department of licensing. The department of licensing shall review such application for refund, and, if it determines that an erroneous payment has been made by the taxpayer, it shall certify the amount to be refunded to the state treasurer that such person is entitled to a refund in such amount, and the treasurer shall make such approved refund herein provided for from the general fund and shall mail or deliver the same to the person entitled thereto.

Any person making any false statement in the ~~((affidavit))~~ claim herein mentioned, under which ~~((he))~~ the person obtains any amount of refund to which ~~((he))~~ the person is not entitled under the provisions of this section, shall be guilty of a gross misdemeanor.

Sec. 27. Section 84.24.070, chapter 15, Laws of 1961 and RCW 84.24.070 are each amended to read as follows:

As soon as any such relieved tax shall have been reassessed and relieved as herein provided, the ~~((board of))~~ county ((commissioners)) legislative authority shall forthwith, by proper resolution, order and direct the repayment to the owner of the property affected, of such an amount as the payments theretofore made upon the original tax exceed the amount of such relieved tax (the amount of which shall be certified by the county treasurer to ~~((said commissioners))~~ the county legislative authority), together with interest on such excess at ~~((six percent per annum))~~ the rate specified in RCW 84.69.100 from the date or dates of such excess payment, and such repayment shall be made by warrants drawn upon a fund in said treasury hereby created to be known and designated as the county tax refund fund.

Annually, at the time required by law for the levying of taxes for county purposes the proper county officers required by law to make and enter such tax levies, shall make and enter a tax levy or levies for said county tax refund fund as follows:

(1) A levy upon all of the taxable property within the county for the amount of all taxes collected by the county for county and/or state purposes, and which the ~~((board of))~~ county ((commissioners)) legislative authority has ordered ~~((and directed))~~ to be repaid within the preceding twelve months, including ~~((legal))~~ interest at the rate specified in RCW 84.69.100, together with the additional amounts hereinafter provided for;

(2) A levy upon all of the taxable property of each taxing district within the county for the amount of all taxes collected by the county for the purposes of the various taxing districts in such county, which the ~~((board of))~~ county ((commissioners)) legislative authority has ordered ~~((and directed))~~ to be repaid within the preceding twelve months, including ~~((legal))~~ interest at the rate specified in RCW 84.69.100, together with the additional amounts hereinafter provided for.

The aforesaid levy or levies shall also include a proper share of the interest paid out of said fund during said twelve months upon warrants issued against said fund, plus an additional amount not to exceed ten percent of the total of the preceding items required to be included in such levy or levies as such levying officers shall deem necessary to meet the obligations of such fund, taking into consideration the probable portions of such taxes that will not be collected or collectible during the year in which they are due and payable, and also any unobligated cash on hand in said fund.

Sec. 28. Section 84.68.030, chapter 15, Laws of 1961 and RCW 84.68.030 are each amended to read as follows:

In case it be determined in such action that said tax, or any portion thereof, so paid under protest, was unlawfully collected, judgment for recovery thereof and ~~((lawful))~~ interest thereon at the rate specified in RCW 84.69.100 from date of payment, together with costs of suit, shall be entered in favor of plaintiff. In case the action is against a county and the judgment shall become final, the amount of such judgment, including ~~((total))~~ interest at the rate specified in RCW 84.69.100 and costs where allowed, shall be paid out of the treasury of such county by the county treasurer upon warrants drawn by the county auditor against a fund in said treasury hereby created to be known and designated as the county tax refund fund. Such warrants shall be so issued upon the filing with the county auditor and the county treasurer of duly authenticated copies of such judgment, and shall be paid by the county treasurer out of any moneys on hand in said fund. If no funds are available in such county tax refund fund for the payment of such warrants, then such warrants shall bear interest in such cases and shall be callable under such conditions as are provided by law for county warrants, and such interest, if any, shall also be paid out of said fund.

Sec. 29. Section 84.68.050, chapter 15, Laws of 1961 and RCW 84.68.050 are each amended to read as follows:

The action for the recovery of taxes so paid under protest shall be brought in the superior court of the county wherein the tax was collected or in any federal court of competent jurisdiction: PROVIDED, That where the property against which the tax is levied consists of the operating property of a railroad company, telegraph company or other public service company whose operating property is located in more than one county and is assessed as a unit by any state board or state officer or officers, the complaining taxpayer may institute such action in the superior court of any one of the counties in which such tax is payable, or in any federal court of competent jurisdiction, and may join as parties defendant in said action all of the counties to which the tax or taxes levied upon such operating property were paid or are payable, and may recover in one action from each of the county defendants the amount of the tax, or any portion thereof, so paid under protest, and adjudged to have been unlawfully collected, together with ~~((total))~~ interest thereon at the rate specified in RCW 84.69.100 from date of payment, and costs of suit.

Sec. 30. Section 84.68.070, chapter 15, Laws of 1961 and RCW 84.68.070 are each amended to read as follows:

Except as permitted by RCW 84.68.010 through 84.68.070 and chapter 84.69 RCW, no action shall ever be brought or defense interposed attacking the validity of any tax, or any portion of any tax: PROVIDED, HOWEVER, That this section shall not be construed as depriving the defendants in any tax foreclosure proceeding of any valid defense allowed by law to the tax sought to be foreclosed therein except defenses based upon alleged excessive valuations, levies or taxes.

Sec. 31. Section 84.68.140, chapter 15, Laws of 1961 as amended by section 210, chapter 278, Laws of 1975 1st ex. sess. and RCW 84.68.140 are each amended to read as follows:

Certified copies of the order of the department of revenue shall be forwarded to the county assessor, the county auditor and the taxpayer, and the taxpayer shall immediately be entitled to a refund of the difference, if any, between the tax already paid and the canceled or reduced or corrected tax based upon the order of the department ~~((of revenue))~~ with ~~((total))~~ interest on such amount from the date of payment of the original tax. Upon receipt of the order of the department ~~((of revenue))~~ the county auditor shall draw a warrant against the county tax refund fund in the amount of any tax reduction so ordered, plus ~~((total))~~ interest at the rate specified in RCW 84.69.100 to the date such warrant is issued, and such warrant shall be paid by the county treasurer out of any moneys on hand in said fund. If no funds are available in the county tax refund fund for the payment of such warrant the warrant shall bear interest and shall be callable under such conditions as are provided by law for county warrants and such interest, if any, shall also be paid out of said fund. The order of the department ~~((of revenue))~~ shall for all purposes be considered as a judgment against the county tax refund fund and the obligation thereof shall be discharged in the same manner as provided by law for the discharge of judgments against the county for excessive taxes under the provisions of RCW 84.68.010 through 84.68.070 or any act amendatory thereof.

Sec. 32. Section 84.69.030, chapter 15, Laws of 1961 and RCW 84.69.030 are each amended to read as follows:

Except in cases wherein the ~~((board of))~~ county ~~((commissioners))~~ legislative authority acts upon its own motion, no orders for a refund under this chapter shall be made except on a claim:

- (1) Verified by the person who paid the tax, ~~((his))~~ the person's guardian, executor or administrator; and
- (2) Filed with the county legislative authority within three years after making of the payment sought to be refunded; and
- (3) Stating the statutory ground upon which the refund is claimed.

Sec. 33. Section 84.69.120, chapter 15, Laws of 1961 as amended by section 2, chapter 228, Laws of 1981 and RCW 84.69.120 are each amended to read as follows:

If the ((~~board of~~) county ((~~commissioners~~)) legislative authority rejects a claim or fails to act within six months from the date of filing of a claim for refund in whole or in part, the person who paid the taxes, ((~~his~~) the person's guardian, executor, or administrator may within one year after the date of the filing of the claim commence an action in the superior court against the county to recover the taxes which the ((~~board of~~) county ((~~commissioners have~~)) legislative authority has refused to refund.

Sec. 34. Section 84.69.140, chapter 15, Laws of 1961 as amended by section 33, chapter 222, Laws of 1988 and RCW 84.69.140 are each amended to read as follows:

In any action in which recovery of taxes is allowed by the court, the plaintiff is entitled to interest on the taxes for which recovery is allowed at ((~~α~~) the rate ((~~as determined under~~)) specified in RCW 84.69.100 from the date of collection of the tax to the date of entry of judgment, and such accrued interest shall be included in the judgment.

Sec. 35. Section 12, chapter 212, Laws of 1973 1st ex. sess. as last amended by section 1, chapter 319, Laws of 1985 and RCW 84.34.108 are each amended to read as follows:

(1) When land has once been classified under this chapter, a notation of such designation shall be made each year upon the assessment and tax rolls and such land shall be valued pursuant to RCW 84.34.060 or 84.34.065 until removal of all or a portion of such designation by the assessor upon occurrence of any of the following:

(a) Receipt of notice from the owner to remove all or a portion of such designation;

(b) Sale or transfer to an ownership making all or a portion of such land exempt from ad valorem taxation;

(c) Sale or transfer of all or a portion of such land to a new owner, unless the new owner has signed a notice of classification continuance. The signed notice of continuance shall be attached to the real estate excise tax affidavit provided for in RCW 82.45.120, as now or hereafter amended. The notice of continuance shall be on a form prepared by the department of revenue. If the notice of continuance is not signed by the new owner and attached to the real estate excise tax affidavit, all additional taxes calculated pursuant to subsection (3) of this section shall become due and payable by the seller or transferor at time of sale. The county auditor shall not accept an instrument of conveyance of classified land for filing or recording unless the new owner has signed the notice of continuance or the additional tax has been paid. The seller, transferor, or new owner may appeal the new assessed valuation calculated under subsection (3) of this section to the county board of equalization. Jurisdiction is hereby conferred on the county board of equalization to hear these appeals:

(d) Determination by the assessor, after giving the owner written notice and an opportunity to be heard, that all or a portion of such land is no longer primarily devoted to and used for the purposes under which it was granted classification.

(2) Within thirty days after such removal of all or a portion of such land from current use classification, the assessor shall notify the owner in writing, setting forth the reasons for such removal. The seller, transferor, or owner may appeal such removal to the county board of equalization.

(3) Unless the removal is reversed on appeal, the assessor shall revalue the affected land with reference to full market value on the date of removal from classification. Both the assessed valuation before and after the removal of classification shall be listed and taxes shall be allocated according to that part of the year to which each assessed valuation applies. Except as provided in subsection (5) of this section, an additional tax shall be imposed which shall be due and payable to the county treasurer thirty days after the owner is notified of the amount of the additional tax. As soon as possible, the assessor shall compute the amount of such an additional tax and the treasurer shall mail notice to the owner of the amount thereof and the date on which payment is due. The amount of such additional tax shall be equal to:

(a) The difference between the property tax paid as "open space land", "farm and agricultural land", or "timber land" and the amount of property tax otherwise due and payable for the seven years last past had the land not been so classified; plus

(b) Interest upon the amounts of such additional tax paid at the same statutory rate charged on delinquent property taxes from the dates on which such additional tax could have been paid without penalty if the land had been assessed at a value without regard to this chapter.

(4) Additional tax, together with applicable interest thereon, shall become a lien on such land which shall attach at the time such land is removed from current use classification under this chapter and shall have priority to and shall be fully paid and satisfied before any recognition, mortgage, judgment, debt, obligation or responsibility to or with which such land may become charged or liable. Such lien may be foreclosed upon expiration of the same period after delinquency and in the same manner provided by law for foreclosure of liens for delinquent real property taxes as provided in RCW 84.64.050 now or as hereafter amended. Any additional tax unpaid on its due date shall thereupon become delinquent. From the date of delinquency until paid, interest shall be charged at the same rate applied by law to delinquent ad valorem property taxes.

(5) The additional tax specified in subsection (3) of this section shall not be imposed if the removal of designation pursuant to subsection (1) of this section resulted solely from:

(a) Transfer to a government entity in exchange for other land located within the state of Washington;

(b) A taking through the exercise of the power of eminent domain, or sale or transfer to an entity having the power of eminent domain in anticipation of the exercise of such power;

(c) Sale or transfer of land within two years after the death of the owner of at least a fifty percent interest in such land;

(d) A natural disaster such as a flood, windstorm, earthquake, or other such calamity rather than by virtue of the act of the landowner changing the use of such property;

(e) Official action by an agency of the state of Washington or by the county or city within which the land is located which disallows the present use of such land;

(f) Transfer to a church and such land would qualify for property tax exemption pursuant to RCW 84.36.020; or

(g) Acquisition of property interests by state agencies or agencies or organizations qualified under RCW 84.34.210 and 64.04.130 for the purposes enumerated in those sections: PROVIDED, That at such time as these property interests are not used for the purposes enumerated in RCW 84.34.210 and 64.04.130 the additional tax specified in subsection (3) of this section shall be imposed(---or

~~(h) Transfer to a nonprofit, nonsectarian organization or association, organized and conducted for nonsectarian purposes, and such land would qualify for property tax exemption pursuant to RCW 84.36.030 and is used solely for the benefit of the poor and infirm. This subsection (h) applies only to taxes, penalties, and interest under this section that have been assessed for the removal of property from classification under this chapter after September 1, 1977, and before July 1, 1980. Any person or entity who has paid taxes to which this subsection (h) applies may apply within one hundred and eighty days after May 16, 1985, for a refund of the tax paid).~~

Sec. 36. Section 134, chapter 195, Laws of 1973 1st ex. sess. as amended by section 5, chapter 274, Laws of 1988 and RCW 84.52.043 are each amended to read as follows:

Within and subject to the limitations imposed by RCW 84.52.050 as amended, the regular ad valorem tax levies upon real and personal property by the taxing districts hereafter named shall be as follows:

(1) Levies of the senior taxing districts shall be as follows: (a) The levy by the state shall not exceed three dollars and sixty cents per thousand dollars of assessed value adjusted to the state equalized value in accordance with the indicated ratio fixed by the state department of revenue to be used exclusively for the support of the common schools; (b) the levy by any county shall not exceed one dollar and eighty cents per thousand dollars of assessed value; (c) the levy by any road district shall not exceed two dollars and twenty-five cents per thousand dollars of assessed value; and (d) the levy by any city or town shall not exceed three dollars and thirty-seven and one-half cents per thousand dollars of assessed value. However any county is hereby authorized to increase its levy from one dollar and eighty cents to a rate not to exceed two dollars and forty-seven and one-half cents per thousand dollars of assessed value for general county purposes if the total levies for both the county and any road district within the county do not exceed four dollars and five cents per thousand dollars of assessed value, and no other taxing district has its levy reduced as a result of the increased county levy.

(2) Except as provided in RCW 84.52.100, the aggregate levies of junior taxing districts and senior taxing districts, other than the state, shall not exceed five dollars and fifty-five cents per thousand dollars of assessed valuation. The term "junior taxing districts" includes all taxing districts other than the state, counties, road districts, cities, towns, port districts, and public utility districts. The limitations provided in this subsection shall not apply to: (a) Levies at the rates provided by existing law by or for any port or public utility district; (b) excess property tax levies authorized in Article VII, section 2 of the state Constitution; (c) levies for acquiring conservation futures as authorized under RCW 84.34.230; and (d) levies for emergency medical care or emergency medical services imposed under RCW 84.52.069.

~~((3) It is the intent of the legislature that the provisions of this section shall supersede all conflicting provisions of law including RCW 84.52.050.))~~

Sec. 37. Section 64, chapter 278, Laws of 1986 and RCW 84.64.050 are each amended to read as follows:

After the expiration of three years from the date of delinquency, when any property remains on the tax rolls for which no certificate of delinquency has been issued, the county treasurer shall proceed to issue certificates of delinquency on said property to the county for all years' taxes, interest, and costs: PROVIDED, That the county treasurer, with the consent of the county legislative authority, may elect to issue a certificate for fewer than all years' taxes, interest, and costs to a minimum of the taxes, interest, and costs for the earliest year.

The county treasurer may include in the certificate of delinquency any assessments which are due on the property and are the responsibility of the county treasurer to collect. For purposes of this chapter, "taxes, interest, and costs" include any assessments which are so included by the county treasurer.

The change to a three-year grace period shall first be effective on May 1, 1983. Prior to that date, the county treasurer shall send a notice to all taxpayers with taxes delinquent for two years or more, notifying them of the change in the grace period. The treasurer shall file said certificates when completed with the clerk of the court, and the treasurer shall thereupon, with such legal assistance as the county legislative authority shall provide in counties having a population of thirty thousand or more, and with the assistance of the county prosecuting attorney in counties having a population of less than thirty thousand, proceed to foreclose in the name of the county, the tax liens embraced in such certificates, and the same proceedings shall be had as when held by an individual: PROVIDED, That notice and summons must be served or notice given in a manner reasonably calculated to inform the owner or owners, and any person having a recorded interest in or lien of record upon the property, of the foreclosure action. Either (1) personal service upon the owner or owners and any person having a recorded interest in or lien of record upon the property, or (2) publication once in a newspaper of general circulation, which is circulated in the area of the property and mailing of notice by certified mail to the owner or owners and any person having a recorded interest in or lien of record upon the property, or, if a mailing address is unavailable, personal service upon the occupant of the property, if any, is sufficient. In addition to ~~((describing the property as the same is described))~~ the legal description on the tax rolls, the notice must include the local street address, if any. It shall be the duty of the county treasurer to mail a copy of the published summons, within fifteen days after the first publication thereof, to the treasurer of each city or town within which any property involved in a tax foreclosure is situated, but the treasurer's failure to do so shall not affect the jurisdiction of the court nor the priority of any tax sought to be foreclosed. Said certificates of delinquency issued to the county may be issued in one general certificate in book form including all property, and the proceedings to foreclose the liens against said property may be brought in one action and all persons interested in any of the property involved in said proceedings may be made codefendants in said action, and if unknown may be therein named as unknown owners, and the publication of such notice shall be sufficient service thereof on all persons interested in the property described therein, except as provided above. The person or persons whose name or names appear on the treasurer's rolls as the owner or owners of said property shall be considered and treated as the owner or owners of said property for the purpose of this section, and if upon said treasurer's rolls it appears that the owner or owners of said property are unknown, then said property shall be proceeded against, as belonging to an unknown owner or owners, as the case may be, and all persons owning or claiming to own, or having or claiming to have an interest therein, are hereby required to take notice of said proceedings and of any and all steps thereunder: PROVIDED, That prior to the sale of the property, if such property is shown on the tax rolls under unknown owners or as having an assessed value of three thousand dollars or more, the treasurer shall order or conduct a title search of the property to be sold to determine the legal description of the property to be sold and the record title holder, and if the record title holder or holders differ from the person or persons whose name or names appear on the treasurer's rolls as the owner or owners, the record title holder or holders shall be considered and treated as the owner or owners of said property for the purpose of this section, and shall be entitled to the notice provided for in this section.

The county treasurer shall not issue certificates of delinquency upon property which is eligible for deferral of taxes under chapter 84.38 RCW but shall require the owner of the property to file a declaration to defer taxes under chapter 84.38 RCW.

NEW SECTION. Sec. 38. A new section is added to chapter 84.56 RCW to read as follows:

In the payment of taxes, interest, and penalties, the county treasurer may accept in lieu of cash a credit card issued by a bank or other financial institution if the bank or financial institution guarantees full payment of the amount due, without discount or other cost or charge, to the county.

Sec. 39. Section 36.32.120, chapter 4, Laws of 1963 as last amended by section 8, chapter 168, Laws of 1988 and RCW 36.32.120 are each amended to read as follows:

The legislative authorities of the several counties shall:

(1) Provide for the erection and repairing of court houses, jails, and other necessary public buildings for the use of the county;

(2) Lay out, discontinue, or alter county roads and highways within their respective counties, and do all other necessary acts relating thereto according to law, except within cities and towns which have jurisdiction over the roads within their limits;

(3) License and fix the rates of ferrriage; grant grocery and other licenses authorized by law to be by them granted at fees set by the legislative authorities which shall not exceed the costs of administration and operation of such licensed activities;

(4) Fix the amount of county taxes to be assessed according to the provisions of law, and cause the same to be collected as prescribed by law: PROVIDED, That the legislative authority of a county may permit all moneys, assessments, and taxes belonging to or collected for the use of the state or any county, including any amounts representing estimates for future assessments and taxes, to be deposited by any taxpayer prior to the due date thereof with the treasurer or other legal depository for the benefit of the funds to which they belong to be credited

against any future tax or assessment that may be levied or become due from the taxpayer: PROVIDED FURTHER, That the taxpayer, with the concurrence of the county legislative authority, may designate the particular fund against which such prepayment of future tax or assessment shall be credited:

(5) Allow all accounts legally chargeable against the county not otherwise provided for, and audit the accounts of all officers having the care, management, collection, or disbursement of any money belonging to the county or appropriated to its benefit:

(6) Have the care of the county property and the management of the county funds and business and in the name of the county prosecute and defend all actions for and against the county, and such other powers as are or may be conferred by law:

(7) Make and enforce, by appropriate resolutions or ordinances, all such police and sanitary regulations as are not in conflict with state law, and within the unincorporated area of the county may adopt by reference Washington state statutes and recognized codes and/or compilations printed in book form relating to the construction of buildings, the installation of plumbing, the installation of electric wiring, health, or other subjects, and may adopt such codes and/or compilations or portions thereof, together with amendments thereto, or additions thereto: PROVIDED, That except for Washington state statutes, there shall be filed in the county auditor's office one copy of such codes and compilations ten days prior to their adoption by reference, and additional copies may also be filed in library or city offices within the county as deemed necessary by the county legislative authority: PROVIDED FURTHER, That no such regulation, code, compilation, and/or statute shall be effective unless before its adoption, a public hearing has been held thereon by the county legislative authority of which at least ten days' notice has been given. Any violation of such regulations, ordinances, codes, compilations, and/or statutes or resolutions shall constitute a misdemeanor or a civil violation subject to a monetary penalty: PROVIDED FURTHER, That violation of a regulation, ordinance, code, compilation, and/or statute relating to traffic including parking, standing, stopping, and pedestrian offenses is a traffic infraction, except that violation of a regulation, ordinance, code, compilation, and/or statute equivalent to those provisions of Title 46 RCW set forth in RCW 46.63.020 remains a misdemeanor. The notice must set out a copy of the proposed regulations or summarize the content of each proposed regulation; or if a code is adopted by reference the notice shall set forth the full official title and a statement describing the general purpose of such code. For purposes of this subsection, a summary shall mean a brief description which succinctly describes the main points of the proposed regulation. When the county publishes a summary, the publication shall include a statement that the full text of the proposed regulation will be mailed upon request. An inadvertent mistake or omission in publishing the text or a summary of the content of a proposed regulation shall not render the regulation invalid if it is adopted. The notice shall also include the day, hour, and place of hearing and must be given by publication in the newspaper in which legal notices of the county are printed:

(8) Have power to compound and release in whole or in part any debt due to the county when in their opinion the interest of their county will not be prejudiced thereby, except in cases where they or any of them are personally interested:

(9) Have power to administer oaths or affirmations necessary in the discharge of their duties and commit for contempt any witness refusing to testify before them with the same power as district judges.

NEW SECTION. Sec. 40. The following acts or parts of acts are each repealed:

(1) Section 4, chapter 62, Laws of 1983 1st ex. sess. and RCW 84.09.080;

(2) Section 3, chapter 62, Laws of 1983 1st ex. sess. and RCW 84.36.475; and

(3) Section 5, chapter 62, Laws of 1983 1st ex. sess. and RCW 84.52.015.

NEW SECTION. Sec. 41. Section 13 of this act shall take effect January 1, 1990."

On page 1, line 1 of the title, after "taxation;" strike the remainder of the title and insert "amending RCW 39.88.060, 58.08.040, 79.94.210, 82.03.130, 82.03.190, 84.08.130, 84.09.035, 84.34.030, 84.34.065, 84.36.470, 84.36.850, 84.48.065, 84.52.018, 84.52.080, 84.69.020, 84.69.060, 82.32.050, 82.32.060, 82.32.100, 82.32.160, 82.32.180, 82.36.040, 82.48.090, 82.50.170, 84.24.070, 84.68.030, 84.68.050, 84.68.070, 84.68.140, 84.69.030, 84.69.120, 84.69.140, 84.34.108, 84.52.043, 84.64.050, and 36.32.120; reenacting and amending RCW 84.09.030; adding a new section to chapter 84.04 RCW; adding a new section to chapter 84.56 RCW; repealing RCW 84.09.080, 84.36.475, and 84.52.015; and providing an effective date."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator McCaslin, the Senate concurred in the House amendments to Substitute Senate Bill No. 5866.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5866, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5866, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 48.

Excused: Senator DeJarnatt - 1.

SUBSTITUTE SENATE BILL NO. 5866, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 13, 1989

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 5889 with the following amendments:

On page 1, line 10 after "municipal corporations," strike "quasi-municipal corporations" and insert "public utility districts, water districts"

On page 1, after line 20 insert:

NEW SECTION. Sec. 2. The terms "conservation" and "efficient use of water" shall have the meaning established by the Joint Select Committee on Water Resource Policy."

Renumber the remaining sections consecutively.

On page 4, after line 35 strike all material through "length." on page 6, line 1

On page 1, beginning on line 3 of the title after "57.08 RCW;" strike all material through "section" on line 4, and insert "creating new sections",

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Barr, the Senate concurred in the House amendments to Substitute Senate Bill No. 5889.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5889, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5889, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 48.

Excused: Senator DeJarnatt - 1.

SUBSTITUTE SENATE BILL NO. 5889, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 11, 1989

Mr. President:

The House has passed ENGROSSED SENATE BILL NO. 5215 with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 8, chapter 222, Laws of 1969 ex. sess. as last amended by section 56, chapter 370, Laws of 1985 and RCW 28B.10.802 are each amended to read as follows:

As used in RCW 28B.10.800 through 28B.10.824:

(1) "Institutions of higher education" shall mean (1) any public university, college, community college, or vocational-technical institute operated by the state of Washington or any political subdivision thereof or (2) any other university, college, school, or institute in the state of Washington offering instruction beyond the high school level which is a member institution of an accrediting association recognized by rule of the board for the purposes of this section: PROVIDED, That any institution, branch, extension or facility operating within the state of Washington which is affiliated with an institution operating in another state must be a separately accredited member institution of any such accrediting association: PROVIDED FURTHER, That no institution of higher education shall be eligible to participate in a student financial aid program unless it agrees to and complies with program rules and regulations adopted pursuant to RCW 28B.10.822.

(2) The term "financial aid" shall mean loans and/or grants to needy students enrolled or accepted for enrollment as a ((full-time)) student at institutions of higher education.

(3) The term "needy student" shall mean a post high school student of an institution of higher learning as defined in subsection (1) of this section who demonstrates to the board the financial inability, either through the student's parents, family and/or personally, to meet the total cost of board, room, books, and tuition and incidental fees for any semester or quarter.

(4) The term "disadvantaged student" shall mean a post high school student who by reason of adverse cultural, educational, environmental, experiential, familial or other circumstances is unable to qualify for enrollment as a full time student in an institution of higher learning, who would otherwise qualify as a needy student, and who is attending an institution of higher learning under an established program designed to qualify the student for enrollment as a full time student.

(5) "Commission" or "board" shall mean the higher education coordinating board.

Sec. 2. Section 11, chapter 222, Laws of 1969 ex. sess. and RCW 28B.10.806 are each amended to read as follows:

The commission shall have the following powers and duties:

(1) Conduct a full analysis of student financial aid as a means of:

- (a) Fulfilling educational aspirations of students of the state of Washington, and
- (b) Improving the general, social, cultural, and economic character of the state.

Such an analysis will be a continuous one and will yield current information relevant to needed improvements in the state program of student financial aid. The commission will disseminate the information yielded by their analyses to all appropriate individuals and agents.

(c) This study should include information on the following:

- (i) all programs and sources of available student financial aid,
- (ii) distribution of Washington citizens by socio-economic class,
- (iii) data from federal and state studies useful in identifying:
 - (A) demands of students for specific educational goals in colleges, and
 - (B) the discrepancy between high school students' preferences and the colleges they actually selected.

(2) Design a state program of student financial aid based on the data of the study referred to in this section. The state program will supplement available federal and local aid programs. The state program of student financial aid will not exceed the difference between the budgetary costs of attending an institution of higher learning and the student's total resources, including family support, personal savings, employment, and federal and local aid programs.

(3) Determine and establish criteria for financial need of the individual applicant based upon the consideration of that particular applicant. In making this determination the commission shall consider the following:

- (a) Assets and income of the student.
- (b) Assets and income of the parents, or the individuals legally responsible for the care and maintenance of the student.
- (c) The cost of attending the institution the student is attending or planning to attend.
- (d) Any other criteria deemed relevant to the commission.

(4) Set the amount of financial aid to be awarded to any individual needy or disadvantaged student in any school year.

(5) Award financial aid to ((full-time)) needy or disadvantaged students for a school year based upon only that amount necessary to fill the financial gap between the budgetary cost of attending an institution of higher education and the family and student contribution.

(6) Review the need and eligibility of all applications on an annual basis and adjust financial aid to reflect changes in the financial need of the recipients and the cost of attending the institution of higher education.

Sec. 3. Section 12, chapter 222, Laws of 1969 ex. sess. and RCW 28B.10.808 are each amended to read as follows:

In awarding grants, the commission shall proceed substantially as follows: PROVIDED, That nothing contained herein shall be construed to prevent the commission, in the exercise of its sound discretion, from following another procedure when the best interest of the program so dictates:

(1) The commission shall annually select the financial aid award winners from among Washington residents applying for student financial aid who have been ranked according to financial need as determined by the amount of the family contribution and other considerations brought to the commission's attention.

(2) The financial need of the highest ranked students shall be met by grants depending upon the evaluation of financial need until the total allocation has been disbursed. Funds from grants which are declined, forfeited or otherwise unused shall be reawarded until dispersed.

(3) A grant may be renewed until the course of study is completed, but not for more than an additional ~~((three))~~ four academic years beyond the first year of the award. These shall not be required to be consecutive years. Qualifications for renewal will include maintaining satisfactory academic standing toward completion of the course of study, and continued eligibility as determined by the commission. Should the recipient terminate his enrollment for any reason during the academic year, the unused portion of the grant shall be returned to the state educational grant fund by the institution according to the institution's own policy for issuing refunds.

(4) In computing financial need the commission shall determine a maximum student expense budget allowance, not to exceed an amount equal to the total maximum student expense budget at the public institutions plus the current average state appropriation per student for operating expense in the public institutions.

Sec. 4. Section 13, chapter 222, Laws of 1969 ex. sess. and RCW 28B.10.810 are each amended to read as follows:

For a student to be eligible for financial aid ~~((he))~~ the student must:

(1) Be a "needy student" or "disadvantaged student" as determined by the commission in accordance with RCW 28B.10.802 (3) and (4).

(2) Have been domiciled within the state of Washington for at least one year.

(3) Be enrolled or accepted for enrollment ~~((as a full-time student or as a student under an established program designed to qualify him for enrollment as a full-time student))~~ on at least a half-time basis at an institution of higher education in Washington.

(4) Have complied with all the rules and regulations adopted by the commission for the administration of RCW 28B.10.800 through 28B.10.824.

Sec. 5. Section 6, chapter 322, Laws of 1977 ex. sess. and RCW 28B.15.065 are each amended to read as follows:

It is the intent of the legislature that needy students not be deprived of access to higher education due to increases in educational costs or consequent increases in tuition and fees. It is the sense of the legislature that, beginning with the 1989-91 budget, state appropriations for student financial aid be adjusted in an amount which together with funds estimated to be available in the form of basic educational opportunity grants as authorized under Section 411 of the federal Higher Education Act of 1965 as now or hereafter amended will equal ~~((twenty-four))~~ thirty-five percent of any change in revenue estimated to occur as a result of revisions in tuition and fee levels under the provisions of this 1977 amendatory act and that appropriations resulting from the percentage increase from twenty-four to thirty-five percent after the effective date of this section shall be used for the state need grant program.

NEW SECTION. Sec. 6. Section 5 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 1 of the title, after "program," strike the remainder of the title and insert "amending RCW 28B.10.802, 28B.10.806, 28B.10.808, 28B.10.810, and 28B.15.065; and declaring an emergency."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

Senator Saling moved that the Senate do not concur in the House amendments to Engrossed Senate Bill No. 5215 and asks the House to recede therefrom.

MOTION

Senator Rinehart moved that the Senate do concur in the House amendments to Engrossed Senate Bill No. 5215.

Debate ensued.

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

The President declared the question before the Senate to be the roll call on the positive motion by Senator Rinehart that the Senate do concur in the House amendments to Engrossed Senate Bill No. 5215.

ROLL CALL

The Secretary called the roll and the motion to concur in the House amendments failed by the following vote: Yeas, 22; nays, 26; excused, 1.

Voting yea: Senators Bauer, Bender, Conner, Fleming, Gaspard, Hansen, Kreidler, Madsen, McMullen, Moore, Murray, Niemi, Owen, Patterson, Rinehart, Smitherman, Sutherland, Talmadge, Vogt, Warnke, Williams, Wojahn - 22.

Voting nay: Senators Amondson, Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Hayner, Johnson, Lee, Matson, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Pullen, Rasmussen, Saling, Sellar, Smith, Stratton, Thorsness, von Reichbauer, West - 26.

Excused: Senator DeJarnatt - 1.

The President declared the question before the Senate to be the motion by Senator Saling that the Senate do not concur in the House amendments to Engrossed Senate Bill No. 5215 and asks the House to recede therefrom.

The motion by Senator Saling carried and the Senate did not concur in the House amendments to Engrossed Senate Bill No. 5215 and asks the House to recede therefrom.

MESSAGE FROM THE HOUSE

April 13, 1989

Mr. President:

The House has passed SENATE BILL NO. 5950 with the following amendments: Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. (1) The legislature finds that possible confusion may exist in interpreting the statute of limitations provisions for child sexual abuse civil actions in RCW 4.16.190 and 4.16.340 regarding the accrual of a cause of action for a person under age eighteen. The legislature finds that amending RCW 4.16.340 will clarify that the time limit for commencement of an action under RCW 4.16.340 is tolled until the child reaches age eighteen. The 1989 amendment to RCW 4.16.340 is intended as a clarification of existing law and is not intended to be a change in the law.

(2) The legislature further finds that the enactment of chapter 145, Laws of 1988, which deleted specific reference to RCW 9A.44.070, 9A.44.080, and 9A.44.100(1)(b) from RCW 9A.04.080 and also deleted those specific referenced provisions from the laws of Washington, did not intend to change the statute of limitations governing those offenses from seven to three years.

Sec. 2. Section 1, chapter 144, Laws of 1988 and RCW 4.16.340 are each amended to read as follows:

(1) All claims or causes of action based on intentional conduct brought by any person for recovery of damages for injury suffered as a result of childhood sexual abuse shall be commenced within three years of the act alleged to have caused the injury or condition, or three years of the time the victim discovered or reasonably should have discovered that the injury or condition was caused by said act, whichever period expires later; PROVIDED, That the time limit for commencement of an action under this section is tolled for a child until the child reaches the age of eighteen years.

(2) The victim need not establish which act in a series of continuing sexual abuse or exploitation incidents caused the injury complained of, but may compute the date of discovery from the date of discovery of the last act by the same perpetrator which is part of a common scheme or plan of sexual abuse or exploitation.

(3) The knowledge of a custodial parent or guardian shall not be imputed to a person under the age of eighteen years.

(4) For purposes of this section, "child" means a person under the age of eighteen years.

(5) As used in this section, "childhood sexual abuse" means any act committed by the defendant against a complainant who was less than eighteen years of age at the time of the act and which act would have been a violation of chapter 9A.44 RCW or RCW 9.68A.040 or prior laws of similar effect at the time the act was committed.

Sec. 3. Section 14, chapter 145, Laws of 1988 as amended by section 3, chapter --, Laws of 1989, and RCW 9A.04.080 are each amended to read as follows:

(1) Prosecutions for criminal offenses shall not be commenced after the periods prescribed in this section.

(a) The following offenses may be prosecuted at any time after their commission:

(i) Murder;

(ii) Arson if a death results.

(b) The following offenses shall not be prosecuted more than ten years after their commission:

(i) Any felony committed by a public officer if the commission is in connection with the duties of his or her office or constitutes a breach of his or her public duty or a violation of the oath of office;

(ii) Arson if no death results.

(c) Violations of the following ((offenses)) statutes shall not be prosecuted more than three years after the victim's eighteenth birthday or more than seven years after their commission, whichever is later: ((Rape of a child in the first or second degree or child molestation in the first or second degree, or rape in the first degree if the victim was under fourteen years of age at the commission of the offense, rape in the second degree if the victim was under fourteen years of age at the commission of the offense, or incest.))

(i) RCW 9A.44.073, 9A.44.076, 9A.44.083, 9A.44.086, 9A.44.070, 9A.44.080, or 9A.44.100(1)(b);
or

(ii) If the victim was under the age of fourteen years of age at the time of the commission of the offense, RCW 9A.44.040, 9A.44.050, or 9A.64.020.

(d) The following offenses shall not be prosecuted more than six years after their commission: Violations of RCW 9A.82.060 or 9A.82.080.

(e) The following offenses shall not be prosecuted more than five years after their commission: Any class C felony under chapter 74.09 RCW.

(f) Bigamy shall not be prosecuted more than three years after the time specified in RCW 9A.64.010.

(g) No other felony may be prosecuted more than three years after its commission.

(h) No gross misdemeanor may be prosecuted more than two years after its commission.

(i) No misdemeanor may be prosecuted more than one year after its commission.

(2) The periods of limitation prescribed in subsection (1) of this section do not run during any time when the person charged is not usually and publicly resident within this state.

(3) If, before the end of a period of limitation prescribed in subsection (1) of this section, an indictment has been found or a complaint or an information has been filed, and the indictment, complaint, or information is set aside, then the period of limitation is extended by a period equal to the length of time from the finding or filing to the setting aside.

NEW SECTION. Sec. 4. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 1 of the title, after "abuse," strike the remainder of the title and insert "amending RCW 4.16.340 and 9A.04.080; creating a new section; and declaring an emergency."

and the same are herewith transmitted.

DENNIS KARRAS, Deputy Chief Clerk

MOTION

Senator Pullen moved that the Senate do concur in the House amendments to Senate Bill No. 5950.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Pullen that the Senate do concur in the House amendments to Senate Bill No. 5950.

The motion by Senator Pullen carried and the Senate concurred in the House amendments to Senate Bill No. 5950.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5950, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5950, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; absent, 3; excused, 1.

Voting yeas: Senators Amundson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, Warnke, West, Williams, Wojahn - 45.

Absent: Senators Hansen, Matson, Vognild - 3.

Excused: Senator DeJarnatt - 1.

SENATE BILL NO. 5950, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 12, 1989

Mr. President:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5984 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. (1) The legislature finds that:

(a) Under present physical conditions in the Yakima river basin there is an insufficient supply of water to satisfy the needs of the basin;

(b) Pursuant to P.L. 96-162, which was urged for enactment by this state, the United States is now conducting a study of ways to provide needed waters through improvements of the federal water project presently existing in the Yakima river basin;

(c) The interests of the state will be served by developing programs, in cooperation with the United States and the various water users in the basin, that increase the overall ability to manage basin waters in order to better satisfy both present and future needs for water in the Yakima river basin.

(2) It is the purpose of this chapter, consistent with these findings, to improve the ability of the state to work with the United States and various water users of the Yakima river basin in a program designed to satisfy both existing rights, and other presently unmet as well as future needs of the basin.

(3) The provisions of this chapter apply only to waters of the Yakima river basin.

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

(1) "Department" means the department of ecology.

(2) "Net water savings" means the amount of water that through hydrological analysis is determined to be conserved and usable for other purposes without impairing existing water rights, reducing the ability to deliver water, or reducing the supply of water that otherwise would have been available to other water users.

(3) "Trust water right" means that portion of an existing water right, constituting net water savings, that is no longer required to be diverted for beneficial use due to the installation of a water conservation project that improves an existing system. The term "trust water right" also applies to any other water right acquired by the department under this chapter for management in the Yakima river basin trust water rights program.

(4) "Water conservation project" means any project funded to further the purposes of this chapter and that achieves physical or operational improvements of efficiency in existing systems for diversion, conveyance, or application of water under existing water rights.

NEW SECTION. Sec. 3. (1) The department may acquire water rights, including but not limited to storage rights, by purchase, gift, or other appropriate means other than by condemnation, from any person or entity or combination of persons or entities. Once acquired, such rights are trust water rights.

(2) The department may make such other arrangements, including entry into contracts with other persons or entities as appropriate to ensure that trust water rights acquired in accordance with this chapter can be exercised to the fullest possible extent.

(3) The trust water rights may be acquired on a temporary or permanent basis.

NEW SECTION. Sec. 4. (1) For the purposes of this chapter, the department is authorized to enter into contracts with water users for the purpose of providing moneys to users to assist in the financing of water conservation projects. In exchange for the financial assistance provided for the purposes of this chapter, the water users shall convey the trust water rights, created as a result of the assistance, to the department of ecology.

(2) No contract shall be entered into by the department with a water user under this chapter unless it appears to the department that, upon the completion of a water conservation project financed with moneys as provided in this section, a valid water right exists for conveyance to the department.

(3) The department shall cooperate fully with the United States in the implementation of this chapter. Trust water rights may be acquired through expenditure of funds provided by the United States and shall be treated in the same manner as trust water rights resulting from the expenditure of state funds.

(4) When water is proposed to be acquired by or conveyed to the department as a trust water right by an irrigation district, evidence of the district's authority to represent the water right holders must be submitted to, and for the satisfaction of, the department.

(5) The department shall not acquire an individual's water right under this chapter that is appurtenant to land lying within an irrigation district without the approval of the board of directors of the irrigation district.

NEW SECTION. Sec. 5. (1) All trust water rights acquired by the department shall be placed in the Yakima river basin trust water rights program to be managed by the department. The department shall issue a water right certificate in the name of the state of Washington for each trust water right it acquires.

(2) Trust water rights shall retain the same priority date as the water right from which they originated. Trust water rights may be modified as to purpose or place of use or point of diversion, including modification from a diversionary use to a nondiversionary instream use.

(3) Trust water rights may be held by the department for instream flows and/or irrigation use.

(4) A schedule of the amount of net water saved as a result of water conservation projects carried out in accordance with this chapter, shall be developed annually to reflect the predicted hydrologic and water supply conditions, as well as anticipated water demands, for the upcoming irrigation season. This schedule shall serve as the basis for the distribution and management of trust water rights each year.

(5) No exercise of a trust water right may be authorized unless the department first determines that no existing water rights, junior or senior in priority, will be impaired as to their exercise or injured in any manner whatever by such authorization. Before any trust water right is exercised, the department shall publish notice thereof in a newspaper of general circulation published in the county or counties in which the storage, diversion, and use are to be made, and in such other newspapers as the department determines are necessary, once a week for two consecutive weeks. At the same time the department may also send notice thereof containing pertinent information to the director of fisheries and the director of wildlife.

(6) RCW 90.03.380 and 90.14.140 through 90.14.910 shall have no applicability to trust water rights held by the department under this chapter or exercised under this section.

NEW SECTION, Sec. 6. The department may adopt rules as appropriate to ensure full implementation of this chapter.

NEW SECTION, Sec. 7. The policies and purposes of this chapter shall not be construed as replacing or amending the policies or the purposes for which funds available under chapter 43.83B or 43.99E RCW may be used within or without the Yakima river basin.

NEW SECTION, Sec. 8. It is not the intent of this chapter to facilitate the transfer of water rights from one irrigation district to another.

NEW SECTION, Sec. 9. Nothing in this chapter shall authorize the impairment or operate to impair any existing water rights.

NEW SECTION, Sec. 10. Sections 1 through 9 of this act shall constitute a new chapter in Title 90 RCW."

On page 1, line 1 of the title, after "basin;" strike the remainder of the title and insert "and adding a new chapter to Title 90 RCW."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Barr, the Senate concurred in the House amendments to Engrossed Substitute Senate Bill No. 5984.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5984, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5984, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Melcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 48.

Excused: Senator DeJarnatt - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5984, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 13, 1989

Mr. President:

The House has passed SENATE BILL NO. 5991 with the following amendment:

On page 2, line 13 after "facility" insert "if the review board has determine the juvenile offender represents a continuing and serious threat to the safety of others in the institution".

and the bill and the amendment are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Pullen, the Senate concurred in the House amendment to Senate Bill No. 5991.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5991, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5991, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; absent, 1; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 47.

Absent: Senator Gaspard - 1.

Excused: Senator DeJarnatt - 1.

SENATE BILL NO. 5991, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 12, 1989

Mr. President:

The House has passed SENATE BILL NO. 6005 with the following amendments:

On page 1, line 29 after "violence" insert "or the victim's children or members of the victim's household"

On page 2, line 24 after "violence" insert "or the victim's children or members of the victim's household"

On page 3, after line 2 insert:

"Sec. 3. Section 84, page 115, 1854 as amended by section 1040 Code 1881, and RCW 10.22.010 are each amended to read as follows:

When a defendant is prosecuted in a criminal action for a misdemeanor, for which the person injured by the act constituting the offense has a remedy by a civil action, the offense may be compromised as provided in RCW 10.22.020, except when it was committed:

(1) By or upon an officer while in the execution of the duties of his office.

(2) Riotously; ((or:))

(3) With an intent to commit a felony; or,

(4) by one family or household member against another as defined in RCW 10.99.020(1) and was a crime of domestic violence as defined in RCW 10.99.020(2)."

On page 1, line 2 of the title after "RCW" insert "10.22.010,"

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

Senator Pullen moved that the Senate do concur in the House amendments to Senate Bill No. 6005.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Pullen that the Senate do concur in the House amendments to Senate Bill No. 6005.

The motion by Senator Pullen carried and the Senate concurred in the House amendments to Senate Bill No. 6005.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6005, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6005, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; absent, 1; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen,

Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 47.

Absent: Senator Gaspard - 1.

Excused: Senator DeJarnatt - 1.

SENATE BILL NO. 6005, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Bender, Senator Gaspard was excused.

MESSAGE FROM THE HOUSE

April 11, 1989

Mr. President:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 6033 with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 1, chapter 161, Laws of 1984 as amended by section 1, chapter 293, Laws of 1985 and RCW 43.200.015 are each amended to read as follows:

As used in this chapter, the following terms have the meanings indicated unless the context clearly requires otherwise.

(1) ~~("Board"~~ means the nuclear waste board established in RCW 43.200.040.

(2) ~~"Federal department of energy"~~ means the federal department of energy or any successor agency assigned responsibility for the long-term disposal of high-level radioactive waste.

(3) ~~"Nuclear regulatory commission"~~ means the United States nuclear regulatory commission or any successor agency responsible for approving construction of a repository for the long-term disposal of high-level radioactive waste and spent nuclear fuel.

(4) ~~"Hanford candidate site"~~ means the site identified by the United States department of energy as a potentially acceptable site for the disposal of spent nuclear fuel and high-level radioactive waste pursuant to the nuclear waste policy act of 1982.

(5)) ~~"High-level radioactive waste"~~ means "high-level radioactive waste" as the term is defined in 42 U.S.C. Sec. 10101 (P.L. 97-425).

((6)) (2) ~~"Low-level radioactive waste"~~ means waste material that contains radioactive nuclides emitting primarily beta or gamma radiation, or both, in concentrations or quantities that exceed applicable federal or state standards for unrestricted release. Low-level waste does not include waste containing more than one hundred nanocuries of transuranic contaminants per gram of material, nor spent ((reactor)) nuclear fuel, nor material classified as either high-level radioactive waste or waste that is unsuited for disposal by near-surface burial under any applicable federal regulations.

((7)) (3) ~~"Radioactive waste"~~ means both high-level and low-level radioactive waste.

((8)) (4) ~~"Spent nuclear fuel"~~ means spent nuclear fuel as the term is defined in 42 U.S.C. Sec. 10101.

((9)) (5) ~~"Department"~~ means the department of ecology.

Sec. 2. Section 2, chapter 19, Laws of 1983 1st ex. sess. as amended by section 2, chapter 161, Laws of 1984 and RCW 43.200.020 are each amended to read as follows:

~~((The nuclear waste board shall carry out the authority and responsibility set forth in this chapter.))~~ The department of ecology is designated as the executive branch agency for participation in the federal nuclear waste policy act of 1982 and the federal low-level radioactive waste policy act of 1980, however the legislature retains an autonomous role with respect to participation in all aspects of the federal nuclear waste policy act of 1982. The ~~((board and the))~~ department may receive federal financial assistance for carrying out radioactive waste management activities, including assistance for expenses, salaries, travel, and monitoring and evaluating the program of repository exploration and siting undertaken by the federal government.

~~((The board shall submit a written report at least semiannually to the governor and to each member of the legislature on the radioactive waste program, its progress in carrying out its responsibilities, and any recommendations for legislative or administrative action that will improve the state's management and control activity in maximizing public health and safety.))~~

Sec. 3. Section 3, chapter 19, Laws of 1983 1st ex. sess. as amended by section 4, chapter 161, Laws of 1984 and RCW 43.200.030 are each amended to read as follows:

All departments, agencies, and officers of this state and its subdivisions shall cooperate with the ~~((board))~~ department of ecology in the furtherance of any of its activities pursuant to this chapter.

Sec. 4. Section 5, chapter 19, Laws of 1983 1st ex. sess. as amended by section 6, chapter 161, Laws of 1984 and RCW 43.200.050 are each amended to read as follows:

(1) An advisory council is hereby established of ~~((not less than fifteen))~~ nineteen members, eleven of whom shall be appointed by the governor ~~((to provide advice))~~ and eight of whom shall be legislators. The advisory council shall advise, counsel, and make recommendations to the ~~((board))~~ department on all aspects of the radioactive waste management program. The council shall particularly advise the ~~((board))~~ department on maximizing opportunities for public involvement in the program, soliciting public input, and assisting in the need for wide understanding of the issues involved in nuclear waste management. The governor shall appoint the chairman of the advisory council ~~((who shall also serve as chairman of the nuclear waste board))~~.

(2) The nonlegislative members of the council appointed by the governor shall be selected from all areas of the state and shall include a broad range of citizens ~~((representatives of local governments, and representatives of such other interests as the governor determines will best further the purposes of this chapter))~~. A representative of an affected Indian tribe ~~((may))~~ shall be ~~((an ex-officio nonvoting))~~ appointed by the governor as a member of the council. Terms of the nonlegislative council members shall not exceed two years and they shall continue to serve until their successors are appointed. Vacancies in a nonlegislative position shall be filled in the same manner as original appointments. ~~((Members may be reappointed.))~~ The governor may reappoint a nonlegislative member and may appoint a replacement for ~~((any))~~ a nonlegislative council member who is temporarily unable to fulfill the responsibilities required of a council member. The replacement shall serve at the pleasure of the governor. Nonlegislative members shall receive reimbursement for travel expenses incurred in the performance of their duties in accordance with RCW 43.03.050 and 43.03.060.

(3) Four members from the house of representatives shall be appointed to the council by the speaker of the house of representatives and four members from the senate shall be appointed by the president of the senate. No more than two members of each house may be of the same political party. The legislative members shall serve at the pleasure of the appointing officer. The legislative members shall receive reimbursement for travel expenses in accordance with RCW 44.04.120.

(4) The council shall hold its meetings at various locations within the state.
Sec. 5, Section 7, chapter 19, Laws of 1983 1st ex. sess. as last amended by section 5, chapter 2, Laws of 1986 and RCW 43.200.070 are each amended to read as follows:

The ~~((board and/or the))~~ department of ecology shall adopt such rules as are necessary to carry out responsibilities under this chapter. The department of ecology is authorized to adopt such rules as are necessary to carry out its responsibilities under chapter 43.145 RCW.

Sec. 6, Section 14, chapter 161, Laws of 1984 as amended by section 4, chapter 293, Laws of 1985 and RCW 43.200.150 are each amended to read as follows:

The department shall provide administrative and technical staff support as requested by the ~~((board))~~ advisory council established by RCW 43.200.050. ~~((As directed by the board, the department shall be responsible for obtaining and coordinating technical expertise necessary for board participation in nuclear waste programs and shall be responsible for ongoing technical coordination and administration of program activities.))~~ Other state agencies shall assist the ~~((board))~~ council in fulfilling its duties to the fullest extent possible. The ~~((board and/or the))~~ department may contract with other state agencies to obtain expertise or input uniquely available from that agency. ~~((The board may contract with private parties to obtain expertise or input necessary to perform any study required in this chapter, for which it shall seek funding from the federal government.))~~

NEW SECTION. Sec. 7. The following acts or parts of acts are each repealed:

- (1) Section 3, chapter 161, Laws of 1984 and RCW 43.200.025;
- (2) Section 4, chapter 19, Laws of 1983 1st ex. sess., section 5, chapter 161, Laws of 1984, section 91, chapter 287, Laws of 1984 and RCW 43.200.040;
- (3) Section 5, chapter 19, Laws of 1983 1st ex. sess. as last amended by section 4 of this act and RCW 43.200.050;
- (4) Section 6, chapter 19, Laws of 1983 1st ex. sess., section 7, chapter 161, Laws of 1984 and RCW 43.200.060;
- (5) Section 14, chapter 19, Laws of 1983 1st ex. sess. and RCW 43.200.090;
- (6) Section 9, chapter 161, Laws of 1984 and RCW 43.200.100;
- (7) Section 10, chapter 161, Laws of 1984 and RCW 43.200.110;
- (8) Section 11, chapter 161, Laws of 1984 and RCW 43.200.120;
- (9) Section 12, chapter 161, Laws of 1984 and RCW 43.200.130;
- (10) Section 13, chapter 161, Laws of 1984 and RCW 43.200.140;
- (11) Section 2, chapter 293, Laws of 1985, section 85, chapter 505, Laws of 1987 and RCW 43.200.142;
- (12) Section 3, chapter 293, Laws of 1985 and RCW 43.200.144;
- (13) Section 14, chapter 161, Laws of 1984 as last amended by section 6 of this act and RCW 43.200.150;
- (14) Section 5, chapter 293, Laws of 1985 and RCW 43.200.160; and
- (15) Section 6, chapter 293, Laws of 1985 and RCW 43.200.904.

NEW SECTION. Sec. 8. If the Hanford federal agreement and consent order announced February 27, 1989, is executed within ninety days after the end of the legislative session in which this bill is passed by the legislature, section 7 (1), (2), (4) through (12), (14), and (15) of this act shall take effect ninety days after the end of the legislative session in which this bill is passed by the legislature. If the Hanford federal agreement and consent order is not executed during that ninety-day period, section 7 (1), (2), (4) through (12), (14), and (15) of this act shall take effect on the date the agreement and consent order is executed, or June 30, 1990, whichever is earlier. Section 7 (3) and (13) of this act shall take effect June 30, 1994."

On page 1, line 1 of the title, after "affairs;" strike the remainder of the title and insert "amending RCW 43.200.015, 43.200.020, 43.200.030, 43.200.050, 43.200.070, and 43.200.150; repealing RCW 43.200.025, 43.200.040, 43.200.050, 43.200.060, 43.200.090, 43.200.100, 43.200.110, 43.200.120, 43.200.130, 43.200.140, 43.200.142, 43.200.144, 43.200.150, 43.200.160, and 43.200.904; and providing contingent effective dates."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Benitz, the Senate concurred in the House amendments to Engrossed Substitute Senate Bill No. 6033.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6033, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6033, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognlind, von Reichbauer, Warnke, West, Williams, Wojahn - 47.

Excused: Senators DeJarnatt, Gaspard - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6033, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 10, 1989

Mr. President:

The House has passed ENGROSSED SENATE BILL NO. 6076 with the following amendments:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 46.20 RCW to read as follows:

(1) Beginning July 1, 1989, the director of licensing shall develop a motorcycle public awareness program, provided funds are appropriated for this purpose. The director may contract with public and private entities for the operation of this program.

(2) There is created a motorcycle public awareness advisory board to assist the director of licensing in the development of a public awareness program. The board shall monitor this program following implementation and report to the director of licensing as necessary with recommendations including, but not limited to, administration, application, and substance of the public awareness program.

The board shall consist of nine members appointed by the director of licensing, one of whom shall be appointed chairperson. Three members of the board shall be members of non-profit motorcycle organizations which actively support and promote motorcycle safety education. One member of the board shall represent motorcycle dealerships or motorcycle related shops. One member shall be a currently employed Washington state patrol motorcycle officer with at least five years experience and at least one year cumulative experience as a motorcycle officer. One member shall be a member of the public. One member shall be a current motorcycle safety instructor with no less than two years teaching experience. One member shall be the director of licensing or the director's designee. One member shall be a member of the legislative transportation committee or the committee's designee. The term of appointment shall be two years. The board shall meet at the call of the director, but not less than three times annually and not less than six times during its term of appointment, and shall receive no compensation for services but shall be reimbursed for travel expenses while engaged in business of the board in accordance with RCW 43.03.050 and 43.03.060.

(3) The board shall submit a proposed motorcycle public awareness program to the director and to the legislative transportation committee for review and approval on or before January 1, 1990.

(4) The purpose of the program is to increase public awareness of motorcycle safety.

Sec. 2. Section 50, chapter 145, Laws of 1967 ex. sess. as last amended by section 5, chapter 227, Laws of 1988 and RCW 46.20.505 are each amended to read as follows:

Every person applying for a special endorsement or a new category of endorsement of a driver's license authorizing such person to drive a motorcycle or a motor-driven cycle shall pay ~~((a motorcycle))~~ an examination fee of two dollars which is not refundable. ~~((The))~~ In addition, the endorsement fee for the initial or new category ((examination)) motorcycle endorsement shall be ((seven)) six dollars and the subsequent renewal ((examination)) endorsement fee shall be ((five)) seven dollars and fifty cents. ~~((Five dollars of))~~ The initial or new category ~~((examination fee and five dollars of any subsequent fee for a renewal))~~ and renewal endorsement fees shall be deposited in the motorcycle safety education account of the highway safety fund.

NEW SECTION. Sec. 3. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 1 of the title, after "campaign," strike the remainder of the title and insert "amending RCW 46.20.505; adding a new section to chapter 46.20 RCW; and declaring an emergency."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Thorsness, the Senate concurred in the House amendments to Engrossed Senate Bill No. 6076.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6076, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6076, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; nays, 1; excused, 2.

Voting yea: Senators Amundson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Salling, Sellar, Smith, Smitherman, Stratton, Talmadge, Thorsness, Vogtild, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Voting nay: Senator Sutherland - 1.

Excused: Senators DeJarnatt, Gaspard - 2.

ENGROSSED SENATE BILL NO. 6076, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 11, 1989

Mr. President:

The House has adopted SENATE CONCURRENT RESOLUTION NO. 8412 with the following amendment:

On page 1, at the beginning of line 1, beginning with "WHEREAS" strike all material through "Committees." on page 2, line 33, and insert the following:

"WHEREAS, The legislature finds and declares that the year of 1992, being the Quincentennial of the first voyage of Christopher Columbus to the Americas, is a time for all people of the State of Washington to reflect upon and celebrate the significance of the events which have occurred in the Americas since the Genovese navigator, and sponsor for the Spanish Crown, first discovered the lands and befriended the peoples of the Western Hemisphere; and

WHEREAS, The voyages of Christopher Columbus and his crew produced an historic encounter between the people and civilizations of two hemispheres, enabling new nations to flourish from the European countries blending with the native people of all the Americas, and later arrivals from Africa, Asia, and Oceania, all inlaid in the societal and cultural mosaic of the greater Western Hemisphere; and

WHEREAS, On the eve of United States independence, Juan Perez in command of the frigate Santiago from San Blas, Mexico, arrived in Washington waters in 1774 and gave Spain exclusive claim to the Pacific Northwest until 1819; and

WHEREAS, The Spanish navy, under the direction of skillful commanders such as Esteban Martinez, Salvador Fidalgo, Manuel Quimpar, Gonzalo Lopez de Haro, Bruno de Hezeta, and Juan Francisco de la Bodega y Quadra explored the Pacific Northwest region, established settlements, conducted scientific studies with the local flora and fauna, collected ethnographic data and transcribed the native languages, mapped and named most of the striking features of much of the Pacific Northwest coastline, and introduced unknown fruits, vegetables, livestock, iron, and other western technology; and

WHEREAS, The Spanish-Mexican outpost at Nunez Gaona, (Neah Bay, Washington), founded in 1792 to establish a southern limit to Russian and English encroachment on Spanish territory in the north Pacific, was the first European settlement in the state of Washington; and

WHEREAS, The legislature finds that adequate preparations must be effected to assure that the events leading up to the Quincentennial, as well as the events and celebrations of the year 1992, are as rich and significant as befit this historic moment, it is imperative that the Legislature assume a leading role in developing the means and resources necessary to plan and implement those events in partnership with the state historical society, local community organizations, Hispanic cultural and research organizations, and the business, cultural, and educational communities of the State of Washington;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the state of Washington, the House of Representatives concurring, that a select committee on the 1992 Washington Quincentennial of the first voyage of Christopher Columbus, also to be known as the 1992 Washington Spanish Quincentennial Committee, is hereby created and is authorized and directed to:

(1) Encourage the participation of the people of the state of Washington in activities fostering cultural enrichment, social purpose, and economic opportunity within the context of the Quincentennial celebration of the voyages of Christopher Columbus;

(2) Seek the assistance of the people of Washington in achieving these goals by appointing any advisory or other committees which may become necessary to carry out the work of the committee;

(3) Plan and implement events, exchanges, expositions, exhibitions, productions, or other public events or occurrences which further the purposes or goals of the committee and of this resolution; and

BE IT FURTHER RESOLVED, That the committee shall be comprised of four members of the Senate, two from either caucus, to be appointed by the President of the Senate, and four members of the House of Representatives, two from each caucus, to be appointed by the Speaker of the House, with the permanent chair of the 1992 Washington Spanish Quincentennial Committee to be selected by a vote of the membership of the committee; and

BE IT FURTHER RESOLVED, That the committee shall seek the leadership of the Honorable Booth Gardner, Governor of the State of Washington, to serve as its Honorary Chair, and the Honorable Joel Pritchard, Lieutenant Governor of the State of Washington, and the Honorable Ralph Munro, Secretary of State, to serve as its Honorary Vice-Chairs; and

BE IT FURTHER RESOLVED, That the 1992 Washington Spanish Quincentennial Committee shall continue in existence until December 31, 1992, at which time the committee shall cease to exist; and

BE IT FURTHER RESOLVED, That the staff for the 1992 Washington Spanish Quincentennial Committee shall be provided by the Senate Economic Development and Labor and House of Representatives Commerce and Labor Committees."

and the resolution and the amendment are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Lee, the Senate concurred in the House amendment to Senate Concurrent Resolution No. 8412.

The President declared the question before the Senate to be the roll call on the final passage of Senate Concurrent Resolution No. 8412, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Concurrent Resolution No. 8412, as amended by the House, and the resolution passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yeas: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 48.

Excused: Senator DeJarnatt - 1.

SENATE CONCURRENT RESOLUTION NO. 8412, as amended by the House, having received the constitutional majority was declared passed.

SIGNED BY THE PRESIDENT

The President signed:
 SENATE BILL NO. 5250,
 SENATE BILL NO. 5826,
 SENATE BILL NO. 5853,
 SUBSTITUTE SENATE BILL NO. 5857.

MOTION

On motion of Senator Newhouse, the Senate reverted to the first order of business.

REPORTS OF STANDING COMMITTEES
 GUBERNATORIAL APPOINTMENTS

April 17, 1989

GA 9006 BARBARA BRYANT, appointed July 7, 1987, for a term ending August 2, 1992, as a member of the Lottery Commission.
 Reported by Committee on Economic Development and Labor

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Lee, Chairman; McMullen, Matson, Murray, Saling, Smitherman, Warnke.

HOLD.

April 17, 1989

GA 9035 LAWRENCE M. KILEEN, appointed February 26, 1987, for a term ending October 25, 1991, as a member of the Small Business Export Financial Assistance Center Board of Directors.
 Reported by Committee on Economic Development and Labor

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Lee, Chairman; McMullen, Matson, Murray, Saling, Smitherman, Warnke.

HOLD.

April 17, 1989

GA 9041 ISABELLE S. LAMB, appointed June 24, 1988, for a term ending October 25, 1993, as a member of the Small Business Export Financial Assistance Center Board of Directors.
 Reported by Committee on Economic Development and Labor

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Lee, Chairman; McMullen, Matson, Murray, Saling, Smitherman, Warnke.

HOLD.

April 17, 1989

GA 9123 BRUCE F. BRENNAN, reappointed March 7, 1989, for a term ending February 21, 1992, as a member of the Apprenticeship Council.
 Reported by Committee on Economic Development and Labor

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Lee, Chairman; McMullen, Matson, Murray, Saling, Smitherman, Warnke.

HOLD.

MOTION

On motion of Senator Newhouse, the rules were suspended and Gubernatorial Appointments No. 9006, 9035, 9041 and 9123 were advanced to second reading and placed on the second reading calendar.

MOTION

At 4:49 p.m., on motion of Senator Newhouse, the Senate adjourned until 10:00 a.m., Tuesday, April 18, 1989.

JOEL PRITCHARD, President of the Senate.

GORDON A. GOLOB, Secretary of the Senate.

ONE HUNDREDTH DAY

MORNING SESSION

Senate Chamber, Olympia, Tuesday, April 18, 1989

The Senate was called to order at 10:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Bender, DeJarnatt, Hansen, Hayner, Madsen, McDonald and Owen. On motion of Senator Bauer, Senators Bender and DeJarnatt were excused.

The Sergeant at Arms Color Guard, consisting of Pages Otonya Evans and Jennifer Frost, presented the Colors. Captain Eli Seidman, chaplain, United States Army, of Fort Lewis, offered the prayer.

MOTION

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

MESSAGES FROM THE HOUSE

April 17, 1989

Mr. President:

The House has concurred in the Senate amendments to HOUSE CONCURRENT RESOLUTION NO. 4408 and adopted said resolution as amended by the Senate.

ALAN THOMPSON, Chief Clerk

April 17, 1989

Mr. President:

The House concurred in the Senate amendment(s) to the following listed bills and passed said bills as amended by the Senate:

HOUSE BILL NO. 1020,
 ENGROSSED HOUSE BILL NO. 1189,
 ENGROSSED HOUSE BILL NO. 1438,
 ENGROSSED HOUSE BILL NO. 1502,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1553,
 HOUSE BILL NO. 1769,
 SUBSTITUTE HOUSE BILL NO. 1889,
 ENGROSSED HOUSE BILL NO. 2001.

ALAN THOMPSON, Chief Clerk

April 17, 1989

Mr. President:

The House concurred in the Senate amendment(s) to the following listed bills and passed said bills as amended by the Senate:

SUBSTITUTE HOUSE BILL NO. 1007,
 ENGROSSED HOUSE BILL NO. 1019,
 HOUSE BILL NO. 1042,
 HOUSE BILL NO. 1060,
 HOUSE BILL NO. 1072,
 HOUSE BILL NO. 1085,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1104,
 SUBSTITUTE HOUSE BILL NO. 1115,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1173,
 SUBSTITUTE HOUSE BILL NO. 1183,
 HOUSE BILL NO. 1253,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1337,
 SUBSTITUTE HOUSE BILL NO. 1370,
 SUBSTITUTE HOUSE BILL NO. 1388,
 SUBSTITUTE HOUSE BILL NO. 1414,
 HOUSE BILL NO. 1467,

SUBSTITUTE HOUSE BILL NO. 1547.

ALAN THOMPSON, Chief Clerk

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Lee, Gubernatorial Appointment No. 9006, Barbara Bryant, as a member of the Lottery Commission, was confirmed.

APPOINTMENT OF BARBARA BRYANT

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 42; absent, 5; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Johnson, Kreidler, Lee, Madsen, McCaslin, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 42.

Absent: Senators Hansen, Hayner, Matson, McDonald, Owen - 5.

Excused: Senators Bender, DeJarnatt - 2.

MOTION

On motion of Senator McCaslin, Senators Hayner and McDonald were excused. There being no objection, the President excused Senator West.

MOTION

On motion of Senator Lee, Gubernatorial Appointment No. 9035, Lawrence M. Killeen, as a member of the Small Business Export Financial Assistance Center Board of Directors, was confirmed.

APPOINTMENT OF LAWRENCE M. KILLEEN

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 42; absent, 2; excused, 5.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Hansen, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, Williams, Wojahn - 42.

Absent: Senators Gaspard, Owen - 2.

Excused: Senators Bender, DeJarnatt, Hayner, McDonald, West - 5.

MOTIONS

On motion of Senator Rinehart, Senator Owen was excused.

On motion of Senator Warnke, Senator Conner was excused.

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

MOTION

On motion of Senator Bailey, the following resolution was adopted:

SENATE RESOLUTION 1989-8679

by Senators DeJarnatt, Bailey, Amondson, Anderson, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams and Wojahn

WHEREAS, Senator Tom Hall celebrated his eightieth year this last Fourth of July, and during that full and vigorous life he has served the citizens of the state of Washington with honesty, humility, and devotion; and

WHEREAS, Most of his adult life has been spent holding public office from School Board Member and County Commissioner to State Representative and State Senator with a tenure as District Court Judge to cap his career; and

WHEREAS, His life of public service led him to the position of majority leader of this august body and to a 1956 candidacy for the office of Governor of this state; and

WHEREAS, Senator Tom Hall was an outspoken advocate of tax reform, the balanced budget, the limitation of campaign spending, and programs to care for the needy, whether his views were popular and politically expedient or not; and

WHEREAS, His lifelong pride in public service and his belief in the need for government to care for all the people fueled his desire to serve this state; and

WHEREAS, Senator Tom Hall, during the whole of his public life, was a working dairy farmer at his home in the East Valley, near Skamokawa in Wahkiakum County. He rose well before dawn each day to work a dairyman's hours and then to take on his public duties; and

WHEREAS, His life as a farmer-public servant from rural roots gave him a unique and practical view of the needs of the people of this state;

NOW, THEREFORE, BE IT RESOLVED, That the President and members of the Washington State Senate rise to salute Senator Tom Hall, a grand man, for his service to the citizens of this state and for his noble example of a life well lived. With this salute comes the thanks of the citizens of a grateful state. The Washington State Senate recognizes that those who spend their lives in public service and farming do not become rich in anything except memories. This recognition by the Senate also comes with a hope that the remainder of Tom's years are fruitful and filled with the happiness that he so richly deserves; and

BE IT FURTHER RESOLVED, That the Senate directs that copies of this resolution be transmitted to Senator Tom Hall, his family, the Skamokawa Grange, and the County Commissioners of Wahkiakum County.

Senators Newhouse, Rasmussen and Moore spoke to Senate Resolution 1989-8679.

MOTION

On motion of Senator Bailey, all Senators names were added as sponsors of Senate Resolution 1989-8679.

The President introduced former Senator and Mrs. Tom Hall, who were seated on the Senate Rostrum.

With permission of the Senate, business was suspended to permit Senator Tom Hall to address the Senate.

MOTION

On motion of Senator Rinehart, the following resolution was adopted:

SENATE RESOLUTION 1989-8671

by Senators Rinehart, Bailey, Williams and Wojahn

WHEREAS, Parents' involvement in the education of their children is a crucial component of educational excellence; and

WHEREAS, Studies have demonstrated that when parents are involved in the education of their children and when the neighborhood community serviced by a school is involved, everyone benefits including the staff of the school, the parents, the students, the neighborhood, and the entire community; and

WHEREAS, A side-benefit of parental involvement in the schools is that scarce educational resources are often expanded by parents' contribution of both time and resources to their children's school; and

WHEREAS, University Heights, a school in the Seattle School District, is an outstanding example of the successful involvement of parents and the community; and

WHEREAS, The University Heights School and the surrounding community function ideally together enabling students to learn from the richness and diversity of the community; and

WHEREAS, In one year, there were over two hundred walking field trips in the community giving students the opportunity to participate in activities as diverse as watching a physics experiment at the University of Washington to viewing how the kitchen of a local restaurant receives its supplies; and

WHEREAS, Other schools in Seattle and throughout the state would benefit from the model of parental and community involvement established by University Heights School; and

WHEREAS, The involvement of parents, members of the community, and local businesses has been strong and consistently growing during the past fourteen years helping University Heights attract a racially diverse student body and causing many parents to choose to send their children to University Heights rather than to a private school; and

WHEREAS, University Heights, which could serve as a model and inspiration to communities throughout this state and nation, will close next fall;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the state of Washington recognizes the outstanding achievement of every member of the University Heights School community including parents, students, staff, community members, and local businesses in their dedication to and support of their school and the pursuit of educational excellence; and

BE IT FURTHER RESOLVED, That copies of this resolution be transmitted to each member of the Board of Directors of the Seattle School District, the Principal of University Heights School, the President of the University Heights Parent Teacher Association, the University District Chamber of Commerce, and the State Board of Education.

Senator Wojahn spoke to Senate Resolution 1989-8671.

MOTIONS

On motion of Senator Warnke, Senators Fleming, Gaspard and Talmadge were excused.

On motion of Senator Smith, Senators Amondson and Anderson were excused.

There being no objection, the President returned the Senate to the fourth order of business.

MESSAGE FROM THE HOUSE

April 13, 1989

Mr. President:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5026 with the following amendments:

Strike everything after the enacting clause and insert the following:

*NEW SECTION. Sec. 1. The purpose of this act is to:

(1) Increase the availability of child care services in Washington state through the provision of start-up and expansion grant funds to persons and organizations providing child care services;

(2) Make affordable child care services available to low-income families in Washington state; and

(3) Improve the quality of child care services in Washington state through the provision of training and support services to child care providers.

Sec. 2. Section 30, chapter 228, Laws of 1963 as amended by section 111, chapter 154, Laws of 1973 1st ex. sess. and RCW 74.12.340 are each amended to read as follows:

The department is authorized to promulgate rules and regulations governing the provision of ~~((day))~~ child care ~~((as a part of child welfare services))~~ when the secretary determines that a need exists for such ~~((day))~~ child care and that it is in the best interests of the child, the parents, or the custodial parent and in determining the need for such ~~((day))~~ child care priority shall be given to geographical areas having the greatest need for such care and to members of low income groups in the population: PROVIDED, That where the family is financially able to pay part or all of the costs of such care, fees shall be imposed and paid according to the financial ability of the family.

Sec. 3. Section 1, chapter 213, Laws of 1988 and RCW 74.13.085 are each amended to read as follows:

It shall be the policy of the state of Washington to:

(1) Recognize the family as the most important social and economic unit of society and support the central role parents play in child rearing. All parents are encouraged to care for and nurture their children through the traditional methods of parental care at home. However, ~~((to the extent child care services are used.))~~ there has been a dramatic increase in participation of women in the workforce which has made the availability of quality, affordable child care a critical concern for the state and its citizens. There are not enough child care services and facilities to meet the needs of working parents, the costs of care are often beyond the resources of working parents, and child care facilities are not located conveniently to work

places and neighborhoods. Parents are encouraged to participate fully in the effort to improve the quality of child care services.

(2) Promote a variety of culturally and developmentally appropriate child care settings and services of the highest possible quality in accordance with the basic principle of continuity of care. These settings shall include, but not be limited to, family day care homes, mini-centers, centers and schools.

(3) Promote the growth, development and safety of children by working with community groups including providers and parents to establish standards for quality service, training of child care providers, fair and equitable monitoring, and salary levels commensurate with provider responsibilities and support services.

(4) Promote equal access to quality, affordable, socio-economically integrated child care for all children and families.

(5) Facilitate broad community and private sector involvement in the provision of quality child care services to foster economic development and assist industry.

Sec. 4. Section 3, chapter 213, Laws of 1988 and RCW 74.13.095 are each amended to read as follows:

(1) The legislature (~~recognizes~~) finds that a severe shortage of affordable, quality child care services exists to the detriment of all families and employers throughout the state. Many workers are unable to enter or remain in the work force due to a shortage of child care (resources) services. The high costs of starting (a child care business) or expanding a child care facility create a barrier to the creation of new slots, especially for children with special needs. The legislature further finds that increasing the availability of affordable, quality child care services for the state's working parents, especially those who are low income or have handicapped children, is a recognized governmental function. The provision of grants to child care providers who, in consideration for receiving such grant, agree to serve special needs or low-income children for a fixed period of years, is a means of increasing the availability of child care services in this state.

(2) A child care expansion grant fund is created in the custody of the secretary of the department of social and health services. Grants shall be awarded on a one-time only basis to persons, organizations, or schools needing assistance to start a child care (~~center or mini-center~~) facility, including a family day care home, as defined by the department by rule, or to make capital improvements in existing licensed child care (providers) facilities, including family day care homes (providers, for the purpose of making capital improvements in order to accommodate handicapped children as defined under chapter 72.40 RCW, sick children, or infant care, or children needing night time care). As a condition of receiving a grant under this section, a person, organization, or school requesting a grant, shall make a commitment to serve a reasonable number of the following children:

(a) Handicapped children as defined under chapter 72.40 RCW;

(b) Sick children;

(c) Infants;

(d) Children requiring night time or weekend care;

(e) Children whose costs of care are subsidized by the department of social and health services; or

(f) Children of parents whose household income is at or below two hundred percent of the federal poverty level, adjusted for family size, as determined annually by the federal department of health and human services.

For each grant awarded under this section, the department shall designate the specific number or percentage of children under (a) through (f) of this subsection that the child care provider must be willing to accept in its program.

No grant may exceed (~~ten~~) twenty-five thousand dollars. Start-up costs shall not include operational costs after the first three months of business.

(3) Child care expansion grants shall be awarded on the basis of need for the proposed services in the community, within appropriated funds. Every effort shall be made to ensure that the distribution of grants is balanced geographically throughout the state.

(4) Where the grant is made to a private person or organization, the grant shall be repaid to the fund if the child care facility using the grant to start up or expand ceases to provide child care earlier than the following time periods from when the grant is made: (a) Twelve months for a grant up to five thousand dollars; (b) twenty-four months for a grant over five thousand dollars up to ten thousand dollars; (c) thirty-six months for a grant over ten thousand dollars up to fifteen thousand dollars; (d) forty-eight months for a grant over fifteen thousand dollars up to twenty thousand dollars; and (e) sixty months for a grant over twenty thousand dollars up to twenty-five thousand dollars.

(5) The department shall adopt rules under chapter (~~(34-04)~~) 34.05 RCW setting forth criteria, application procedures, and methods to assure compliance with the purposes described in this section.

NEW SECTION. Sec. 5. A new section is added to chapter 74.-- RCW (as created in section 6 of this act) to read as follows:

The department of social and health services shall, within appropriated funds:

(1) Staff and assist the child care coordinating committee in the implementation of its duties under RCW 74.13.090;

(2) Work with local governments, nonprofit organizations, businesses, and community child care advocates to create local child care resource and referral organizations. These organizations may carry out needs assessments, resource development, provider training, technical assistance, and parent information and training;

(3) Actively seek public and private money for distribution as grants to potential or existing local child care resource and referral organizations. No grant shall be distributed that is greater than twenty-five thousand dollars;

(4) Adopt rules regarding the application for and distribution of grants to local child care resource and referral organizations;

(5) Provide staff support and technical assistance to local child care resource and referral organizations;

(6) Organize the local child care resource and referral organizations into a state-wide system;

(7) Maintain a state-wide child care referral data bank and work with department of social and health services licensors to provide information to local child care resource and referral organizations about licensed child care providers in the state;

(8) Through local resource and referral organizations, compile data about local child care needs and availability for future planning and development;

(9) Coordinate the provision of training and technical assistance to child care providers; and

(10) Collect and assemble information regarding the availability of insurance and of federal and other child care funding to assist state and local agencies, businesses, and other child care providers in offering child care services.

NEW SECTION. Sec. 6. RCW 74.12.340, 74.13.085, 74.13.090, 74.13.095, and 74.15.200 are recodified into a new chapter in Title 74 RCW relating to child care."

On page 1, line 1 of the title, after "care;" strike the remainder of the title and insert "amending RCW 74.12.340, 74.13.085, and 74.13.095; adding a new section to Title 74 RCW; recodifying RCW 74.12.340, 74.13.085, 74.13.090, 74.13.095, and 74.15.200; and creating a new section."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Smith, the Senate refuses to concur in the House amendments to Engrossed Substitute Senate Bill No. 5026 and asks the House to recede therefrom.

MESSAGE FROM THE HOUSE

April 13, 1989

Mr. President:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5107 with the following amendments:

On page 5, line 36, after "and all crimes" strike "of" and insert "relating to"

On page 6, line 1, after "RCW 43.43.830" insert "in which the victim was a vulnerable adult"

On page 7, line 11, after "crimes" strike "of" and insert "relating to"

On page 8, line 22, strike "involving" and insert "relating to"

On page 14, after line 16, insert the following:

"Sec. 13. Section 1, chapter 269, Laws of 1986 and RCW 43.20A.710 are each amended to read as follows:

The secretary shall investigate the conviction records, (~~or~~) pending charges or disciplinary board final decisions of persons being considered for state employment in positions directly responsible for the supervision, care, or treatment of children, mentally ill persons or developmentally disabled persons. The investigation may include an examination of state and national criminal identification data and the child abuse and neglect register established under chapter 26.44 RCW. The secretary shall use the information solely for the purpose of determining the character, suitability, and competence of these applicants. Criminal justice agencies shall provide the secretary such information as they may have and that the secretary may require for such purpose. If necessary, persons may be employed on a conditional basis pending completion of the background investigation."

On page 1, line 2 of the title, strike "and 43.43.715" and insert "43.43.715, and 43.20A.710".

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Smith, the Senate concurred in the House amendments to Engrossed Substitute Senate Bill No. 5107.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5107, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5107, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 39; excused, 10.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Craswell, Hansen, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 39.

Excused: Senators Amondson, Anderson, Conner, DeJarnatt, Fleming, Gaspard, Hayner, McDonald, Owen, Talmadge - 10.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5107, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

STATEMENT FOR THE JOURNAL

April 18, 1989

Mary Wiley
Journal Clerk

Because I was attending a blood bank function for Senator DeJarnatt, I missed the vote on Engrossed Substitute Senate Bill No. 5107, as amended by the House. I would have voted 'aye.'

SENATOR PHIL TALMADGE, 34th District

MOTION

On motion of Senator Warnke, Senator Madsen was excused.

MESSAGE FROM THE HOUSE

April 13, 1989

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 5128 with the following amendments:

Strike everything after the enacting clause and insert the following:

*Sec. 1. Section 35.43.120, chapter 7, Laws of 1965 as last amended by section 1, chapter 323, Laws of 1981 and RCW 35.43.120 are each amended to read as follows:

Any local improvement may be initiated upon a petition signed by the owners of property aggregating a majority of the area within the proposed district. The petition must briefly describe: (1) The nature of the proposed improvement, (2) the territorial extent of the proposed improvement, ~~((and))~~ (3) what proportion of the area within the proposed district is owned by the petitioners as shown by the records in the office of the county auditor, and (4) the fact that actual assessments may vary from assessment estimates so long as they do not exceed a figure equal to the increased true and fair value the improvement, or street lighting, adds to the property.

If any of the property within the area of the proposed district stands in the name of a deceased person, or of any person for whom a guardian has been appointed and not discharged, the signature of the executor, administrator, or guardian, as the case may be, shall be equivalent to the signature of the owner of the property on the petition. The petition must be filed with the clerk or with such other officer as the city or town by charter or ordinance may require.

Sec. 2. Section 35.43.140, chapter 7, Laws of 1965 as last amended by section 29, chapter 469, Laws of 1985 and RCW 35.43.140 are each amended to read as follows:

Any local improvement to be paid for in whole or in part by the levy and collection of assessments upon the property within the proposed improvement district may be initiated by a resolution of the city or town council or other legislative authority of the city or town, declaring its intention to order the improvement, setting forth the nature and territorial extent of the improvement, containing a statement that actual assessments may vary from assessment estimates so long as they do not exceed a figure equal to the increased true and fair value the improvement, or street lighting, adds to the property, and notifying all persons who may desire to object thereto to appear and present their objections at a time to be fixed therein.

In the case of trunk sewers and trunk water mains the resolution must describe the routes along which the trunk sewer, subsewer and branches of trunk water main and laterals are to be constructed.

In case of dikes or other structures to protect the city or town or any part thereof from overflow or to open, deepen, straighten, or enlarge watercourses, waterways and other channels the resolution must set forth the place of commencement and ending thereof and the route to be used.

In the case of auxiliary water systems, or extensions thereof or additions thereto for protection of the city or town or any part thereof from fire, the resolution must set forth the routes along which the auxiliary water system or extensions thereof or additions thereto are to be constructed and specifications of the structures or works necessary thereto or forming a part thereof.

The resolution shall be published in at least two consecutive issues of the official newspaper of the city or town, the first publication to be at least fifteen days before the day fixed for the hearing.

The hearing herein required may be held before the city or town council, or other legislative authority, or before a committee thereof. The legislative authority of a city having a population of fifteen thousand or more may designate an officer to conduct the hearings. The committee or hearing officer shall report recommendations on the resolution to the legislative authority for final action.

Sec. 3. Section 35.43.150, chapter 7, Laws of 1965 as amended by section 2, chapter 303, Laws of 1983 and RCW 35.43.150 are each amended to read as follows:

Notice of the hearing upon a resolution declaring the intention of the legislative authority of a city or town to order an improvement shall be given by mail at least fifteen days before the day fixed for hearing to the owners or reputed owners of all lots, tracts, and parcels of land or other property to be specially benefited by the proposed improvement, as shown on the rolls of the county assessor, directed to the address thereon shown.

The notice shall set forth the nature of the proposed improvement, the estimated cost, a statement that actual assessments may vary from assessment estimates so long as they do not exceed a figure equal to the increased true and fair value the improvement, or street lighting, adds to the property, and the estimated benefits of the particular lot, tract, or parcel.

NEW SECTION. Sec. 4. A new section is added to chapter 36.69 RCW to read as follows:

Any notice given to the public or to the owners of specific lots, tracts, or parcels of land relating to the formation of a local improvement district shall contain a statement that actual assessments may vary from assessment estimates so long as they do not exceed a figure equal to the increased true and fair value the improvement adds to the property.

NEW SECTION. Sec. 5. A new section is added to chapter 36.88 RCW to read as follows:

Any notice given to the public or to the owners of specific lots, tracts, or parcels of land relating to the formation of a county road improvement district shall contain a statement that actual assessments may vary from assessment estimates so long as they do not exceed a figure equal to the increased true and fair value the improvement adds to the property.

NEW SECTION. Sec. 6. A new section is added to chapter 36.94 RCW to read as follows:

Any notice given to the public or to the owners of specific lots, tracts, or parcels of land relating to the formation of a local improvement district or utility local improvement district shall contain a statement that actual assessments may vary from assessment estimates so long as they do not exceed a figure equal to the increased true and fair value the improvement adds to the property.

NEW SECTION. Sec. 7. A new section is added to chapter 52.20 RCW to read as follows:

Any notice given to the public or to the owners of specific lots, tracts, or parcels of land relating to the formation of a local improvement district shall contain a statement that actual assessments may vary from assessment estimates so long as they do not exceed a figure equal to the increased true and fair value the improvement adds to the property.

NEW SECTION. Sec. 8. A new section is added to chapter 53.08 RCW to read as follows:

Any notice given to the public or to the owners of specific lots, tracts, or parcels of land relating to the formation of a local improvement district shall contain a statement that actual assessments may vary from assessment estimates so long as they do not exceed a figure equal to the increased true and fair value the improvement adds to the property.

NEW SECTION. Sec. 9. A new section is added to chapter 54.16 RCW to read as follows:

Any notice given to the public or to the owners of specific lots, tracts, or parcels of land relating to the formation of a local utility district shall contain a statement that actual assessments may vary from assessment estimates so long as they do not exceed a figure equal to the increased true and fair value the improvement, or street lighting, adds to the property.

NEW SECTION. Sec. 10. A new section is added to chapter 56.20 RCW to read as follows:

Any notice given to the public or to the owners of specific lots, tracts, or parcels of land relating to the formation of a utility local improvement district shall contain a statement that actual assessments may vary from assessment estimates so long as they do not exceed a figure equal to the increased true and fair value the improvement adds to the property.

NEW SECTION. Sec. 11. A new section is added to chapter 57.16 RCW to read as follows:

Any notice given to the public or to the owners of specific lots, tracts, or parcels of land relating to the formation of a local improvement district or utility local improvement district shall contain a statement that actual assessments may vary from assessment estimates so long as they do not exceed a figure equal to the increased true and fair value the improvement adds to the property.

NEW SECTION, Sec. 12. A new section is added to chapter 87.03 RCW to read as follows:

Any notice given to the public or to the owners of specific lots, tracts, or parcels of land relating to the formation of a local improvement district shall contain a statement that actual assessments may vary from assessment estimates so long as they do not exceed a figure equal to the increased true and fair value the improvement adds to the property.

Sec. 13. Section 1, chapter 20, Laws of 1963 as amended by section 14, chapter 234, Laws of 1971 ex. sess. and RCW 79.44.003 are each amended to read as follows:

As used in this chapter "assessing district" means:

- (1) Incorporated cities and towns;
- (2) Diking districts;
- (3) Drainage districts;
- (4) Port districts;
- (5) Irrigation districts;
- (6) Water districts;
- (7) Sewer districts;
- (8) Counties; and
- (9) Any municipal corporation or public agency having power to levy local improvement or other assessments, rates, or charges which by statute are expressly made applicable to lands of the state.

Sec. 14. Section 4, chapter 164, Laws of 1919 as last amended by section 177, chapter 151, Laws of 1979 and RCW 79.44.040 are each amended to read as follows:

Notice of the intention to make such improvement, or impose any assessment, together with the estimate of the amount to be charged to each lot, tract or parcel of land, or other property owned by the state to be assessed (~~for said improvement~~), shall be forwarded by registered or certified mail to the director of financial management and to the chief administrative officer of the agency of state government occupying, using, or having jurisdiction over such lands at least thirty days prior to the date fixed for hearing on the resolution or petition initiating said (~~improvement~~) assessment. Such assessing district, shall not have jurisdiction to order such improvement as to the interest of the state in harbor areas and state tidelands until the written consent of the commissioner of public lands to the making of such improvement shall have been obtained, unless other means be provided for paying that portion of the cost which would otherwise be levied on the interest of the state of Washington in and to said tidelands, and nothing herein shall prevent the city from assessing the proportionate cost of said improvement against any leasehold, contractual or possessory interest in and to any tideland or harbor area owned by the state: PROVIDED, HOWEVER, That in the case of tidelands and harbor areas within the boundaries of any port district, notice of intention to make such improvement shall also be forwarded to the commissioners of said port district.

Sec. 15. Section 5, chapter 164, Laws of 1919 as last amended by section 178, chapter 151, Laws of 1979 and RCW 79.44.050 are each amended to read as follows:

Upon the approval and confirmation of the assessment roll (~~for any local improvement~~) ordered by the proper authorities of any assessing district, the treasurer of such assessing district shall certify and forward to the director of financial management and to the chief administrative officer of the agency of state government occupying, using, or having jurisdiction over the lands, in accordance with such rules and regulations as the director of financial management may provide, a statement of all the lots or parcels of land held or owned by the state and charged on such assessment roll (~~for the cost of such improvement~~), separately describing each such lot or parcel of the state's land, with the amount of the local assessment charged against it, or the proportionate amount assessed against the fee simple interest of the state, in case said land has been leased. The chief administrative officer upon receipt of such statement shall cause a proper record to be made in his office of the cost of such (~~improvement~~) assessment upon the lands occupied, used, or under the jurisdiction of his agency.

No penalty shall be provided or enforced against the state, and the interest upon such assessments shall be computed and paid at the rate paid by other property situated in the same (~~improvement~~) assessing district.

NEW SECTION, Sec. 16. A new section is added to chapter 79.44 RCW to read as follows:

As used in this chapter, "assessment" shall mean any assessment, rate or charge levied, assessed, imposed, or charged by any assessing district as defined in RCW 79.44.003, and which assessments, rates or charges by statute are expressly made applicable to lands of the state."

On page 1, line 1 of the title, after "improvements;" strike the remainder of the title and insert "amending RCW 35.43.120, 35.43.140, 35.43.150, 79.44.003, 79.44.040, and 79.44.050; adding a new section to chapter 36.69 RCW; adding a new section to chapter 36.88 RCW; adding a new section to chapter 36.94 RCW; adding a new section to chapter 52.20 RCW; adding a new

section to chapter 53.08 RCW; adding a new section to chapter 54.16 RCW; adding a new section to chapter 56.20 RCW; adding a new section to chapter 57.16 RCW; adding a new section to chapter 79.44 RCW; and adding a new section to chapter 87.03 RCW."

and the same are herewith transmitted.

DENNIS KARRAS, Deputy Chief Clerk

MOTION

On motion of Senator McCaslin, the Senate concurred in the House amendments to Substitute Senate Bill No. 5128.

POINT OF INQUIRY

Senator Rasmussen: "Senator McCaslin, it says, 'The assessment may vary from the assessment estimate, so long as they do not exceed a figure equal to the increased value, true and fair value of the improvement, or street lighting, adds to the property.' My question is this, when you're forming an LID and you have an assessment, you want to know what you're going to pay prior to. This kind of leaves it as a floating assessment, that it can go to any figure they say your value of the property is increased. This is for everybody, not just the state? Is that true?"

Senator McCaslin: "Senator Rasmussen, if you're looking for a specific answer and a guarantee on what they're going to charge and what the true and fair value of the property is and what it increases to when this assessment is added--a sewer or whatever--there is no one from the Governor on down who can answer your question specifically, because that's one of the reasons for the bill. In the Spokane Valley, where we've had the sewer assessment, we have never had an opportunity to find out from anyone, what additional value is added to the property. That could not really be determined if there's a litigation over it until you proceeded and went through court action."

Senator Rasmussen: "Well, it would seem, Senator McCaslin, that it should be on the assessment for the improvement. It should be based on the property assessment that you have before you at the time, not on something nebulous whether it will increase or otherwise. I find it strange that you agreed to this amendment."

Senator McCaslin: "Senator Rasmussen, again I repeat, number one, the assessment on your property is only an estimate and if you talk to any appraiser or assessor, he can tell you that the assessment that he issues on your property is based upon comparable values in your area. Then, when you add either a sewer or a street and so forth, again it's an estimate of how much value that's added to your property and the total of those is your assessed valuation. I wish I could give you a specific answer, but no one in this world can give you a specific answer until it goes to court and is adjudicated."

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5128, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5128, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 39; nays, 1; excused, 9.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Craswell, Fleming, Hansen, Johnson, Kreidler, Lee, Matson, McCaslin, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Patterson, Pullen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vogtild, von Reichbauer, Warnke, West, Williams, Wojahn - 39.

Voting nay: Senator Rasmussen - 1.

Excused: Senators Amondson, Anderson, Conner, DeJarnatt, Gaspard, Hayner, Madsen, McDonald, Owen - 9.

SUBSTITUTE SENATE BILL NO. 5128, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Warnke, Senator Moore was excused.

MESSAGE FROM THE HOUSE

April 14, 1989

Mr. President:

The House has passed SENATE BILL NO. 5858 with the following amendment:

On page 1, line 10 after "inspection." insert "The regular meetings shall be held within the district boundaries."

and the bill and the amendment are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Bailey, the Senate concurred in the House amendment to Senate Bill No. 5858.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5858, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5858, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 40; excused, 9.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Craswell, Fleming, Hansen, Johnson, Kreidler, Lee, Matson, McCaslin, McMullen, Meicalf, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vogndild, von Reichbauer, Warnke, West, Williams, Wojahn - 40.

Excused: Senators Amondson, Anderson, Conner, DeJarmatt, Gaspard, Hayner, Madsen, McDonald, Moore - 9.

SENATE BILL NO. 5858, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Nelson, Senators Benitz and Smith were excused.

MESSAGE FROM THE HOUSE

April 13, 1989

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 5147 with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 2, chapter 218, Laws of 1986 and RCW 19.134.010 are each amended to read as follows:

As used in this chapter:

(1) "Buyer" means any individual who is solicited to purchase or who purchases the services of a credit services organization.

(2)(a) "Credit services organization" means any person who, with respect to the extension of credit by others, sells, provides, performs, or represents that he or she can or will sell, provide, or perform, in return for the payment of money or other valuable consideration any of the following services:

(i) Improving, saving, or preserving a buyer's credit record, history, or rating;

(ii) Obtaining an extension of credit for a buyer; ((or))

(iii) Stopping, preventing, or delaying the foreclosure of a deed of trust, mortgage, or other security agreement; or

(iv) Providing advice or assistance to a buyer with regard to either (a)(i) ((or)); (a)(ii), or (a)(iii) of this subsection.

(b) "Credit services organization" does not include:

(i) Any person authorized to make loans or extensions of credit under the laws of this state or the United States who is subject to regulation and supervision by this state or the United States or a lender approved by the United States secretary of housing and urban development for participation in any mortgage insurance program under the national housing act;

(ii) Any bank, savings bank, or savings and loan institution whose deposits or accounts are eligible for insurance by the federal deposit insurance corporation or the federal savings and loan insurance corporation, or a subsidiary of such bank, savings bank, or savings and loan institution;

(iii) Any credit union, federal credit union, or out-of-state credit union doing business in this state under chapter 31.12 RCW;

- (iv) Any nonprofit organization exempt from taxation under section 501(c)(3) of the internal revenue code;
- (v) Any person licensed as a real estate broker by this state if the person is acting within the course and scope of that license;
- (vi) Any person licensed as a collection agency pursuant to chapter 19.16 RCW if acting within the course and scope of that license;
- (vii) Any person licensed to practice law in this state if the person renders services within the course and scope of his or her practice as an attorney;
- (viii) Any broker-dealer registered with the securities and exchange commission or the commodity futures trading commission if the broker-dealer is acting within the course and scope of that regulation; ((or))
- (ix) Any consumer reporting agency as defined in the federal fair credit reporting act, 15 U.S.C. Secs. 1681 through 1681t; or
- (x) Any mortgage broker as defined in RCW 19.146.010 if acting within the course and scope of that definition.

(3) "Extension of credit" means the right to defer payment of debt or to incur debt and defer its payment offered or granted primarily for personal, family, or household purposes.

Sec. 2. Section 3, chapter 218, Laws of 1986 and RCW 19.134.020 are each amended to read as follows:

A credit services organization, its salespersons, agents, and representatives, and independent contractors who sell or attempt to sell the services of a credit services organization may not do any of the following:

(1) Charge or receive any money or other valuable consideration prior to full and complete performance of the services the credit services organization has agreed to perform for the buyer, unless the credit services organization has obtained a surety bond of ten thousand dollars issued by a surety company admitted to do business in this state and established a trust account at a federally insured bank or savings and loan association located in this state. The surety bond shall run to the state of Washington and the buyers. The surety bond shall be issued on the condition that the principal comply with all provisions of this chapter and fully perform on all contracts entered into with buyers. The surety bond shall be continuous until canceled and shall remain in full force and unimpaired at all times to comply with this section. The surety's liability for all claims in the aggregate against the continuous bond shall not exceed the penal sum of the bond. An action on the bond may be brought by the state or by any buyer by filing a complaint in a court of competent jurisdiction, including small claims court, within one year of cancellation of the surety bond. A complaint may be mailed by registered or certified mail, return receipt requested, to the surety and shall constitute good and sufficient service on the surety;

(2) Charge or receive any money or other valuable consideration solely for referral of the buyer to a retail seller who will or may extend credit to the buyer if the credit that is or will be extended to the buyer is upon substantially the same terms as those available to the general public;

(3) Make or counsel or advise any buyer to make any statement that is untrue or misleading or that should be known by the exercise of reasonable care to be untrue or misleading, to a credit reporting agency or to any person who has extended credit to a buyer or to whom a buyer is applying for an extension of credit with respect to a buyer's credit worthiness, credit standing, or credit capacity;

(4) Make or use any untrue or misleading representations in the offer or sale of the services of a credit services organization or engage, directly or indirectly, in any act, practice, or course of business that operates or would operate as fraud or deception upon any person in connection with the offer or sale of the services of a credit services organization."

On page 1, line 1 of the title, after "organizations;" strike the remainder of the title and insert "and amending RCW 19.134.010 and 19.134.020."

and the same are herewith transmitted.

DENNIS KARRAS, Deputy Chief Clerk

MOTION

On motion of Senator von Reichbauer, the Senate concurred in the House amendments to Substitute Senate Bill No. 5147.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5147, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5147, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 37; absent, 1; excused, 11.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Cantu, Craswell, Fleming, Hansen, Johnson, Kreidler, Lee, Matson, McCaslin, McMullen, Metcalf, Murray, Nelson,

Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vogtild, von Reichbauer, Warnke, Williams, Wojahn - 37.

Absent: Senator West - 1.

Excused: Senators Amondson, Anderson, Benitz, Conner, DeJarnatt, Gaspard, Hayner, Madsen, McDonald, Moore, Smith - 11.

SUBSTITUTE SENATE BILL NO. 5147, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Cantu, Senator von Reichbauer was excused.

MESSAGE FROM THE HOUSE

April 13, 1989

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 5293 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. A new section is added to chapter 28B.80 RCW to read as follows:

The higher education coordinating board shall conduct an assessment of upper-division and graduate level programs and courses needed by placebound students living in areas of the state not addressed by the board's branch campus initiative. The assessment shall include consideration of the needs in Clallam and Jefferson counties. The board shall also consider alternatives for the delivery of such programs and courses. The board shall report its findings and recommendations to the governor and the house of representatives and senate committees on higher education by September 1, 1990.

NEW SECTION, Sec. 2. A new section is added to chapter 28B.80 RCW to read as follows:

The higher education coordinating board may develop and administer demonstration projects designed to prepare and assist persons to obtain a higher education in this state.

Sec. 3. Section 4, chapter 273, Laws of 1971 ex. sess. as last amended by section 1, chapter 362, Laws of 1985 and RCW 28B.15.014 are each amended to read as follows:

The following nonresidents shall be exempted from paying the nonresident tuition and fee differential:

(1) Any person who resides in the state of Washington and who holds a graduate service appointment designated as such by a public institution of higher education or is employed for an academic department in support of the instructional or research programs involving not less than twenty hours per week during the term such person shall hold such appointment.

(2) Any faculty member, classified staff member or administratively exempt employee holding not less than a half time appointment at an institution who resides in the state of Washington, and the dependent children and spouse of such persons.

(3) Active-duty military personnel stationed in the state of Washington and the spouses and dependents of such military personnel.

(4) Any immigrant refugee and the spouse and dependent children of such refugee, if the refugee (a) is on parole status, or (b) has received an immigrant visa, or (c) has applied for United States citizenship.

(5) Any dependent of a member of the United States congress representing the state of Washington.

Sec. 4. Section 22, chapter 279, Laws of 1971 ex. sess. as last amended by section 1, chapter 307, Laws of 1983 and RCW 28B.15.620 are each amended to read as follows:

Notwithstanding any other provision of law, veterans of the Vietnam conflict who have served in the southeast Asia theater of operations attending institutions of higher learning shall be exempted from the payment of any increase in tuition and fees otherwise applicable to any other resident or nonresident student at any institution of higher education, and shall not be required to pay more than the total amount of tuition and fees paid by veterans of the Vietnam conflict on October 1, 1977: PROVIDED, That for the purposes of this exemption, "veterans of the Vietnam conflict" shall be those persons who have been on active federal service as a member of the armed military or naval forces of the United States between a period commencing August 5, 1964, and ending on May 7, 1975, and who qualify as a resident student under RCW 28B.15.012, and who have enrolled in state institutions of higher education on or before May 7, ~~(1989)~~ 1990. This section shall expire June 30, 1995.

Sec. 5. Section 222, chapter 518, Laws of 1987 and RCW 28A.58.217 are each amended to read as follows:

(1) ~~(School districts are hereby authorized to)~~ The superintendent of public instruction shall contract with the University of Washington for the education of eligible academically highly capable high school students at such early entrance or transition schools as are now or hereafter established and maintained by the university.

(2) ~~((School districts may authorize))~~ The superintendent of public instruction ~~((to))~~ shall allocate all or a portion of the state basic education allocation moneys, state categorical moneys and federal moneys generated by a student attending a University of Washington early entrance or transition school pursuant to this section directly to the university; PROVIDED, That such state moneys shall be expended exclusively for instruction and related activities necessary for students to fulfill the high school graduation requirements established by their school district of enrollment.

(3) The superintendent of public instruction shall adopt rules pursuant to chapter ~~((34-04))~~ 34.05 RCW implementing subsection (2) of this section.

(4) State and federal funds provided to the early entrance program or transition school at the University of Washington may be supplemented with additional payments by other parties as necessary to cover the actual and full costs of instruction and related activities.

On page 1, line 1 of the title, after "education," strike the remainder of the title and insert "amending RCW 28B.15.014, 28B.15.620, and 28A.58.217; and adding new sections to chapter 28B.80 RCW."

and the same are herewith transmitted.

DENNIS KARRAS, Deputy Chief Clerk

MOTION

On motion of Senator Saling, the Senate concurred in the House amendments to Substitute Senate Bill No. 5293.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5293, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5293, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 37; absent, 1; excused, 11.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Cantu, Craswell, Fleming, Hansen, Johnson, Kreidler, Lee, Matson, McCaslin, McMullen, Metcalfe, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, Warnke, Williams, Wojahn - 37.

Absent: Senator West - 1.

Excused: Senators Amondson, Anderson, Benitz, Conner, DeJarnatt, Gaspard, Hayner, Madsen, McDonald, Smith, von Reichbauer - 11.

SUBSTITUTE SENATE BILL NO. 5293, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 17, 1989

Mr. President:

The House refuses to concur in the Senate amendments to HOUSE BILL NO. 1478 and asks the Senate for a conference thereon. The Speaker has appointed the following members as Conferees:

Representatives Braddock, Sprengle and D. Sommers.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Newhouse, the Senate granted the request of the House for a conference on House Bill No. 1478 and the Senate amendments thereto.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on House Bill No. 1478 and the Senate amendments thereto: Senators West, Wojahn and Amondson.

MOTION

On motion of Senator Newhouse the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

April 17, 1989

Mr. President:

The House refuses to concur in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 1405 and asks the Senate for a conference thereon. The Speaker has appointed the following members as Conferees:

Representatives H. Sommers, Jacobsen and Wood.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Newhouse, the Senate granted the request of the House for a conference on Substitute House Bill No. 1405 and the Senate amendments thereto.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Substitute House Bill No. 1405 and the Senate amendments thereto: Senators Saling, Bauer and Cantu.

MOTION

On motion of Senator Newhouse the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

April 17, 1989

Mr. President:

The House refuses to concur in the Senate amendments to ENGROSSED HOUSE BILL NO. 1103 and asks the Senate for a conference thereon. The Speaker has appointed the following members as Conferees:

Representatives Jones, P. King and Wolfe.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Newhouse, the Senate granted the request of the House for a conference on Engrossed House Bill No. 1103 and the Senate amendments thereto.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed House Bill No. 1103 and the Senate amendments thereto: Senators Saling, Warnke and Thorsness.

MOTION

On motion of Senator Newhouse the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

April 17, 1989

Mr. President:

The House refuses to concur in the Senate amendments to ENGROSSED HOUSE BILL NO. 1917 and asks the Senate for a conference thereon. The Speaker has appointed the following members as Conferees:

Representatives O'Brien, Vekich and May.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Newhouse, the Senate granted the request of the House for a conference on Engrossed House Bill No. 1917 and the Senate amendments thereto.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed House Bill No. 1917 and the Senate amendments thereto: Senators von Reichbauer, Williams and Sellar.

MOTION

On motion of Senator Newhouse the Conference Committee appointments were confirmed.

MOTION

On motion of Senator McCaslin, Senator Saling was excused.

MESSAGE FROM THE HOUSE

April 15, 1989

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 5648 with the following amendments:

Strike everything after the enacting clause and insert the following:

***NEW SECTION.** Sec. 1. The legislature finds: (1) That the continuous development of Washington's ports should be a long-term goal for the state of Washington; (2) that Washington's ports are a valuable economic development resource, whose strength as a combined, coordinated entity for the purpose of trade and tourism development would far exceed their individual strengths in those areas; and (3) that, therefore, the ports should work together as a federation, coordinating their efforts further still with other public entities as well as the private sector.

The legislature concurs with the 1989 report of the economic development board on a long-term economic development strategy for Washington state as follows: (a) Competition for tourism dollars, as well as dollars to purchase Washington's goods and services, is global in nature and to compete, the state must identify its unique market niches, and market its trade, travel, and tourism assets aggressively; (b) the ports of the state of Washington are an integral part of the technological and physical infrastructure needed to help the state compete in the international marketplace; and (c) links among public agencies, associate development organizations, including ports, universities, and industry-oriented organizations must be strengthened in an effort to improve coordination, prevent duplication, and build local capacity.

NEW SECTION. Sec. 2. A new section is added to chapter 53.06 RCW to read as follows:

The Washington public ports association is authorized to create a federation of Washington ports to enable member ports to strengthen their international trading capabilities and market the region's products worldwide. Such a federation shall maintain the authority of individual ports and have the following purposes:

(1) To operate as an export trading company under the provisions enumerated in chapter 53.31 RCW;

(2) To provide a network to market the services of the members of the Washington public ports association;

(3) To provide expertise and assistance to businesses interested in export markets;

(4) To promote cooperative efforts between ports and local associate development organizations to assist local economic development efforts and build local capacity; and

(5) To assist in the efficient marketing of the state's trade, tourism, and travel resources.

This section shall expire July 1, 1994, and shall be subject to review under chapter 43.131 RCW.

Sec. 3. Section 2, chapter 31, Laws of 1961 and RCW 53.06.020 are each amended to read as follows:

It shall be the duty of the port district commissions in the state to take such action to effect the coordination of the administrative programs and operations of each port district in the state and to submit to the governor and the legislature biennially a joint report or joint reports containing the recommendations for procedural changes which would increase the efficiency of the respective port districts. Beginning with the 1990 legislative session, the association shall report on steps being taken to establish a federation of Washington ports pursuant to section 2 of this 1989 act.

Sec. 4. Section 3, chapter 31, Laws of 1961 and RCW 53.06.030 are each amended to read as follows:

The port district commissions in this state are empowered to designate the Washington public ports association as a coordinating agency through which the duties imposed by RCW 53.06.020 may be performed, harmonized or correlated. The purposes of the Washington public ports association shall be:

(1) To initiate and carry on the necessary studies, investigations and surveys required for the proper development and improvement of the commerce and business generally common to all port districts, and to assemble and analyze the data thus obtained and to cooperate with the state of Washington, port districts both within and without the state of Washington, and other operators of terminal and transportation facilities for this purpose, and to make such expenditures as are necessary for these purposes, including the proper promotion and advertising of all such properties, utilities and facilities;

(2) To establish coordinating and joint marketing bodies comprised of association members, including but not limited to establishment of a federation of Washington ports as described in section 2 of this 1989 act, as may be necessary to provide effective and efficient marketing of the state's trade, tourism, and travel resources;

(3) To exchange information relative to port construction, maintenance, operation, administration and management;

~~((3))~~ (4) To promote and encourage port development along sound economic lines;

~~((4))~~ (5) To promote and encourage the development of transportation, commerce and industry;

~~((5))~~ (6) To operate as a clearing house for information, public relations and liaison for the port districts of the state and to serve as a channel for cooperation among the various port districts and for the assembly and presentation of information relating to the needs and requirements of port districts to the public.

Sec. 5. Section 1, chapter 56, Laws of 1967 and RCW 53.29.010 are each amended to read as follows:

It is declared to be the finding of the legislature of the state of Washington that:

(1) The servicing functions and activities connected with the oceanborne and overseas airborne trade and commerce of port districts, including customs clearance, shipping negotiations, cargo routing, freight forwarding, financing, insurance arrangements and other similar transactions which are presently performed in various, scattered locations in the districts should be centralized to provide for more efficient and economical transportation of persons and more efficient and economical facilities for the exchange and buying, selling and transportation of commodities and other property in world trade and commerce;

(2) Unification, at a single, centrally located site of a facility of commerce, i.e., a trade center, accommodating the functions and activities described in subsection (1) of this section and the appropriate governmental, administrative and other services connected with or incidental to transportation of persons and property and the promotion and protection of port commerce, and providing a central locale for exhibiting, and otherwise promoting the exchange and buying and selling of commodities and property in world trade and commerce, will materially assist in preserving the material and other benefits of a prosperous port community;

(3) The undertaking of the aforesaid unified trade center project by a port district or the Washington public ports association has the single object of preserving, and will aid in the promotion and preservation of, the economic well-being of ~~((the))~~ port districts and the state of Washington and is found and determined to be a public purpose.

Sec. 6. Section 2, chapter 56, Laws of 1967 and RCW 53.29.020 are each amended to read as follows:

In addition to all other powers granted to port districts, any such district, the Washington public ports association, or the federation of Washington ports as described in section 2 of this 1989 act may acquire, as provided for other port properties in RCW 53.08.010, construct, develop, operate and maintain all land or other property interests, buildings, structures or other improvements necessary to provide a trade center including but not limited to:

(1) A facility consisting of one or more structures, improvements and areas for the centralized accommodation of public and private agencies, persons and facilities in order to afford improved service to waterborne and airborne import and export trade and commerce;

(2) Facilities for the promotion of such import and export trade and commerce, inspection, testing, display and appraisal facilities, foreign trade zones, terminal and transportation facilities, office meeting rooms, auditoriums, libraries, language translation services, storage, warehouse, marketing and exhibition facilities, facilities for federal, state, county and other municipal and governmental agencies providing services relating to the foregoing and including, but not being limited to, customs houses and customs stores, and other incidental facilities and accommodations.

Sec. 7. Section 3, chapter 56, Laws of 1967 and RCW 53.29.030 are each amended to read as follows:

(1) In carrying out the powers authorized by this chapter and chapter 53.06 RCW, port districts and the Washington public ports association are authorized to cooperate and act jointly with other public and private agencies, including, but not limited to the federal government, the state, other ports and municipal corporations, other states and their political subdivisions, and private nonprofit trade promotion groups and associate development organizations.

(2) Port districts operating trade center buildings or operating association or federation trade centers, shall pay an annual service fee to the county treasurer wherein the center is located for municipal services rendered to the trade center building. The measure of such service fee shall be equal to three percent of the gross rentals received from the nongovernmental tenants of such trade center building. Such proceeds shall be distributed by the county treasurer as follows: Forty percent to the school district, forty percent to the city, and twenty percent to the county wherein the center is located: PROVIDED, That if the center is located in an unincorporated area, twenty percent shall be allocated to the fire district, forty percent to the school district, and forty percent to the county.

Sec. 8. Section 4, chapter 56, Laws of 1967 and RCW 53.29.900 are each amended to read as follows:

This chapter, which may be known and cited as the "Trade Center Act", shall be liberally construed, its purpose being to provide port districts, and their related association and federation, with additional powers to provide trade centers and to promote and encourage trade, tourism, travel, and economic development in a coordinated and efficient manner through the ports of the state of Washington. The powers herein granted shall be in addition to all others granted to port districts.

NEW SECTION, Sec. 9. (1) There is created a temporary task force for purposes of examining cooperative measures available to ports and local associate development organizations to improve coordination and increase efficiency, and examining methods to build local capacity by implementing recommendations contained in the 1989 report of the economic development board.

(2) The task force shall study and make recommendations in the following areas:

(a) The feasibility of joint marketing efforts to advance the goals and mission of ports and local associate development organizations;

(b) Measures available to enhance the economic development and trade development mission of ports and local associate development organizations, including the establishment of joint trade offices and joint efforts to assist businesses to export;

(c) Opportunities to enhance the financial base of ports and local associate development organizations independent of additional taxation measures;

(d) Opportunities for ports and local associate development organizations to enter into contracts to assist local economic development efforts and build local capacity; and

(e) Such other areas as the task force determines are relevant to the mission of the task force: PROVIDED, That the task force shall not consider, nor shall its findings or recommendations include, matters relating to rates, rate setting, or price-fixing by Washington ports or local associate development organizations.

(3) The task force shall consist of the following twenty members:

(a) A member of the governing board of each county-wide port district in a class A or AA county selected by the respective port commissions;

(b) The executive director of each county-wide port district in a class A or AA county;

(c) A member of a governing board of a port district which is located east of the Cascade mountains, appointed by the governor;

(d) A member of a governing board of a port district which has an industrial area and a marine terminal, appointed by the governor;

(e) An executive director of a port district which is located east of the Cascade mountains, appointed by the governor;

(f) An executive director of a port district which has an industrial area and a marine terminal, appointed by the governor;

(g) Four members from the general public representing business, labor, and community organizations, appointed by the governor;

(h) Two executive directors of local associate development organizations, one of which is located east of the Cascade mountains, appointed by the governor;

(i) The directors, or the directors' designees, of the department of community development and the department of trade and economic development to serve as nonvoting members; and

(j) A representative from each of the four legislative caucuses. The president of the senate shall appoint the two senate members and the speaker of the house of representatives shall appoint the two house members. The legislators shall serve as nonvoting members.

(4) The governor shall designate the chair of the task force.

(5) The department of trade and economic development and the department of community development shall provide staff assistance as required.

(6) Task force members may be reimbursed for necessary travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(7) The task force shall report its findings and recommendations to the legislature by January 1, 1990.

(8) The task force shall expire on March 1, 1990.

NEW SECTION, Sec. 10. The temporary task force shall also identify opportunities to expand the state's air cargo capacity by identifying air cargo trends worldwide, identifying existing, planned, and potential air cargo capabilities and facilities in the state, analyzing the economic feasibility of planned and potential air cargo facilities with respect to transport shipping costs, and developing alternative policies for state and local government action to help ensure Washington remains competitive with respect to air cargo facilities.

NEW SECTION, Sec. 11. Nothing in section 9 or 10 of this act shall be construed to limit or impinge upon the autonomy of port districts.

NEW SECTION, Sec. 12. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

Sec. 13, Section 10, chapter 276, Laws of 1986 and RCW 53.31.900 are each amended to read as follows:

This chapter shall expire July 1, ((1991)) 1994, and shall be subject to review under chapter 43.131 RCW."

On page 1, line 1 of the title, after "ports;" strike the remainder of the title and insert "amending RCW 53.06.020, 53.06.030, 53.29.010, 53.29.020, 53.29.030, 53.29.900, and 53.31.900; adding a new section to chapter 53.06 RCW; and creating new sections."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

POINT OF ORDER

Senator Wojahn: "Mr. President, a point of order. I believe that this House amendment greatly expands the scope of the bill and I would challenge the bill on those grounds. This bill went over to the House as an informal suggestion for cooperation between the ports. It's come back and now has added to it, competition in which the Washington Public Ports Association is in competition with the Federation of Ports and will take upon itself a discussion of what should be done to the ports to expand their ability to compete nationally. Also, it expands the areas that need to be discussed and it expands the total of the bill. It calls for a temporary task force, but then it would mandate that some statutory language be written which could assist or help or destroy competition within the ports within the state of Washington. I believe it greatly expands the scope."

Further debate ensued.

There being no objection, the President deferred further consideration of Substitute Senate Bill No. 5648 and the pending House amendments.

MESSAGE FROM THE HOUSE

April 14, 1989

Mr. President:

The House has passed SENATE BILL NO. 5916 with the following amendment:

On page 1, beginning on line 24 after "merely" strike "trims, cuts," and insert "grinds".

and the bill and the amendment are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Nelson, the Senate concurred in the House amendment to Senate Bill No. 5916.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5916, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5916, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 42; absent, 1; excused, 6.

Voting yeas: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Hansen, Johnson, Lee, Madsen, Matson, McCaslin, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 42.

Absent: Senator Kreidler - 1.

Excused: Senators Amondson, DeJarnatt, Gaspard, Hayner, McDonald, Saling - 6.

SENATE BILL NO. 5916, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Vognild, Senator Vognild was relieved of Conference Committee duties on Engrossed Substitute Senate Bill No. 5352.

APPOINTMENT OF NEW CONFERENCE COMMITTEE MEMBER

The President appointed Senator Gaspard as a member of the Conference Committee on Engrossed Substitute Senate Bill No. 5352.

MOTION

On motion of Senator Vognild, the Conference Committee appointment was confirmed.

MESSAGE FROM THE HOUSE

April 17, 1989

Mr. President:

The House refuses to concur in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 1711 and asks the Senate for a conference thereon. The Speaker has appointed the following members as Conferees: Representatives Cole, Jones and Walker.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Lee, the Senate refuses to grant the request of the House for a conference on Substitute House Bill No. 1711, insists on its position regarding the Senate amendments thereto and once again asks the House to recede therefrom.

MESSAGE FROM THE HOUSE

April 14, 1989

Mr. President:

The House has passed SENATE BILL NO. 5926 with the following amendments:
Strike everything after the enacting clause and insert the following:

*NEW SECTION. Sec. 1. The legislature finds that the possibility exists for a drastic reduction in the volume of low-level radioactive waste disposed at Hanford in several years if waste from outside the region is denied access to the facility. The legislature further finds that the state has become dependent upon the millions of dollars of revenue generated by the waste site, funds which are annually deposited in the state general fund and other state accounts, and that proper analysis of the impacts of a loss of these funds has not been conducted, leaving the state in a potentially vulnerable position.

Sec. 2. Section 8, chapter 19, Laws of 1983 1st ex. sess. as amended by section 1, chapter 2, Laws of 1986 and RCW 43.200.080 are each amended to read as follows:

The director of ecology shall, in addition to the powers and duties otherwise imposed by law, have the following special powers and duties:

(1) To fulfill the responsibilities of the state under the lease between the state of Washington and the federal government executed September 10, 1964, covering one thousand acres of land lying within the Hanford reservation near Richland, Washington. The department of ecology may sublease to private or public entities all or a portion of the land for specific purposes or activities which are determined, after public hearing, to be in agreement with the terms of the lease and in the best interests of the citizens of the state consistent with any criteria that may be developed as a requirement by the legislature;

(2) To assume the responsibilities of the state under the perpetual care agreement between the state of Washington and the federal government executed July 29, 1965 and the sublease between the state of Washington and the site operator of the Hanford low-level radioactive waste disposal facility. In order to finance perpetual surveillance and maintenance under the agreement and ensure site closure under the sublease, the department of ecology shall impose and collect fees from parties holding radioactive materials for waste management purposes. The fees shall be established by rule adopted under chapter ~~((34-04))~~ 34.05 RCW and shall be an amount determined by the department of ecology to be necessary to defray the estimated liability of the state. Such fees shall reflect equity between the disposal facilities of this and other states. All such fees, when received by the department of ecology, shall be transmitted to the state treasurer, who shall act as custodian. The perpetual maintenance fund is created in the state treasury. The treasurer shall place the money in a special ((account)) fund which may be designated the "perpetual maintenance ((account)) fund." ~~((Appropriations are required to permit expenditures and payment of obligations from this account, and the condition of the account and its administration shall be reported biennially to the legislature by the director.))~~ The perpetual maintenance fund shall be comprised of a site closure account and a perpetual surveillance and maintenance account. The site closure account shall be exclusively available to reimburse, to the extent that moneys are available in the account, the site operator for its costs plus a reasonable profit as agreed by the operator and the state, or to reimburse the state licensing agency and any agencies under contract to the state licensing agency for their costs in final closure and decommissioning of the Hanford low-level radioactive waste disposal facility. If a balance remains in the account after satisfactory performance of closure and decommissioning, this balance shall be transferred to the perpetual surveillance and

maintenance account. The perpetual surveillance and maintenance account shall be used exclusively by the state to meet post-closure surveillance and maintenance costs, or for otherwise satisfying surveillance and maintenance obligations. Appropriations are required to permit expenditures and payment of obligations from the site closure account and the perpetual surveillance and maintenance account. All moneys currently administered by the department of ecology for closure of the Hanford low-level radioactive waste disposal facility shall be transferred to the site closure account within the perpetual maintenance fund. All future moneys contributed to the perpetual maintenance fund shall be directed to the site closure account until December 31, 1992. Thereafter receipts shall be directed to the perpetual maintenance fund as specified by the department. Moneys in the perpetual maintenance ((account)) fund shall be invested by the state investment board in the same manner as other state moneys. Any interest accruing as a result of investment shall accrue to the perpetual maintenance ((account)) fund. Additional moneys specifically appropriated by the legislature or received from any public or private source may be placed in the perpetual maintenance ((account. The perpetual maintenance account shall be used exclusively for surveillance and maintenance costs, or for otherwise satisfying surveillance and maintenance obligations)) fund;

(3) To assure maintenance of such insurance coverage by state licensees, lessees, or sublessees as will adequately, in the opinion of the director, protect the citizens of the state against nuclear accidents or incidents that may occur on privately or state-controlled nuclear facilities;

(4) To institute a user permit system and issue site use permits, consistent with regulatory practices, for generators, packagers, or brokers using the Hanford low-level radioactive waste disposal facility. The costs of administering the user permit system shall be borne by the applicants for site use permits. The site use permit fee shall be set at a level that is sufficient to fund completely the executive and legislative participation in activities related to the Northwest Interstate Compact on Low-Level Radioactive Waste Management; and

(5) To make application for or otherwise pursue any federal funds to which the state may be eligible, through the federal resource conservation and recovery act or any other federal programs, for the management, treatment or disposal, and any remedial actions, of wastes that are both radioactive and hazardous at all Hanford low-level radioactive waste disposal facilities; and

(6) To develop contingency plans for duties and options for the department and other state agencies related to the Hanford low-level radioactive waste disposal facility based on various projections of annual levels of waste disposal. These plans shall include an analysis of expected revenue to the state in various taxes and funds related to low-level radioactive waste disposal and the resulting implications that any increase or decrease in revenue may have on state agency duties or responsibilities. The initial set of plans shall be completed by October 1, 1989, and shall be updated annually. The department shall report annually on the plans and on the balances in the site closure and perpetual surveillance accounts to the energy and utilities committees of the senate and the house of representatives."

On page 1, line 1 of the title, after "waste;" strike the remainder of the title and insert "amending RCW 43.200.080; and creating a new section."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Benitz, the Senate refuses to concur in the House amendments to Senate Bill No. 5926 and requests of the House a conference thereon.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Senate Bill No. 5926 and the House amendments thereto: Senators Benitz, Williams and Bluechel.

MOTION

On motion of Senator Nelson, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

April 14, 1989

Mr. President:

The House has passed SENATE BILL NO. 5966 with the following amendments:

On page 2, following line 14 insert:

"NEW SECTION. Sec. 3. This act shall take effect on October 1, 1989, except that the department may immediately take such steps as are necessary to ensure that this act is implemented on its effective date."

Renumber the following sections consecutively and correct internal references.

On page 1, line 3 of the title after "49.12 RCW;" strike the remainder of the title and insert "creating a new section; and providing an effective date."

On page 1, beginning on line 6 after "adoptive parents," strike "foster parents."

On page 1, beginning on line 10 after "adoptive parents," strike "foster parent."

On page 1, beginning on line 21 after "adoptive parents," strike "foster parents."

On page 1, line 25 after "adoptive parent," strike "foster parent."

On page 1, after the enacting clause, insert the following:

NEW SECTION, Sec. 1. The legislature finds that the demands of the workplace and the needs of families need to be balanced to promote family stability and economic security. Changes in workplace leave policies are desirable to accommodate changes in the work force such as rising numbers of dual-career couples and working single parents. Further, inadequate job security exists for some employees who experience serious health conditions which prevent them from working for temporary periods. In addition, given the mobility of American society, many people no longer have available community or family support networks and therefore need additional flexibility in the workplace. The legislature declares it to be in the public interest to provide reasonable family leave upon the birth or adoption of a child or to care for a family member with a serious health condition and to provide reasonable temporary medical leave for an employee with a serious health condition.

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

(1) "Child" means a biological, adopted, or foster child, a stepchild, or a legal ward, who is:

(a) Under eighteen years of age; or

(b) Eighteen years of age or older and incapable of self-care because of mental or physical disability.

(2) "Department" means the department of labor and industries.

(3) "Employee" means a person engaged by an employer:

(a) To work an average of at least eighteen hours per week;

(b) In a job that is not considered temporary or seasonal; and

(c) Who has completed at least one year of employment.

For purposes of this subsection, a job is temporary if the term of employment is less than nine months and the original term has not extended beyond nine months.

(4) "Employer" means:

(a) Any person, firm, corporation, partnership, business trust, legal representative, or other business entity which engages in any business, industry, profession, or activity in this state, that employed thirty-five or more persons in this state within a twenty-mile radius of the employee's workplace during any calendar quarter of the previous twelve months: PROVIDED, That until October 1, 1991, "employer" is limited to any person, firm, corporation, partnership, business trust, legal representative, or other business entity which engages in any business, industry, profession, or activity in this state, that employed fifty or more persons in this state within a twenty-mile radius of the employee's workplace during any calendar quarter of the previous twelve months;

(b) The state; and

(c) Any unit of local government including, but not limited to, a county, city, town, municipal corporation, quasi-municipal corporation, or political subdivision, that employed thirty-five or more persons in this state within a twenty-mile radius of the employee's workplace during any calendar quarter of the previous twelve months: PROVIDED, That until October 1, 1991, "employer" is limited to any unit of local government including, but not limited to, a county, city, town, municipal corporation, quasi-municipal corporation, or political subdivision, that employed fifty or more persons in this state within a twenty-mile radius of the employee's workplace during any calendar quarter of the previous twelve months.

(5) "Family leave" means leave from employment to care for a newborn or newly adopted child, or a family member with a serious health condition, as provided in section 3 of this act.

(6) "Health care provider" means a person licensed as a physician under chapter 18.71 RCW, an advanced registered nurse practitioner under rules adopted by the board of nursing under chapter 18.88 RCW, or an osteopath under chapter 18.57 RCW; a person authorized to practice as a physician's assistant under chapter 18.71A RCW; or any other persons licensed or certified to provide health care services and capable of making the determinations required by this chapter, as determined by the department.

(7) "Medical leave" means leave from employment because of an employee's serious health condition, as provided in section 4 of this act.

(8) "Parent" means a biological, foster, or adoptive parent, a stepparent, or a legal guardian.

(9) "Person" includes one or more individuals, partnerships, associations, organizations, corporations, cooperatives, legal representatives, trustees and receivers, or any group of persons; includes any owner, lessee, proprietor, manager, agent, or employee, whether one or more natural persons; and further includes any political or civil subdivisions of the state and any agency or instrumentality of the state or of any political or civil subdivision.

(10) "Reduced leave schedule" means leave scheduled for fewer than an employee's usual number of hours per workweek or hours per workday.

(11) "Serious health condition" means an illness, injury, impairment, or physical or mental condition, whether or not preexisting, which requires:

- (a) Inpatient care in a hospital, hospice, or residential medical care facility; or
- (b) Continuing treatment or continuing supervision by a health care provider.

NEW SECTION. Sec. 3. (1) Except as provided in subsection (4) of this section, an employee is entitled to thirteen workweeks of family leave during any twenty-four month period under the circumstances in (a) and (b) of this subsection. The leave required by this section is in addition to any leave because of disability as a result of sickness or temporary disability because of pregnancy or childbirth.

(a) An employee may take leave to care for a newborn child of the employee or an adopted child of the employee who is under the age of sixteen at the time of placement for adoption. Leave under this subsection shall be completed within twelve months after the birth or placement for adoption, as applicable.

(b) An employee may take leave to care for any of the following individuals who has a serious health condition:

- (i) A child of the employee;
- (ii) The spouse of the employee;
- (iii) A parent of the employee or the employee's spouse who is dependent for care on the employee; or
- (iv) Any other relative of the employee who is dependent for care on the employee and relies on the employee or the employee's spouse for at least twenty-five percent of his or her financial support.

An employee may take leave under this subsection only when the individual requires the care of another person and the employee is an appropriate person to provide the care, as determined by a health care provider.

(2) Leave may be taken on a reduced leave schedule if:

- (a) The total period during which the thirteen workweeks is taken does not exceed thirty-six consecutive workweeks; and
 - (b) The leave is scheduled so as not to disrupt unduly the operations of the employer.
- (3) The leave required by this section may be unpaid. If an employer provides paid family leave for fewer than thirteen workweeks, the additional weeks of leave added to attain the thirteen workweek total may be unpaid. An employer may require an employee to first use up the employee's total accumulation of paid vacation leave, personal leave, family leave, or other comparable paid leave to which the employee is otherwise entitled before going on unpaid leave; however, nothing in this section requires more than thirteen total workweeks of leave.

(4) An employer may limit or deny family leave to an employee who receives compensation that is within the top ten percent of compensation of the employer's employees within the state.

NEW SECTION. Sec. 4. (1) Except as provided in subsection (5) of this section, an employee is entitled to thirteen workweeks of medical leave during any twelve-month period when the employee is unable to perform the functions of the employee's position because of a serious health condition. The leave required by this section shall not be construed to limit any leave required as a reasonable accommodation to the sensory, mental, or physical handicap of the employee.

(2) Medical leave may be taken on a reduced leave schedule if:

- (a) The total period during which the thirteen workweeks is taken does not exceed fifty-two consecutive workweeks; and
 - (b) The leave is scheduled so as not to disrupt unduly the operations of the employer.
- (3) The leave required by this section may be unpaid. An employer may require an employee to first use up the employee's total accumulation of paid sick leave, disability leave, vacation leave, personal leave, or other comparable paid leave to which the employee is otherwise entitled before going on unpaid leave; however nothing in this section requires more than thirteen total workweeks of leave.

(4) Nothing in this chapter shall be construed to prohibit an employee with a serious health condition and an employer from mutually agreeing to alternative employment for the employee. Any such period of alternative employment shall not cause a reduction in the period of medical leave to which the employee is entitled.

(5) An employer may limit or deny medical leave to an employee who receives compensation that is within the top ten percent of compensation of the employer's employees within the state.

NEW SECTION. Sec. 5. (1) An employee planning to take family leave under section 3(1)(a) of this act shall provide the employer with at least thirty days' written notice of the expected date of delivery or placement for adoption, except that if the placement for adoption is at an unanticipated time and the employee is unable to give thirty days' written notice, the employee shall notify the employer within twenty-four hours of the placement for adoption.

(2) If family leave under section 3(1)(b) of this act or medical leave under section 4 of this act is foreseeable, the employee shall provide the employer with at least fourteen days' written notice of the expected leave and shall make a reasonable effort to schedule the leave so as not to disrupt unduly the operations of the employer.

(3) If family leave under section 3(1)(b) of this act or medical leave under section 4 of this act is not foreseeable fourteen or more days before the leave is to take place, the employee shall notify the employer within twenty-four hours of knowing when the leave is to take place and shall make a reasonable effort to schedule the leave so as not to disrupt unduly the operations of the employer.

NEW SECTION. Sec. 6. (1) An employer may require that a claim for family leave under section 3(1)(b) of this act or medical leave under section 4 of this act be confirmed by a health care provider of the child, spouse, parent, other relative, or employee, whichever is appropriate.

(2) The health care provider shall confirm:

(a) The date on which the serious health condition commenced or was discovered;

(b) The probable duration of the condition; and

(c) That the individual requires the care of another person and the employee is an appropriate person to provide the care.

(3) An employer may require, at the employer's expense, that the employee obtain the opinion of a second health care provider selected by the employer concerning any information required under subsection (2) of this section. If the health care providers disagree on any factor which is determinative of the employee's eligibility for family or medical leave, the two health care providers shall select a third health care provider, whose opinion, obtained at the employer's expense, shall be conclusive.

NEW SECTION. Sec. 7. An employer may limit the combined number of workweeks of family leave and medical leave provided under this chapter to thirteen workweeks during any twelve-month period.

NEW SECTION. Sec. 8. (1) Subject to subsection (2) of this section, an employee who exercises any right provided under section 3 or 4 of this act shall be entitled, upon return from leave or during any reduced leave schedule:

(a) To the same position held by the employee when the leave commenced; or

(b) To a position with equivalent benefits, pay, and other terms and conditions of employment.

(2) The entitlement under subsection (1) of this section does not apply if:

(a) The employer is unable to reinstate the employee due to a bona fide reduction in force; or

(b) The employer is unable to reinstate the employee due to the permanent or temporary shutdown of the employee's workplace for at least thirty days or the transfer of the business of the employee's workplace to a location at least sixty miles from the original location of the workplace.

(3) The taking of leave under this chapter shall not result in the loss of any benefit, including seniority or pension rights, accrued before the date on which the leave commenced.

(4) Except as provided in section 9 of this act, nothing in this chapter shall be construed to require the employer to grant benefits, including seniority or pension rights, during any period of leave.

(5) All policies applied during the period of leave to the classification of employees to which the employee belongs shall apply to the employee on leave.

NEW SECTION. Sec. 9. If the employer provided medical, dental, or disability benefits to an employee prior to leave under section 3 or 4 of this act, and the employee is not eligible for any employer contribution to medical, dental, or disability benefits under the applicable collective bargaining agreement or employer policy during any period of leave, the employer shall allow the employee to elect to continue the employee's medical, dental, and disability benefits, including any spouse and dependent coverage. The coverage shall be identical to the coverage provided to similarly situated persons not on leave and the premium to be paid by the employee shall not exceed one hundred two percent of the applicable premium for the leave period.

NEW SECTION. Sec. 10. The department shall administer the provisions of this chapter.

NEW SECTION. Sec. 11. The department shall adopt rules to carry out the provisions of this chapter.

NEW SECTION. Sec. 12. (1) The rights and remedies under this chapter are in addition to any other rights or remedies provided by law.

(2) Nothing in this chapter shall be construed to discourage employers from adopting policies which provide greater leave rights to employees than those required by this chapter.

(3) The provisions of this chapter shall be construed liberally for the accomplishment of the purposes thereof.

NEW SECTION. Sec. 13. (1) Nothing in this chapter shall be construed to supersede any provision of any local law which provides greater leave rights to employees than the rights established under this chapter.

(2) Nothing in this chapter shall be construed to diminish an employer's obligation to comply with any collective bargaining agreement or any employment benefit program or plan which provides greater leave rights to employees than the rights provided under this chapter.

(3) The rights provided to employees under this chapter may not be diminished by any collective bargaining agreement or any employment benefit program or plan entered into or renewed after the effective date of this section.

NEW SECTION. Sec. 14. This chapter shall apply to collective bargaining agreements or employment benefit programs or plans entered into or renewed after the effective date of this section.

NEW SECTION. Sec. 15. The department has power to hold hearings, subpoena witnesses, compel their attendance, administer oaths, take the testimony of any person under oath, and in connection therewith, to require the production for examination of any books or papers relating to any matter under investigation or in question before the department. The department may make rules as to the issuance of subpoenas under this chapter, as to service of complaints, decisions, orders, recommendations, and other process or papers of the department, either personally or by registered mail, return receipt requested, or by leaving a copy thereof at the principal office or place of business of the person required to be served. The return post office receipt, when service is by registered mail, shall be proof of service of the same.

NEW SECTION. Sec. 16. No person shall be excused from attending and testifying or from producing records, correspondence, documents, or other evidence in obedience to the subpoena of the department, on the ground that the testimony or evidence required of the person may tend to incriminate or subject the person to a penalty or forfeiture, but no person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which the person is compelled, after having claimed the privilege against self-incrimination, to testify or produce evidence, except that such person so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying. The immunity herein provided shall extend only to natural persons so compelled to testify.

NEW SECTION. Sec. 17. In case of contumacy or refusal to obey a subpoena issued to any person, the superior court of any county within the jurisdiction of which the investigation, proceeding, or hearing is carried on or within the jurisdiction of which the person guilty of contumacy or refusal to obey is found or resides or transacts business, upon application by the department, shall have jurisdiction to issue to such person an order requiring such person to appear before the department, there to produce evidence, if so ordered, or there to give testimony touching the matter under investigation or in question. Any failure to obey such order of the court may be punished by the court as a contempt thereof.

NEW SECTION. Sec. 18. Witnesses before the department shall be paid the same fees and mileage that are paid witnesses in the courts of this state. Witnesses whose depositions are taken and the person taking the same shall be entitled to the same fees as are paid for like services in the courts of the state.

NEW SECTION. Sec. 19. Violation of sections 3 through 9 of this act is an unfair practice.

(1) Any person claiming to be aggrieved by an alleged unfair practice may, personally or by his or her attorney, make, sign, and file with the department a complaint in writing under oath. The complaint shall state the name and address of the person alleged to have committed the unfair practice and the particulars thereof, and contain such other information as may be required by the department.

(2) Whenever it has reason to believe that any person has been engaged or is engaging in an unfair practice, the department may issue a complaint.

(3) Any employer or principal whose employees, or agents, or any of them, refuse or threaten to refuse to comply with the provisions of this chapter may file with the department a written complaint under oath asking for assistance by conciliation or other remedial action.

Any complaint filed pursuant to this section must be so filed within six months after the alleged violation of this chapter.

NEW SECTION. Sec. 20. After the filing of any complaint, the department shall refer it to the appropriate staff of the department for investigation and ascertainment of the facts alleged in the complaint. The results of the investigation shall be reduced to written findings of fact, and a finding shall be made that there is or that there is not reasonable cause for believing that an unfair practice has been or is being committed. A copy of said findings shall be furnished to the complainant and to the person named in such complaint, hereinafter referred to as the respondent.

If the finding is made that there is reasonable cause for believing that an unfair practice has been or is being committed, the staff of the department shall endeavor to eliminate the unfair practice by conference, conciliation, and persuasion.

If an agreement is reached for the elimination of such unfair practice as a result of such conference, conciliation and persuasion, the agreement shall be reduced to writing and signed by the respondent, and an order shall be entered by the department setting forth the terms of said agreement. No order shall be entered by the department at this stage of the proceedings except upon such written agreement.

If no such agreement can be reached, a finding to that effect shall be made and reduced to writing, with a copy thereof furnished to the complainant and the respondent.

NEW SECTION, Sec. 21. (1) In case of failure to reach an agreement for the elimination of an unfair practice or upon violation of a final order issued under section 22(5) of this act, and upon the entry of findings to that effect, the department may issue a citation. The form of the citation shall be adopted by rule under chapter 34.05 RCW. The department may assess a civil penalty not to exceed one thousand dollars for each violation against a person issued a citation. Any person who receives a citation shall pay the amount noted on the citation within thirty days of receipt. Monetary penalties collected under this section shall be deposited into the general fund.

(2) Any person aggrieved by any action taken or decision made by the department under subsection (1) of this section may appeal the action or decision to the director by filing notice of the appeal with the director within thirty days of the department's action or decision. Upon receipt of an appeal, a hearing shall be held in accordance with chapter 34.05 RCW. The director shall issue all final orders after the hearing. The final orders are subject to appeal in accordance with chapter 34.05 RCW. Orders not appealed within the time period specified in chapter 34.05 RCW are final and binding.

NEW SECTION, Sec. 22. (1) Upon consideration of the circumstances of the respondent and the person aggrieved by an unfair practice, and after an evaluation of whether a remedy for the person aggrieved or imposing a penalty under section 21 of this act will more effectively accomplish the purposes of this chapter, the department may, in lieu of imposing a civil penalty under section 21 of this act, seek a remedy for the person aggrieved under this section. The director shall thereupon request the appointment of an administrative law judge under Title 34 RCW to hear the complaint and shall cause to be issued and served in the name of the department a written notice, together with a copy of the complaint, as the same may have been amended, requiring the respondent to answer the charges of the complaint at a hearing before the administrative law judge, at a time and place to be specified in such notice.

(2) The place of any such hearing may be the office of the department or another place designated by it. The case in support of the complaint shall be presented at the hearing by counsel for the department: PROVIDED, That the complainant may retain independent counsel and submit testimony and be fully heard. No member or employee of the department who previously made the investigation or caused the notice to be issued shall participate in the hearing except as a witness, nor shall the member or employee participate in the deliberations of the administrative law judge in such case. Any endeavors or negotiations for conciliation shall not be received in evidence.

(3) The respondent shall file a written answer to the complaint and appear at the hearing in person or otherwise, with or without counsel, and submit testimony and be fully heard. The respondent has the right to cross-examine the complainant.

(4) The administrative law judge conducting any hearing may permit reasonable amendment to any complaint or answer. Testimony taken at the hearing shall be under oath and recorded.

(5) If, upon all the evidence, the administrative law judge finds that the respondent has engaged in any unfair practice, the administrative law judge shall state findings of fact and shall issue and file with the department and cause to be served on such respondent an order requiring such respondent to cease and desist from such unfair practice and to take such affirmative action, including, but not limited to, hiring, reinstatement or upgrading of employees, with or without back pay, or to take such other action as, in the judgment of the administrative law judge, will effectuate the purposes of this chapter, including action that could be ordered by a court, except that damages for humiliation and mental suffering shall not exceed one thousand dollars, and including a requirement for report of the matter on compliance.

(6) The final order of the administrative law judge shall include a notice to the parties of the right to obtain judicial review of the order by appeal in accordance with the provisions of RCW 34.05.518 or 34.05.570, and that such appeal must be served and filed within thirty days after the service of the order on the parties.

(7) If, upon all the evidence, the administrative law judge finds that the respondent has not engaged in any alleged unfair practice, the administrative law judge shall state findings of fact and shall similarly issue and file an order dismissing the complaint.

(8) An order dismissing a complaint may include an award of reasonable attorneys' fees in favor of the respondent if the administrative law judge concludes that the complaint was frivolous or brought in bad faith.

(9) The department may impose a civil penalty under section 21(1) of this act upon any person who violates a final order. The respondent may seek review of the penalty under section 21(2) of this act or, if the respondent has sought judicial review of the underlying order, the respondent may seek review of the penalty as part of the review of the underlying order.

(10) The department shall establish rules of practice to govern, expedite and effectuate the foregoing procedure.

NEW SECTION, Sec. 23. (1) The department shall petition the court within the county wherein any unfair practice occurred or wherein any person charged with an unfair practice

resides or transacts business for the enforcement of any final order which is not complied with and is issued by the department or an administrative law judge under the provisions of this chapter and for appropriate temporary relief or a restraining order, and shall certify and file in court the final order sought to be enforced. Within five days after filing such petition in court, the department shall cause a notice of the petition to be sent by registered mail to all parties or their representatives.

(2) From the time the petition is filed, the court shall have jurisdiction of the proceedings and of the questions determined thereon, and shall have the power to grant such temporary relief or restraining order as it deems just and suitable.

(3) If the petition shows that there is a final order issued by the department or administrative law judge under section 20, 21, or 22 of this act and that the order has not been complied with in whole or in part, the court shall issue an order directing the person who is alleged to have not complied with the administrative order to appear in court at a time designated in the order, not less than ten days from the date thereof, and show cause why the administrative order should not be enforced according to the terms. The department shall immediately serve the person with a copy of the court order and the petition.

(4) The administrative order shall be enforced by the court if the person does not appear, or if the person appears and the court finds that:

(a) The order is regular on its face;

(b) The order has not been complied with; and

(c) The person's answer discloses no valid reason why the order should not be enforced, or that the reason given in the person's answer could have been raised by review under RCW 34.05.570, and the person has given no valid excuse for failing to use that remedy.

(5) The jurisdiction of the court shall be exclusive and its judgment and decree shall be final, except that the same shall be subject to appellate review by the supreme court or the court of appeals, on appeal, by either party, irrespective of the nature of the decree or judgment. The review shall be taken and prosecuted in the same manner and form and with the same effect as is provided in other cases.

NEW SECTION. Sec. 24. Any respondent or complainant, including the department, aggrieved by a final order of an administrative law judge may obtain judicial review of such order as provided under the administrative procedure act, chapter 34.05 RCW. From the time a petition for review is filed, the court has jurisdiction to grant to any party such temporary relief or restraining order as it deems just and suitable. If the court affirms the order, it shall enter a judgment and decree enforcing the order as affirmed.

NEW SECTION. Sec. 25. Petitions filed under sections 23 and 24 of this act shall be heard expeditiously and determined upon the transcript filed, without requirement of printing. Hearings in the court under this chapter shall take precedence over all other matters, except matters of the same character.

NEW SECTION. Sec. 26. In any case in which the department shall issue an order against any political or civil subdivision of the state, or any agency, or instrumentality of the state or of the foregoing, or any officer or employee thereof, the department shall transmit a copy of such order to the governor of the state. The governor shall take such action to secure compliance with such order as the governor deems necessary.

NEW SECTION. Sec. 27. It is an unfair practice for any employer, employment agency, labor union, or other person to discharge, expel, or otherwise discriminate against any person because he or she has opposed any practices forbidden by this chapter, or because he or she has filed a charge, testified, or assisted in any proceeding under this chapter.

NEW SECTION. Sec. 28. It is an unfair practice for any person to aid, abet, encourage, or incite the commission of any unfair practice, or to attempt to obstruct or prevent any other person from complying with the provisions of this chapter or any order issued thereunder, or to resist, prevent, impede, or interfere with the department or representatives in the performance of a duty under this chapter. Seeking review of an order shall not constitute an unfair practice.

NEW SECTION. Sec. 29. Any person deeming himself or herself damaged by an act in violation of this chapter shall have a civil action in a court of competent jurisdiction to enjoin further violations or to recover the actual damages sustained by him or her, or both, together with the cost of suit including reasonable attorneys' fees, in addition to any other remedy authorized by this chapter.

NEW SECTION. Sec. 30. The sum of three hundred thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the general fund to the department of labor and industries for the purpose of this act.

NEW SECTION. Sec. 31. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 32. Sections 1 through 29 of this act shall constitute a new chapter in Title 49 RCW.

NEW SECTION. Sec. 33. This act shall take effect September 1, 1989."

Renumber remaining sections consecutively.

On page 1, line 2 of the title, after "women;" insert "adding a new chapter to Title 49 RCW; prescribing penalties; making an appropriation; providing an effective date",

and the same are herewith transmitted.

DENNIS KARRAS, Deputy Chief Clerk

MOTION

On motion of Senator Nelson, further consideration of Senate Bill No. 5966 was deferred.

MESSAGE FROM THE HOUSE

April 14, 1989

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 6048 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. A new section is added to chapter 70.24 RCW to read as follows:

(1) This section shall apply to counseling and consent for HIV testing administered as part of an application for coverage authorized under Title 48 RCW.

(2) Persons subject to regulation under Title 48 RCW who are requesting an insured, a subscriber, or a potential insured or subscriber to furnish the results of an HIV test for underwriting purposes as a condition for obtaining or renewing coverage under an insurance contract, health care service contract, or health maintenance organization agreement shall:

(a) Provide written information to the individual prior to being tested which explains:

(i) What an HIV test is;

(ii) Behaviors that place a person at risk for HIV infection;

(iii) That the purpose of HIV testing in this setting is to determine eligibility for coverage;

(iv) The potential risks of HIV testing; and

(v) Where to obtain HIV pretest counseling.

(b) Obtain informed specific written consent for an HIV test. The written informed consent shall include:

(i) An explanation of the confidential treatment of the test results which limits access to the results to persons involved in handling or determining applications for coverage or claims of the applicant or claimant and to those persons designated under (c)(iii) of this subsection; and

(ii) Requirements under (c)(iii) of this subsection.

(c) Establish procedures to inform an applicant of the following:

(i) That post-test counseling, as specified under WAC 248-100-209(4), is required if an HIV test is positive or indeterminate;

(ii) That post-test counseling occurs at the time a positive or indeterminate HIV test result is given to the tested individual;

(iii) That the applicant may designate a health care provider or health care agency to whom the insurer, the health care service contractor, or health maintenance organization will provide positive or indeterminate test results for interpretation and post-test counseling. When an applicant does not identify a designated health care provider or health care agency and the applicant's test results are either positive or indeterminate, the insurer, the health care service contractor, or health maintenance organization shall provide the test results to the local health department for interpretation and post-test counseling; and

(iv) That positive or indeterminate HIV test results shall not be sent directly to the applicant.

NEW SECTION, Sec. 2. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 1 of the title, after "48 RCW;" strike the remainder of the title and insert "adding a new section to chapter 70.24 RCW; and declaring an emergency."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator von Reichbauer, the Senate concurred in the House amendments to Substitute Senate Bill No. 6048.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6048, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6048, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 42; absent, 1; excused, 6.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Hansen, Johnson, Lee, Madsen, Matson, McCaslin, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 42.

Absent: Senator Kreidler - 1.

Excused: Senators Amondson, DeJarnatt, Gaspard, Hayner, McDonald, Saling - 6.

SUBSTITUTE SENATE BILL NO. 6048, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 17, 1989

Mr. President:

The House refuses to concur in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 1408 and asks the Senate to recede therefrom, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

Senator Johnson moved that the Senate do recede from its amendments to Substitute House Bill No. 1408.

POINT OF INQUIRY

Senator Moore: "Senator Johnson, does this materially alter the bill that we sent over?"

Senator Johnson: "Senator Moore, House Bill No. 1408, if you remember, dealt with service credits regarding an individual that worked for a school district—a bus driver and also an aide. When one of the staff people in the Senate Ways and Means Committee made the striking amendment, he used a previous draft that did not do what the original bill intended to do, so the Senator involved did not want that part any more. If we leave the striking amendment on, the bill is flawed."

Senator Moore: "Is this the same as what you and I thought it was going to be originally?"

Senator Johnson: "Yes, the original bill."

Senator Moore: "Thank you."

The President declared the question before the Senate to be the motion by Senator Johnson that the Senate do recede from its amendments to Substitute House Bill No. 1408.

The motion by Senator Johnson carried.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1408, without the Senate amendments.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1408, without the Senate amendments, and the bill passed the Senate by the following vote: Yeas, 42; absent, 2; excused, 5.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Hansen, Johnson, Lee, Madsen, Matson, McCaslin, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 42.

Absent: Senators Bauer, Kreidler - 2.

Excused: Senators DeJarnatt, Gaspard, Hayner, McDonald, Saling - 5.

SUBSTITUTE HOUSE BILL NO. 1408, without the Senate amendments, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 15, 1989

Mr. President:

The House refuses to concur in the Senate amendments to HOUSE BILL NO. 1772 and asks the Senate to recede therefrom, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Metcalf, the Senate receded from its amendments to House Bill No. 1772.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1772, without the Senate amendments.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1772, without the Senate amendments, and the bill passed the Senate by the following vote: Yeas, 42; absent, 2; excused, 5.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Hansen, Johnson, Lee, Madsen, Matson, McCaslin, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Sellar, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 42.

Absent: Senators Kreidler, Smith - 2.

Excused: Senators DeJarnatt, Gaspard, Hayner, McDonald, Saling - 5.

HOUSE BILL NO. 1772, without the Senate amendments, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 5648 and the pending House striking amendment and title amendment deferred earlier today.

RULING BY THE PRESIDENT

President Pritchard: "In ruling upon the point of order raised by Senator Wojahn, the President finds that Substitute Senate Bill No. 5648 is a measure authorizing the Washington Public Ports Association to establish a federation of ports to strengthen international trading capacities and requiring a report to the Legislature.

"The amendment proposed by the House provides for similar authority, requires a similar report and creates a temporary task force to identify increased areas of cooperation for ports to increase trade capacities.

"The President, therefore, finds that the proposed amendment does not change the scope and object of the bill and that the point of order is not well taken."

The House amendments to Substitute Senate Bill No. 5648 were ruled in order.

MOTION

On motion of Senator Lee, the Senate concurred in the House amendments to Substitute Senate Bill No. 5648.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5648, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5648, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 34; nays, 9; absent, 1; excused, 5.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Benitz, Bluechel, Cantu, Craswell, Fleming, Hansen, Kreidler, Lee, Matson, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rinehart, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, West, Williams - 34.

Voting nay: Senators Conner, Johnson, Madsen, McCaslin, Rasmussen, Vognild, von Reichbauer, Warnke, Wojahn - 9.

Absent: Senator Bender - 1.

Excused: Senators DeJarnatt, Gaspard, Hayner, McDonald, Saling - 5.

SUBSTITUTE SENATE BILL NO. 5648, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTIONS

On motion of Senator Smith, Senator Lee was excused.

On motion of Senator Warnke, Senator Rinehart was excused.

MESSAGE FROM THE HOUSE

April 15, 1989

Mr. President:

The House refuses to concur in the Senate amendments to HOUSE BILL NO. 2142 and asks the Senate to recede therefrom, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator McCaslin, the Senate receded from its amendments to House Bill No. 2142.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2142, without the Senate amendments.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2142, without the Senate amendments, and the bill passed the Senate by the following vote: Yeas, 39; nays, 1; absent, 3; excused, 6.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bender, Benitz, Bluechel, Cantu, Craswell, Fleming, Hansen, Johnson, Kreidler, Madsen, Matson, McCaslin, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Saling, Sellar, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 39.

Voting nay: Senator Niemi - 1.

Absent: Senators Bauer, Conner, Smith - 3.

Excused: Senators DeJarnatt, Gaspard, Hayner, Lee, McDonald, Rinehart - 6.

HOUSE BILL NO. 2142, without the Senate amendments, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 12:10 p.m., on motion of Senator Newhouse, the Senate recessed until 1:45 p.m.

The Senate was called to order at 1:50 p.m. by President Pro Tempore Bluechel.

MESSAGE FROM THE HOUSE

April 14, 1989

Mr. President:

The House has passed SECOND SUBSTITUTE SENATE BILL NO. 6051 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds that increasing the availability and affordability of quality child care will enhance the stability of the family and facilitate expanded economic prosperity in the state. The legislature finds that balancing work and family life is a critical concern for employers and employees. The dramatic increase in participation of women in the work force has resulted in a demand for affordable child care exceeding the supply. The future of the state's work force depends in part upon the availability of quality affordable child care. There are not enough child care services and facilities to meet the needs of working parents, the costs of care are often beyond the resources of working parents, and facilities are not located conveniently to work places and neighborhoods. The prospect for labor shortages resulting from the aging of the population and the importance of the quality of the work force to the competitiveness of Washington businesses make the availability of quality child care an important concern for the state's businesses.

The legislature further finds that a partnership between business and child care providers can help the market for child care adjust to the needs of businesses and working families and improve productivity, reduce absenteeism, improve recruitment, and improve morale among Washington's labor force. The legislature further finds that private and public partnerships and investments are necessary to increase the supply, affordability, and quality of child care in the state.

Sec. 2. Section 11, chapter 466, Laws of 1985 as amended by section 3, chapter 348, Laws of 1987 and RCW 43.31.085 are each amended to read as follows:

The business assistance center shall:

(1) Serve as the state's lead agency and advocate for the development and conservation of businesses.

(2) Coordinate the delivery of state programs to assist businesses.

(3) Provide comprehensive referral services to businesses requiring government assistance.

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

(5) Aggressively promote business awareness of the state's business programs and distribute information on the services available to businesses.

(6) Develop, in concert with local economic development and business assistance organizations, coordinated processes that complement both state and local activities and services.

(7) The business assistance center shall work with other federal, state, and local agencies and organizations to ensure that business assistance services including small business, trade services, and distressed area programs are provided in a coordinated and cost-effective manner.

(8) In collaboration with the child care coordinating committee in the department of social and health services, prepare and disseminate information on child care options for employers and the existence of the program. As much as possible, and through interagency agreements where necessary, such information should be included in the routine communications to employers from (a) the department of revenue, (b) the department of labor and industries, (c) the department of community development, (d) the employment security department, (e) the department of trade and economic development, (f) the small business development center, and (g) the department of social and health services.

(9) In collaboration with the child care coordinating committee in the department of social and health services, compile information on and facilitate employer access to individuals, firms, organizations, and agencies that provide technical assistance to employers to enable them to develop and support child care services or facilities.

NEW SECTION. Sec. 3. A new section is added to chapter 43.168 RCW to read as follows:

(1) The legislature finds that the dramatic increase in the participation of women in the workforce has resulted in a shortage of affordable, quality child care. The economy will continue to need the increasing participation of women in the workforce in the future; therefore affordable and quality child care is important for economic development.

(2) The committee may approve applications for projects to provide child care. The committee may, subject to federal block grant criteria, give higher priority to economic development projects that contain provisions for child care.

(3)(a) A child care facilities loan guarantee fund is created in the custody of the committee. All receipts designated for the guarantee fund shall be placed in the guarantee fund and shall be administered by the committee including:

(i) Premiums and fees for guaranteeing loans;

(ii) Income from investments that the state treasurer, on instruction of the committee, makes for the committee under this section;

(iii) Proceeds from the sale, disposition, lease, or rental of collateral relating to loan guarantees;

(iv) Moneys appropriated by the state to the guarantee fund;

(v) Moneys appropriated by the committee from the development loan fund; and

(vi) Any other moneys made available to the guarantee fund.

Disbursements from the guarantee fund shall be on authorization by the committee. No appropriation shall be required to permit expenditures and payment of obligations from the fund.

(b) The guarantee fund shall be used to pay all expenses and disbursements authorized by the committee for administering the guarantee fund and financing the expansion, renovation, capital improvement or development of child care facilities in this state, including, but not limited to:

(i) Guaranty payments required by loan defaults; and

(ii) Expenses for administrative, legal, actuarial, technical assistance, and other services.

(c) If at any time the amount of money in the guarantee fund exceeds the amount that the committee finds necessary to meet its current expenses and obligations, the excess shall be deposited with the state treasurer to the credit of the fund and invested in the manner provided for by law.

(4)(a) Subject to the restrictions of this subsection (4), the committee, on application, may provide a guarantee of a loan made to an applicant. The committee may guarantee a loan only if the applicant meets the qualifications required by this section and the loan is to be used for expansion, renovation, capital improvement, or financing of a child care facility.

(b) To apply for a loan guarantee, an applicant shall submit an application to the committee on the form required by the committee. The application shall include, at a minimum:

(i) A detailed description of the proposed or existing day care facility, including the categories of children served or to be served and documentation of licensing pursuant to chapter 74.15 RCW;

(ii) An itemization of known and estimated costs;

(iii) The total amount of investment required to expand or develop the day care facility;

(iv) The funds available to the applicant without loan guarantee assistance from the committee;

(v) The amount of loan guarantee assistance sought from the committee;

(vi) Information about the inability of the applicant to obtain the financing necessary for the facility on reasonable terms through conventional lending channels;

(vii) Information on the financial status of the applicant, including, if applicable:

(A) A current balance sheet;

(B) A profit and loss statement;

(C) Credit references; and

(D) Any other relevant information required by the committee.

(c) In guaranteeing loans under this subsection (4), consideration shall be given to:

(i) Geographic distribution of child care facilities;

(ii) Community need in the community in which the facility is or will be located;

(iii) Community income, with special weight given to those communities with the lowest median family income; and

(iv) Commitment by the applicant as a condition of the loan guarantee to serve a reasonable number of: Handicapped children, as defined under chapter 72.40 RCW; sick children; infants; children requiring night time or weekend care; or children whose costs of care are subsidized by the department of social and health services.

(d) Except as otherwise required in this subsection (4), the committee may set the terms and conditions for guarantees of loans. The total aggregate amount of the loan guarantee for any applicant may not exceed eighty percent of the loan.

(5) The total aggregate amount of insurance from the guarantee fund, with respect to the insured portions of loans, may not exceed at any time an amount equal to five times the balance in the guarantee fund.

(6) The committee shall adopt rules setting forth criteria, application procedures, and methods to assure compliance with the purposes described in this section.

NEW SECTION. Sec. 4. If specific funding for the purposes of this act, referencing this act by bill number, is not provided by June 30, 1989, in the omnibus appropriations act, this act shall be null and void.

NEW SECTION. Sec. 5. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 6. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 2 of the title, after "services;" strike the remainder of the title and insert "amending RCW 43.31.085; adding a new section to chapter 43.168 RCW; creating new sections; and declaring an emergency."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Lee, the Senate refuses to concur in the House amendments to Second Substitute Senate Bill No. 6051 and requests of the House a conference thereon.

APPOINTMENT OF CONFERENCE COMMITTEE

The President Pro Tempore appointed as members of the Conference Committee on Second Substitute Senate Bill No. 6051 and the House amendments thereto: Senators Anderson, Niemi and Cantu.

MOTION

On motion of Senator Newhouse, the Conference Committee appointments were confirmed.

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

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Lee, Gubernatorial Appointment No. 9041, Isabelle S. Lamb, as a member of the Small Business Export Financial Assistance Center Board of Directors, was confirmed.

APPOINTMENT OF ISABELLE S. LAMB

The Secretary call the roll. The appointment was confirmed by the following vote: Yeas, 42; absent, 4; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Johnson, Kreidler, Lee, Madsen, McCaslin, McMullen, Metcalf, Murray, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Thorsness, Vognilid, von Reichbauer, Warnke, West, Williams, Wojahn - 42.

Absent: Senators Matson, Moore, Nelson, Sutherland - 4.

Excused: Senators DeJarnatt, Hayner, McDonald - 3.

MOTIONS

On motion of Senator Warnke, Senators Gaspard, Moore and Owen were excused.

On motion of Senator Anderson, Senators Nelson and Smith were excused.

There being no objection, the President Pro Tempore returned the Senate to the fourth order of business.

MESSAGE FROM THE HOUSE

April 14, 1989

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 5812 with the following amendments:

On page 1, line 6 after "common" insert "and contract"

On page 1, line 7 after "personal." strike the remainder of the section and insert "It is therefore necessary and desirable for the state to prevent each city or county from applying its own separate insurance regulations in addition to those required by the commission."

On page 1, line 8 after "common" insert "contract"

On page 1, beginning on line 16 strike all the material down to and including "insurance" on line 17 and insert "This chapter shall exclusively govern the liability insurance requirements",

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator McCaslin, the Senate concurred in the House amendments to Substitute Senate Bill No. 5812.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5812, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5812, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 40; absent, 1; excused, 8.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Hansen, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, Metcalf, Murray, Newhouse, Niemi, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognilid, von Reichbauer, Warnke, West, Williams, Wojahn - 40.

Absent: Senator McMullen - 1.

Excused: Senators DeJarnatt, Gaspard, Hayner, McDonald, Moore, Nelson, Owen, Smith - 8.

SUBSTITUTE SENATE BILL NO. 5812, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Warnke, Senator Rinehart was excused.

MESSAGE FROM THE HOUSE

April 14, 1989

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 5350 with the following amendments:

On page 1, line 11 strike "commissioners" and insert "legislative authority"

On page 1, line 12 strike "competent persons" and insert "attorneys"

On page 1, line 23 strike "commissioners" and insert "legislative authority"

On page 1, line 23 after "determine." insert "The appointments may be full or part-time positions. A person appointed as a mental health commissioner may also be appointed to any other commissioner position authorized by law."

On page 2, beginning on line 18 strike subsection (7)

On page 3, beginning on line 6 strike subsection (7)

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Pullen, the Senate concurred in the House amendments to Substitute Senate Bill No. 5350.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5350, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5350, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 40; excused, 9.

Voting yeas: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Hansen, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McMullen, Metcalf, Murray, Newhouse, Niemi, Patterson, Pullen, Rasmussen, Saling, Sellar, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 40.

Excused: Senators DeJarnatt, Gaspard, Hayner, McDonald, Moore, Nelson, Owen, Rinehart, Smith - 9.

SUBSTITUTE SENATE BILL NO. 5350, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 14, 1989

Mr. President:

The House has passed SENATE BILL NO. 5381 with the following amendments:

On page 1, line 20 after "18", strike "and 3 years junior" and insert "~~((and 3 years junior))~~"

On page 1, beginning on line 24 strike everything through "RCW 46.61.520" on page 1, line 26

On page 1, after line 40 insert "Vehicular Homicide, by being under the influence of intoxicating liquor or any drug or by the operation of any vehicle in a reckless manner (RCW 46.61.520)".

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Pullen, the Senate concurred in the House amendments to Senate Bill No. 5381.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5381, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5381, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 43; excused, 6.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Hansen, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McMullen, Metcalf, Moore, Murray, Neilson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Saling, Sellar, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 43.

Excused: Senators DeJarnatt, Gaspard, Hayner, McDonald, Rinehart, Smith - 6.

SENATE BILL NO. 5381, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 13, 1989

Mr. President:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5905 with the following amendments:

Strike everything after the enacting clause and insert the following:

*Sec. 1. Section 1, chapter 360, Laws of 1985 and RCW 19.27.015 are each amended to read as follows:

As used in this chapter:

(1) "City" means a city or town; and

(2) "Multifamily residential building" means common wall residential buildings that consist of four or fewer units, that do not exceed two stories in height, that are less than five thousand square feet in area, and that have a one-hour fire-resistive occupancy separation between units.

Sec. 2. Section 5, chapter 360, Laws of 1985 and RCW 19.27.031 are each amended to read as follows:

Except as otherwise provided in this chapter, there shall be in effect in all counties and cities the state building code which shall consist of the following codes which are hereby adopted by reference:

(1) Uniform Building Code and Uniform Building Code Standards, (~~(1982 edition)~~) published by the International Conference of Building Officials;

(2) Uniform Mechanical Code, (~~(1982 edition)~~) including Chapter 22, Fuel Gas Piping, Appendix B, published by the International Conference of Building Officials;

(3) The Uniform Fire Code and Uniform Fire Code Standards, (~~(1982 edition)~~) published by the International Conference of Building Officials and the Western Fire Chiefs Association: PROVIDED, That, notwithstanding any wording in this code, participants in religious ceremonies shall not be precluded from carrying hand-held candles;

(4) The Uniform Plumbing Code and Uniform Plumbing Code Standards, (~~(1982 edition)~~) published by the International Association of Plumbing and Mechanical Officials: PROVIDED, That chapters 11 and 12 of such code are not adopted; and

(5) The rules and regulations adopted by the council establishing standards for making buildings and facilities accessible to and usable by the physically handicapped or elderly persons as provided in RCW 70.92.100 through 70.92.160.

In case of conflict among the codes enumerated in subsections (1), (2), (3), and (4) of this section, the first named code shall govern over those following.

The codes enumerated in this section shall be adopted by the council as provided in RCW 19.27.074.

The council may issue opinions relating to the codes at the request of a local building official.

Sec. 3. Section 6, chapter 96, Laws of 1974 ex. sess. as last amended by section 12, chapter 462, Laws of 1987 and RCW 19.27.060 are each amended to read as follows:

(1) The governing bodies of counties and cities may amend the codes enumerated in RCW 19.27.031 as amended and adopted by the state building code council as they apply within their respective jurisdictions, but the amendments shall not result in a code that is less than the minimum performance standards and objectives contained in the state building code.

(a) No amendment to a code enumerated in RCW 19.27.031 as amended and adopted by the state building code council that affects single family or multifamily residential buildings shall be effective unless the amendment is approved by the building code council under RCW 19.27.074(1)(b).

(b) Any county or city amendment to a code enumerated in RCW 19.27.031 which is approved under RCW 19.27.074(1)(b) shall continue to be effective after any action is taken under RCW 19.27.074(1)(a) without necessity of reapproval under RCW 19.27.074(1)(b) unless the

amendment is declared null and void by the council at the time any action is taken under RCW 19.27.074(1)(a) because such action in any way altered the impact of the amendment.

(2) Except as permitted or provided otherwise under this section, the state building code shall be applicable to all buildings and structures including those owned by the state or by any governmental subdivision or unit of local government.

(3) The governing body of each county or city may limit the application of any portion of the state building code to exclude specified classes or types of buildings or structures according to use other than single family or multifamily residential buildings: PROVIDED, That in no event shall fruits or vegetables of the tree or vine stored in buildings or warehouses constitute combustible stock for the purposes of application of the uniform fire code.

(4) The provisions of this chapter shall not apply to any building four or more stories high with a B occupancy as defined by the uniform building code, 1982 edition, and with a city fire insurance rating of 1, 2, or 3 as defined by a recognized fire rating bureau or organization.

(5) No provision of the uniform fire code concerning roadways shall be part of the state building code: PROVIDED, That this subsection shall not limit the authority of a county or city to adopt street, road, or access standards.

(6) The provisions of the state building code may be preempted by any city or county to the extent that the code provisions relating to the installation or use of sprinklers in jail cells conflict with the secure and humane operation of jails.

Sec. 4. Section 2, chapter 360, Laws of 1985 and RCW 19.27.074 are each amended to read as follows:

(1) The state building code council shall:

(a) Adopt and maintain the codes to which reference is made in RCW 19.27.031 in a status which is consistent with the state's interest as set forth in RCW 19.27.020. In maintaining these codes, the council shall regularly review updated versions of the codes referred to in RCW 19.27.031 and other pertinent information and shall amend the codes as deemed appropriate by the council;

(b) Approve or deny all county or city amendments to any code referred to in RCW 19.27.031 to the degree the amendments apply to single family or multifamily residential buildings;

(c) As required by the legislature, develop and adopt any codes relating to buildings; and

(d) Propose a budget for the operation of the state building code council to be submitted to the office of financial management pursuant to RCW 43.88.090.

(2) The state building code council may:

(a) Appoint technical advisory committees which may include members of the council;

(b) Employ permanent and temporary staff and contract for services; and

(c) Conduct research into matters relating to any code or codes referred to in RCW 19.27.031 or any related matter.

All meetings of the state building code council shall be open to the public under the open public meetings act, chapter 42.30 RCW. All actions of the state building code council which adopt or amend any code of state-wide applicability shall be pursuant to the administrative procedure act, chapter ~~(34.04)~~ 34.05 RCW.

All council decisions relating to the codes enumerated in RCW 19.27.031 shall require approval by at least a majority of the members of the council.

All decisions to adopt or amend codes of state-wide application shall be made prior to December 1 of any year and shall not take effect before the end of the regular legislative session in the next year.

Sec. 5. Section 3, chapter 360, Laws of 1985 and RCW 19.27.078 are each amended to read as follows:

(1) The state building code council shall contract with a private entity to conduct a study and analysis of the codes referred to in RCW 19.27.031 and related regulations of state and local agencies to ascertain the amount and nature of any conflict and inconsistencies. The findings and proposed solutions resulting from this study and analysis shall be submitted to the state building code council no later than September 1, 1987. The state building code council shall consider these findings and proposed solutions when carrying out its responsibilities under RCW 19.27.074.

(2) The state building code council shall conduct a study of county and city enforcement of the requirements of the codes to which reference is made in RCW 19.27.031. In conducting the study, the council shall conduct public hearings at designated council meetings to seek input from interested individuals and organizations. The findings of the study shall be submitted in a report to the governor and the legislature no later than September 1, 1987.

(3) The study required under subsection (2) of this section shall include, but not be limited to, a review of the impact of discretionary building permit requirements imposed by local code enforcement personnel. This review shall be designed to determine the extent, if any, to which such discretionary requirements are based upon (a) the requirements of the state building code or (b) city or county amendments to the state building code.

(4) The state building code council shall conduct a study to identify and define standards ordinances adopted by counties and cities that add or alter construction requirements to buildings and structures built under the codes enumerated in RCW 19.27.031, as adopted and

amended by the state building code council. In conducting the study, the council shall consult with representatives from counties, cities, home builders, architects, building officials, and fire officials. To aid in data collection, local governments shall submit fire suppression ordinances, as defined by the state building code council, in effect on March 31, 1989, to the state building code council. The findings of the study shall be submitted in a written report to the house of representatives committee on housing and the senate governmental operations committee no later than November 1, 1989.

(5) The study required under subsection (4) of this section shall include, but not be limited to, a review of ordinances or regulations adopted by counties and cities that add or alter construction requirements to buildings and structures built under the codes enumerated in RCW 19.27.031.

Sec. 6. Section 9, chapter 96, Laws of 1974 ex. sess. and RCW 19.27.090 are each amended to read as follows:

Local land use and zoning requirements, building setbacks, side and rear-yard requirements, site development, property line requirements, ((subdivision)) requirements adopted by counties or cities pursuant to chapter 58.17 RCW, snow load requirements, wind load requirements, and local fire zones are specifically reserved to local jurisdictions notwithstanding any other provision of this ((1974 act)) chapter.

NEW SECTION. Sec. 7. The building code council shall, within one year of the effective date of this act, adopt a process for the review of proposed state-wide amendments to the codes enumerated in RCW 19.27.031, and proposed or enacted local amendments to the codes enumerated in RCW 19.27.031 as amended and adopted by the state building code council."

On page 1, line 1 of the title, after "council," strike the remainder of the title and insert "amending RCW 19.27.015, 19.27.031, 19.27.060, 19.27.074, 19.27.078, and 19.27.090; and creating a new section."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

Senator Benitz moved that the Senate do concur in the House amendments to Engrossed Substitute Senate Bill No. 5905.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the motion by Senator Benitz that the Senate do concur in the House amendments to Engrossed Substitute Senate Bill No. 5905.

The motion by Senator Benitz carried.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5905, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5905, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 31; nays, 12; excused, 6.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Cantu, Craswell, Hansen, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McMullen, Metcalf, Murray, Nelson, Newhouse, Owen, Patterson, Rasmussen, Saling, Sellar, Smitherman, Sutherland, Thorsness, Warnke, Williams - 31.

Voting nay: Senators Bluechel, Conner, Fleming, Moore, Niemi, Pullen, Stratton, Talmadge, Vognild, von Reichbauer, West, Wojahn - 12.

Excused: Senators DeJarnatt, Gaspard, Hayner, McDonald, Rinehart, Smith - 6.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5905, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 13, 1989

Mr. President:

The House has passed SENATE BILL NO. 5167 with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 2, chapter 1, Laws of 1973 as last amended by section 5, chapter 34, Laws of 1984 and RCW 42.17.020 are each amended to read as follows:

(1) "Agency" includes all state agencies and all local agencies. "State agency" includes every state office, department, division, bureau, board, commission, or other state agency. "Local agency" includes every county, city, town, municipal corporation, quasi-municipal

corporation, or special purpose district, or any office, department, division, bureau, board, commission, or agency thereof, or other local public agency.

(2) "Ballot proposition" means any "measure" as defined by RCW 29.01.110, or any initiative, recall, or referendum proposition proposed to be submitted to the voters of the state or any municipal corporation, political subdivision, or other voting constituency from and after the time when the proposition has been initially filed with the appropriate election officer of that constituency prior to its circulation for signatures.

(3) "~~(Campaign)~~ Depository" means a bank designated by a candidate or political committee pursuant to RCW 42.17.050.

(4) "~~(Campaign)~~ Treasurer" and "deputy ~~(campaign)~~ treasurer" mean the individuals appointed by a candidate or political committee, pursuant to RCW 42.17.050, to perform the duties specified in that section.

(5) "Candidate" means any individual who seeks election to public office. An individual shall be deemed to seek election when he first:

(a) Receives contributions or makes expenditures or reserves space or facilities with intent to promote his candidacy for office; or

(b) Announces publicly or files for office.

(6) "Commercial advertiser" means any person who sells the service of communicating messages or producing printed material for broadcast or distribution to the general public or segments of the general public whether through the use of newspapers, magazines, television and radio stations, billboard companies, direct mail advertising companies, printing companies, or otherwise.

(7) "Commission" means the agency established under RCW 42.17.350.

(8) "Compensation" unless the context requires a narrower meaning, includes payment in any form for real or personal property or services of any kind: PROVIDED, That for the purpose of compliance with RCW 42.17.241, the term "compensation" shall not include per diem allowances or other payments made by a governmental entity to reimburse a public official for expenses incurred while the official is engaged in the official business of the governmental entity.

(9) "Continuing political committee" means a political committee that is an organization of continuing existence not established in anticipation of any particular election campaign.

(10) "Contribution" includes a loan, gift, deposit, subscription, forgiveness of indebtedness, donation, advance, pledge, payment, transfer of funds between political committees, or transfer of anything of value, including personal and professional services for less than full consideration, but does not include interest on moneys deposited in a political committee's account, ordinary home hospitality and the rendering of (~~"part-time"~~) personal services of the sort commonly performed by volunteer campaign workers, or incidental expenses personally incurred by volunteer campaign workers not in excess of (~~(twenty-five)~~) fifty dollars personally paid for by the worker. (~~"Part-time"~~) Volunteer services, for the purposes of this chapter, means services (~~(in addition to regular full-time employment, or, in the case of an unemployed person, services not in excess of twenty hours per week, excluding weekends)~~) or labor for which the individual is not compensated by any person. For the purposes of this chapter, contributions other than money or its equivalents shall be deemed to have a money value equivalent to the fair market value of the contribution. Sums paid for tickets to fund-raising events such as dinners and parties are contributions; however, the amount of any such contribution may be reduced for the purpose of complying with the reporting requirements of this chapter, by the actual cost of consumables furnished in connection with the purchase of the tickets, and only the excess over the actual cost of the consumables shall be deemed a contribution.

(11) "Elected official" means any person elected at a general or special election to any public office, and any person appointed to fill a vacancy in any such office.

(12) "Election" includes any primary, general, or special election for public office and any election in which a ballot proposition is submitted to the voters: PROVIDED, That an election in which the qualifications for voting include other than those requirements set forth in Article VI, section 1 (Amendment 63) of the Constitution of the state of Washington shall not be considered an election for purposes of this chapter.

(13) "Election campaign" means any campaign in support of or in opposition to a candidate for election to public office and any campaign in support of, or in opposition to, a ballot proposition.

(14) "Expenditure" includes a payment, contribution, subscription, distribution, loan, advance, deposit, or gift of money or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure. The term "expenditure" also includes a promise to pay, a payment, or a transfer of anything of value in exchange for goods, services, property, facilities, or anything of value for the purpose of assisting, benefiting, or honoring any public official or candidate, or assisting in furthering or opposing any election campaign. For the purposes of this chapter, agreements to make expenditures, contracts, and promises to pay may be reported as estimated obligations until actual payment is made. The term "expenditure" shall not include the partial or complete repayment by a candidate or political committee of the principal of a loan, the receipt of which loan has been

properly reported (~~or payment of service charges against a political committee's campaign account~~).

(15) "Final report" means the report described as a final report in RCW 42.17.080(2).

(16) "Immediate family" includes the spouse, dependent children, and other dependent relatives, if living in the household.

(17) "Legislation" means bills, resolutions, motions, amendments, nominations, and other matters pending or proposed in either house of the state legislature, and includes any other matter that may be the subject of action by either house or any committee of the legislature and all bills and resolutions that, having passed both houses, are pending approval by the governor.

(18) "Lobby" and "lobbying" each mean attempting to influence the passage or defeat of any legislation by the legislature of the state of Washington, or the adoption or rejection of any rule, standard, rate, or other legislative enactment of any state agency under the state Administrative Procedure Act(s), chapter ~~((34-04))~~ 34.05 RCW ~~((and chapter 20B-19 RCW))~~.

(19) "Lobbyist" includes any person who lobbies either in his own or another's behalf.

(20) "Lobbyist's employer" means the person or persons by whom a lobbyist is employed and all persons by whom he is compensated for acting as a lobbyist.

(21) "Person" includes an individual, partnership, joint venture, public or private corporation, association, federal, state, or local governmental entity or agency however constituted, candidate, committee, political committee, political party, executive committee thereof, or any other organization or group of persons, however organized.

(22) "Person in interest" means the person who is the subject of a record or any representative designated by that person, except that if that person is under a legal disability, the term "person in interest" means and includes the parent or duly appointed legal representative.

(23) "Political advertising" includes any advertising displays, newspaper ads, billboards, signs, brochures, articles, tabloids, flyers, letters, radio or television presentations, or other means of mass communication, used for the purpose of appealing, directly or indirectly, for votes or for financial or other support in any election campaign.

(24) "Political committee" means any person (except a candidate or an individual dealing with his own funds or property) having the expectation of receiving contributions or making expenditures in support of, or opposition to, any candidate or any ballot proposition.

(25) "Public office" means any federal, state, county, city, town, school district, port district, special district, or other state political subdivision elective office.

(26) "Public record" includes any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics.

(27) "Surplus funds" mean, in the case of a political committee or candidate, the balance of contributions that remain in the possession or control of that committee or candidate subsequent to the election for which the contributions were received, and that are in excess of the amount necessary to pay remaining debts incurred by the committee or candidate prior to that election. In the case of a continuing political committee, "surplus funds" mean those contributions remaining in the possession or control of the committee that are in excess of the amount necessary to pay all remaining debts when it makes its final report under RCW 42.17.065.

(28) "Writing" means handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, discs, drums, and other documents.

As used in this chapter, the singular shall take the plural and any gender, the other, as the context requires.

Sec. 2. Section 4, chapter 1, Laws of 1973 as last amended by section 1, chapter 147, Laws of 1982 and RCW 42.17.040 are each amended to read as follows:

(1) Every political committee, within two weeks after its organization or, within two weeks after the date when it first has the expectation of receiving contributions or making expenditures in any election campaign, whichever is earlier, shall file a statement of organization with the commission and with the county auditor or elections officer of the county in which the candidate resides ~~((c)), or in the case of ((a)) any other political committee ((supporting or opposing a ballot proposition)), the county in which the ((campaign)) treasurer resides((b)). A political committee organized within the last three weeks before an election and having the expectation of receiving contributions or making expenditures during and for that election campaign shall file a statement of organization within three business days after its organization or when it first has the expectation of receiving contributions or making expenditures in the election campaign.~~

(2) The statement of organization shall include but not be limited to:

(a) The name and address of the committee;

(b) The names and addresses of all related or affiliated committees or other persons, and the nature of the relationship or affiliation;

(c) The names, addresses, and titles of its officers; or if it has no officers, the names, addresses, and titles of its responsible leaders;

(d) The name and address of its ((campaign)) treasurer and ((campaign)) depository;

(e) A statement whether the committee is a continuing one;

(f) The name, office sought, and party affiliation of each candidate whom the committee is supporting or opposing, and, if the committee is supporting the entire ticket of any party, the name of the party;

(g) The ballot proposition concerned, if any, and whether the committee is in favor of or opposed to such proposition;

(h) What distribution of surplus funds will be made, in accordance with RCW 42.17.095, in the event of dissolution;

(i) The street address of the place and the hours during which the committee will make available for public inspection its books of account and all reports filed in accordance with RCW ((42.17.065 and)) 42.17.080(~~(-as now or hereafter amended);~~); and

(j) Such other information as the commission may by regulation prescribe, in keeping with the policies and purposes of this chapter.

(3) Any material change in information previously submitted in a statement of organization shall be reported to the commission and to the appropriate county elections officer within the ten days following the change.

Sec. 3. Section 5, chapter 1, Laws of 1973 as last amended by section 3, chapter 367, Laws of 1985 and RCW 42.17.050 are each amended to read as follows:

(1) Each candidate, within two weeks after becoming a candidate, and each political committee, at the time it is required to file a statement of organization, shall designate and file with the commission and the appropriate county elections officer the names and addresses of:

(a) One legally competent individual, who may be the candidate, to serve as a ((campaign)) treasurer; and

(b) A bank, mutual savings bank, savings and loan association, or credit union doing business in this state to serve as ((campaign)) depository and the name of the account or accounts ((therein)) maintained in it.

(2) A candidate, a political committee, or a ((campaign)) treasurer may appoint as many deputy ((campaign)) treasurers as is considered necessary and may designate not more than one additional ((campaign)) depository in each other county in which the campaign is conducted. The candidate or political committee shall file the names and addresses of the deputy ((campaign)) treasurers and additional ((campaign)) depositories with the commission and the appropriate county elections officer.

(3) A candidate may not knowingly establish, use, direct, or control more than one political committee for the purpose of supporting that candidate during a particular election campaign. This does not prohibit: (a) in addition to a candidate's having his or her own political committee, the candidate's participation in a political committee established to support a slate of candidates which includes the candidate; or (b) joint fund-raising efforts by candidates when a separate political committee is established for that purpose and all contributions are disbursed to and accounted for on a pro rata basis by the benefiting candidates.

(4) (a) A candidate or political committee may at any time remove a ((campaign)) treasurer or deputy ((campaign)) treasurer or change a designated ((campaign)) depository.

(b) In the event of the death, resignation, removal, or change of a ((campaign)) treasurer, deputy ((campaign)) treasurer, or depository, the candidate or political committee shall designate and file with the commission and the appropriate county elections officer the name and address of any successor.

(5) No ((campaign)) treasurer, deputy ((campaign)) treasurer, or ((campaign)) depository may be deemed to be in compliance with the provisions of this chapter until his name and address is filed with the commission and the appropriate county elections officer.

Sec. 4. Section 6, chapter 1, Laws of 1973 as last amended by section 1, chapter 268, Laws of 1987 and RCW 42.17.060 are each amended to read as follows:

(1) All monetary contributions received by a candidate or political committee shall be deposited by the ((campaign)) treasurer or deputy treasurer in a ((campaign)) depository in an account established and designated for that purpose. Such deposits shall be made within five business days of receipt of the contribution.

(2) Political committees which support or oppose more than one candidate or ballot proposition, or exist for more than one purpose, may maintain multiple separate bank accounts within the same designated depository for such purpose: PROVIDED, That each such account shall bear the same name followed by an appropriate designation which accurately identifies its separate purpose: AND PROVIDED FURTHER, That transfers of funds which must be reported under RCW 42.17.090(1)(d)(~~(-as now or hereafter amended);~~) may not be made from more than one such account.

(3) Nothing in this section prohibits a candidate or political committee from investing funds on hand in a ((campaign)) depository in bonds, certificates, tax-exempt securities, or savings accounts or other similar instruments in financial institutions or mutual funds other than the ((campaign)) depository: PROVIDED, That the commission and the appropriate county elections

officer is notified in writing of the initiation and the termination of the investment: PROVIDED FURTHER, That the principal of such investment when terminated together with all interest, dividends, and income derived from the investment are deposited in the ((campaign)) depository in the account from which the investment was made and properly reported to the commission and the appropriate county elections officer prior to any further disposition or expenditure thereof.

(4) Accumulated unidentified contributions, other than those made by persons whose names must be maintained on a separate and private list by a political committee's ((campaign)) treasurer pursuant to RCW 42.17.090(1)(b), which total in excess of one percent of the total accumulated contributions received in the current calendar year or three hundred dollars (whichever is more), may not be deposited, used, or expended, but shall be returned to the donor, if his identity can be ascertained. If the donor cannot be ascertained, the contribution shall escheat to the state, and shall be paid to the state treasurer for deposit in the state general fund.

(5) A contribution of more than fifty dollars in currency may not be accepted unless a receipt, signed by the contributor and by the candidate, ((campaign)) treasurer, or deputy ((campaign)) treasurer, is prepared and made a part of the campaign's or political committee's financial records.

Sec. 5. Section 5, chapter 294, Laws of 1975 1st ex. sess. as amended by section 4, chapter 147, Laws of 1982 and RCW 42.17.065 are each amended to read as follows:

(1) In addition to the provisions of this section, a continuing political committee shall file and report on the same conditions and at the same times as any other committee in accordance with the provisions of RCW 42.17.040, 42.17.050, and 42.17.060 ((as now or hereafter amended)).

(2) A continuing political committee shall file with the commission and the auditor or elections officer of the county in which the committee maintains its office or headquarters and if there is no such office or headquarters then in the county in which the committee treasurer resides a report on the tenth day of the month detailing its activities for the preceding calendar month in which the committee has received a contribution or made an expenditure: PROVIDED, That such report shall only be filed if either the total contributions received or total expenditures made since the last such report exceed two hundred dollars. The report shall be on a form supplied by the commission and shall include the following information:

(a) The information required by RCW 42.17.090 ((as now or hereafter amended));

(b) Each expenditure made to retire previously accumulated debts of the committee; identified by recipient, amount, and date of payments;

(c) Such other information as the commission shall by rule prescribe.

(3) If a continuing political committee shall make a contribution in support of or in opposition to a candidate or ballot proposition within sixty days prior to the date on which such candidate or ballot proposition will be voted upon, such continuing political committee shall report pursuant to RCW 42.17.080(~~as now or hereafter amended, until twenty-one days after said election~~).

(4) A continuing political committee shall file reports as required by this chapter until it is dissolved, at which time a final report shall be filed. Upon submitting a final report, the duties of the campaign treasurer shall cease and there shall be no obligation to make any further reports.

(5) The campaign treasurer shall maintain books of account accurately reflecting all contributions and expenditures on a current basis within five business days of receipt or expenditure. During the eight days immediately preceding the date of any election, for which the committee has received any contributions or made any expenditures, the books of account shall be kept current within one business day and shall be open for public inspection for at least two consecutive hours Monday through Friday, excluding legal holidays, between 8:00 a.m. and 8:00 p.m., as specified in the committee's statement of organization filed pursuant to RCW 42.17.040 ((as now or hereafter amended)), at the principal campaign headquarters or, if there is no campaign headquarters, at the address of the campaign treasurer or such other place as may be authorized by the commission.

(6) All reports filed pursuant to this section shall be certified as correct by the campaign treasurer.

(7) The campaign treasurer shall preserve books of account, bills, receipts, and all other financial records of the campaign or political committee for not less than five calendar years following the year during which the transaction occurred.

Sec. 6. Section 9, chapter 112, Laws of 1975-'76 2nd ex. sess. as amended by section 5, chapter 147, Laws of 1982 and RCW 42.17.067 are each amended to read as follows:

(1) Fund-raising activities which meet the standards of subsection (2) of this section may be reported in accordance with the provisions of this section in lieu of reporting in accordance with RCW 42.17.080(~~(3) as now or hereafter amended~~).

(2) ((A fund-raising activity which is to be reported in accordance with the provisions of this section shall conform with the following)) Standards:

(a) ~~The ((income resulting from the conduct of the)) activity ((is derived solely from either)) consists of one or more of the following:~~

~~(i) The retail sale of goods or services at ((prices which in no case exceed)) a reasonable approximation of the fair market value of each item or service sold at the activity((;)); or~~

~~(ii) A gambling operation which is licensed, conducted, or operated in accordance with the provisions of chapter 9.46 RCW ((and at which in no case is the monetary value of any prize exceeded by the monetary value of any single wager which may be made by a person participating in such activity)); or~~

~~(iii) A gathering where food and beverages are purchased, where the price of admission or the food and beverages is no more than twenty-five dollars; or~~

~~(iv) A concert, dance, theater performance, or similar entertainment event where the price of admission is no more than twenty-five dollars; or~~

~~(v) An auction or similar sale where the total fair market value of items donated by any person for sale is no more than fifty dollars; and~~

~~(b) No person responsible for receiving money at such activity ((may)) knowingly accepts payments from a single person ((which would result in a profit)) at or from such an activity to the candidate or committee ((of twenty-five)) aggregating more than fifty dollars ((or more)) unless the name and address of the person making such payment together with the ((approximate)) amount ((of profit)) paid to the candidate or committee ((resulting from such payment)) are disclosed in the report filed pursuant to subsection ((4)) (6) of this section; and~~

~~(c) Such other standards as shall be established by rule ((and regulation)) of the commission to prevent frustration of the purposes of this chapter.~~

~~(3) All funds ((obtained through the use of)) received from a fund-raising activity which conforms with ((the provisions of)) subsection (2) of this section shall be deposited within five business days of receipt by the ((campaign)) treasurer or deputy ((campaign)) treasurer in the ((same account into which contributions received by the committee are being deposited pursuant to RCW 42.17.066)) depository.~~

~~(4) At the time ((such funds are deposited in accordance with subsection (3) of this section)) reports are required under RCW 42.17.080, the ((campaign)) treasurer or deputy ((campaign)) treasurer making the deposit shall file with the commission and the appropriate county elections officer a report of the fund-raising activity which shall contain the following information:~~

~~(a) The date ((on which)) of the activity ((occurred));~~

~~(b) ((The location at which the activity occurred;~~

~~(c)) A precise description of the fund-raising methods used in the activity; and~~

~~((c)) A financial statement noting gross receipts and expenses for the activity; including an inventory list where appropriate;~~

~~(e) The monetary value of wagers made and prizes distributed for winning wagers, where appropriate;~~

~~(f) The name and address of each person who contributed goods or services to the committee for sale at the activity if the fair market value of the goods or services contributed equals twenty-five dollars or more in the aggregate from such person, together with a precise description of each item or service contributed and its estimated market value;~~

~~(g) The name and address of each person whose identity can be ascertained and who makes payments to the committee at such activity which result in a profit of twenty-five dollars or more to the committee, together with the approximate amount of profit to the committee which results from such payments; and~~

~~(h) A complete listing of the names and addresses of the persons responsible for conducting the activity;~~

~~(5) The statement required by subsection (4) of this section shall be in duplicate upon a form prescribed by the commission, one copy to be filed by the campaign treasurer with the commission, and one copy to be retained by him for his records. Each statement shall be certified as correct by the campaign)) (c) The total amount of cash receipts from persons, each of whom paid no more than fifty dollars.~~

~~(5) The treasurer or deputy treasurer ((making the deposit)) shall certify the report is correct.~~

~~(6) The treasurer shall report pursuant to RCW 42.17.080 and 42.17.090: (a) The name and address and the amount contributed of each person who contributes goods or services with a fair market value of more than fifty dollars to a fund-raising activity reported under subsection (4) of this section, and (b) the name and address of each person whose identity can be ascertained, and the amount paid, from whom were knowingly received payments to the candidate or committee aggregating more than fifty dollars at or from such a fund-raising activity.~~

Sec. 7. Section 7, chapter 1, Laws of 1973 as amended by section 5, chapter 367, Laws of 1985 and RCW 42.17.070 are each amended to read as follows:

No expenditures may be made or incurred by any candidate or political committee except on the authority of the ((campaign)) treasurer or the candidate, and a record of all such expenditures shall be maintained by the ((campaign)) treasurer.

No expenditure of more than fifty dollars may be made in currency unless a receipt, signed by the recipient and by the candidate or ((campaign)) treasurer, is prepared and made a part of the campaign's or political committee's financial records.

Sec. 8. Section 8, chapter 1, Laws of 1973 as last amended by section 1, chapter 28, Laws of 1986 and RCW 42.17.080 are each amended to read as follows:

(1) On the day the ((campaign)) treasurer is designated, each candidate or political committee shall file with the commission and the county auditor or elections officer of the county in which the candidate resides (()), or in the case of a political committee ((supporting or opposing a ballot proposition)), the county in which the ((campaign)) treasurer resides(()), in addition to any statement of organization required under RCW 42.17.040 or 42.17.050 ((as now or hereafter amended)), a report of all contributions received and expenditures made prior to that date, if any.

(2) At the following intervals each ((campaign)) treasurer shall file with the commission and the county auditor or elections officer of the county in which the candidate resides (()), or in the case of a political committee ((supporting or opposing a ballot proposition)), the county in which the ((campaign)) committee maintains its office or headquarters, and if there is no office or headquarters then in the county in which the ((campaign)) treasurer resides(()), a report containing the information required by RCW 42.17.090 ((as now or hereafter amended)):

(a) On the twenty-first day and the seventh day immediately preceding the date on which the election is held; and

(b) ((Within twenty-one days after the date of)) On the tenth day of the first month after the election: PROVIDED, That this report shall not be required following a primary election from:

(i) A candidate whose name will appear on the subsequent general election ballot; or

(ii) Any continuing political committee; and

(c) On the tenth day of each month in which no other reports are required to be filed under this section: PROVIDED, That such report shall only be filed if the committee has received a contribution or made an expenditure in the preceding calendar month and either the total contributions received or total expenditures made since the last such report exceed two hundred dollars.

When there is no outstanding debt or obligation, and the campaign fund is closed, and the campaign is concluded in all respects, and in the case of a political committee, the committee has ceased to function and has dissolved, the ((campaign)) treasurer shall file a final report. Upon submitting a final report, the duties of the ((campaign)) treasurer shall cease and there shall be no obligation to make any further reports.

The report filed twenty-one days before the election shall report all contributions received and expenditures made as of the end of the fifth business day before the date of the report. The report filed seven days before the election shall report all contributions received and expenditures made as of the end of the one business day before the date of the report. Reports filed on the tenth day of the month shall report all contributions received and expenditures made from the closing date of the last report filed through the last day of the month preceding the date of the current report.

(3) For the period beginning the first day of the fourth month preceding the date on which the special or general election is held and ending on the date of that election, the ((campaign)) treasurer shall file with the commission and the appropriate county elections officer a report of each contribution received during that period at the time that contribution is deposited pursuant to RCW 42.17.060(1)((-as now or hereafter amended)). The report shall contain the name of each person contributing the funds so deposited and the amount contributed by each person((-PROVIDED, That)). However, contributions of ((less than (than))) no more than twenty-five dollars from any one person may be deposited without identifying the contributor. A copy of the report shall be retained by the ((campaign)) treasurer for his records. In the event of deposits made by a deputy ((campaign)) treasurer, the copy shall be forwarded to the ((campaign)) treasurer to be retained by him for his records. Each report shall be certified as correct by the ((campaign)) treasurer or deputy ((campaign)) treasurer making the deposit.

(4) The ((campaign)) treasurer or candidate shall maintain books of account accurately reflecting all contributions and expenditures on a current basis within five business days of receipt or expenditure. During the eight days immediately preceding the date of the election the books of account shall be kept current within one business day and shall be open for public inspection for at least two consecutive hours Monday through Friday, excluding legal holidays, between 8:00 a.m. and 8:00 p.m., as specified in the committee's statement of organization filed pursuant to RCW 42.17.040 ((as now or hereafter amended)), at the principal ((campaign)) headquarters or, if there is no ((campaign)) headquarters, at the address of the ((campaign)) treasurer or such other place as may be authorized by the commission. The ((campaign)) treasurer or candidate shall preserve books of account, bills, receipts, and all other financial records of the campaign or political committee for not less than five calendar years following the year during which the transaction occurred.

(5) All reports filed pursuant to subsections (1) or (2) of this section shall be certified as correct by the candidate and the ((campaign)) treasurer.

(6) Copies of all reports filed pursuant to this section shall be readily available for public inspection for at least two consecutive hours Monday through Friday, excluding legal holidays, between 8:00 a.m. and 8:00 p.m., as specified in the committee's statement of organization filed pursuant to RCW 42.17.040 (~~as now or hereafter amended~~), at the principal (~~campaign~~) headquarters or, if there is no (~~campaign~~) headquarters, at the address of the (~~campaign~~) treasurer or such other place as may be authorized by the commission.

Sec. 9. Section 9, chapter 1, Laws of 1973 as last amended by section 2, chapter 12, Laws of 1986 and by section 1, chapter 228, Laws of 1986 and RCW 42.17.090 are each reenacted and amended to read as follows:

(1) Each report required under RCW 42.17.080 (1) and (2) (~~as now or hereafter amended~~) shall disclose (~~for the period beginning at the end of the period for the last report or, in the case of an initial report, at the time of the first contribution or expenditure, and ending not more than five days prior to the date the report is due~~) the following:

(a) The funds on hand at the beginning of the period;

(b) The name and address of each person who has made one or more contributions during the period, together with the money value and date of such contributions and the aggregate value of all contributions received from each such person during the campaign or in the case of a continuing political committee, the current calendar year: PROVIDED, That pledges in the aggregate of less than one hundred dollars from any one person need not be reported: PROVIDED FURTHER, That the income which results from (the conducting of) a fund-raising activity (which has previously been reported) conducted in accordance with RCW 42.17.067 may be reported as one lump sum, with the exception of that portion of such income which was received from persons whose names and addresses are required to be included in the report required by RCW 42.17.067: PROVIDED FURTHER, That contributions of (less) no more than twenty-five dollars in the aggregate from any one person during the election campaign may be reported as one lump sum so long as the campaign treasurer maintains a separate and private list of the name(s), address(es), and amount(s) of each such contributor: PROVIDED FURTHER, That the money value of contributions of postage shall be the face value of such postage:

(c) Each loan, promissory note, or security instrument to be used by or for the benefit of the candidate or political committee made by any person, together with the names and addresses of the lender and each person liable directly, indirectly or contingently and the date and amount of each such loan, promissory note, or security instrument;

(d) All other contributions not otherwise listed or exempted;

(e) The name and address of each candidate or political committee (from which the reporting committee or candidate received, or) to which (that committee or candidate made,) any transfer of funds was made, together with the amounts(;) and dates(, and purpose) of (all) such transfers(, information regarding the following shall be contained in a separate category of the report bearing the title "Transfer of funds". Contributions made from the campaign depository of one candidate to the campaign of another candidate; and contributions received by a candidate, or for the campaign of the candidate, from the campaign depository of another candidate;

(e) All other contributions not otherwise listed or exempted);

(f) The name and address of each person to whom an expenditure was made in the aggregate amount of more than fifty dollars (or more) during the period covered by this report, and the amount, date, and purpose of each such expenditure. A candidate for state executive or state legislative office or the political committee of such a candidate shall report this information for an expenditure under one of the following categories, whichever is appropriate: (i) Expenditures for the election of the candidate; (ii) expenditures for nonreimbursed public office-related expenses; (iii) expenditures required to be reported under (e) of this subsection; or (iv) expenditures of surplus funds and other expenditures. The report of such a candidate or committee shall contain a separate total of expenditures for each category and a total sum of all expenditures. Other candidates and political committees need not report information regarding expenditures under the categories listed in (i) through (iv) of this subsection or under similar such categories unless required to do so by the commission by rule. The report of such an other candidate or committee shall also contain the total sum of all expenditures;

(g) (The total sum of expenditures) The name and address of any person and the amount owed for any debt, obligation, note, unpaid loan, or other liability in the amount of more than two hundred fifty dollars or in the amount of more than fifty dollars that has been outstanding for over thirty days;

(h) The surplus or deficit of contributions over expenditures;

(i) The disposition made in accordance with RCW 42.17.095 of any surplus funds;

(j) Such other information as shall be required by the commission by (~~regulation~~) rule in conformance with the policies and purposes of this chapter; and

(k) Funds received from a political committee (~~not domiciled in Washington state or~~) not otherwise required to report under this chapter (a "nonreporting committee"). Such funds shall be forfeited to the state of Washington unless the nonreporting committee (~~or the recipient of such funds~~) has filed or within ten days following such receipt (~~shall~~) file with the commission

a statement disclosing: (i) its name and address; (ii) the purposes of the nonreporting committee; (iii) the names, addresses, and titles of its officers or if it has no officers, the names, addresses, and titles of its responsible leaders; (iv) ~~((a statement whether the nonreporting committee is a continuing one. (v)))~~ the name, office sought, and party affiliation of each candidate in the state of Washington whom the nonreporting committee is supporting, and, if such committee is supporting the entire ticket of any party, the name of the party; ~~((v))~~ (v) the ballot proposition supported or opposed in the state of Washington, if any, and whether such committee is in favor of or opposed to such proposition; ~~((vii))~~ (vi) the name and address of each person residing in the state of Washington or corporation which has a place of business in the state of Washington who has made one or more contributions in the aggregate of more than twenty-five dollars ~~((or more))~~ to the nonreporting committee during the current calendar year, together with the money value and date of such contributions; ~~((viii))~~ (vii) the name and address of each person in the state of Washington to whom an expenditure was made by the nonreporting committee on behalf of a candidate or political committee in the aggregate amount of ~~((twenty-five))~~ more than fifty dollars ((or more)), the amount, date, and purpose of such expenditure, and the total sum of such expenditures; ~~((ix))~~ (viii) such other information as the commission may ~~((by regulation))~~ prescribe by rule, in keeping with the policies and purposes of this chapter. A nonreporting committee incurring an obligation to file additional reports in a calendar year may satisfy the obligation by filing with the commission a letter providing updating or amending information.

(2) The ~~((campaign))~~ treasurer and the candidate shall certify the correctness of each report.

Sec. 10. Section 10, chapter 1, Laws of 1973 as last amended by section 6, chapter 367, Laws of 1985 and RCW 42.17.100 are each amended to read as follows:

(1) For the purposes of this section the term "independent campaign expenditure" means any expenditure that is made in support of or in opposition to any candidate or ballot proposition and is not otherwise required to be reported pursuant to RCW 42.17.060, ~~((42.17.065))~~ 42.17.080, or 42.17.090.

(2) Within five days after the date of making an independent campaign expenditure that by itself or when added to all other such independent campaign expenditures made during the same election campaign by the same person equals one hundred dollars or more, or within five days after the date of making an independent campaign expenditure for which no reasonable estimate of monetary value is practicable, whichever occurs first, the person who made the independent campaign expenditure shall file with the commission and the county ~~((auditor))~~ elections officer of the county of residence for the candidate supported or opposed by the independent campaign expenditure (or in the case of an expenditure made in support of or in opposition to a local ballot proposition, the county of residence for the person making the expenditure) an initial report of all independent campaign expenditures made during the campaign prior to and including such date.

(3) At the following intervals each person who is required to file an initial report pursuant to subsection (2) of this section shall file with the commission and the county ~~((auditor))~~ elections officer of the county of residence for the candidate supported or opposed by the independent campaign expenditure (or in the case of an expenditure made in support of or in opposition to a ballot proposition, the county of residence for the person making the expenditure) a further report of the independent campaign expenditures made since the date of the last report:

(a) On the twenty-first day ~~((preceding the primary))~~ and the seventh day preceding the date on which the election is held; and

(b) ~~((Within twenty-one days after the date of))~~ On the tenth day of the first month after the election; and

(c) On the tenth day of each month in which no other reports are required to be filed pursuant to this section. However, the further reports required by this subsection (3) shall only be filed if the reporting person has made an independent campaign expenditure since the date of the last previous report filed.

The report filed pursuant to paragraph (a) of this subsection (3) shall be the final report, and upon submitting such final report the duties of the reporting person shall cease, and there shall be no obligation to make any further reports.

(4) All reports filed pursuant to this section shall be certified as correct by the reporting person.

(5) Each report required by subsections (2) and (3) of this section shall disclose for the period beginning at the end of the period for the last previous report filed or, in the case of an initial report, beginning at the time of the first independent campaign expenditure, and ending not more than ~~((five days prior to))~~ one business day before the date the report is due:

(a) The name and address of the person filing the report;

(b) The name and address of each person to whom an independent campaign expenditure was made in the aggregate amount of ~~((twenty-five))~~ more than fifty dollars ((or more)), and the amount, date, and purpose of each such expenditure. If no reasonable estimate of the monetary value of a particular independent campaign expenditure is practicable, it is sufficient to report instead a precise description of services, property, or rights furnished through

the expenditure and where appropriate to attach a copy of the item produced or distributed by the expenditure;

(c) The total sum of all independent campaign expenditures made during the campaign to date; and

(d) Such other information as shall be required by the commission by rule in conformance with the policies and purposes of this chapter.

Sec. 11. Section 1, chapter 176, Laws of 1983 as last amended by section 2, chapter 228, Laws of 1986 and RCW 42.17.105 are each amended to read as follows:

(1) Campaign treasurers shall prepare and deliver to the commission a special report regarding any contribution which:

(a) Exceeds five hundred dollars;

(b) Is from a single person or entity;

(c) Is received before a primary or general election; and

(d) Is received: (i) After the period covered by the last report required by RCW 42.17.080 and 42.17.090 to be filed before that primary; or (ii) within twenty-one days preceding that general election.

(2) Any political committee making a contribution which exceeds five hundred dollars shall also prepare and deliver to the commission the special report if the contribution is made before a primary or general election and: (a) After the period covered by the last report required by RCW 42.17.080 and 42.17.090 to be filed before that primary; or (b) within twenty-one days preceding that general election.

(3) Except as provided in subsection (4) of this section, the special report required by this section shall be delivered in written form, including but not limited to mailgram, telegram, or nightletter. The special report required by subsection (1) of this section shall be delivered to the commission within forty-eight hours of the time, or on the first working day after, the contribution is received by the candidate or campaign treasurer. The special report required by subsection (2) of this section and RCW 42.17.175 shall be delivered to the commission, and the candidate or political committee to whom the contribution is made, within twenty-four hours of the time, or on the first working day after, the contribution is made.

(4) The special report may be transmitted orally by telephone to the commission to satisfy the delivery period required by subsection (3) of this section if the written form of the report is also mailed to the commission and postmarked within the delivery period established in subsection (3) of this section.

(5) The special report shall include at least:

(a) The amount of the contribution;

(b) The date of receipt;

(c) The name and address of the donor;

(d) The name and address of the recipient; and

(e) Any other information the commission may by rule require.

(6) Contributions reported under this section shall also be reported as required by other provisions of this chapter.

(7) The commission shall publish daily a summary of the special reports made under this section and RCW 42.17.175.

(8) It is a violation of this chapter for any person to make, or for any candidate or political committee to accept from any one person, contributions reportable under RCW 42.17.090 in the aggregate exceeding fifty thousand dollars for any campaign for state-wide office or exceeding five thousand dollars for any other campaign subject to the provisions of this chapter within twenty-one days of a general election. This subsection does not apply to contributions made by, or accepted from, a major Washington state political party as defined in RCW 29.01.090.

Sec. 12. Section 6, chapter 336, Laws of 1977 ex. sess. as amended by section 7, chapter 367, Laws of 1985 and RCW 42.17.125 are each amended to read as follows:

Contributions received and reported in accordance with RCW 42.17.060 through 42.17.090 may only be transferred to the personal account of a candidate, or of a ((campaign)) treasurer or other individual or expended for such individual's personal use under the following circumstances:

(1) Reimbursement for or loans to cover lost earnings incurred as a result of campaigning or services performed for the committee. Such lost earnings shall be verifiable as unpaid salary, or when the individual is not salaried, as an amount not to exceed income received by the individual for services rendered during an appropriate, corresponding time period. All lost earnings incurred shall be documented and a record thereof shall be maintained by the individual or the individuals' political committee. The committee shall include a copy of such record when its expenditure for such reimbursement is reported pursuant to RCW 42.17.090.

(2) Reimbursement for direct out-of-pocket election campaign and postelection campaign related expenses made by the individual. To receive reimbursement from the political committee, the individual shall provide the committee with written documentation as to the amount, date, and description of each expense, and the committee shall include a copy of such information when its expenditure for such reimbursement is reported pursuant to RCW 42.17.090.

(3) Repayment of loans made by the individual to political committees, which repayment shall be reported pursuant to RCW 42.17.090.

Sec. 13. Section 3, chapter 228, Laws of 1986 and RCW 42.17.135 are each amended to read as follows:

A candidate or political committee receiving a contribution earmarked for the benefit of another candidate or political committee shall ~~((in addition to reporting))~~;

(1) Report the contribution as required in RCW 42.17.080 and 42.17.090 ~~((;))~~;

(2) Complete a report, entitled "Earmarked contributions," on a form prescribed by the commission by rule, which identifies the name and address of the person who made the contribution, the candidate or political committee for whose benefit the contribution is earmarked, the amount of the contribution, and the date on which the contribution was received; and

(3) Notify the commission and the candidate or political committee for whose benefit the contribution is earmarked regarding ~~((its))~~ the receipt of the contribution by mailing or delivering to the commission and to the candidate or committee a copy of the "Earmarked contributions" report. Such notice shall be given within two working days of receipt of the contribution.

A candidate or political committee ~~((for whose benefit a contribution is earmarked))~~ receiving notification of an earmarked contribution under subsection (3) of this section shall report ~~((such earmarked))~~ the contribution, once the contribution is received by the candidate or committee, in ~~((a separate category in))~~ the same manner as the receipt of any other contribution is disclosed in reports required by RCW 42.17.080 and 42.17.090 ~~((entitled "Earmarked Contributions.")).~~

NEW SECTION. Sec. 14. This act shall take effect January 1, 1990.*

On page 1, line 1 of the title, after "reporting;" strike the remainder of the title and insert "amending RCW 42.17.020, 42.17.040, 42.17.050, 42.17.060, 42.17.065, 42.17.067, 42.17.070, 42.17.080, 42.17.100, 42.17.105, 42.17.125, and 42.17.135; reenacting and amending RCW 42.17.090; and providing an effective date.".

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Pullen, the Senate concurred in the House amendments to Senate Bill No. 5167.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5167, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5167, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; excused, 5.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Hansen, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 44.

Excused: Senators DeJarnatt, Gaspard, Hayner, McDonald, Rinehart - 5.

SENATE BILL NO. 5167, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 14, 1989

Mr. President:

The House has passed SENATE BILL NO. 5907 with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 35.13.248, chapter 7, Laws of 1965 as last amended by section 19, chapter 234, Laws of 1986 and RCW 35.02.200 are each amended to read as follows:

(1) If a portion of a fire protection district including less than sixty percent of the assessed value of the real property of the district is annexed to or incorporated into a city or town, the ownership of all assets of the district shall remain in the district and the district shall pay to the city or town within one year or within such period of time as the district continues to collect taxes in such incorporated or annexed areas, in cash, properties or contracts for fire protection services, a percentage of the value of said assets equal to the percentage of the value of the real property in the entire district lying within the area so incorporated or annexed: PROVIDED, That if the area annexed or incorporated includes less than five percent of the ~~((assessed value~~

of the real property)) area of the district, no payment shall be made to the city or town except as provided in section 3 of this act.

(2) As provided in RCW 35.02.210, the fire protection district from which territory is removed as a result of an incorporation or annexation shall provide fire protection to the incorporated or annexed area for such period as the district continues to collect taxes levied in such annexed or incorporated area.

(3) For the purposes of this section, the word "assets" shall mean the total assets of the fire district, reduced by its liabilities, including bonded indebtedness, the same to be determined by usual and accepted accounting methods. The amount of said liability shall be determined by reference to the fire district's balance sheet, produced in the regular course of business, which is nearest in time to the certification of the annexation of fire district territory by the city or town.

Sec. 2. Section 35A.14.400, chapter 119, Laws of 1967 ex. sess. and RCW 35A.14.400 are each amended to read as follows:

If a portion of a fire protection district including less than sixty percent of the assessed value of the real property of the district is annexed to or incorporated into a code city, the ownership of all assets of the district shall remain in the district and the district shall pay to the code city within one year or within such period of time as the district continues to collect taxes in such incorporated or annexed areas, in cash, properties or contracts for fire protection services, a percentage of the value of said assets equal to the percentage of the value of the real property in the entire district lying within the area so incorporated or annexed: PROVIDED, That if less than five percent of the area of the district is affected, no payment shall be made to the code city except as provided in section 3 of this act. The fire protection district shall provide fire protection to the incorporated or annexed area for such period as the district continues to collect taxes levied in such annexed or incorporated area.

NEW SECTION. Sec. 3. A new section is added to chapter 35.02 RCW to read as follows:

(1) A distribution of assets from the fire protection district to the city or town shall occur as provided in this section upon the annexation or incorporation of an area by the city or town that constitutes less than five percent of the area of the fire protection district upon the adoption of a resolution by the city or town finding that the annexation or incorporation will impose a significant increase in the fire suppression responsibilities of the city or town with a corresponding reduction in fire suppression responsibilities by the fire protection district. Such a resolution must be adopted within sixty days of the effective date of the annexation, or within sixty days of the official date of incorporation of the city. If the fire protection district does not concur in the finding within sixty days of when a copy of the resolution is submitted to the board of commissioners, arbitration shall proceed under subsection (3) of this section over this issue.

(2) An agreement on the distribution of assets from the fire protection district to the city or town shall be entered into by the city or town and the fire protection district within ninety days of the concurrence by the fire protection district under subsection (1) of this section, or within ninety days of a decision by the arbitrators under subsection (3) of this section that a significant increase in the fire protection responsibilities will be imposed upon the city or town as a result of the incorporation or annexation. A distribution shall be based upon the extent of the increased fire suppression responsibilities with a corresponding reduction in fire suppression responsibilities by the fire protection district, and shall consider the impact of any debt obligation that may exist on the property that is so annexed or incorporated. If an agreement is not entered into after this ninety-day period, arbitration shall proceed under subsection (3) of this section concerning this issue unless both parties have agreed to an extension of this period.

(3) Arbitration shall proceed under this subsection over the issue of whether a significant increase in the fire protection responsibilities will be imposed upon the city or town as a result of the annexation or incorporation with a corresponding reduction in fire suppression responsibilities by the fire protection district, or over the distribution of assets from the fire protection district to the city or town if such a significant increase in fire protection responsibilities will be imposed. A board of arbitrators shall be established for an arbitration that is required under this section. The board of arbitrators shall consist of three persons, one of whom is appointed by the city or town within sixty days of the date when arbitration is required, one of whom is appointed by the fire protection district within sixty days of the date when arbitration is required, and one of whom is appointed by agreement of the other two arbitrators within thirty days of the appointment of the last of these other two arbitrators who is so appointed. If the two are unable to agree on the appointment of the third arbitrator within this thirty-day period, then the third arbitrator shall be appointed by a judge in the superior court of the county within which all or the greatest portion of the area that was so annexed or incorporated lies. The determination by the board of arbitrators shall be binding on both the city or town and the fire protection district."

On page 1, line 2 of the title, after "district;" strike the remainder of the title and insert "amending RCW 35.02.200 and 35A.14.400; and adding a new section to chapter 35.02 RCW."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator McCaslin, the Senate concurred in the House amendments to Senate Bill No. 5907.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5907, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5907, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 43; nays, 1; excused, 5.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Hansen, Johnson, Kreidler, Lee, Matson, McCaslin, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 43.

Voting nay: Senator Madsen - 1.

Excused: Senators DeJarnatt, Gaspard, Hayner, McDonald, Rinehart - 5.

SENATE BILL NO. 5907, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 14, 1989

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 5947 with the following amendment:

On page 2, beginning on line 9, strike subsection (h) and insert

"(h) The defendant or the defendant's children suffered a continuing pattern of physical or sexual abuse by the victim of the offense and the offense is a response to that abuse."

and the bill and the amendment are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

Senator Pullen moved that the Senate do concur in the House amendment to Substitute Senate Bill No. 5947.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the motion by Senator Pullen that the Senate do concur in the House amendment to Substitute Senate Bill No. 5947.

The motion by Senator Pullen carried.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5947, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5947, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Hansen, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 45.

Excused: Senators DeJarnatt, Gaspard, Hayner, McDonald - 4.

SUBSTITUTE SENATE BILL NO. 5947, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 14, 1989

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 6013 with the following amendments:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 35.58 RCW to read as follows:

(1) A metropolitan municipal corporation that is engaged in the transmission, treatment, and disposal of sewage may impose a capacity charge on users of the metropolitan municipal corporation's sewage facilities when the user connects, reconnects, or establishes a new service. The capacity charge shall be approved by the council of the metropolitan municipal corporation and reviewed and reapproved annually.

(2) The capacity charge shall be based upon the cost of the sewage facilities' excess capacity that is necessary to provide sewerage treatment for new users to the system. The capacity charge, which may be collected over a period of fifteen years, shall not exceed:

(a) Seven dollars per month per residential customer equivalent for connections and reconnections occurring prior to January 1, 1996; and

(b) Ten dollars and fifty cents per month per residential customer equivalent for connections and reconnections occurring after January 1, 1996, and prior to January 1, 2001.

For connections and reconnections occurring after January 1, 2001, the capacity charge shall not exceed fifty percent of the basic sewer rate per residential customer equivalent established by the metropolitan municipal corporation at the time of the connection or reconnection.

(3) The capacity charge for a building other than a single-family residence shall be based on the projected number of residential customer equivalents to be represented by the building, considering its intended use.

(4) The council of the metropolitan municipal corporation shall enforce the collection of the capacity charge in the same manner provided for the collection, enforcement, and payment of rates and charges for sewer districts provided in RCW 56.16.100 and 56.16.110. At least thirty days before commencement of an action to foreclose a lien for a capacity charge, the metropolitan municipal corporation shall send written notice of delinquency in payment of the capacity charge to any first mortgage or deed of trust holder of record at the address of record.

(5) As used in this section, "sewage facilities" means capital projects identified since January 1, 1982, to the effective date of this section in the metropolitan municipal corporation's comprehensive water pollution abatement plan. "Residential customer equivalent" shall have the same meaning used by the metropolitan municipal corporation in determining rates and charges at the time the capacity charge is imposed.

Sec. 2. Section 1, chapter 449, Laws of 1987 and RCW 56.08.010 are each amended to read as follows:

A sewer district may acquire by purchase or by condemnation and purchase all lands, property rights, water, and water rights, both within and without the district, necessary for its purposes. A sewer district may lease real or personal property necessary for its purposes for a term of years for which such leased property may reasonably be needed where in the opinion of the board of sewer commissioners such property may not be needed permanently or substantial savings to the district can be effected thereby. The right of eminent domain shall be exercised in the same manner and by the same procedure as provided for cities and towns, insofar as consistent with the provisions of this title, except that all assessments or reassessment rolls required to be filed by eminent domain commissioners or commissioners appointed by the court shall be prepared and filed by the district, and the duties devolving upon the city treasurer shall be imposed upon the county treasurer for the purposes hereof; it may construct, condemn and purchase, add to, maintain, and operate systems of sewers for the purpose of furnishing the district and inhabitants thereof with an adequate system of sewers for all uses and purposes, public and private, including but not limited to on-site sewage disposal facilities, approved septic tanks or approved septic tank systems, other facilities and systems for the collection, interception, treatment, and disposal of wastewater, and for the control of pollution from wastewater and for the protection, preservation, and rehabilitation of surface and underground waters, facilities for the drainage of storm or surface waters, public highways, streets, and roads with full authority to regulate the use and operation thereof and the service rates to be charged. Such sewage facilities may include facilities which result in combined sewage disposal, treatment, or drainage and electric generation, provided that the electricity generated thereby is a byproduct of the system of sewers. Such electricity may be used by the sewer district or sold to any entity authorized by law to distribute electricity. Such electricity is a byproduct when the electrical generation is subordinate to the primary purpose of sewage disposal, treatment, or drainage. For such purposes a district may conduct sewage throughout the district and throughout other political subdivisions within the district, and construct and lay sewer pipe along and upon public highways, roads, and streets, within and without the district, and condemn and purchase or acquire land and rights of way necessary for such sewer pipe. A district may erect sewage treatment plants, within or without the district, and may acquire by purchase or condemnation, properties or privileges necessary to be had to protect any lakes, rivers, or watercourses and also other areas of land from pollution, from its sewers or its sewage treatment plant. For the purposes of sewage facilities which include facilities which result in combined sewage disposal, treatment, or drainage and electric generation where the

electric generation is a byproduct, nothing in this section may be construed to authorize a district to condemn electric generating, transmission, or distribution rights or facilities of entities authorized by law to distribute electricity, or to acquire such rights or facilities without the consent of the owner. A district may charge property owners seeking to connect to the district system of sewers, as a condition to granting the right to so connect, in addition to the cost of such connection, such reasonable connection charge as the board of commissioners shall determine to be proper in order that such property owners shall bear their equitable share of the cost of such system. For purposes of calculating a connection charge, the board of commissioners shall determine the pro rata share of the cost of existing facilities and facilities planned for construction within the next ten years and contained in an adopted comprehensive plan and other costs borne by the district which are directly attributable to the improvements required by property owners seeking to connect to the system. The cost of existing facilities shall not include those portions of the system which have been donated or which have been paid for by grants.

The connection charge may include interest charges applied from the date of construction of the sewer system until the connection, or for a period not to exceed ten years, whichever is shorter, at a rate commensurate with the rate of interest applicable to the district at the time of construction or major rehabilitation of the sewer system, or at the time of installation of the sewer lines to which the property owner is seeking to connect.

A district may permit payment of the cost of connection and the reasonable connection charge to be paid with interest in installments over a period not exceeding fifteen years. The county treasurer may charge and collect a fee of three dollars per parcel for each year for the treasurer's services. Such fees shall be a charge to be included as part of each annual installment, and shall be credited to the county current expense fund by the county treasurer. A district may compel all property owners within the sewer district located within an area served by the district system of sewers to connect their private drain and sewer systems with the district system under such penalty as the sewer commissioners shall prescribe by resolution. The district may for such purpose enter upon private property and connect the private drains or sewers with the district system and the cost thereof shall be charged against the property owner and shall be a lien upon property served.

Revenues from connection charges excluding permit fees are to be considered payments in aid of construction as defined by department of revenue rule.

Sec. 3. Section 17, chapter 210, Laws of 1941 as last amended by section 47, chapter 186, Laws of 1984 and RCW 56.16.030 are each amended to read as follows:

(1) In the same manner as herein provided for the adoption of the general comprehensive plan, and after the adoption of the general comprehensive plan, a plan providing for additions and betterments to the general comprehensive plan, or reorganized district may be adopted. Without limiting its generality "additions and betterments" shall include any necessary change in, amendment of, or addition to the general comprehensive plan. The sewer district may incur a general indebtedness payable from annual tax levies to be made in excess of the constitutional and/or statutory tax limitations for the construction of the additions and betterments in the same way the general indebtedness may be incurred for the construction of the general comprehensive plan as provided in RCW 56.16.010. Upon ratification by the voters of the entire district, of the proposition to incur such indebtedness, the additions and betterments may be carried out by the sewer commissioners to the extent specified or referred to in the proposition to incur such general indebtedness. The sewer district may issue revenue bonds to pay for the construction of the additions and betterments by resolution of the board of sewer commissioners.

(2) After the effective date of this act, when the district adopts a general comprehensive plan or plans for an area annexed as provided for in RCW 56.08.020, the district shall include a long-term plan for financing the planned projects.

NEW SECTION, Sec. 4. If the sewer district approves an extension to the sewer system, the district shall contract with owners of real estate located within the district boundaries, at an owner's request, for the purpose of permitting extensions to the district's sewer system to be constructed by such owner at such owner's sole cost where such extensions are required as a prerequisite to further property development. The contract shall contain such conditions as the district may require pursuant to the district's adopted policies and standards. The district shall request comprehensive plan approval for such extension, if required, and connection of the extension to the district system is conditioned upon:

- (1) Construction of such extension according to plans and specifications approved by the district;
- (2) Inspection and approval of such extension by the district;
- (3) Transfer to the district of such extension without cost to the district upon acceptance by the district of such extension;
- (4) Payment of all required connection charges to the district;
- (5) Full compliance with the owner's obligations under such contract and with the district's rules and regulations;

(6) Provision of sufficient security to the district to ensure completion of the extension and other performance under the contract;

(7) Payment by the owner to the district of all of the district's costs associated with such extension including, but not limited to, the district's engineering, legal, and administrative costs; and

(8) Verification and approval of all contracts and costs related to such extension.

NEW SECTION. Sec. 5. The contract shall also provide, subject to the terms and conditions in this section, for the reimbursement to the owner or the owner's assigns for a period not to exceed fifteen years of a portion of the costs of the sewer facilities constructed pursuant to such contract from connection charges received by the district from other property owners who subsequently connect to or use the sewer facilities within the fifteen-year period and who did not contribute to the original cost of such sewer facilities.

NEW SECTION. Sec. 6. The reimbursement shall be a pro rata share of construction and contract administration costs of the sewer project. Reimbursement for sewer projects shall include, but not be limited to, design, engineering, installation, and restoration.

NEW SECTION. Sec. 7. The procedures for reimbursement contracts shall be governed by the following:

(1) A reimbursement area shall be formulated by the board of commissioners within a reasonable time after the acceptance of the extension. The reimbursement shall be based upon a determination by the board of commissioners of which parcels would require similar sewer improvements upon development.

(2) The contract must be recorded in the appropriate county auditor's office after the final execution of the agreement.

NEW SECTION. Sec. 8. As an alternative to financing projects under this chapter solely by owners of real estate, sewer districts may join in the financing of improvement projects and may be reimbursed in the same manner as the owners of real estate who participate in the projects, if the board of commissioners has specified the conditions of its participation in a resolution.

Sec. 9. Section 8, chapter 114, Laws of 1929 as last amended by section 1, chapter 11, Laws of 1988 and RCW 57.08.010 are each amended to read as follows:

(1) (a) A water district may acquire by purchase or condemnation, or both, all property and property rights and all water and water rights, both within and without the district, necessary for its purposes.

(b) A water district may lease real or personal property necessary for its purposes for a term of years for which such leased property may reasonably be needed where in the opinion of the board of water commissioners such property may not be needed permanently or substantial savings to the district can be effected thereby.

(c) The right of eminent domain shall be exercised in the same manner and by the same procedure as provided for cities of the third class, insofar as consistent with the provisions of this title, except that all assessment rolls to be prepared and filed by eminent domain commissioners or commissioners appointed by the court shall be prepared and filed by the water district, and the duties devolving upon the city treasurer are hereby imposed upon the county treasurer.

(d) A water district may construct, condemn and purchase, purchase, add to, maintain and supply waterworks to furnish the district and inhabitants thereof, and any city or town therein and any other persons, both within and without the district, with an ample supply of water for all uses and purposes public and private with full authority to regulate and control the use, content, distribution, and price thereof in such a manner as is not in conflict with general law.

(e) A water district contiguous to Canada may contract with a Canadian corporation for the purchase of water and for the construction, purchase, maintenance and supply of waterworks to furnish the district and inhabitants thereof and residents of Canada with an ample supply of water under terms approved by the board of commissioners. Such waterworks may include facilities which result in combined water supply and electric generation, provided that the electricity generated thereby is a byproduct of the water supply system.

(f) Such electricity may be used by the water district or sold to any entity authorized by law to distribute electricity. Such electricity is a byproduct when the electrical generation is subordinate to the primary purpose of water supply.

(g) For such purposes, a water district may take, condemn and purchase, purchase, acquire and retain water from any public or navigable lake, river or watercourse, or any underflowing water and, by means of aqueducts or pipe line conduct the same throughout such water district and any city or town therein and carry it along and upon public highways, roads and streets, within and without such district.

(h) For the purpose of constructing or laying aqueducts or pipe lines, dams, or waterworks or other necessary structures in storing and retaining water or for any other lawful purpose such water district may occupy the beds and shores up to the high water mark of any such

lake, river, or other watercourse, and may acquire by purchase or condemnation such property or property rights or privileges as may be necessary to protect its water supply from pollution.

(1) For the purposes of waterworks which include facilities for the generation of electricity as a byproduct, nothing in this section may be construed to authorize a water district to condemn electric generating, transmission, or distribution rights or facilities of entities authorized by law to distribute electricity, or to acquire such rights or facilities without the consent of the owner.

(2) A water district may purchase and take water from any municipal corporation.

(3) A water district may fix rates and charges for water supplied and may charge property owners seeking to connect to the district's water supply system, as a condition to granting the right to so connect, in addition to the cost of such connection, such reasonable connection charge as the board of commissioners shall determine to be proper in order that such property owners shall bear their equitable share of the cost of such system.

(a) For purposes of calculating a connection charge, the board of commissioners shall determine the pro rata share of the cost of existing facilities and facilities planned for construction within the next ten years and contained in an adopted comprehensive plan and other costs borne by the district which are directly attributable to the improvements required by property owners seeking to connect to the system. The cost of existing facilities shall not include those portions of the system which have been donated or which have been paid for by grants.

(b) The connection charge may include interest charges applied from the date of construction of the water system until the connection, or for a period not to exceed ten years, whichever is shorter, at a rate commensurate with the rate of interest applicable to the district at the time of construction or major rehabilitation of the water system, or at the time of installation of the water lines to which the property owner is seeking to connect.

(4) (a) A district may permit payment of the cost of connection and the reasonable connection charge to be paid with interest in installments over a period not exceeding fifteen years. The county treasurer may charge and collect a fee of three dollars for each year for the treasurer's services. Such fees shall be a charge to be included as part of each annual installment, and shall be credited to the county current expense fund by the county treasurer.

(b) Revenues from connection charges excluding permit fees are to be considered payments in aid of construction as defined by department of revenue rule.

Sec. 10. Section 6, chapter 18, Laws of 1959 as last amended by section 2, chapter 213, Laws of 1982 and RCW 57.16.010 are each amended to read as follows:

The water district commissioners before ordering any improvements hereunder or submitting to vote any proposition for incurring any indebtedness shall adopt a general comprehensive plan of water supply for the district. They shall investigate the several portions and sections of the district for the purpose of determining the present and reasonably foreseeable future needs thereof; shall examine and investigate, determine and select a water supply or water supplies for such district suitable and adequate for present and reasonably foreseeable future needs thereof; and shall consider and determine a general system or plan for acquiring such water supply or water supplies; and the lands, waters and water rights and easements necessary therefor, and for retaining and storing any such waters, erecting dams, reservoirs, aqueducts and pipe lines to convey the same throughout such district. There may be included as part of the system the installation of fire hydrants at suitable places throughout the district, and the purchase and maintenance of necessary fire fighting equipment and apparatus, together with facilities for housing same. The water district commissioners shall determine a general comprehensive plan for distributing such water throughout such portion of the district as may then reasonably be served by means of subsidiary aqueducts and pipe lines, and the method of distributing the cost and expense thereof against such water district and against local improvement districts or utility local improvement districts within such water district for any lawful purpose, and including any such local improvement district or utility local improvement district lying wholly or partially within the limits of any city or town in such district, and shall determine whether the whole or part of the cost and expenses shall be paid from water revenue bonds. After the effective date of this act, when the district adopts a general comprehensive plan or plans for an area annexed as provided for in RCW 57.16.010, the district shall include a long-term plan for the planned projects. The commissioners may employ such engineering and legal service as in their discretion is necessary in carrying out their duties.

The general comprehensive plan shall be adopted by resolution and submitted to an engineer designated by the legislative authority of the county in which fifty-one percent or more of the area of the district is located, and to the director of health of the county in which the district or any portion thereof is located, and must be approved in writing by the engineer and director of health. The general comprehensive plan shall be approved, conditionally approved, or rejected by the director of health within sixty days of the plan's receipt and by the designated engineer within sixty days of the plan's receipt.

Before becoming effective, the general comprehensive plan shall also be submitted to, and approved by resolution of, the legislative authority of every county within whose boundaries all or a portion of the water district lies. The general comprehensive plan shall be

approved, conditionally approved, or rejected by each of these county legislative authorities pursuant to the criteria in RCW 57.02.040 for approving the formation, reorganization, annexation, consolidation, or merger of water districts, and the resolution, ordinance, or motion of the legislative body which rejects the comprehensive plan or a part thereof shall specifically state in what particular the comprehensive plan or part thereof rejected fails to meet these criteria. The legislative body may not impose requirements restricting the maximum size of the water supply facilities provided for in the comprehensive plan: PROVIDED, That nothing in this chapter shall preclude a county from rejecting a proposed plan because it is in conflict with the criteria in RCW 57.02.040. Each general comprehensive plan shall be deemed approved if the county legislative authority fails to reject or conditionally approve the plan within ninety days of the plan's submission to the county legislative authority or within thirty days of a hearing on the plan when the hearing is held within ninety days of submission to the county legislative authority: PROVIDED, That the water commissioners and the county legislative authority may mutually agree to an extension of the deadlines in this section. If the district includes portions or all of one or more cities or towns, the general comprehensive plan shall be submitted also to, and approved by resolution of, the legislative authority of cities and towns before becoming effective. The general comprehensive plan shall be deemed approved by the city or town legislative authority if the city or town legislative authority fails to reject or conditionally approve the plan within ninety days of the plan's submission to the city or town or within thirty days of a hearing on the plan when the hearing is held within ninety days of submission to the county legislative authority.

Before becoming effective, any amendment to, alteration of, or addition to, a general comprehensive plan shall also be subject to such approval as if it were a new general comprehensive plan: PROVIDED, That only if the amendment, alteration, or addition affects a particular city or town, shall the amendment, alteration or addition be subject to approval by such particular city or town legislative authority.

NEW SECTION, Sec. 11. If the water district approves an extension to the water system, the district shall contract with owners of real estate located within the district boundaries, at an owner's request, for the purpose of permitting extensions to the district's water system to be constructed by such owner at such owner's sole cost where such extensions are required as a prerequisite to further property development. The contract shall contain such conditions as the district may require pursuant to the district's adopted policies and standards. The district shall request comprehensive plan approval for such extension, if required, and connection of the extension to the district system is conditioned upon:

(1) Construction of such extension according to plans and specifications approved by the district;

(2) Inspection and approval of such extension by the district;

(3) Transfer to the district of such extension without cost to the district upon acceptance by the district of such extension;

(4) Payment of all required connection charges to the district;

(5) Full compliance with the owner's obligations under such contract and with the district's rules and regulations;

(6) Provision of sufficient security to the district to ensure completion of the extension and other performance under the contract;

(7) Payment by the owner to the district of all of the district's costs associated with such extension including, but not limited to, the district's engineering, legal, and administrative costs; and

(8) Verification and approval of all contracts and costs related to such extension.

NEW SECTION, Sec. 12. The contract shall also provide, subject to the terms and conditions in this section, for the reimbursement to the owner or the owner's assigns for a period not to exceed fifteen years of a portion of the costs of the water facilities constructed pursuant to such contract from connection charges received by the district from other property owners who subsequently connect to or use the water facilities within the fifteen-year period and who did not contribute to the original cost of such water facilities.

NEW SECTION, Sec. 13. The reimbursement shall be a pro rata share of construction and reimbursement of contract administration costs of the water project. Reimbursement for water projects shall include, but not be limited to, design, engineering, installation, and restoration.

NEW SECTION, Sec. 14. The procedures for reimbursement contracts shall be governed by the following:

(1) A reimbursement area shall be formulated by the board of commissioners within a reasonable time after the acceptance of the extension. The reimbursement shall be based upon a determination by the board of commissioners of which parcels would require similar water improvements upon development.

(2) The contract must be recorded in the appropriate county auditor's office after the final execution of the agreement.

NEW SECTION, Sec. 15. As an alternative to financing projects under this chapter solely by owners of real estate, a water district may join in the financing of improvement projects and

may be reimbursed in the same manner as the owners of real estate who participate in the projects, if the water district has specified the conditions of its participation in a resolution.

NEW SECTION. Sec. 16. (1) Sections 4 through 8 of this act shall constitute a new chapter in Title 56 RCW.

(2) Sections 11 through 15 of this act shall constitute a new chapter in Title 57 RCW."

On page 1, line 2 of the title, after "charges," strike the remainder of the title and insert "amending RCW 56.08.010, 56.16.030, 57.08.010, and 57.16.010; adding a new section to chapter 35.58 RCW; adding a new chapter to Title 56 RCW; and adding a new chapter to Title 57 RCW."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator McCaslin, the Senate concurred in the House amendments to Substitute Senate Bill No. 6013.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6013, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6013, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 37; nays, 6; absent, 2; excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Hansen, Johnson, Kreidler, Lee, Matson, McCaslin, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Patterson, Rinehart, Saling, Sellar, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West - 37.

Voting nay: Senators Bender, Madsen, Pullen, Rasmussen, Williams, Wojahn - 6.

Absent: Senators Owen, Smith - 2.

Excused: Senators DeJarnatt, Gaspard, Hayner, McDonald - 4.

SUBSTITUTE SENATE BILL NO. 6013, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 14, 1989

Mr. President:

The House has passed SENATE JOINT RESOLUTION NO. 8200 with the following amendment:

Beginning on page 1, line 1, strike everything and insert the following:

"BE IT RESOLVED, BY THE SENATE AND HOUSE OF REPRESENTATIVES OF THE STATE OF WASHINGTON, IN LEGISLATIVE SESSION ASSEMBLED:

THAT, At the next general election to be held in this state there shall be submitted to the qualified voters of the state for their approval and ratification, or rejection, an amendment to Article I, section -- of the Constitution of the state of Washington to read as follows:

Article I, section --. Effective law enforcement depends on cooperation from victims of crime. To ensure victims a meaningful role in the criminal justice system and to accord them due dignity and respect, victims of crime are hereby granted the following basic and fundamental rights.

Upon notifying the prosecuting attorney, a victim of a crime charged as a felony shall have the right to be informed of and, subject to the discretion of the individual presiding over the trial or court proceedings, attend trial and all other court proceedings the defendant has the right to attend, and to make a statement at sentencing and at any proceeding where the defendant's release is considered, subject to the same rules of procedure which govern the defendant's rights. In the event the victim is deceased, incompetent, a minor, or otherwise unavailable, the prosecuting attorney may identify a representative to appear to exercise the victim's rights. This provision shall not constitute a basis for error in favor of a defendant in a criminal proceeding nor a basis for providing a victim or the victim's representative with court appointed counsel.

BE IT FURTHER RESOLVED, That the secretary of state shall cause notice of the foregoing constitutional amendment to be published at least four times during the four weeks next preceding the election in every legal newspaper in the state."

and the resolution and the amendment are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

Senator Pullen moved that the Senate do concur in the House amendment to Senate Joint Resolution No. 8200.

POINT OF INQUIRY

Senator Talmadge: "Senator Pullen, Senate Joint Resolution No. 8200, as amended by the House, reads on page 2, line 14, 'This provision shall not constitute a basis for error in favor of a defendant in a criminal proceeding nor a basis for providing a victim or the victim's representative with the court appointed counsel.' Does this sentence provide that no portion of the constitutional amendment shall provide a basis for error in favor of a defendant?"

Senator Pullen: "Yes, and in particular to the right of the victim or his representative to attend proceedings and make statements at appropriate times."

Senator Talmadge: "One further question, Senator Pullen. On page 1, line 34, of the constitutional amendment, it refers to the discretion of the individual presiding at a hearing with regard to the victim's attendance. Does this limit the victim's rights in any respect?"

Senator Pullen: "No, it just states the general rule, that a judge at trial has discretion to control and set limits on behavior and decorum in the courtroom by all persons. Extreme behavior by a victim, defendant or any other person can be controlled by the judge."

Senator Talmadge: "Thank you, Senator Pullen."

Further debate ensued.

The President Pro Tempore declared the question before the Senate to be the motion by Senator Pullen that the Senate do concur in the House amendment to Senate Joint Resolution No. 8200.

The motion by Senator Pullen carried.

MOTION

On motion of Senator McCaslin, Senators Patterson and Saling were excused.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Joint Resolution No. 8200, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Joint Resolution No. 8200, as amended by the House, and the resolution passed the Senate by the following vote: Yeas, 43; excused, 6.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Hansen, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Pullen, Rasmussen, Rinehart, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 43.

Excused: Senators DeJarnatt, Gaspard, Hayner, McDonald, Patterson, Saling - 6.

SENATE JOINT RESOLUTION NO. 8200, as amended by the House, having received the constitutional majority, was declared passed.

MOTION

On motion of Senator Newhouse, the following bills which were on the second reading calendar were referred to the Committee on Rules.

Engrossed House Bill No. 1109,

Engrossed Substitute House Bill No. 1123,

Engrossed House Bill No. 1172,

House Bill No. 1182,

Substitute House Bill No. 1280,

Engrossed House Bill No. 1283,

House Bill No. 1307,

Engrossed House Bill No. 1360,

Engrossed House Bill No. 1406,

House Bill No. 1656,

House Bill No. 1657,

Substitute House Bill No. 1668,

House Bill No. 1682,
Substitute House Bill No. 1746,
Substitute House Bill No. 1963,
Substitute Senate Bill No. 6075.

MOTION

On motion of Senator Newhouse, the Senate advanced to the eighth order of business.

MOTION

On motion of Senator Sutherland, the following resolution was adopted:

SENATE RESOLUTION 1989-8680

by Senators Sutherland, Sellar, Vognild, Warnke, Barr, Rasmussen, Bauer, Benitz, McCaslin, Stratton, Newhouse, Moore, Owen, Bender, Williams, Wojahn, Madsen, Nelson, Pullen, Niemi, Murray, Kreidler, Rinehart and Metcalf

WHEREAS, Senator Frank "Tub" and Wanda Hansen have served the citizens of the Columbia Basin and the state of Washington with devotion; and

WHEREAS, Senator Hansen served six years in the Washington State House of Representatives and has been serving faithfully in the State Senate since 1978; and

WHEREAS, The Hansens have been devoted in their work in behalf of the district and the Columbia Basin community; and

WHEREAS, Their joint efforts have helped the Columbia Basin develop its potential as one of the nation's finest farming and recreation areas; and

WHEREAS, Troutlodge, Inc., has been one of the beneficiaries of the basin's tremendous growth since the hatchery's founding on Rocky Ford Creek in Grant County forty-six years ago; and

WHEREAS, The encouragement and assistance of Senator and Mrs. Hansen has helped turn the single hatchery into a company operating seven productive fin fish culturing facilities, with a production level of two hundred million eyed live fish eggs per year with customers in twenty-six foreign countries and thirty states of the union; and

WHEREAS, Troutlodge, Inc., was awarded the 1987 Governor's Export Award for exportation of agricultural products; and

WHEREAS, Senator and Mrs. Hansen were influential in securing a lease agreement with the Washington State Wildlife Department that now provides in excess of 200,000 rainbow trout in the Columbia Basin lakes to sportsmen and sportswomen at no cost to state taxpayers; and

WHEREAS, This lease agreement has resulted in a cooperative effort between Troutlodge, sport fishing organizations, and the Washington State Department of Wildlife, resulting in the rehabilitation of approximately six miles of trout streams for quality sports fishing; and

WHEREAS, This cooperative program and lease is an excellent example of how private enterprise can work with the state to provide the public with excellent recreational opportunities;

NOW, THEREFORE, BE IT RESOLVED, That the President and members of the Washington State Senate recognize that Troutlodge, Inc. will dedicate with appreciation its hatchery to Senator "Tub" and Wanda Hansen on August 10, 1989; and

BE IT FURTHER RESOLVED, That a bronze plaque shall be placed on the hatchery site that reads, "Troutlodge 1 - Dedicated to Senator "Tub" and Wanda Hansen...Influential friends of trout and recreation in the Columbia Basin...Their efforts have enriched the history and future of this area"; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate transmit copies of this resolution to Senator and Mrs. Hansen and the owners and executive staff of Troutlodge, Inc. with offices in McMillin, Washington.

Senators Barr, Sellar, Rasmussen and Vognild spoke to Senate Resolution 1989-8680.

Senator Hansen thanked the Senate for the resolution and spoke about Troutlodge, Inc.

The President Pro Tempore introduced Mrs. Hansen who was seated in the gallery.

MOTIONS

On motion of Senator Newhouse, the Committee on Ways and Means was relieved of further consideration of Senate Bill No. 6106.

On motion of Senator Newhouse, the rules were suspended and Senate Bill No. 6106 was advanced to second reading and placed on the second reading calendar.

There being no objection, the President Pro Tempore reverted the Senate to the third order of business.

MESSAGE FROM THE GOVERNOR

April 17, 1989

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to advise you that on April 17, 1989, Governor Gardner approved the following Senate Bills entitled:

Senate Bill No. 5030

Relating to writ of certiorari.

Senate Bill No. 5031

Relating to the correction or amendment of internal reference in the Revised Code of Washington.

Senate Bill No. 5032

Relating to the repeal of obsolete sections in the Revised Code of Washington.

Substitute Senate Bill No. 5033

Relating to technical corrections in the Revised Code of Washington.

Substitute Senate Bill No. 5034

Relating to the reconciliation of double amendments or repeals in the Revised Code of Washington.

Senate Bill No. 5045

Relating to correction of statutes affected by vetoes by the Governor.

Senate Bill No. 5046

Relating to eliminating gender-specific language.

Senate Bill No. 5079

Relating to the uniform commercial code.

Sincerely,

TERRY SEBRING, Legal Counsel to the Governor

There being no objection, the President Pro Tempore reverted the Senate to the first order of business.

REPORTS OF STANDING COMMITTEES

GUBERNATORIAL APPOINTMENTS

April 18, 1989

GA 9016

EILEEN P. FARLEY, appointed August 22, 1987, for a term ending August 2, 1990, as a member of the Sentencing Guidelines Commission.

Reported by Committee on Law and Justice

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Pullen, Chairman; McCaslin, Vice Chairman, Madsen, Nelson, Newhouse, Niemi, Rasmussen, Talmadge, Thorsness.

HOLD.

April 18, 1989

GA 9026

CATHERINE M. HAAS, reappointed June 18, 1988, for a term ending June 17, 1993, as a member of the Human Rights Commission.

Reported by Committee on Law and Justice

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Pullen, Chairman; McCaslin, Vice Chairman, Madsen, Nelson, Newhouse, Niemi, Rasmussen, Talmadge, Thorsness.

HOLD.

April 18, 1989

GA 9030 ROBERT J. HOYDEN, reappointed October 11, 1988, for a term ending July 1, 1990, as a member of the Child Support Schedule Commission. Reported by Committee on Law and Justice

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Pullen, Chairman; McCaslin, Vice Chairman, Madsen, Nelson, Newhouse, Niemi, Rasmussen, Talmadge, Thorsness.

HOLD.

April 18, 1989

GA 9034 JAMES W. KENNEDY, appointed October 11, 1988, for a term ending July 1, 1990, as a member of the Child Support Schedule Commission. Reported by Committee on Law and Justice

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Pullen, Chairman; McCaslin, Vice Chairman, Madsen, Nelson, Newhouse, Niemi, Rasmussen, Talmadge, Thorsness.

HOLD.

April 18, 1989

GA 9036 WAYNE M. KING, appointed October 11, 1988, for a term ending July 1, 1990, as a member of the Child Support Schedule Commission. Reported by Committee on Law and Justice

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Pullen, Chairman; McCaslin, Vice Chairman, Madsen, Nelson, Newhouse, Niemi, Rasmussen, Talmadge, Thorsness.

HOLD.

April 18, 1989

GA 9046 JON OSTLUND, reappointed December 22, 1988, for a term ending August 2, 1991, as a member of the Sentencing Guidelines Commission. Reported by Committee on Law and Justice

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Pullen, Chairman; McCaslin, Vice Chairman, Madsen, Nelson, Newhouse, Niemi, Rasmussen, Talmadge, Thorsness.

HOLD.

April 18, 1989

GA 9053 JUDITH PARKER, appointed October 11, 1988, for a term ending July 1, 1990, as a member of the Child Support Schedule Commission. Reported by Committee on Law and Justice

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Pullen, Chairman; McCaslin, Vice Chairman, Madsen, Nelson, Newhouse, Niemi, Rasmussen, Talmadge, Thorsness.

HOLD.

April 18, 1989

GA 9054 DENISE READ, appointed October 11, 1988, for a term ending July 1, 1990, as a member of the Child Support Schedule Commission. Reported by Committee on Law and Justice

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Pullen, Chairman; McCaslin, Vice Chairman, Madsen, Nelson, Newhouse, Niemi, Rasmussen, Talmadge, Thorsness.

HOLD.

April 18, 1989

GA 9057 REGINALD T. ROBERTS, appointed December 13, 1988, for a term ending September 25, 1992, as a member of the Clemency and Pardons Board.

Reported by Committee on Law and Justice

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Pullen, Chairman; McCaslin, Vice Chairman, Madsen, Nelson, Newhouse, Niemi, Rasmussen, Talmadge, Thorsness.

HOLD.

April 18, 1989

GA 9061 TRUDY SCHMIDLI SUTHERLAND, reappointed December 13, 1988, for a term ending September 25, 1992, as a member of the Clemency and Pardons Board.

Reported by Committee on Law and Justice

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Pullen, Chairman; McCaslin, Vice Chairman, Madsen, Nelson, Newhouse, Niemi, Rasmussen, Talmadge, Thorsness.

HOLD.

April 18, 1989

GA 9073 EUGENE K. STRUTHERS, appointed April 4, 1988, for a term ending December 31, 1992, as a member of the Public Disclosure Commission.

Reported by Committee on Law and Justice

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Pullen, Chairman; McCaslin, Vice Chairman, Madsen, Nelson, Newhouse, Niemi, Rasmussen, Talmadge, Thorsness.

HOLD.

April 18, 1989

GA 9081 JUDGE ANTHONY WARTNIK, reappointed October 11, 1988, for a term ending July 1, 1990, as a member of the Child Support Schedule Commission.

Reported by Committee on Law and Justice

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Pullen, Chairman; McCaslin, Vice Chairman, Madsen, Nelson, Newhouse, Niemi, Rasmussen, Talmadge, Thorsness.

HOLD.

April 18, 1989

GA 9092 DOUG BLAIR, appointed December 22, 1988, for a term ending August 2, 1991, as a member of the Sentencing Guidelines Commission.

Reported by Committee on Law and Justice

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Pullen, Chairman; McCaslin, Vice Chairman, Madsen, Nelson, Newhouse, Niemi, Rasmussen, Talmadge, Thorsness.

HOLD.

April 18, 1989

GA 9093 JAMES GAVIN, reappointed December 22, 1988, for a term ending August 2, 1991, as a member of the Sentencing Guidelines Commission.

Reported by Committee on Law and Justice

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Pullen, Chairman; McCaslin, Vice Chairman, Madsen, Nelson, Newhouse, Niemi, Rasmussen, Talmadge, Thorsness.

HOLD.

April 18, 1989

GA 9094 MARGARET LAIDLAW, appointed December 22, 1988, for a term ending August 2, 1991, as a member of the Sentencing Guidelines Commission.
Reported by Committee on Law and Justice

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Pullen, Chairman; McCaslin, Vice Chairman, Madsen, Nelson, Newhouse, Niemi, Rasmussen, Talmadge, Thorsness.

HOLD.

April 18, 1989

GA 9097 MICHEL E. LACASSE, appointed January 15, 1989, for a term ending July 1, 1990, as a member of the Child Support Schedule Commission.
Reported by Committee on Law and Justice

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Pullen, Chairman; McCaslin, Vice Chairman, Madsen, Nelson, Newhouse, Niemi, Rasmussen, Talmadge, Thorsness.

HOLD.

April 18, 1989

GA 9128 ALMA MISAKO KIMURA, appointed March 23, 1989, for a term ending December 31, 1989, as a member of the Public Disclosure Commission.
Reported by Committee on Law and Justice

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Pullen, Chairman; McCaslin, Vice Chairman, Madsen, Nelson, Newhouse, Niemi, Rasmussen, Talmadge, Thorsness.

HOLD.

MOTION

On motion of Senator Newhouse, the rules were suspended and all the Gubernatorial Appointments on the Report of the Standing Committees were advanced to second reading and placed on the second reading calendar.

MOTION

At 3:18 p.m., on motion of Senator Newhouse, the Senate was declared to be at ease.

The Senate was called to order at 5:05 p.m. by President Pro Tempore Bluechel.

There being no objection, the President Pro Tempore returned the Senate to the third order of business.

MESSAGE FROM THE GOVERNOR

April 18, 1989

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to advise you that on April 18, 1989, Governor Gardner approved the following Senate Bills entitled:

Substitute Senate Bill No. 5014

Relating to police dogs.

Senate Bill No. 5037

Relating to directors of domestic insurers.

Substitute Senate Bill No. 5041

Relating to electronic monitoring of inmate telephone calls within state correctional facilities.

Substitute Senate Bill No. 5088

Relating to telephone solicitation.

Senate Bill No. 5089

Relating to superior courts.

Substitute Senate Bill No. 5097

Relating to the state militia.

Substitute Senate Bill No. 5099

Relating to suspension without pay of a state patrol officer.

Senate Bill No. 5152

Relating to insurance form and rate filings.

Substitute Senate Bill No. 5193

Relating to optometry.

Substitute Senate Bill No. 5213

Relating to statutes of limitation.

Substitute Senate Bill No. 5214

Relating to abuse and neglect reporting.

Substitute Senate Bill No. 5266

Relating to providing baccalaureate and masters degree equivalencies for certification of vocational instructors.

Senate Bill No. 5277

Relating to fire protection district service charges.

Substitute Senate Bill No. 5297

Relating to the use of secret ballots at meetings required to be open to the public.

Sincerely,

TERRY SEBRING, Legal Counsel to the Governor

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE SENATE BILL NO. 5018.

SUBSTITUTE SENATE BILL NO. 5035.

SUBSTITUTE SENATE BILL NO. 5048.

SENATE BILL NO. 5121.

SUBSTITUTE SENATE BILL NO. 5144.

SUBSTITUTE SENATE BILL NO. 5173.

SUBSTITUTE SENATE BILL NO. 5191.

SUBSTITUTE SENATE BILL NO. 5196.

SENATE BILL NO. 5233.

SUBSTITUTE SENATE BILL NO. 5265.

SUBSTITUTE SENATE BILL NO. 5305.

SUBSTITUTE SENATE BILL NO. 5357.

SUBSTITUTE SENATE BILL NO. 5369.

SENATE BILL NO. 5466.

SUBSTITUTE SENATE BILL NO. 5474.

SENATE BILL NO. 5492.

SUBSTITUTE SENATE BILL NO. 5499.

SUBSTITUTE SENATE BILL NO. 5543.

SUBSTITUTE SENATE BILL NO. 5560.

SUBSTITUTE SENATE BILL NO. 5561.

SUBSTITUTE SENATE BILL NO. 5591.

SUBSTITUTE SENATE BILL NO. 5713.

SENATE BILL NO. 5736.

SUBSTITUTE SENATE BILL NO. 5776.

SUBSTITUTE SENATE BILL NO. 5810.

SUBSTITUTE SENATE BILL NO. 5819.

SUBSTITUTE SENATE BILL NO. 5850.

SUBSTITUTE SENATE BILL NO. 5859.

SUBSTITUTE SENATE BILL NO. 5866.

SUBSTITUTE SENATE BILL NO. 5889.

SENATE BILL NO. 5950.

SUBSTITUTE SENATE BILL NO. 5984.

SENATE BILL NO. 5991.

SENATE BILL NO. 6005.

SUBSTITUTE SENATE BILL NO. 6033.

SENATE BILL NO. 6076.

SUBSTITUTE SENATE JOINT RESOLUTION NO. 8202.

SENATE CONCURRENT RESOLUTION NO. 8412.

MOTION

At 5:07 p.m., on motion of Senator Newhouse, the Senate adjourned until 9:00 a.m., Wednesday, April 19, 1989.

JOEL PRITCHARD, President of the Senate.
GORDON A. GOLOB, Secretary of the Senate.

ONE HUNDRED-FIRST DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, April 19, 1989

The Senate was called to order at 9:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators DeJarnatt, Fleming and Owen. There being no objection, the President excused Senator DeJarnatt.

The Sergeant at Arms Color Guard, consisting of Pages Tara Charvet and Brian Noble, presented the Colors. Major LeRoy Kiemele, chaplain, United States Army of Fort Lewis, offered the prayer.

MOTION

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

MESSAGES FROM THE HOUSE

April 18, 1989

Mr. President:

The House has adopted HOUSE CONCURRENT RESOLUTION NO. 4411, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

April 18, 1989

Mr. President:

The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1737,

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5658, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator McCaslin, Senator Johnson was excused.

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Newhouse, Gubernatorial Appointment No. 9092, Doug Blair, as a member of the Sentencing Guidelines Commission, was confirmed.

APPOINTMENT OF DOUG BLAIR

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 45; absent, 2; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 45.

Absent: Senators Fleming, Owen - 2.

Excused: Senators DeJarnatt, Johnson - 2.

MOTION

On motion of Senator Warnke, Senators Fleming and Owen were excused.

MOTION

On motion of Senator Newhouse, Gubernatorial Appointment No. 9093, James Gavin, as a member of the Sentencing Guidelines Commission, was confirmed.

APPOINTMENT OF JAMES GAVIN

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 45; excused, 4.

Voting yeas: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 45.

Excused: Senators DeJarnatt, Fleming, Johnson, Owen - 4.

There being no objection, the President returned the Senate to the fourth order of business.

MESSAGE FROM THE HOUSE

April 18, 1989

Mr. President:

The House refuses to concur in the Senate amendments to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1133 and asks the Senate for a conference thereon. The Speaker has appointed the following members as Conferees:

Representatives Cantwell, Wineberry and Moyer.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Lee, the Senate granted the request of the House for a conference on Engrossed Substitute House Bill No. 1133 and the Senate amendments thereto.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Substitute House Bill No. 1133 and the Senate amendments thereto: Senators Cantu, Niemi and Anderson.

MOTION

On motion of Senator Newhouse, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

April 18, 1989

Mr. President:

The House refuses to concur in the Senate amendments to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2020 and asks the Senate for a conference thereon. The Speaker has appointed the following members as Conferees:

Representatives Jacobsen, Bristow and Miller.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Saling, the Senate granted the request of the House for a conference on Engrossed Substitute House Bill No. 2020 and the Senate amendments thereto.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Substitute House Bill No. 2020 and the Senate amendments thereto: Senators Saling, Stratton and Patterson.

MOTION

On motion of Senator Newhouse, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

April 18, 1989

Mr. President:

The House insists on its position regarding its amendments to SUBSTITUTE SENATE BILL NO. 5221 and asks the Senate for a conference thereon. The Speaker has appointed the following members as Conferees:

Representatives Spanel, H. Myers and Van Luven.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Saling, the Senate granted the request of the House for a conference on Substitute Senate Bill No. 5221 and the House amendments thereto.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Substitute Senate Bill No. 5221 and the House amendments thereto: Senators Saling, Rinehart and Patterson.

MOTION

On motion of Senator Newhouse, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

April 18, 1989

Mr. President:

The House insists on its position regarding its amendments to SUBSTITUTE SENATE BILL NO. 5827 and asks the Senate for a conference thereon. The Speaker has appointed the following members as Conferees:

Representatives Rayburn, Appelwick and Nealey.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Nelson, the Senate granted the request of the House for a conference on Substitute Senate Bill No. 5827 and the House amendments thereto.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Substitute Senate Bill No. 5827 and the House amendments thereto: Senators Barr, Moore and Bailey.

MOTION

On motion of Senator Newhouse, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

April 18, 1989

Mr. President:

The House refuses to concur in the Senate amendments to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2137 and asks the Senate for a conference thereon. The Speaker has appointed the following members as Conferees:

Representatives Cantwell, G. Fisher and Doty.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Newhouse, the Senate granted the request of the House for a conference on Engrossed Substitute House Bill No. 2137 and the Senate amendments thereto.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Substitute House Bill No. 2137 and the Senate amendments thereto: Senators Lee, McMullen and Amondson.

MOTION

On motion of Senator Newhouse, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

April 18, 1989

Mr. President:

The House refuses to concur in the Senate amendments to ENGROSSED HOUSE BILL NO. 1070 and asks the Senate for a conference thereon. The Speaker has appointed the following members as Conferees:

Representatives Appelwick, Rector and Padden.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Newhouse, the Senate granted the request of the House for a conference on Engrossed House Bill No. 1070 and the Senate amendments thereto.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed House Bill No. 1070 and the Senate amendments thereto: Senators Pullen, Talmadge and Thorsness.

MOTION

On motion of Senator Newhouse, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

April 18, 1989

Mr. President:

The House granted the request of the Senate for a conference on SUBSTITUTE SENATE BILL NO. 5443. The Speaker has appointed the following members as Conferees:

Representatives R. Meyers, Cooper and Schmidt.

ALAN THOMPSON, Chief Clerk

MESSAGE FROM THE HOUSE

April 18, 1989

Mr. President:

The House granted the request of the Senate for a conference on ENGROSSED SUBSTITUTE SENATE BILL NO. 5911. The Speaker has appointed the following members as Conferees:

Representatives Belcher, Raiter and Fuhrman.

ALAN THOMPSON, Chief Clerk

MESSAGE FROM THE HOUSE

April 18, 1989

Mr. President:

The House granted the request of the Senate for a conference on SUBSTITUTE SENATE BILL NO. 5241. The Speaker has appointed the following members as Conferees:

Representatives Cantwell, Wineberry and Doty.

ALAN THOMPSON, Chief Clerk

MESSAGE FROM THE HOUSE

April 18, 1989

Mr. President:

The House refuses to concur in the Senate amendments to HOUSE BILL NO. 2167 and asks the Senate for a conference thereon. The Speaker has appointed the following members as Conferees:

Representatives Nutley, Leonard and Winsley.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Newhouse, the Senate granted the request of the House for a conference on House Bill No. 2167 and the Senate amendments thereto.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on House Bill No. 2167 and the Senate amendments thereto: Senators Smith, Murray and Bluechel.

MOTION

On motion of Senator Newhouse, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

April 18, 1989

Mr. President:

The House refuses to recede from its amendments to ENGROSSED SENATE BILL NO. 5597 and asks the Senate for a conference thereon. The Speaker has appointed the following members as Conferees:

Representatives Appelwick, R. Meyers and Brough.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Newhouse, the Senate granted the request of the House for a conference on Engrossed Senate Bill No. 5597 and the House amendments thereto.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Senate Bill No. 5597 and the House amendments thereto: Senators West, Kreidler and Nelson.

MOTION

On motion of Senator Newhouse, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

April 18, 1989

Mr. President:

The Speaker ruled the Senate amendments to SECOND SUBSTITUTE HOUSE BILL NO. 1476 beyond the scope and object of the bill. The House refuses to concur in said amendments and asks the Senate to recede therefrom, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Lee, the Senate insists on its position regarding the Senate amendments to Second Substitute House Bill No. 1476 and once again asks the House to concur therein.

MESSAGE FROM THE HOUSE

April 18, 1989

Mr. President:

The House concurred in the Senate amendment(s) to the following listed bills and passed said bills as amended by the Senate:

HOUSE BILL NO. 1043,

ENGROSSED HOUSE BILL NO. 1047,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1051,

HOUSE BILL NO. 1157.

SUBSTITUTE HOUSE BILL NO. 1221,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1369,
 HOUSE BILL NO. 1385,
 SUBSTITUTE HOUSE BILL NO. 1397,
 ENGROSSED HOUSE BILL NO. 1412,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1415,
 HOUSE BILL NO. 1445,
 ENGROSSED HOUSE BILL NO. 1520,
 SUBSTITUTE HOUSE BILL NO. 1568,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1574,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1619,
 ENGROSSED HOUSE BILL NO. 1664,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1671,
 HOUSE BILL NO. 1698,
 SUBSTITUTE HOUSE BILL NO. 1756,
 ENGROSSED HOUSE BILL NO. 1777,
 ENGROSSED HOUSE BILL NO. 1778,
 HOUSE BILL NO. 1904,
 SUBSTITUTE HOUSE BILL NO. 1956,
 SUBSTITUTE HOUSE BILL NO. 1958,
 SUBSTITUTE HOUSE BILL NO. 1965,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2000,
 SUBSTITUTE HOUSE BILL NO. 2014,
 ENGROSSED HOUSE BILL NO. 2168.

ALAN THOMPSON, Chief Clerk

MESSAGE FROM THE HOUSE

April 18, 1989

Mr. President:

The House refuses to concur in the Senate amendments to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1028 and asks the Senate for a conference thereon. The Speaker has appointed the following members as Conferees:

Representatives R. King, Morris and S. Wilson.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Nelson, the Senate granted the request of the House for a conference on Engrossed Substitute House Bill No. 1028 and the Senate amendments thereto.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Substitute House Bill No. 1028 and the Senate amendments thereto: Senators Metcalf, Owen, and Anderson.

MOTION

On motion of Senator Nelson, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

April 18, 1989

Mr. President:

The House refuses to concur in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 2011 and asks the Senate for a conference thereon. The Speaker has appointed the following members as Conferees:

Representatives R. King, Morris and S. Wilson

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Nelson, the Senate granted the request of the House for a conference on Substitute House Bill No. 2011 and the Senate amendments thereto.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Substitute House Bill No. 2011 and the Senate amendments thereto: Senators Metcalf, Owen, and Anderson.

MOTION

On motion of Senator Nelson, the Conference Committee appointments were confirmed.

MESSAGES FROM THE HOUSE

April 14, 1989

Mr. President:

The Speaker has signed:

SUBSTITUTE HOUSE BILL NO. 1430,

SUBSTITUTE HOUSE BILL NO. 1455,

SUBSTITUTE HOUSE BILL NO. 1572,

SUBSTITUTE HOUSE BILL NO. 1630,

HOUSE BILL NO. 1844,

HOUSE BILL NO. 1993,

HOUSE BILL NO. 2118, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

April 18, 1989

Mr. President:

The Speaker has signed:

SUBSTITUTE HOUSE BILL NO. 1458,

HOUSE BILL NO. 1485,

HOUSE BILL NO. 1618,

HOUSE BILL NO. 1709,

HOUSE BILL NO. 1719,

HOUSE BILL NO. 1776,

SUBSTITUTE HOUSE BILL NO. 1857,

HOUSE BILL NO. 1872,

HOUSE BILL NO. 2010,

HOUSE BILL NO. 2037,

HOUSE JOINT MEMORIAL NO. 4018, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

April 18, 1989

Mr. President:

The Speaker has signed:

SUBSTITUTE HOUSE BILL NO. 1056,

SUBSTITUTE HOUSE BILL NO. 1074,

HOUSE BILL NO. 1077,

HOUSE BILL NO. 1198,

HOUSE BILL NO. 1231,

HOUSE BILL NO. 1258,

HOUSE BILL NO. 1358,

SUBSTITUTE HOUSE BILL NO. 1386,

HOUSE BILL NO. 1400,

HOUSE BILL NO. 1690,

HOUSE BILL NO. 1757,

SUBSTITUTE HOUSE BILL NO. 1853,

SUBSTITUTE HOUSE BILL NO. 1854,

SUBSTITUTE HOUSE BILL NO. 1894,

HOUSE BILL NO. 1980,

SUBSTITUTE HOUSE BILL NO. 2012, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

INTRODUCTION OF SPECIAL GUEST

The President introduced the Honorable Daniel Evans, former United States Senator, who was seated on the rostrum.

With permission of the Senate, business was suspended to permit Senator Evans to address the Senate.

Senators Rasmussen and McCaslin each gave a special welcome to Senator Evans.

MOTION

On motion of Senator Anderson, Senators Amondson and Matson were excused.

MESSAGE FROM THE HOUSE

April 18, 1989

Mr. President:

The Speaker ruled the Senate amendments to SUBSTITUTE HOUSE BILL NO. 1031 beyond the scope and object of the bill. The House refuses to concur in said amendments and asks the Senate to recede therefrom, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

Senator McDonald moved that the Senate do recede from its amendments to Substitute House Bill No. 1031.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator McDonald that the Senate do recede from its amendments to Substitute House Bill No. 1031.

The motion by Senator McDonald carried.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1031, without the Senate amendments.

Debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1031, without the Senate amendments, and the bill passed the Senate by the following vote: Yeas, 43; absent, 2; excused, 4.

Voting yea: Senators Anderson, Bailey, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Sutherland, Talmadge, Thorsness, Vogtild, von Reichbauer, Warnke, West, Williams, Wojahn - 43.

Absent: Senators Barr, Stratton - 2.

Excused: Senators Amondson, DeJarnatt, Fleming, Matson - 4.

SUBSTITUTE HOUSE BILL NO. 1031, without the Senate amendments, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 18, 1989

Mr. President:

The House insists on its position regarding its amendments to ENGROSSED SUBSTITUTE SENATE BILL NO. 5314 and asks the Senate for a conference thereon. The Speaker has appointed the following members as Conferees:

Representatives Peery, G. Fisher and Betrozoff.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Nelson, the Senate granted the request of the House for a conference on Engrossed Substitute Senate Bill No. 5314 and the House amendments thereto.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Substitute Senate Bill No. 5314 and the House amendments thereto: Senators Bailey, Rinehart and Metcalf.

MOTION

On motion of Senator Nelson, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

April 18, 1989

Mr. President:

The House insists on its position regarding its amendments to ENGROSSED SUBSTITUTE SENATE BILL NO. 5759 and asks the Senate for a conference thereon. The Speaker has appointed the following members as Conferees:

Representatives Peery, G. Fisher and Betzoff.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Nelson, the Senate granted the request of the House for a conference on Engrossed Substitute Senate Bill No. 5759 and the House amendments thereto.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Substitute Senate Bill No. 5759 and the House amendments thereto: Senators Bailey, Rinehart and Lee.

MOTION

On motion of Senator Nelson, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

April 18, 1989

Mr. President:

The House insists on its position regarding its amendments to SUBSTITUTE SENATE BILL NO. 5289 and asks the Senate for a conference thereon. The Speaker has appointed the following members as Conferees:

Representatives P. King, Basich and S. Wilson.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Newhouse, the Senate granted the request of the House for a conference on Substitute Senate Bill No. 5289 and the House amendments thereto.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Substitute Senate Bill No. 5289 and the House amendments thereto: Senators Metcalf, Smitherman and Anderson.

MOTION

On motion of Senator Newhouse, the Conference Committee appointments were confirmed.

EDITOR'S NOTE: See Conference Committee appointment change to Substitute Senate Bill No. 5289 made later in the day.

MOTION

At 10:30 a.m., on motion of Senator Newhouse, the Senate was declared to be at ease.

The Senate was called to order at 11:15 a.m. by President Pritchard.

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 5289 which was under consideration before the Senate went at ease.

MOTION

On motion of Senator Newhouse, Senator Smitherman was relieved of Conference Committee duties on Substitute Senate Bill No. 5289.

APPOINTMENT OF NEW CONFERENCE COMMITTEE MEMBER

The President appointed Senator Owen as a member of the Conference Committee on Substitute Senate Bill No. 5289.

MOTION

On motion of Senator Newhouse, the Conference Committee appointment was confirmed.

MESSAGE FROM THE HOUSE

April 18, 1989

Mr. President:

The House refuses to concur in the Senate amendments to HOUSE BILL NO. 2060 and asks the Senate for a conference thereon. The Speaker has appointed the following members as Conferees:

Representatives Leonard, Rector and Patrick.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Newhouse, the Senate granted the request of the House for a conference on House Bill No. 2060 and the Senate amendments thereto.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on House Bill No. 2060 and the Senate amendments thereto: Senators Matson, Warnke and West.

MOTION

On motion of Senator Newhouse, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

April 18, 1989

Mr. President:

The House insists on its position regarding its amendments to ENGROSSED SUBSTITUTE SENATE BILL NO. 5288 and asks the Senate for a conference thereon. The Speaker has appointed the following members as Conferees:

Representatives R. King, Basich and S. Wilson.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Newhouse, the Senate granted the request of the House for a conference on Engrossed Substitute Senate Bill No. 5288 and the House amendments thereto.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Substitute Senate Bill No. 5288 and the House amendments thereto: Senators Metcalf, Stratton and Anderson.

MOTION

On motion of Senator Newhouse, the Conference Committee appointments were confirmed.

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

SECOND READING

SENATE BILL NO. 5338, by Senators Patterson, Bender, Bluechel and Nelson (by request of Governor Gardner)

Modifying transportation tax rates and distributions.

MOTIONS

On motion of Senator Nelson, the rules were suspended, Substitute Senate Bill No. 5338 was substituted for Senate Bill No. 5338 and the substitute bill was placed on second reading and read the second time.

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

On page 3, beginning on line 26, after "RCW 46.68.090" strike "(1) and (2)" and insert "~~((1) and (2))~~ (1) (a) and (b)"

On page 3, beginning on line 34, after "RCW 46.68.090" strike "(1) and (2)" and insert "~~((1) and (2))~~ (1) (a) and (b)"

On page 4, line 8, after "RCW 46.68.090" strike "(1) and (2)" and insert "~~((1) and (2))~~ (1) (a) and (b)"

On page 5, beginning on line 30, after "RCW 46.68.090" strike "(1) and (2)" and insert "(1) (a) and (b)"

On page 22, line 27, after "director" strike "of the department"

On page 22, line 32, after "RCW 46.68.090" strike "(1) and (2)" and insert "(1) (a) and (b)"

On page 39, line 18, after "municipality" strike "levying a tax" and insert "~~(levying a tax)~~ receiving tax revenues"

On page 41, line 11, after "(b)" strike all material through "(c)" on line 15 and insert "~~((in no event may the amount remitted in a single calendar quarter exceed the amount collected on behalf of the municipality under RCW 35.58.273 during the calendar quarter next preceding the immediately preceding quarter))~~"

On page 41, line 18, strike "334" and insert "333"

On page 41, line 19, after "the" strike all material through "and" on line 20 and insert "amount distributed in the fiscal year ending"

On page 41, line 32, after "funds" insert "for the fiscal year ending June 30, 1991."

On page 43, line 2, after "(3) (a)" strike "and (b)"

On page 43, line 3, after "(3)" strike "(c)" and insert "(b)"

On page 43, line 30, after "be the" strike "average fiscal year"

On page 43, line 31, after "the" strike "1987-89 biennium" and insert "fiscal year ending June 30, 1989."

On page 45, line 32, after "82.44.150" insert ", section 309 of this act"

MOTION

Senator Bender moved that the following amendment be adopted:

On page 38, beginning on line 34, strike all of section 308 and insert the following:

"Sec. 308. Section 1, chapter 18, Laws of 1988 and RCW 82.44.150 are each amended to read as follows:

(1) The director of licensing shall, on the twenty-fifth day of February, May, August, and November of each year, ~~((commencing with November, 1971))~~ advise the state treasurer of the total amount of motor vehicle excise taxes remitted to the department ~~((of licensing))~~ during the preceding calendar quarter ending on the last day of March, June, September, and December, respectively, except for those payable under RCW ~~((82.44.020(6) and))~~ 82.44.030, from motor vehicle owners residing within each municipality which has levied a tax under RCW 35.58.273, which amount of excise taxes shall be determined by the director as follows:

The total amount of motor vehicle excise taxes remitted to the department, except those payable under RCW ~~((82.44.020(6) and))~~ 82.44.030, from each county shall be multiplied by a fraction, the numerator of which is the population of the municipality residing in such county, and the denominator of which is the total population of the county in which such municipality or portion thereof is located. The product of this computation shall be the amount of excise taxes from motor vehicle owners residing within such municipality or portion thereof. Where the municipality levying a tax under RCW 35.58.273 is located in more than one county, the above computation shall be made by county, and the combined products shall provide the total amount of motor vehicle excise taxes from motor vehicle owners residing in the municipality as a whole. Population figures required for these computations shall be supplied to the director by the office of financial management, who shall adjust the fraction annually.

(2) On the first day of the months of January, April, July, and October of each year, the state treasurer based upon information provided by the department ~~((of licensing))~~ shall ~~((make the following apportionment and distribution of))~~ deposit into the rail development account created in RCW 47.78.010 from motor vehicle excise taxes deposited in the general fund ~~((except taxes collected under RCW 82.44.020(6))~~

~~A sum equal to seventeen percent thereof shall be paid to cities and towns in the proportions and for the purposes hereinafter set forth; a sum equal to two percent thereof shall be allocable to the county sales and use tax equalization account under RCW 82.14.200; and) under RCW 82.44.110(7) a sum equal to ((four and two-tenths)) three and four-tenths percent of the special excise tax levied under RCW 35.58.273 by those municipalities authorized to levy a special excise tax at a rate not exceeding ((ninety-six one-hundredths of one)) .7824 percent on the ((fair market)) value of every motor vehicle owned by a resident of such municipality ((shall be deposited in the rail development account established in RCW 47.78.010)).~~

~~(3) ((The amount payable to cities and towns shall be apportioned among the several cities and towns within the state according to the following formula:~~

~~(a) Sixty-five percent of the sum specified in subsection (2) of this section to be paid to cities and towns shall be apportioned ratably on the basis of population as last determined by the office of financial management;~~

~~(b) Thirty-five percent of the sum specified in subsection (2) of this section to be paid to cities and towns shall be apportioned to cities and towns under RCW 82.14.210;~~

~~(4) When so apportioned, the amount payable to each such city and town shall be transmitted to the city treasurer thereof, and shall be utilized by such city or town for the purposes of police and fire protection and the preservation of the public health therein, and not otherwise; in case it be adjudged that revenue derived from the excise tax imposed by this chapter cannot lawfully be apportioned or distributed to cities or towns, all moneys directed by this section to be apportioned and distributed to cities and towns shall be credited and transferred to the state general fund;~~

~~(5)) On the first day of the months of January, April, July, and October of each year, the state treasurer, based upon information provided by the department ((of licensing)), shall remit motor vehicle excise tax revenues imposed and collected under RCW 35.58.273 as follows:~~

~~(a) The amount required to be remitted by the state treasurer to the treasurer of any municipality levying the tax shall not exceed in any calendar year the amount of locally-generated tax revenues, excluding the excise tax imposed under RCW 35.58.273 for the purposes of this section, which shall have been budgeted by the municipality to be collected in such calendar year for any public transportation purposes including but not limited to operating costs, capital costs, and debt service on general obligation or revenue bonds issued for these purposes; and~~

~~(b) In no event may the amount remitted in a single calendar quarter exceed the amount collected on behalf of the municipality under RCW 35.58.273 during the calendar quarter next preceding the immediately preceding quarter.~~

~~((6)) (4) At the close of each calendar year accounting period, but not later than April 1, each municipality that has received motor vehicle excise taxes under subsection ((5)) (3) of this section shall transmit to the director of licensing and the state auditor a written report showing by source the previous year's budgeted tax revenues for public transportation purposes as compared to actual collections. Any municipality that has not submitted the report by April 1 shall cease to be eligible to receive motor vehicle excise taxes under subsection ((5)) (3) of this section until the report is received by the director of licensing. If a municipality has received more or less money under subsection ((5)) (3) of this section for the period covered by the report than it is entitled to receive by reason of its locally-generated collected tax revenues, the director of licensing shall, during the next ensuing quarter that the municipality is eligible to receive motor vehicle excise tax funds, increase or decrease the amount to be remitted in an amount equal to the difference between the locally-generated budgeted tax revenues and the locally-generated collected tax revenues. In no event may the amount remitted for a calendar year exceed the amount collected on behalf of the municipality under RCW 35.58.273 during that same calendar year. At the time of the next fiscal audit of each municipality, the state auditor shall verify the accuracy of the report submitted and notify the director of licensing of any discrepancies.~~

~~((7)) (5) The motor vehicle excise taxes imposed under RCW 35.58.273 and required to be remitted under this section shall be remitted without legislative appropriation.~~

~~((8)) (6) Any municipality levying and collecting a tax under RCW 35.58.273 which does not have an operating, public transit system or a contract for public transportation services in effect within one year from the initial effective date of the tax shall return to the state treasurer all motor vehicle excise taxes received under subsection ((5)) (3) of this section."~~

Debate ensued.

Senator Murray demanded a roll call.

POINT OF ORDER

Senator Nelson: "Mr. President, a point of order. When a member gets up to speak for or against a motion, it is not the privilege of that member then to ask for an oral roll call. There should be a subsequent attention by the Chair."

REPLY BY THE PRESIDENT

President Pritchard: "Senator Murray, you'll have adequate opportunity to call for a roll call and the Chair has always been very good about any of you members requesting to have a roll call vote and then sustained by one-sixth of the body. I'm sure that you'll have a chance to do that."

Further debate ensued.

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

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senator Bender on page 38, line 34, to Substitute Senate Bill No. 5338.

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 18; nays, 30; excused, 1.

Voting yea: Senators Bender, Bluechel, Fleming, Gaspard, Kreidler, Madsen, Moore, Murray, Niemi, Owen, Pullen, Rinehart, Smitherman, Sutherland, Talmadge, Warnke, Williams, Wojahn - 18.

Voting nay: Senators Amondson, Anderson, Bailey, Barr, Bauer, Benitz, Cantu, Conner, Craswell, Hansen, Hayner, Johnson, Lee, Matson, McCasin, McDonald, McMullen, Metcalf, Nelson, Newhouse, Patterson, Rasmussen, Saling, Sellar, Smith, Stratton, Thorsness, Vognild, von Reichbauer, West - 30.

Excused: Senator DeJarnatt - 1.

MOTION

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

On page 22, after line 1, insert the following:

"Sec. 115. Section 46.16.030, chapter 12, Laws of 1961 as amended by section 15, chapter 32, Laws of 1967 and RCW 46.16.030 are each amended to read as follows:

Except as is herein provided for foreign ~~((corporations))~~ businesses, the provisions relative to the licensing of vehicles and display of vehicle license number plates and license registration certificates shall not apply to any vehicles owned by nonresidents of this state if the owner thereof has complied with the law requiring the licensing of vehicles in the names of the owners thereof in force in the state, foreign country, territory, or federal district of his or her residence; and the vehicle license number plate showing the initial or abbreviation of the name of such state, foreign country, territory or federal district, is displayed on such vehicle substantially as is provided therefor in this state~~((PROVIDED, That))~~. The provisions of this section shall be operative as to a vehicle owned by a nonresident of this state only to the extent that under the laws of the state, foreign country, territory or federal district of his residence, like exemptions and privileges are granted to vehicles duly licensed under the laws of and owned by residents of this state. If under the laws of such state, foreign country, territory or federal district, vehicles owned by residents of this state, operating upon the highways of such state, foreign country, territory or federal district, are required to pay the license fee and carry the vehicle license number plates of such state, foreign country, territory or federal district, the vehicles owned by residents of such state, foreign country, territory or federal district, and operating upon the highways of this state, shall comply with the provisions of this state relating to the licensing of vehicles. Foreign ~~((corporations))~~ businesses owning, maintaining, or operating places of business in this state and using vehicles in connection with such places of business, shall comply with the provisions relating to the licensing of vehicles insofar as vehicles used in connection with such places of business are concerned~~((PROVIDED, FURTHER, That))~~. Under provisions of the International Registration Plan, the nonmotor vehicles of member and non-member jurisdictions that are properly based and licensed in those jurisdictions are granted reciprocity in this state as provided in RCW 46.87.070(2). Converter gears (auxiliary axes) that are properly based in jurisdictions that do not register or provide license plates for those vehicles may be operated in this state without the need for further registration or the display of license plates as applicable. The director is empowered to make and enforce rules and regulations for the licensing of nonresident vehicles upon a reciprocal basis and with respect to any character or class of operation.

Sec. 116. Section 2, chapter 380, Laws of 1985 as amended by section 16, chapter 244, Laws of 1987 and RCW 46.87.020 are each amended to read as follows:

Terms used in this chapter have the meaning given to them in the International Registration Plan (IRP), the Uniform Vehicle Registration, Proration, and Reciprocity Agreement (Western Compact), chapter 46.04 RCW, or as otherwise defined in this section. Definitions given to terms by the IRP and the Western Compact, as applicable, shall prevail unless given a different meaning in this chapter or in rules adopted under authority of this chapter.

(1) "Apportionable vehicle" has the meaning given by the IRP, except that it does not include vehicles with a declared gross weight of twelve thousand pounds or less. Apportionable vehicles include trucks, tractors, truck tractors, road tractors, and buses, ((converter gears (auxiliary axes), trailers, semitrailers, and pole trailers,)) each as separate and licensable vehicles. For IRP jurisdictions that require the registration of nonpower vehicles, this term may include converter gears (auxiliary axes), trailers, semitrailers, and pole trailers as applicable, each as separate and licensable vehicles.

(2) "Cab card" is a certificate of registration issued for a vehicle by the registering jurisdiction under the Western Compact. Under the IRP, it is a certificate of registration issued by the base jurisdiction for a vehicle upon which is disclosed the jurisdictions and registered gross weights in such jurisdictions for which the vehicle is registered.

(3) "Commercial vehicle" is a term used by the Western Compact and means any vehicle, except recreational vehicles, vehicles displaying restricted plates, and government owned or leased vehicles, that is operated and registered in more than one jurisdiction and is used or maintained for the transportation of persons for hire, compensation, or profit, or is designed, used, or maintained primarily for the transportation of property and:

(a) Is a motor vehicle having a declared gross weight in excess of twenty-six thousand pounds; or

(b) Is a motor vehicle having three or more axes with a declared gross weight in excess of twelve thousand pounds; or

(c) Is a motor vehicle, trailer, pole trailer, converter gear (auxiliary axle), or semitrailer used in combination when the declared gross weight of the combination exceeds twenty-six thousand pounds combined gross weight ~~((or~~

~~(d) is a converter gear (auxiliary axle)))). The nonmotor vehicles mentioned in this subsection are applicable only to those jurisdictions requiring the registration of such vehicles.~~

Although a two-axle motor vehicle, trailer, pole trailer, semitrailer, or any combination of such vehicles with a declared gross weight or declared combined gross weight exceeding twelve thousand pounds but not more than twenty-six thousand is not considered to be a commercial vehicle, at the option of the owner, such vehicles may be considered as "commercial vehicles" for the purpose of proportional registration. The nonmotor vehicles mentioned in this paragraph are applicable only to those jurisdictions requiring the registration of such vehicles.

Commercial vehicles include trucks, tractors, truck tractors, road tractors, and buses((:)); Converter gear (auxiliary axes), trailers, pole trailers, and semitrailers, ((each as separate and licensable vehicles)) will also be considered as commercial vehicles for those jurisdictions that require registration of such vehicles.

(4) "Credentials" means cab cards, apportioned plates (for Washington-based fleets), and validation tabs issued for proportionally registered vehicles.

(5) "Declared combined gross weight" means the total unladen weight of any combination of vehicles plus the weight of the maximum load to be carried on the combination of vehicles as set by the registrant in the application pursuant to chapter 46.44 RCW and for which registration fees have been or are to be paid.

(6) "Declared gross weight" means the total unladen weight of any vehicle plus the weight of the maximum load to be carried on the vehicle as set by the registrant in the application pursuant to chapter 46.44 RCW and for which registration fees have been or are to be paid. In the case of a bus, auto stage, or a passenger-carrying for hire vehicle with a seating capacity of more than six, the declared gross weight shall be determined by multiplying the average load factor of one hundred and fifty pounds by the number of seats in the vehicle, including the driver's seat, and add this amount to the unladen weight of the vehicle. If the resultant gross weight is not listed in RCW 46.16.070, it will be increased to the next higher gross weight so listed pursuant to chapter 46.44 RCW.

(7) "Department" means the department of licensing.

(8) "Fleet" means one or more commercial vehicles in the Western Compact and one or more apportionable vehicles in the IRP.

(9) "In-jurisdiction miles" means the total miles accumulated in a jurisdiction during the preceding year by vehicles of the fleet while they were a part of the fleet.

(10) "IRP" means the International Registration Plan.

(11) "Jurisdiction" means and includes a state, territory or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, a foreign county, and a state or province of a foreign country.

(12) "Owner" means a person or business firm who holds the legal title to a vehicle, or if a vehicle is the subject of an agreement for its conditional sale with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee, or if a vehicle is subject to a lease, contract, or other legal arrangement vesting right of possession or control, for security or otherwise, or if a mortgagor of a vehicle is entitled to possession, then the owner is deemed to be the person or business firm in whom is vested right of possession or control.

(13) "Preceding year" means the period of twelve consecutive months immediately prior to July 1st of the year immediately preceding the commencement of the registration or license year for which proportional registration is sought.

(14) "Properly registered," as applied to the place of registration under the provisions of the Western Compact, means:

(a) In the case of a commercial vehicle, the jurisdiction in which it is registered if the commercial enterprise in which the vehicle is used has a place of business therein, and, if the vehicle is most frequently dispatched, garaged, serviced, maintained, operated, or otherwise controlled in or from that place of business, and the vehicle has been assigned to that place of business; or

(b) In the case of a commercial vehicle, the jurisdiction where, because of an agreement or arrangement between two or more jurisdictions, or pursuant to a declaration, the vehicle has been registered as required by that jurisdiction.

In case of doubt or dispute as to the proper place of registration of a commercial vehicle, the department shall make the final determination, but in making such determination, may confer with departments of the other jurisdictions affected.

(15) "Prorate percentage" is the factor that is applied to the total proratable fees and taxes to determine the apportionable or prorate fees required for registration in a particular jurisdiction. It is determined by dividing the in-jurisdiction miles for a particular jurisdiction by the total miles. This term is synonymous with the term "mileage percentage."

(16) "Registrant" means a person, business firm, or corporation in whose name or names a vehicle or fleet of vehicles is registered.

(17) "Registration year" means the twelve-month period during which the registration plates issued by the base jurisdiction are valid according to the laws of the base jurisdiction. The "registration year" for Washington is the period from January 1st through December 31st of each calendar year.

(18) "Total miles" means the total number of miles accumulated in all jurisdictions during the preceding year by all vehicles of the fleet while they were a part of the fleet. Mileage accumulated by vehicles of the fleet that did not engage in interstate operations is not included in the fleet miles.

(19) "Western Compact" means the Uniform Vehicle Registration, Proration, and Reciprocity Agreement.

NEW SECTION, Sec. 117. A new section is added to chapter 46.87 RCW to read as follows:

Rental trailers and semitrailers over six thousand pounds gross vehicle weight and converter gears used solely in pool fleets shall fully register a portion of the pool fleet in this state. To determine the percentage of total fleet vehicles that shall be registered in this state, divide the gross revenue received in the preceding year for the use of such rental vehicles arising from rental transactions occurring in this state by the total revenue received in the preceding year for the use of such rental vehicles arising from rental transactions in all jurisdictions in which the vehicles are operated. The resulting percentage shall be applied to the total number of vehicles that shall be registered in this state. Vehicles registered in this state shall be representative of the vehicles in the fleet according to age, size, and value.

Sec. 118. Section 7, chapter 380, Laws of 1985 as amended by section 22, chapter 244, Laws of 1987 and RCW 46.87.070 are each amended to read as follows:

~~((Any trailer, semitrailer, converter gear (auxiliary axles), or pole trailer being pulled by a motor vehicle that is proportionally registered under the terms of this chapter shall display a valid vehicle license plate issued by the base jurisdiction and be registered in this state.))~~
Under provisions of the IRP and the Western Compact:

(1) Washington based trailers, semitrailers, converter gears (auxiliary axles), or pole trailers will be fully licensed in this state. If these vehicles are being operated in jurisdictions that require the registration of these vehicles, they may be considered as either apportionable or commercial vehicles, as appropriate, for the purpose of registration in those jurisdictions.

(2) Trailers, semitrailers, converter gears (auxiliary axles), and pole trailers that are properly based in jurisdictions other than Washington, and that display currently registered license plates from those jurisdictions will be granted vehicle license reciprocity in this state without the need of further vehicle license registration. If converter gear (auxiliary axles) or pole trailers are not required to be licensed separately by a member jurisdiction, those vehicles may be operated in this state without displaying a current base license plate.

Sec. 119. Section 25, chapter 244, Laws of 1987 and RCW 46.87.120 are each amended to read as follows:

(1) The initial application for proportional registration of a fleet shall state the mileage data with respect to the fleet for the preceding year in this and other jurisdictions. If no operations were conducted with the fleet during the preceding year, the application shall contain a full statement of the proposed method of operation and estimates of annual mileage in each of the jurisdictions in which operation is contemplated. The registrant shall determine the in-jurisdiction and total miles to be used in computing the fees and taxes due for the fleet. The department may evaluate and adjust the estimate in the application if it is not satisfied as to its correctness.

(2) When the nonmotor vehicles of a fleet are operated in jurisdictions in addition to those in which the motor vehicles of the fleet are operated, or when the nonmotor vehicles of a fleet are operated with motor vehicles that are not part of the fleet, the registrant shall place such nonmotor vehicles in a separate fleet.

(3) In instances where the use of mileage accumulated by a nonmotor vehicle fleet is impractical, for the purpose of calculating prorated percentages, the registrant may request another method or unit of measure, or both, to be used in determining the prorated percentages. Upon receiving the request, the department may prescribe another method or unit of measure, or both, to be used in lieu of mileage that will ensure each jurisdiction that requires the registration of nonmotor vehicles its fair share of vehicle licensing fees and taxes.

(4) When operations of a Washington-based fleet is materially changed through merger, acquisition, or extended authority, the registrant shall notify the department, which shall then require the filing of an amended application setting forth the proposed operation by use of estimated mileage for all jurisdictions. The department may adjust the estimated mileage by audit or otherwise to an actual travel basis to insure proper fee payment. The actual travel basis may be used for determination of fee payments until such time as a normal mileage year is available under the new operation. Under the provisions of the Western Compact, this subsection applies to any fleet proportionally registered in Washington irrespective of the fleet's base jurisdiction.

Sec. 120. Section 27, chapter 244, Laws of 1987 and RCW 46.87.140 are each amended to read as follows:

(1) Any owner engaged in interstate operations of one or more fleets of apportionable or commercial vehicles may, in lieu of registration of the vehicles under chapter 46.16 RCW, register and license the vehicles of each fleet under this chapter by filing a proportional registration application for each fleet with the department. The nonmotor vehicles of Washington-based fleets that are operated in IRP jurisdictions that require registration of those vehicles may be proportionally registered for operation in those jurisdictions. However, those vehicles must be fully licensed in the state of Washington. The application shall contain the following information and such other information pertinent to vehicle registration as the department may require:

(a) A description and identification of each vehicle of the fleet. If the fleet contains both power units and nonpower units, the power units shall be listed first on the application, followed by the nonpower units. However, if the nonpower units are occasionally pulled by power units which are not part of this fleet, the nonpower units shall be placed in a separate fleet.

(b) If registering under the provisions of the IRP, the registrant shall also indicate member jurisdictions in which registration is desired and furnish such other information as those member jurisdictions require.

(c) An original or renewal application shall also be accompanied by a mileage schedule for each fleet.

(2) Each application shall, at the time and in the manner required by the department, be supported by payment of a fee computed as follows:

(a) Divide the in-jurisdiction miles by the total miles and carry the answer to the nearest thousandth of a percent (three places beyond the decimal, e.g. 10.543%). This factor is known as the prorated percentage.

(b) Determine the total proratable fees and taxes required for each vehicle in the fleet for which registration is requested, based on the regular annual fees and taxes or applicable fees and taxes for the unexpired portion of the registration year under the laws of each jurisdiction for which fees or taxes are to be calculated. Washington-based, nonpower vehicles will be fully licensed in this state and may be apportioned in those IRP jurisdictions requiring registration of those vehicles. Applicable fees and taxes for vehicles of Washington-based fleets are those prescribed under RCW 46.16.070, 46.16.085, 82.38.075, and 82.44.020, as applicable.

(c) Multiply the total, proratable fees or taxes for each vehicle by the prorated percentage applicable to the desired jurisdiction and round the results to the nearest cent.

(d) Add the total fees and taxes determined in subsection (2)(c) of this section for each vehicle to the nonproratable fees required under the laws of the jurisdiction for which fees are being calculated. Nonproratable fees required for vehicles of Washington-based fleets are the administrative fee required by RCW 82.38.075, if applicable, the license fee required for nonmotor vehicles by RCW 46.16.085, the excise tax applicable to nonmotor vehicles under RCW 82.44.020, and the vehicle transaction fee pursuant to the provisions of RCW 46.87.130.

(e) Add the total fees and taxes determined in subsection (2)(d) of this section for each vehicle listed on the application. Assuming the fees and taxes calculated were for Washington, this would be the amount due and payable for the application under the provisions of the Western Compact. Under the provisions of the IRP, the amount due and payable for the application would be the sum of the fees and taxes referred to in subsection (2)(d) of this section, calculated for each member jurisdiction in which registration of the fleet is desired.

(3) All assessments for proportional registration fees are due and payable in United States funds on the date presented or mailed to the registrant at the address listed in the proportional

registration records of the department. The registrant may petition for reassessment of the fees or taxes due under this section within thirty days of the date of original service as provided for in this chapter."

MOTIONS

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

On page 65, line 33, after "(3)" insert "Sections 115 through 120 of this act shall take effect January 1, 1990.

(4)"

Renumber the subsections following consecutively.

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

On page 24, beginning on line 28, strike all of sections 205, 206 and 207 and insert the following:

NEW SECTION, Sec. 205. LOCAL OPTION STREET UTILITY. A city or town located in a class AA, A, or first class county, may elect by action of its legislative authority to maintain its streets as a separate enterprise and facility, known as a street utility. The legislative authority of the city or town shall use the proceeds of the charges authorized in this section and section 206 of this act only for maintenance purposes. Maintenance is defined as work activity that corrects normal wear and tear on the surface or wearing course or external appurtenances to a street or bridge but does not improve the local carrying ability of the street or bridge, as measured by traffic standards such as design capacity or level of service. The city or town may use, in addition to the charges authorized under this section and section 206 of this act, revenues derived from general taxation, from the federal, state, or other local governments, and any other revenues made available to it. The legislative authority of the city or town is the governing body of the street utility. The street utility authorized under this section is not subject to business and occupation or utility taxes imposed by the state under chapters 82.04 and 82.16 RCW nor to any equivalent taxes imposed by cities, towns, or other local government entities.

NEW SECTION, Sec. 206. RATES CHARGED BY UTILITY. A city or town electing to maintain its streets as a separate street utility may levy periodic charges for the maintenance of streets under the jurisdiction of the street utility. The rate charged must be uniform and the levy must be jurisdiction wide. Charges may be made against owners or occupants of real property other than public schools and nonprofit organizations, and shall be based on the burden imposed on or the benefits received from the thoroughfare system. The charges shall not be computed on the basis of an ad valorem charge on the underlying real property and improvements. This section shall not be used as a basis to directly or indirectly charge transportation impact fees or mitigation fees of any kind against new development. A city or town may contract with any other utility or local government to provide for the billing and collection of the street utility charges. Employers shall receive a credit against any periodic charges levied under this section equal to any commuter taxes paid by an employer for transportation purposes."

Renumber remaining sections consecutively and correct internal references accordingly.

MOTION

Senator Sellar moved that the following amendment be adopted:

On page 24, beginning on line 28, strike all of sections 205, 206 and 207

Renumber remaining sections consecutively and correct internal references accordingly.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Sellar on page 24, beginning on line 28, to Substitute Senate Bill No. 5338.

The motion by Senator Sellar carried and the amendment was adopted on a rising vote.

MOTION

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

On page 22, line 4, after "section" strike "and section 213 of this act"

On page 22, line 5, after "county" strike "or a city with a population of more than eight thousand"

On page 22, line 7, after "taxes" strike "in amounts not to exceed" and insert "equal to"

On page 22, line 15, after "county," strike all material through "city," on line 21

On page 22, line 28, after "county" strike "or city"

On page 22, line 30, after "and" strike "city" and insert "cities contained therein"

On page 23, beginning on line 2, strike all of section 202

Renumber remaining sections consecutively and correct internal references accordingly.

On page 30, line 24, after "TAXES," strike (1)"

On page 30, line 27, after "201" strike ", 202, and 203" and insert "and 202"
 On page 31, beginning on line 1, strike all material through "city." on line 7
 On page 31, beginning on line 8, strike all of section 213
 Correct internal references accordingly.

Debate ensued.

PARLIAMENTARY INQUIRY

Senator Barr: "A parliamentary inquiry, Mr. President. Which amendments are we on? Are these all in one or which ones?"

REPLY BY THE PRESIDENT

President Pritchard: "We are addressing the amendment on page 22, line 4, down to the amendment on page 31, line 8, and we are taking them as a group."

Senator Barr: "Which includes both subjects under number seven on the front of our sheet?"

President Pritchard: "Yes, seven and the next page."

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

The President declared the question before the Senate to be the roll call on the adoption of the amendments on page 22, lines 4, 5, 7, 15, 28 and 30; page 23, line 2; page 30, lines 24 and 27; page 31, lines 1 and 8, by Senator Bender to Substitute Senate Bill No. 5338.

ROLL CALL

The Secretary called the roll and the amendments were adopted by the following vote: Yeas, 36; nays, 12; excused, 1.

Vote yeas: Senators Amondson, Bailey, Barr, Bauer, Bender, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Johnson, Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Moore, Murray, Niemi, Owen, Pullen, Rasmussen, Rinehart, Saling, Smith, Smittherman, Stratton, Sutherland, Talmadge, Thorsness, Vogndil, von Reichbauer, Warnke, Williams - 36.

Vote nays: Senators Anderson, Benitz, Bluechel, Hayner, Lee, Metcalf, Nelson, Newhouse, Patterson, Sellar, West, Wojahn - 12.

Excused: Senator DeJarnatt - 1.

MOTION

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

On page 22, line 6, after "legislative body" insert "and a majority of the registered voters of the county or city voting on the proposition at a general or special election"

On page 22, line 13, after "city," insert "An election held under this section must be held not more than twelve months before the date on which the proposed tax is to be levied. The ballot setting forth the proposition shall state the tax rate that is proposed."

On page 23, line 6, after "governing body" insert "and a majority of the registered voters of the county or city voting on the proposition at a general or special election"

On page 23, line 8, after "city," insert "An election held under this section must be held not more than twelve months before the date on which the proposed tax is to be levied. The ballot setting forth the proposition shall state the tax rate that is proposed."

On page 23, line 35, after "county" insert ", upon the approval of a majority of the registered voters of the county voting on the proposition at a general or special election."

On page 24, line 4, after "county," insert "An election held under this section must be held not more than twelve months before the date on which the proposed fee is to be imposed. The ballot setting forth the proposition shall state the fee that is proposed."

On page 26, line 21, after "city" insert ", upon the approval of a majority of the registered voters of the county or city voting on the proposition at a general or special election."

On page 26, line 23, after "jurisdiction," insert "An election held under this section must be held not more than twelve months before the date on which the proposed tax is to be levied. The ballot setting forth the proposition shall state the tax rate that is proposed."

On page 29, line 23, after "imposing" strike "a tax authorized under this chapter" and insert "charges authorized under section 206 of this act"

On page 29, line 31, after "in the" strike "tax" and insert "charges"

On page 29, line 32, after "in the" strike "tax" and insert "charges"

Debate ensued.

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

The President declared the question before the Senate to be the roll call on the adoption of the amendments on page 22, lines 6 and 13; page 23, lines 6, 8 and 35;

page 24, line 4; page 26, lines 21 and 23; page 29, line 23, 31 and 32, by Senator McDonald to Substitute Senate Bill No. 5338.

ROLL CALL

The Secretary called the roll and the amendments were adopted by the following vote: Yeas, 35; nays, 13; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Bauer, Bender, Cantu, Conner, Craswell, Hayner, Johnson, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Newhouse, Niemi, Owen, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Thorsness, von Reichbauer, West, Williams, Wojahn - 35.

Voting nay: Senators Barr, Benitz, Bluechel, Fleming, Gaspard, Hansen, Kreidler, Matson, Nelson, Patterson, Talmadge, Vognlid, Warnke - 13.

Excused: Senator DeJarnatt - 1.

MOTIONS

On motion of Senator Thorsness, the following amendments by Senators Thorsness, Bender and Nelson were considered simultaneously and were adopted:

On page 26, line 28, after "a" insert "commercial"

On page 26, line 29, after "charged" strike "or a parking lot used by the customers or patrons of a trade or business"

On page 26, line 30, after "business," strike "Parking" and insert "Commercial parking"

On page 27, line 5, after "of the" insert "commercial"

Senator Patterson moved that the following amendment by Senators Patterson, Bender and Nelson be adopted:

On page 5, beginning on line 26, after "~~((and 82-36-025))~~" strike all of the material down to and including "fuel," on line 28 and insert "An additional motor vehicle fuel tax rate of five cents per gallon from August 1, 1989, through July 31, 1990, and seven cents per gallon after July 31, 1990, applies to the sale, distribution, or use of motor vehicle fuel."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Patterson, Bender and Nelson on page 5, beginning on line 26, to Substitute Senate Bill No. 5338.

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

MOTIONS

On motion of Senator Nelson, the following amendment by Senators Patterson, Bender and Nelson was adopted:

On page 10, beginning on line 29, strike all of the material down to and including "RCW 46.68.120." on page 11, line 22 and insert the following:

"(1) From August 1, 1989, through July 31, 1990, one and one-half cents and from August 1, 1990, through July 31, 1991, two and one-tenth cents shall be deposited in the motor vehicle fund and shall be expended for category C projects, as defined in RCW 47.05.030, subject to the conditions imposed by chapter 47.05 RCW.

(2) From August 1, 1989, through July 31, 1990, one cent and from August 1, 1990, through July 31, 1991, two cents shall be deposited in the transportation improvement account and expended in accordance with RCW 47.26.084.

(3) From August 1, 1989, through July 31, 1991, seventy-five one-hundredths of one cent shall be deposited in the special category C account in the motor vehicle fund for special category C projects. Special category C projects are category C projects as defined in RCW 47.05.030(3) that, due to high cost only, will require bond financing to complete construction. Moneys deposited in the special category C account in the motor vehicle fund may be used for payment of debt service on bonds the proceeds of which were used to finance special category C projects under this subsection.

(4) From August 1, 1989, through July 31, 1990, two-tenths of one cent and from August 1, 1990, through July 31, 1991, three-tenths of one cent shall be deposited in the rural arterial trust account in the motor vehicle fund.

(5) From August 1, 1989, through July 31, 1990, forty-five one-hundredths of one cent and from August 1, 1990, through July 31, 1991, seventy-five one-hundredths of one cent shall be deposited in the county arterial preservation account. These funds shall be distributed by the county road administration board to counties in proportions corresponding to the number of arterial lane miles in the unincorporated area of each county and shall be used for improvements to sustain the structural, safety, and operational integrity of county arterials. The county road administration board shall adopt reasonable rules and develop policies to implement this program and to assure that the pavement management system is used.

(6) From August 1, 1989, through July 31, 1991, sixty-five one-hundredths of one cent shall be allocated to cities and towns as provided in RCW 46.68.110.

(7) From August 1, 1989, through July 31, 1991, forty-five one-hundredths of one cent shall be allocated to counties as provided in RCW 46.68.120."

Senator Bender moved that the following amendment by Senators Bender and Talmadge be adopted:

On page 11, after line 3, insert:

"The following criteria, listed in order of priority, shall be used in determining which special category C projects have the highest priority:

- (a) Its accident experience; and
- (b) Its fatal accident experience; and
- (c) Its capacity to move people and goods safely and at reasonable speeds without undue congestion; and
- (d) Continuity of development of the highway transportation network."

POINT OF INQUIRY

Senator Patterson: "Senator Bender, would this in any way change the present priority construction program that's been adopted by the Transportation Commission?"

Senator Bender: "It's my understanding, Senator Patterson, and you were there at the committee hearing when I asked them what type of criteria they were planning to use and you will recall for those large super-category C programs, they had no criteria. I felt that based upon our experience in the past, we should have some type of criteria established, so they can base their decisions in terms of what priorities those projects would be. I would assume with this language or without the language, that probably the First Avenue South Bridge would be the top priority. I still think that we need some criteria there for them to make their decisions on. That was the intent and purpose for that language."

Further debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Bender and Talmadge on page 11, after line 3, to Substitute Senate Bill No. 5338.

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

MOTION

Senator Rasmussen moved that the following amendment by Senators Rasmussen, Metcalf and Bailey be adopted:

On page 29, on line 24 before "authorized under" insert "or charge"

PARLIAMENTARY INQUIRY

Senator Bender: "A parliamentary inquiry, Mr. President. It is my understanding that the section that he is trying to amend was taken out with one of the amendments--Section 206. Is that correct? There'd be no need for this particular amendment."

REPLY BY THE PRESIDENT

President Pritchard: "I think that is correct."

There being no objection, Senator Rasmussen withdrew the amendment on page 29, line 24, to Substitute Senate Bill No. 5338.

MOTION

Senator Rasmussen moved that the following amendment by Senators Rasmussen, Metcalf and Bailey be adopted:

On page 30, line 11, strike "later" and insert "sooner"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Rasmussen, Metcalf and Bailey on page 30, line 11, to Substitute Senate Bill No. 5338.

The motion by Senator Rasmussen failed and the amendment was not adopted.

MOTIONS

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

In line 3 of the title, after "46.68.030," insert "46.16.030, 46.87.020, 46.87.070, 46.87.120, 46.87.140."

In line 9 of the title, after "46.68 RCW;" insert "adding a new section to chapter 46.87 RCW;"

On motion of Senator Nelson, the rules were suspended, Engrossed Substitute Senate Bill No. 5338 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5338.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5338 and the bill failed to pass the Senate by the following vote: Yeas, 18; nays, 30; excused, 1.

Voting yea: Senators Bailey, Bender, Bluechel, Conner, Hansen, Lee, Matson, McDonald, McMullen, Metcalf, Murray, Owen, Patterson, Pullen, Sellar, Talmadge, Thorsness, Vognild - 18.

Voting nay: Senators Amondson, Anderson, Barr, Bauer, Benitz, Cantu, Craswell, Fleming, Gaspard, Hayner, Johnson, Kreidler, Madsen, McCaslin, Moore, Nelson, Newhouse, Niemi, Rasmussen, Rinehart, Saling, Smith, Smitherman, Stratton, Sutherland, von Reichbauer, Warnke, West, Williams, Wojahn - 30.

Excused: Senator DeJarnatt - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5338, having failed to receive the constitutional majority was declared lost.

NOTICE FOR RECONSIDERATION

Having voted on the prevailing side, Senator Nelson served notice that he would move to reconsider the vote by which Engrossed Substitute Senate Bill No. 5338 failed to pass the Senate.

There being no objection, the President returned the Senate to the fourth order of business.

MESSAGE FROM THE HOUSE

April 19, 1989

Mr. President:

The House receded from its amendments to SUBSTITUTE SENATE BILL NO. 5506 and passed the bill without the House amendments, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

There being no objection, the President reverted the Senate to the third order of business.

MESSAGE FROM THE GOVERNOR

April 18, 1989

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to advise you that on April 18, 1989, Governor Gardner approved the following Senate Bills entitled:

Substitute Senate Bill No. 5263

Relating to arbitration for unilaterally implemented proposals.

Substitute Senate Bill No. 5807

Relating to archaeological objects and sites.

Sincerely,

TERRY SEBRING, Legal Counsel to the Governor

MOTION

At 1:04 p.m. on motion of Senator Newhouse, the Senate recessed until 2:30 p.m.

The Senate was called to order at 2:42 p.m. by President Pritchard.

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

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Lee, Gubernatorial Appointment No. 9123, Bruce F. Brennan, as a member of the Apprenticeship Council, was confirmed.

APPOINTMENT OF BRUCE F. BRENNAN

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 41; absent, 7; excused, 1.

Voting yea: Senators Anderson, Bailey, Bender, Benitz, Bluechel, Cantu, Craswell, Fleming, Hayner, Johnson, Kreidler, Lee, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Taimadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 41.

Absent: Senators Amondson, Barr, Bauer, Conner, Gaspard, Hansen, Madsen - 7.

Excused: Senator DeJarnatt - 1.

There being no objection, the President returned the Senate to the fourth order of business.

MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator Lee moved to reconsider the position taken to insist on its position regarding the Senate amendments to Second Substitute House Bill No. 1476 earlier today.

The President declared the question before the Senate to be the motion by Senator Lee to reconsider the position taken to insist on its position regarding the Senate amendments to Second Substitute House Bill No. 1476 earlier today.

The motion by Senator Lee carried and the Senate will reconsider the position to insist on its position regarding the Senate amendments to Second Substitute House Bill No. 1476.

MOTION

Senator Lee moved that the Senate refuse to recede from its amendments to Second Substitute House Bill No. 1476 and requests of the House a conference thereon.

POINT OF INQUIRY

Senator Rasmussen: "Senator Lee, you are aware of the restrictions regarding conference committees. I was a little bit disturbed by your saying the House was going to get something that was dear to them. Noting that is was a House Bill, and if it was that dear, why didn't they put it in when they first had it?"

Senator Lee: "Senator Rasmussen, this was a measure in which we, in fact, did keep in tact everything the House sent over to us, but we added an amendment here on the floor that everyone voted in favor of. In fact, we voted in favor of it for three years. The original bill is the market place bill. The amendment we added to it was the capitol projects bill--the one Senator Bender's been working on so hard for so many years. When it got sent over there, they scoped it. So, when they sent it back over here, we said, 'OK, in that case we don't want to deal with it either.' They, since then, have come back to us and they said, 'Well, we think we are willing to consider your amendment, but we will need to do it in a Conference Committee.'"

Senator Rasmussen: "They are reconsidering the scope then?"

Senator Lee: "That's why we're in this position, yes sir."

The President declared the question before the Senate to be the motion by Senator Lee that the Senate refuse to recede from its amendments to Second Substitute House Bill No. 1476 and request of the House a conference thereon.

The motion by Senator Lee carried and the Senate refuses to recede from its amendments to Second Substitute House Bill No. 1476 and requests of the House a conference thereon.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Second Substitute House Bill No. 1476 and the Senate amendments thereto: Senators Lee, McMullen and Bluechel.

MOTION

On motion of Senator Newhouse, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

April 18, 1989

Mr. President:

The House has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1825, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:
 SUBSTITUTE HOUSE BILL NO. 1458,
 HOUSE BILL NO. 1485,
 HOUSE BILL NO. 1618,
 HOUSE BILL NO. 1709,
 HOUSE BILL NO. 1719,
 HOUSE BILL NO. 1776,
 SUBSTITUTE HOUSE BILL NO. 1857,
 HOUSE BILL NO. 1872,
 HOUSE BILL NO. 2010,
 HOUSE BILL NO. 2037,
 HOUSE JOINT MEMORIAL NO. 4018.

SIGNED BY THE PRESIDENT

The President signed:
 SUBSTITUTE SENATE BILL NO. 5506,
 SECOND SUBSTITUTE SENATE BILL NO. 5658.

SIGNED BY THE PRESIDENT

The President signed:
 SUBSTITUTE SENATE BILL NO. 5107,
 SUBSTITUTE SENATE BILL NO. 5128,
 SUBSTITUTE SENATE BILL NO. 5147,
 SENATE BILL NO. 5167,
 SUBSTITUTE SENATE BILL NO. 5293,
 SUBSTITUTE SENATE BILL NO. 5350,
 SENATE BILL NO. 5381,
 SUBSTITUTE SENATE BILL NO. 5648,
 SUBSTITUTE SENATE BILL NO. 5812,
 SENATE BILL NO. 5858,
 SUBSTITUTE SENATE BILL NO. 5905,
 SENATE BILL NO. 5907,
 SENATE BILL NO. 5916,
 SUBSTITUTE SENATE BILL NO. 5947,
 SUBSTITUTE SENATE BILL NO. 6013,
 SUBSTITUTE SENATE BILL NO. 6048,
 SENATE JOINT RESOLUTION NO. 8200.

MESSAGE FROM THE HOUSE

April 18, 1989

Mr. President:

The House insists on its position regarding the House amendments to ENGROSSED SUBSTITUTE SENATE BILL NO. 5186 and once again asks the Senate to concur therein, and the bill and the amendments are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Pullen, the Senate refuses to concur in the House amendments to Engrossed Substitute Senate Bill No. 5186 and requests of the House a conference thereon.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Substitute Senate Bill No. 5186 and the House amendments thereto: Senators Pullen, Talmadge and McCaslin.

MOTION

On motion of Senator Pullen, the Conference Committee appointments were confirmed.

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

SECOND READING

SENATE BILL NO. 6106, by Senator McDonald

Relating to social and health services.

The bill was read the second time.

MOTION

Senator McDonald moved that the following amendment be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. LEGISLATIVE INTENT. (1) The legislature finds that Washington state has a high rate of infant illness and death and this is especially true for low-income persons. Adequate prenatal care throughout pregnancy is a major factor in reducing infant illness and death. The legislature also finds that access to maternity care services for low-income and high-risk women in the state of Washington has declined significantly in recent years and has reached a crisis level.

NEW SECTION. Sec. 2. DEFINITIONS. Unless the context clearly requires otherwise, the definitions in this section apply throughout sections 1 through 5, 7, and 8 of this act and RCW 74.09.510.

(1) "County authority" means the board of county commissioners, county council, or county executive having the authority to participate in the program created by this act or its designee. Two or more county authorities may enter into joint agreements to fulfill the requirements of this act.

(2) "Department" means the department of social and health services.

(3) "Eligible person" means a woman in need of maternity care or a child, who is eligible for medical assistance pursuant to this chapter.

(4) "Health care provider" means physician, nurse practitioner, registered nurse, midwife, and nursing assistants-registered.

(5) "High-risk eligible person" means an eligible person determined by the department to need special assistance in applying for and obtaining maternity care, including in the following order of priority, pregnant women who are drug or alcohol addicted or affected, pregnant and parenting adolescents, pregnant minority women who live in poverty, pregnant homeless women, and other eligible persons who need special assistance in gaining access to the maternity care system.

(6) "Maternity care services" means inpatient and outpatient medical care, case management, and support services necessary during prenatal, delivery, and postpartum periods.

(7) "Support services" should include a nursing assessment and followup, health and child-birth education, psychological assessment and counseling, outreach services, nutritional assessment and counseling, needed vitamin and nonprescriptive drugs, transportation, and child care. Support services may include alcohol and substance abuse treatment for pregnant women who are addicted or at risk of being addicted to alcohol or drugs to the extent funds are made available for that purpose by House Bill No. 1793, if enacted.

NEW SECTION. Sec. 3. HEALTH CARE PROVIDER AVAILABILITY AND LIABILITY INSURANCE.

(1) The legislature finds that a major factor contributing to the decline in the number of health

care providers providing maternity care to low-income women is the below cost reimbursement to those providers for services delivered. Consequently, it is the legislature's intent that the reimbursement levels to health care providers be increased to the extent allowed by the funds appropriated for that purpose.

(2) An additional barrier to the provision of maternity care to low-income women by health care providers is the lack of affordable liability insurance for health care providers. To help remedy this problem, the department may, within available funds, develop a program that addresses maternity care health care provider's liability insurance problems.

NEW SECTION. Sec. 4. MATERNITY CARE ACCESS PROGRAM. In an effort to provide for healthy births, the department shall, within funds appropriated for this purpose and subject to limitations placed on those funds, develop a maternity care access program as follows:

(1) Provide maternity care services to low-income pregnant women and health care services to children eligible solely pursuant to RCW 74.09.510(6) to the maximum extent allowable under the medical assistance program, Title XIX of the federal social security act;

(2) Provision of services for terminations of pregnancy to women eligible solely pursuant to RCW 74.09.510(6) shall not be funded under the medical assistance program, Title XIX of the federal social security act, but such women are eligible for terminations of pregnancy services funded from other programs currently existing within the department of social and health services and the department of health, if one is created;

(3) By January 1, 1990, have the following procedures in place to improve access to maternity care services and eligibility determinations for pregnant women applying for maternity care services under the medical assistance program, Title XIX of the federal social security act:

(a) Use of a shortened and simplified application form;

(b) Outstationing department staff, at the department's discretion, to make eligibility determinations;

(c) Establishing local plans at the county and regional level, coordinated by the department;

(d) Conducting an interview for the purpose of determining medical assistance eligibility within five working days of the date of an application by a pregnant woman and making an eligibility determination within fifteen working days of the date of application by a pregnant woman;

(4) Establish a maternity care case management system that shall assist only high-risk eligible persons with obtaining medical assistance benefits and receiving maternity care services, including transportation and child care services;

(5) Implement a broad-based public education program, in cooperation with local health departments and other agencies providing maternity care, that stresses the importance of obtaining maternity care early during pregnancy. Special emphasis shall be directed toward high-risk eligible persons;

(6) Develop and maintain linkages with existing maternity care providers and assist in the recruitment of additional maternity care providers;

(7) Work with local communities to develop maternity care clinics in areas in need of access to prenatal or maternity care, or if such clinics already exist, work to enhance existing services; and

(8) Study the desirability and feasibility of implementing the presumptive eligibility provisions set forth in section 9407 of the federal omnibus budget reconciliation act of 1986 and report to the appropriate committees of the legislature by December 1, 1989.

NEW SECTION. Sec. 5. ALTERNATIVE MATERNITY CARE SERVICE DELIVERY SYSTEM. (1) Within funds appropriated for this purpose, the department shall establish an alternative maternity care service delivery system, if it determines that a county or group of counties is a maternity care distressed area. A maternity care distressed area shall be defined by the department, in rule, as a county or group of counties where eligible persons are unable to obtain adequate maternity care. The department shall include the following factors in its determination:

(a) Higher than average percentage of eligible persons in the distressed area who receive late or no prenatal care;

(b) Higher than average percentage of eligible persons in the distressed area who go out of the area to receive maternity care;

(c) Lower than average percentage of obstetrical care providers in the distressed area who provide care to eligible persons;

(d) Higher than average percentage of infants born to eligible persons per obstetrical care provider in the distressed area; and

(e) Higher than average percentage of infants that are of low birth weight, five and one-half pounds or two thousand five hundred grams, born to eligible persons in the distressed area.

(2) If the department determines that a maternity care distressed area exists, it shall notify the relevant county authority. The county authority shall, within one hundred twenty days, submit a brief report to the department recommending remedial action. The report shall be

prepared in consultation with the department and its local community service offices, the local public health offices, community health clinics, health care providers, hospitals, the business community, labor representatives, and low-income advocates in the distressed area. A county authority may contract with a local nonprofit entity to develop the report. If the county authority is unwilling or unable to develop the report, it shall notify the department within thirty days, and the department shall develop the report for the distressed area.

(3) The department shall review the report and use it, to the extent possible, in developing strategies to improve maternity care access in the distressed area. The department may contract with or directly employ qualified maternity care health providers to provide maternity care services, if access to such providers in the distressed area is not possible by other means. In such cases, the department is authorized to pay that portion of the health care providers' malpractice liability insurance that represents the percentage of maternity care provided to eligible persons by that provider through increased medical assistance payments.

Sec. 6. Section 4, chapter 30, Laws of 1967 ex. sess. as last amended by section 2, chapter 5, Laws of 1985 and RCW 74.09.510 are each amended to read as follows:

Medical assistance may be provided in accordance with eligibility requirements established by the department of social and health services, including the prohibition under RCW 74.09.532 through 74.09.536 against the knowing and ~~((willful))~~ willful assignment of property or cash for the purpose of qualifying for such assistance, as defined in the social security Title XIX state plan for mandatory categorically needy persons and: (1) Individuals who would be eligible for cash assistance except for their institutional status; (2) individuals who are under twenty-one years of age, who would be eligible for aid to families with dependent children, but do not qualify as dependent children and who are in (a) foster care, (b) subsidized adoption, (c) an intermediate care facility or an intermediate care facility for the mentally retarded, or (d) inpatient psychiatric facilities; (3) the aged, blind, and disabled who: (a) Receive only a state supplement, or (b) would not be eligible for cash assistance if they were not institutionalized; (4) individuals who would be eligible for but choose not to receive cash assistance; (5) ~~((pregnant women who would be eligible for aid to families with dependent children if the child had been born and was living with the mother during the month of the payment, and the pregnancy has been medically verified. (6)))~~ individuals who are enrolled in managed health care systems, who have otherwise lost eligibility for medical assistance, but who have not completed a current six-month enrollment in a managed health care system, and who are eligible for federal financial participation under Title XIX of the social security act; (6) ~~children and pregnant women allowed by federal statute for whom funding is appropriated;~~ (7) other individuals eligible for medical services under RCW 74.09.035 and 74.09.700 for whom federal financial participation is available under Title XIX of the social security act.

NEW SECTION. Sec. 7. EVALUATION. The department, within funds appropriated for this purpose, shall contract with an independent nonprofit entity to evaluate the effectiveness of the maternity care access program set forth in sections 1 through 5 of this act and RCW 74.09.510 based on the principles set forth in section 2 of this act.

The evaluation shall also address:

- (1) Characteristics of women receiving services, including health risk factors;
- (2) Services utilized by eligible women;
- (3) Birth outcomes of women receiving services;
- (4) Birth outcomes of women receiving services, by type of practitioner; and
- (5) Services utilized by eligible infants.

The department shall submit an evaluation report to the appropriate committees of the legislature by December 1, 1990.

NEW SECTION. Sec. 8. PROHIBITION OF ENTITLEMENT. The legislature reserves the right to amend or repeal all or any part of this act at any time and there shall be no vested private right of any kind against such amendment or repeal. All rights, privileges, or immunities conferred by this act or any acts done pursuant thereto shall exist subject to the power of the legislature to amend or repeal this act at any time.

NEW SECTION. Sec. 9. If specific funding for the purposes of this act, referencing this act by bill number, is not provided by June 30, 1989, in the omnibus appropriations act, this act shall be null and void.

NEW SECTION. Sec. 10. Section headings as used in this act do not constitute any part of the law.

NEW SECTION. Sec. 11. Sections 1 through 5, 7, and 8 of this act are each added to chapter 74.09 RCW."

MOTION

Senator Niemi moved that the following amendment to the amendment be adopted:

On page 4, after line 16, strike all of subsection (2) and renumber the remaining subsections accordingly.

Debate ensued.

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

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senator Niemi on page 4, after line 16, to the striking amendment by Senator McDonald to Senate Bill No. 6106.

ROLL CALL

The Secretary called the roll and the amendment to the amendment was not adopted by the following vote: Yeas, 14; nays, 31; absent, 3; excused, 1.

Voting yea: Senators Conner, Fleming, Hansen, Kreidler, McMullen, Moore, Murray, Niemi, Rinehart, Smitherman, Talmadge, Vognlid, Williams, Wojahn - 14.

Voting nay: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Craswell, Hayner, Johnson, Madsen, Matson, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Saling, Sellar, Smith, Stratton, Sutherland, Thorsness, von Reichbauer, West - 31.

Absent: Senators Gaspard, Lee, Warnke - 3.

Excused: Senator DeJarnatt - 1.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator McDonald to Senate Bill No. 6106.

The motion by Senator McDonald carried and the striking amendment was adopted.

MOTIONS

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

On page 1, line 1 of the title, after "services" strike the remainder of the title and insert "amending RCW 74.09.510; adding new sections to chapter 74.09 RCW; and creating new sections."

On motion of Senator McDonald, the rules were suspended, Engrossed Senate Bill No. 6106 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

MOTION

On motion of Senator Anderson, Senators Saling and Thorsness were excused.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6106.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6106 and the bill passed the Senate by the following vote: Yeas, 41; nays, 2; absent, 3; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Vognlid, von Reichbauer, West, Williams, Wojahn - 41.

Voting nay: Senators Niemi, Rinehart - 2.

Absent: Senators Barr, Bauer, Warnke - 3.

Excused: Senators DeJarnatt, Saling, Thorsness - 3.

ENGROSSED SENATE BILL NO. 6106, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Engrossed Substitute House Bill No. 1864 and the pending Committee on Ways and Means amendment, deferred April 11, 1989.

MOTION

Senator Madsen moved that the following amendment to the Committee on Ways and Means amendment be adopted:

On page 19, line 1, after "procedure" insert "PROVIDED FURTHER, That for any contractor whose purchase of depreciable assets in an arm's-length transaction occurred on or after July 18, 1984, and before April 1, 1986, where that transaction was also the first arm's-length transaction involving those depreciable assets occurring after July 1, 1966, then the depreciation base of the nursing home shall not exceed the fair market value of the assets at the date of purchase as determined by the department of general administration through an appraisal

procedure and the provisions of (a) of this subsection shall not apply to this transaction. However, in the event that a federal agency threatens to withdraw federal financial participation from the state's medicaid program by virtue of one of the provisos contained in (b) of this subsection, then the depreciation base for those nursing homes meeting the criteria in the provisos to which the federal agency objects shall be the acquisition cost to the seller plus the lesser of:

(i) One-half of the percentage increase in the Dodge construction systems costs for nursing homes as measured from the date of acquisition by the seller to the date of the purchase that meets the criteria in the objectionable provisos; or

(ii) One-half of the percentage increase as measured over the same period of time in the consumer price index for all urban consumers (United States city average)."

POINT-OF ORDER

Senator McDonald: "Mr. President, a point of order. I would raise, on this particular amendment, the question of scope and object. The bill does deal with some aspects of nursing homes. This amendment changes, rather dramatically, the object of the bill. It's dealing with fair market value. It's dealing with assessments. It's dealing with eleven nursing homes that have some concern about their property valuation, whereas this bill deals with OBRA requirements, changing requirements for the Omnibus Budget Reconciliation Act of 1986. It deals with some practices as far as the purchase of accounting and legal services. I think it goes far beyond the scope and object of this bill."

Further debate ensued.

There being no objection, further consideration of the amendment on page 19, line 1, by Senator Madsen to the Committee on Ways and Means amendment to Engrossed Substitute House Bill No. 1864 was deferred.

MOTION

Senator Madsen moved that the following amendment by Senators Madsen and Talmadge to the Committee on Ways and Means amendment be adopted:

On page 28, after line 8 of the amendment, insert the following:

"Sec. 19. Section 24, chapter 67, Laws of 1983 1st ex. sess. as amended by section 5, chapter 476, Laws of 1987 and RCW 74.46.481 are each amended to read as follows:

(1) The nursing services cost center shall include all costs related to the direct provision of nursing and related care, including fringe benefits and payroll taxes for the nursing and related care personnel. For rates effective for state fiscal year 1984, the department shall adopt by administrative rule a definition of "related care" which shall incorporate, but not exceed services reimbursable as of June 30, 1983. For rates effective for state fiscal year 1985, the definition of related care shall include ancillary care.

(2) The department shall adopt by administrative rules a method for establishing a nursing services cost center rate consistent with the principles stated in this section.

(3) Utilizing regression or other statistical technique, the department shall determine a reasonable limit on facility nursing staff taking into account facility patient characteristics. For purposes of this section, facility nursing staff refers to registered nurses, licensed practical nurses and nursing assistants—~~registered~~ employed by the facility or obtained through temporary labor contract arrangements. Effective January 1, 1988, the hours associated with the training of nursing assistants—~~registered and directors-of-nursing-services-in-training~~ and the supervision of that training for nursing assistants—~~registered and directors-of-nursing-services-in-training~~ shall not be included in the calculation of facility nursing staff. In selecting a measure of patient characteristics, the department shall take into account:

(a) The correlation between alternative measures and facility nursing staff; and

(b) The cost of collecting information for and computation of a measure.

If regression is used, the limit shall be set at predicted nursing staff plus 1.75 regression standard errors. If another statistical method is utilized, the limit shall be set at a level corresponding to 1.75 standard errors above predicted staffing computed according to a regression procedure.

(4) No facility shall receive reimbursement for nursing staff levels in excess of the limit, except that, if a facility was reimbursed for a nursing staff level in excess of the limit as of June 30, 1983, the facility may chose to continue to receive its June, 1983 nursing services rate plus any adjustments in rates, such as adjustments for economic trends, made available to all facilities. The reasonableness limit established pursuant to this subsection shall remain in effect for the period July 1, 1983 through June 30, 1985. At that time the department may revise the measure of patient characteristics or method used to establish the limit.

(5) (a) In the event a sufficient appropriation is made by the legislature as set forth in this section, a Medicaid rate enhancement may be granted in the nursing and related services cost area. Authorization or appropriation, if any, for such enhancement is not based upon any legislative finding that Medicaid reimbursement rates, in any cost area or in any rate period, are

or have been inadequate without such enhancement in meeting costs which must be incurred by economically and efficiently operated nursing homes in order to provide quality skilled or intermediate nursing care in compliance with all state and federal health and safety standards. Any such enhancement for any rate period shall be computed as follows:

(i) The total wages, benefits, and payroll taxes for registered nurses and licensed practical nurses at each facility shall be computed based on the 1988 cost report, except that the total wages, benefits, and payroll taxes for overtime and contract labor shall be calculated at the average compensation rate for registered nurses and licensed practical nurses at the facility;

(ii) The amount shall be increased by any percentage inflation adjustment granted under RCW 74.46.495; and

(iii) A percentage as established by the legislature in the biennial appropriations act, if the legislature appropriates moneys to fund prospectively the portion of this percentage attributable to services to Medicaid patients. Such enhancement to the prospective rate shall be made only on the dates authorized in the appropriations act, and shall be used to fund recruitment and retention of registered nurses and licensed practical nurses, any may not be used to pay for temporary staff or nurse pool staff. Any such increase to the prospective rate shall be excluded from all reimbursement limitations cited in this section.

(b) Each contractor shall spend the amount specified in this subsection on wages, benefits, and payroll taxes for registered nurses and licensed practical nurses.

(c) The department shall determine whether each contractor has spent the amount as required by (b) of this subsection.

(d) If the contractor does not spend the amount as required by (b) of this subsection, then the amounts not so spent shall be recouped at preliminary or final settlement pursuant to RCW 74.46.160.

(6) The department shall select an index of cost increase relevant to the nursing and related services cost area. In the absence of a more representative index, the department shall use the medical care component index as maintained by the United States bureau of labor statistics.

((6)) (7) If a facility's nursing staff level is below the limit specified in subsection (3) of this section, the department shall determine the percentage increase for all items included in the nursing services cost center between the facility's most recent cost reporting period and the next prior cost reporting period.

(a) If the percentage cost increase for a facility is below the increase in the selected index for the same time period, the facility's reimbursement rate in the nursing services cost center shall equal the facility's cost from the most recent cost reporting period plus any allowance for inflation provided by legislative appropriation.

(b) If the percentage cost increase for a facility exceeds the increase in the selected index, the department shall limit the cost used for setting the facility's rate in the nursing services cost area to a level reflecting the increase in the selected index.

((7)) (8) If the facility's nursing staff level exceeds the reasonableness limit established in subsection (3) of this section, the department shall determine the increase for all items included in the nursing services cost center between the facility's most recent cost reporting period and the next prior cost reporting period.

(a) If the percentage cost increase for a facility is below the increase in the index selected pursuant to subsection ((5)) (6) of this section, the facility's reimbursement rate in the nursing cost center shall equal the facility's cost from the most recent cost reporting period adjusted downward to reflect the limit on nursing staff, plus any allowance for inflation provided by legislative appropriation subject to the provisions of subsection (4) of this section.

(b) If the percentage cost increase for a facility exceeds the increase in the selected index, the department shall limit the cost used for setting the facility's rate in the nursing services cost center to a level reflecting the nursing staff limit and the cost increase limit, subject to the provisions of subsection (4) of this section, plus any allowance for inflation provided by legislative appropriation.

((8)) (9) The department is authorized to determine on a systematic basis facilities with unmet patient care service needs. The department may increase the nursing services cost center prospective rate for a facility beyond the level determined in accordance with subsection ((6)) (7) of this section if the facility's actual and reported nursing staffing is one standard error or more below predicted staffing as determined according to the method selected pursuant to subsection (3) of this section and the facility has unmet patient care service needs: PROVIDED, That prospective rate increases authorized by this subsection shall be funded only from legislative appropriations made for this purpose and the increases shall be conditioned on specified improvements in patient care at such facilities.

((9)) (10) The department shall establish a method for identifying patients with exceptional care requirements and a method for establishing or negotiating on a consistent basis rates for such patients.

((10)) (11) The department, in consultation with interested parties, shall adopt rules to establish the criteria the department will use in reviewing any requests by a contractor for a prospective rate adjustment to be used to increase the number of nursing staff. These rules shall

also specify the time period for submission and review of staffing requests: PROVIDED, That a decision on a staffing request shall not take longer than sixty days from the date the department receives such a complete request. In establishing the criteria, the department may consider, but is not limited to, the following:

- (a) Increases in acuity levels of contractors' residents;
 - (b) Staffing patterns for similar facilities;
 - (c) Physical plant of contractor; and
 - (d) Survey, inspection of care, and department consultation results."
- Renumber remaining section consecutively.

Debate ensued.

POINT OF ORDER

Senator McDonald: "Mr. President, I would raise a point of order. I raise the question of scope and object on this amendment. Once again, the bill that we are dealing with, deals with some OBRA requirements. It deals with the putting a cap, Senator Talmadge, on the legal and accounting fees, not raising them, and this amendment deals with raising caps on nursing services in those facilities. I believe it expands what this bill is doing--what the intention of it is--and hope that you would rule that way."

Further debate ensued.

There being no objection, the President deferred further consideration of the amendment on page 128, after line 8, by Senators Madsen and Talmadge to the Committee on Ways and Means amendment to Engrossed Substitute House Bill No. 1864.

MOTION

Senator Talmadge moved that the following amendment to the Committee on Ways and Means amendment be adopted:

On page 28, after line 8 of the amendment, insert the following:

"Sec. 19. Section 24, chapter 67, Laws of 1983 1st ex. sess. as amended by section 5, chapter 476, Laws of 1987 and RCW 74.46.481 are each amended to read as follows:

(1) The nursing services cost center shall include all costs related to the direct provision of nursing and related care, including fringe benefits and payroll taxes for the nursing and related care personnel. For rates effective for state fiscal year 1984, the department shall adopt by administrative rule a definition of "related care" which shall incorporate, but not exceed services reimbursable as of June 30, 1983. For rates effective for state fiscal year 1985, the definition of related care shall include ancillary care.

(2) The department shall adopt by administrative rules a method for establishing a nursing services cost center rate consistent with the principles stated in this section.

(3) Utilizing regression or other statistical technique, the department shall determine a reasonable limit on facility nursing staff taking into account facility patient characteristics. For purposes of this section, facility nursing staff refers to registered nurses, licensed practical nurses and nursing assistants—registered employed by the facility or obtained through temporary labor contract arrangements. Effective January 1, 1988, the hours associated with the training of nursing assistants—registered and directors-of-nursing-services-in-training and the supervision of that training for nursing assistants—registered and directors-of-nursing-services-in-training shall not be included in the calculation of facility nursing staff. In selecting a measure of patient characteristics, the department shall take into account:

- (a) The correlation between alternative measures and facility nursing staff; and
- (b) The cost of collecting information for and computation of a measure.

If regression is used, the limit shall be set at predicted nursing staff plus 1.75 regression standard errors. If another statistical method is utilized, the limit shall be set at a level corresponding to 1.75 standard errors above predicted staffing computed according to a regression procedure.

(4) No facility shall receive reimbursement for nursing staff levels in excess of the limit, except that, if a facility was reimbursed for a nursing staff level in excess of the limit as of June 30, 1983, the facility may chose to continue to receive its June, 1983 nursing services rate plus any adjustments in rates, such as adjustments for economic trends, made available to all facilities. The reasonableness limit established pursuant to this subsection shall remain in effect for the period July 1, 1983 through June 30, 1985. At that time the department may revise the measure of patient characteristics or method used to establish the limit.

(5) The department shall select an index of cost increase relevant to the nursing and related services cost area. In the absence of a more representative index, the department shall use the medical care component index as maintained by the United States bureau of labor statistics.

(6) If a facility's nursing staff level is below the limit specified in subsection (3) of this section, the department shall determine the percentage increase for all items included in the nursing services cost center between the facility's most recent cost reporting period and the next prior cost reporting period.

(a) If the percentage cost increase for a facility is below the increase in the selected index for the same time period, the facility's reimbursement rate in the nursing services cost center shall equal the facility's cost from the most recent cost reporting period plus any allowance for inflation provided by legislative appropriation.

(b) If the percentage cost increase for a facility exceeds the increase in the selected index, the department shall limit the cost used for setting the facility's rate in the nursing services cost area to a level reflecting the increase in the selected index.

(7) If the facility's nursing staff level exceeds the reasonableness limit established in subsection (3) of this section, the department shall determine the increase for all items included in the nursing services cost center between the facility's most recent cost reporting period and the next prior cost reporting period.

(a) If the percentage cost increase for a facility is below the increase in the index selected pursuant to subsection (5) of this section, the facility's reimbursement rate in the nursing cost center shall equal the facility's cost from the most recent cost reporting period adjusted downward to reflect the limit on nursing staff, plus any allowance for inflation provided by legislative appropriation subject to the provisions of subsection (4) of this section.

(b) If the percentage cost increase for a facility exceeds the increase in the selected index, the department shall limit the cost used for setting the facility's rate in the nursing services cost center to a level reflecting the nursing staff limit and the cost increase limit, subject to the provisions of subsection (4) of this section, plus any allowance for inflation provided by legislative appropriation.

(8) To the extent of funds made available by a specific appropriation made for the purposes of this subsection, effective July 1, 1989, the department will exempt expenditures from the cost increase limitations set forth in subsections (5), (6), and (7) of this section based on information submitted to and approved by the department which demonstrates that this enhancement to the current rate was necessary to recruit and retain nursing staff. The department will recoup any moneys allowed under this subsection which are not spent in accord with the information submitted and approved by the department. Authorization or appropriation, if any, for such enhancement is not based upon any legislative finding that Medicaid reimbursement rates without the enhancement in any cost area or in any rate period are or have been inadequate in meeting costs which must be incurred by economically and efficiently operated nursing homes in order to provide quality skilled or intermediate nursing care in compliance with all state and federal health and safety standards. This subsection expires July 1, 1991.

(9) The department is authorized to determine on a systematic basis facilities with unmet patient care service needs. The department may increase the nursing services cost center prospective rate for a facility beyond the level determined in accordance with subsection (6) of this section if the facility's actual and reported nursing staffing is one standard error or more below predicted staffing as determined according to the method selected pursuant to subsection (3) of this section and the facility has unmet patient care service needs: PROVIDED, That prospective rate increases authorized by this subsection shall be funded only from legislative appropriations made for this purpose and the increases shall be conditioned on specified improvements in patient care at such facilities.

~~((9))~~ (10) The department shall establish a method for identifying patients with exceptional care requirements and a method for establishing or negotiating on a consistent basis rates for such patients.

~~((10))~~ (11) The department, in consultation with interested parties, shall adopt rules to establish the criteria the department will use in reviewing any requests by a contractor for a prospective rate adjustment to be used to increase the number of nursing staff. These rules shall also specify the time period for submission and review of staffing requests: PROVIDED, That a decision on a staffing request shall not take longer than sixty days from the date the department receives such a complete request. In establishing the criteria, the department may consider, but is not limited to, the following:

- (a) Increases in acuity levels of contractors' residents;
 - (b) Staffing patterns for similar facilities;
 - (c) Physical plant of contractor; and
 - (d) Survey, inspection of care, and department consultation results."
- Renumber remaining section consecutively.

POINT OF ORDER

Senator McDonald: "Mr. President, Senator Talmadge was right. I would raise a point of order. I question the scope and object of this amendment."

There being no objection, the President deferred further consideration of the amendment on page 28, after line 8, by Senator Talmadge, to the Committee on

Ways and Means amendment and also deferred further consideration of Engrossed Substitute House Bill No. 1864.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1968, by Committee on Health Care (originally sponsored by Representatives Braddock, Brooks, Day, Cantwell, Leonard, Prentice, Bristow, Brekke, Vekich, Kremen, Valle, Raiter, D. Sommers, Morris, Sprengle, Ebersole, Wineberry, H. Sommers, Cole, Hine, Basich, Anderson, Van Luven, Dellwo, Todd, Winsley, Sayan, Cooper, R. King, Crane, Rector, Brough, Zellinsky, Phillips, Pruitt, O'Brien, Nelson, Spanel, G. Fisher, Rasmussen, H. Myers and Fraser)

Establishing a plan for long-term care services.

The bill was read the second time.

MOTION

Senator McDonald moved that the following Committee on Ways and Means amendment be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. The legislature finds that:

Washington's chronically functionally disabled population is growing at a rapid pace. This growth, along with economic and social changes and the coming age wave, presents opportunities for the development of long-term care community services networks and enhanced volunteer participation in those networks, and creates a need for different approaches to currently fragmented long-term care programs. The legislature further recognizes that persons with functional disabilities should receive long-term care services that encourage individual dignity, autonomy, and development of their fullest human potential.

NEW SECTION, Sec. 2. The purpose of this chapter is to:

(1) Establish a balanced range of community-based health, social, and supportive services that deliver long-term care services to chronically, functionally disabled persons of all ages;

(2) Ensure that functional disability shall be the determining factor in defining long-term care service needs and that these needs will be determined by a uniform system for comprehensively assessing functional disability;

(3) Ensure that services are provided in the most independent living situation consistent with individual needs;

(4) Ensure that long-term care service options shall be developed and made available that enable functionally disabled persons to continue to live in their homes or other community residential facilities while in the care of their families or other volunteer support persons;

(5) Ensure that long-term care services are coordinated in a way that minimizes administrative cost, eliminates unnecessarily complex organization, minimizes program and service duplication, and maximizes the use of financial resources in directly meeting the needs of persons with functional limitations;

(6) Develop a systematic plan which maximizes participation of local government in providing for the coordination, planning, budgeting, and administration of long-term care services now fragmented between the division of developmental disabilities, division of mental health, division of aging and adult services, division of children and family services, division of vocational rehabilitation, office on AIDS, division of health, and bureau of alcohol and substance abuse;

(7) Encourage the development of a state-wide long-term care case management system that effectively coordinates the plan of care and services provided to eligible clients;

(8) Ensure that individuals and organizations affected by or interested in long-term care programs have an opportunity to participate in identification of needs and priorities, policy development, planning, and development, implementation, and monitoring of state supported long-term care programs;

(9) Support educational institutions in Washington state to assist in the procurement of federal support for expanded research and training in long-term care; and

(10) Facilitate the development of a coordinated system of long-term care education that is clearly articulated between all levels of higher education and reflective of both in-home care needs and institutional care needs of functionally disabled persons.

NEW SECTION, Sec. 3. A valuable option available to Washington state to achieve the goals of sections 1 and 2 of this act is the flexibility in personal care and other long-term care services encouraged by the federal government under Title XIX of the federal social security act. These services include options to expand community-based long-term care services, such as adult family homes, congregate care facilities, respite, chore services, hospice, and case management.

I. CHORE SERVICES

Sec. 4. Section 17, chapter 6, Laws of 1981 1st ex. sess. as last amended by section 1, chapter 222, Laws of 1986 and RCW 74.08.541 are each amended to read as follows:

(1) "Department" as used in this chapter, means the department of social and health services.

(2) "Long-term care facility" as used in this chapter, means a nursing home licensed under chapter 18.51 RCW or a residential habilitation center licensed under chapter 71A.20 RCW.

(3) "Chore services," as used in this chapter, means services in performing (~~light work and household and other~~) personal care and related tasks (~~which eligible persons are unable to do for themselves because of frailty or handicapping conditions~~) as provided in the department's medical assistance state plan provision addressing personal care.

~~((2))~~ (4) Persons eligible for chore services are adult (~~individuals~~) persons having resources less than a level determined by the department, (~~and~~) whose need for chore services and risk of being placed in a (~~residential~~) long-term care facility have been determined by the department, and who are not eligible to receive medical assistance personal care benefits under section 10 of this 1989 act.

(a) Persons are eligible for the level (~~or amount~~) of services determined by the department under RCW 74.08.545 if the persons (~~are: (i) Adult recipients of supplemental security income or state supplementation; (ii) eligible at the time their eligibility for chore services is determined or redetermined; for limited-casualty program medical care as defined by RCW 74.09.010; or (iii)~~) have an income at or below thirty percent of the state median income.

(b) For other persons, the department shall develop a scale which progressively reduces the level (~~or amount~~) of chore services provided by the department based on the ability of applicants and (~~recipients~~) clients to purchase the chore services. (~~To determine the ability of applicants and recipients to purchase chore services,~~) The department shall not consider income below thirty percent of the state median income.

(c) Effort shall be made to obtain chore services from volunteer chore service providers under the senior citizens services act, chapter 74.38 RCW, for those individuals at risk of being placed in a residential care facility and who are age sixty or over but eligible for five hours of chore services per month or less, rather than have those services provided by paid providers. Any individual at risk of being placed in a residential care facility and who is age sixty or over but not eligible for chore services or eligible for a reduced amount of service shall be referred to a volunteer chore service program under the senior citizens services act, chapter 74.38 RCW, where available for needed services not authorized by the department.

(d) (~~Individuals~~) Persons determined by the department to be eligible for adult protective services are eligible to receive emergency chore services without regard to income if the services are essential to, and a subordinate part of, the adult protective services plan. Emergency chore services under adult protective services shall be provided only until the situation necessitating the services has stabilized, not to exceed ninety days.

~~((3))~~ (4) The department shall establish a monthly dollar lid on chore services expenditures as necessary to maintain such expenditures within the legislative appropriation. To maintain expenditures for chore services within the limits of funds appropriated for this purpose, the department may reduce the level (~~or amount~~) of services authorized below the level of need assessed pursuant to RCW 74.08.545 for some or all (~~recipients, but~~) clients. The reductions shall be done in a manner which maintains state-wide uniformity of eligibility and service authorization standards and which considers the level of need for services and the degree of risk of being placed in a (~~residential~~) long-term care facility of all applicants for, and recipients of, chore services; PROVIDED, That the department may implement a ratable reduction of hours or payment for some or all clients receiving chore services.

(5) The department may continue providing chore services for those clients who were receiving assistance only with household tasks prior to December 14, 1987, provided that those clients are receiving this same service as of June 1989.

(6) The department may continue providing chore services to clients who were receiving attendant care services prior to April 1, 1988, provided that those clients are receiving the same services as of June 1989.

Sec. 5. Section 16, chapter 6, Laws of 1981 1st ex. sess. and RCW 74.08.545 are each amended to read as follows:

It is the intent of the legislature that chore services be provided to eligible persons within the limits of funds appropriated for that purpose. Therefore, the department shall provide services only to those persons identified as at risk of being placed in a (~~residential~~) long-term care facility in the absence of such services. Chore services shall be provided (~~only~~) to the extent necessary to maintain a safe and healthful living environment. It is the policy of the state to encourage the development of volunteer chore services in local communities as a means of meeting chore care service needs and directing financial resources. The department shall fund volunteer chore services on a priority basis. In determining (~~an individual's~~) eligibility for chore services, the department shall consider the following:

(1) The kind of services needed;

(2) The degree of service need, and the extent to which an individual is dependent upon such services to remain in his or her home or return to his or her home;

(3) The availability of personal or community resources which may be utilized to meet the individual's need; and

(4) Such other factors as the department considers necessary to insure service is provided only to those persons whose chore service needs cannot be met by relatives, friends, nonprofit organizations, or other persons.

In determining the level of services to be provided under this chapter, ~~((the department shall utilize a client review questionnaire designed))~~ client shall be assessed ~~using an instrument designed by the department to determine ((both)) the ((degree and level of service)) level of functional disability, the need for service and the ((individual's)) person's risk of ((institutionalization if such needs are not met by this chapter))~~ long-term care facility placement.

Sec. 6. Section 3, chapter 51, Laws of 1973 1st ex. sess. as last amended by section 189, chapter 3, Laws of 1983 and RCW 74.08.550 are each amended to read as follows:

(1) The department ~~((of social and health services))~~ is authorized to develop a program to provide for those services enumerated in RCW 74.08.541.

~~((The department shall endeavor to assure that, for each individual receiving in-home services, a single caseworker is responsible for coordinating the delivery of all necessary in-home services for which the recipient is eligible.~~

~~((3))~~ The department may provide assistance in the recruiting of providers of the services enumerated in RCW 74.08.541 and seek to assure the timely provision of services in emergency situations.

~~((4))~~ (3) The department shall assure that all providers of the services enumerated in RCW 74.08.541 are compensated for the delivery of the services on a prompt and regular basis.

Sec. 7. Section 3, chapter 137, Laws of 1980 and RCW 74.08.570 are each amended to read as follows:

(1) An otherwise eligible disabled person shall not be deemed ineligible for chore services under this chapter if the person's gross income from employment, adjusted downward by the cost of the chore services to be provided and the disabled person's work expenses, does not exceed the maximum eligibility standard established by the department for such chore services. The department shall establish a sliding scale fee schedule for such disabled persons, taking into consideration the person's ability to pay and work expenses.

(2) If a disabled person arranges for chore services through an individual provider arrangement, the ~~((recipient's))~~ client's contribution shall be counted as first dollar toward the total amount owed to the provider for chore services rendered.

(3) As used in this section:

(a) "Gross income" means total earned wages, commissions, salary, and any bonus;

(b) "Work expenses" includes:

(i) Payroll deductions required by law or as a condition of employment, in amounts actually withheld;

(ii) The necessary cost of transportation to and from the place of employment by the most economical means, except rental cars; and

(iii) Expenses of employment necessary for continued employment, such as tools, materials, union dues, transportation to service customers if not furnished by the employer, and uniforms and clothing needed on the job and not suitable for wear away from the job;

(c) "Employment" means any work activity for which a recipient receives monetary compensation;

(d) "Disabled" means:

(i) Permanently and totally disabled as defined by the department and as such definition is approved by the federal social security ~~((agency))~~ administration for federal matching funds;

(ii) Eighteen years of age or older;

(iii) A resident of the state of Washington; and

(iv) Willing to submit to such examinations as are deemed necessary by the department to establish the extent and nature of the disability.

II. RESPITE SERVICES

Sec. 8. Section 5, chapter 158, Laws of 1984 as amended by section 4, chapter 409, Laws of 1987 and RCW 74.41.050 are each amended to read as follows:

The department shall ~~((select))~~ contract with area agencies on aging to conduct respite care projects to the extent of available funding. The responsibilities of the ~~((selected))~~ area agencies on aging shall include but not be limited to: Negotiating rates of payment, administering sliding-fee scales to enable eligible participants to participate in paying for respite care, and arranging for respite care services. Rates of payment to respite care service providers shall not exceed, and may be less than, rates paid by the department to providers for the same level of service.

III. TITLE XIX COMMUNITY-BASED LONG-TERM CARE SERVICES

NEW SECTION. Sec. 9. Title XIX of the federal social security act offers valuable opportunities to increase federal funds available to provide community-based long-term care services to functionally disabled persons in their homes, and in noninstitutional residential facilities, such as adult family homes and congregate care facilities.

A. PERSONAL CARE

NEW SECTION. Sec. 10. A new section is added to chapter 74.09 RCW to read as follows:

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

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

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

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

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

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

B. COPE RESPIRE SERVICES

NEW SECTION. Sec. 11. The department shall request an amendment to its community options program entry system waiver under section 1905(c) of the federal social security act to include respite services as a service available under the waiver.

C. COMMUNITY-BASED SERVICES FOR PERSONS WITH AIDS

NEW SECTION. Sec. 12. A new section is added to chapter 74.09 RCW to read as follows:

The department shall prepare and request a waiver under section 1915(c) of the federal social security act to provide community based long-term care services to persons with AIDS or AIDS-related conditions who qualify for the medical assistance program under RCW 74.09-.510 or the limited casualty program for the medically needy under RCW 74.09.700. Respite services shall be included as a service available under the waiver.

IV. LONG-TERM CARE REFORM IMPLEMENTATION TEAM

NEW SECTION. Sec. 13. (1) A long-term care commission is created. It shall consist of:

(a) Four legislators who shall serve on the executive committee, one from each of the two largest caucuses in the house of representatives and the senate who shall be selected by the president of the senate and the speaker of the house of representatives;

(b) Six members, to be selected by the executive committee, who shall be experts in gerontology, development disabilities, neurological impairments, physical disabilities, mental illness, nursing, long-term care service delivery, long-term care service financing, systems development, or systems analysis;

(c) Three members, to be selected by the executive committee, who represent long-term care consumers, services providers, or advocates;

(d) Two members, to be selected by the executive committee, who represent county government;

(e) One member, to be selected by the secretary of social and health services, to represent the department of social and health services long-term care programs, including at least developmental disabilities, mental health, aging and adult services, AIDS, children's services, alcohol and substance abuse, and vocational rehabilitation; and

(f) One member, to represent the governor, who shall serve on the executive committee.

The legislative members shall select a chair who is a consumer of long-term care services. The commission shall be staffed, to the extent possible, by staff from the appropriate senate and house of representatives committees.

The commission may form technical advisory committees to assist it with any particular matters deemed necessary by the commission.

The commission and technical advisory committee members shall receive no compensation, but except for publicly funded agency staff, shall, to the extent funds are available, be reimbursed for their expenses while attending any meetings in the same manner as legislators engaged in interim committee business as specified in RCW 44.04.120.

The commission may receive appropriations, grants, gifts, and other payments from any governmental or other public or private entity or person which it may use to defray the cost of

its operations or to contract for technical assistance, with the approval of the senate committee on facilities and operations and the house of representatives executive rules committee.

(2) The long-term care commission shall develop legislation and recommend administrative actions necessary to achieve the following long-term care reforms:

(a) The systematic coordination, planning, budgeting, and administration of long-term care services currently administered by the department of social and health services, division of developmental disabilities, aging and adult services administration, division of vocational rehabilitation, office on AIDS, division of health, and the bureau of alcohol and substance abuse;

(b) Provision of long-term care services to persons based on their functional disabilities noncategorically and in the most independent living situation consistent with the person's needs;

(c) A consistent definition of appropriate roles and responsibilities for state and local government, regional organizations, and private organizations in the planning, administration, financing, and delivery of long-term care services;

(d) Technical assistance to enable local communities to have greater participation and control in the planning, administration, and provision of long-term care services;

(e) A case management system that coordinates an appropriate and cost-effective plan of care and services for eligible functionally disabled persons based on their individual needs and preferences;

(f) A sufficient supply of quality noninstitutional residential alternatives for functionally disabled persons, and supports for the providers of such services;

(g) Public and private alternative funding for long-term care services, such as federal Title XIX funding of personal care services through the limited casualty program for the medically needy and other optional services, a uniform fee scale for client participation in state-funded, long-term care programs, and private, long-term care insurance;

(h) A systematic and balanced long-term care services payment and reimbursement system, including nursing home reimbursement, that will provide access to needed services while controlling the rate of cost increases for such services;

(i) Active involvement of volunteers and advocacy groups;

(j) An integrated data base that provides long-term care client tracking;

(k) A coordinated education system for long-term care; and

(l) Other issues deemed appropriate by the implementation team.

The commission shall report to the legislature with its findings, recommendations, and proposed legislation by December 1, 1990.

V. ADULT FAMILY HOME LICENSING

NEW SECTION. Sec. 14. The legislature finds that adult family homes are an important part of the state's long-term care system. Adult family homes provide an alternative to institutional care and promote a high degree of independent living for residents.

The legislature further finds that minimum safety, health, and fire standards are needed to ensure the health and safety of residents. The legislature recognizes that the attractiveness of adult family homes to residents is the family nature of the home that allows residents a higher degree of privacy, freedom of choice, and ability to form personal relations than is permitted in an institutional environment. Whenever possible family and community groups should be encouraged to work with adult family homes with the goal of assuring high quality care. Volunteer groups such as local volunteer ombudsman programs can be effective in helping adult family home sponsors and residents create a family-like environment.

The legislature declares that state regulation of adult family homes should not serve as an overly restrictive barrier to the development of homes in the state by imposing complex, expensive, or intimidating standards that will discourage sponsors who would otherwise be competent and companionate care givers.

NEW SECTION. Sec. 15. The purposes of this chapter are to:

(1) Encourage the establishment and maintenance of adult family homes that provide a humane, safe, and homelike environment for persons with functional limitations who need personal and special care;

(2) Establish standards for regulating adult family homes that adequately protect residents, but are consistent with the abilities and resources of an adult family home so as not to discourage individuals from serving as adult family home providers; and

(3) Encourage consumers, families, providers, and the public to become active in assuring their full participation in development of adult family homes that provide high quality care.

NEW SECTION. Sec. 16. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Adult family home" means a regular family abode of a person or persons who are providing the services, personal care, room, and board to more than one but not more than five adults who are not related by blood or marriage to the person or persons providing the services; except that a maximum of six adults may be permitted if the department determines that the home is of adequate size and that the home and the provider are capable of meeting standards and qualifications as provided for in this act.

(2) "Provider" means any person who is licensed under this chapter to operate an adult family home. The provider shall reside at the adult family home, except that exceptions may be authorized by the department for good cause.

(3) "Department" means the department of social and health services or the department of health if enacted by the legislature.

(4) "Resident" means an adult in need of personal or special care in an adult family home who is not related to the provider.

(5) "Adults" means persons who have attained the age of eighteen years.

(6) "Home" means an adult family home.

NEW SECTION. Sec. 17. The following residential facilities shall be exempt from the operation of this chapter:

(1) Nursing homes licensed under chapter 18.51 RCW;

(2) Boarding homes licensed under chapter 18.20 RCW;

(3) Facilities approved and certified under chapter 71A.22 RCW;

(4) Residential treatment centers for the mentally ill licensed under chapter 71.24 RCW;

(5) Hospitals licensed under chapter 70.41 RCW;

(6) Homes for the developmentally disabled licensed under chapter 74.15 RCW.

NEW SECTION. Sec. 18. (1) The department shall adopt rules and standards with respect to all adult family homes and the operators thereof to be licensed under this chapter to carry out the purposes and requirements of this chapter. In developing rules and standards the department shall recognize the residential family-like nature of adult family homes and not develop rules and standards which by their complexity serve as an overly restrictive barrier to the development of the adult family homes in the state. Procedures and forms established by the department shall be developed so they are easy to understand and comply with. Paper work requirements shall be minimal. Easy to understand materials shall be developed for homes explaining licensure requirements and procedures.

(2) During the initial stages of development of proposed rules, the department shall provide notice of development of the rules to organizations representing adult family homes and their residents, and other groups that the department finds appropriate. The notice shall state the subject of the rules under consideration and solicit written recommendations regarding their form and content.

(3) Except where provided otherwise, chapter 34.05 RCW shall govern all department rule-making and adjudicative activities under this chapter.

NEW SECTION. Sec. 19. After July 1, 1990, no person shall operate or maintain an adult family home in this state without a license under this chapter.

NEW SECTION. Sec. 20. (1) An application for license shall be made to the department upon forms provided by it and shall contain such information as the department reasonably requires.

(2) The department shall issue a license to an adult family home if the department finds that the applicant and the home are in compliance with this chapter and the rules adopted under this chapter; and that the applicant has no prior violations of this chapter relating to the adult family home subject to the application or any other adult family home, or of any other law regulating residential care facilities within the past five years that resulted in revocation or nonrenewal of a license.

(3) The license fee shall be submitted with the application.

(4) The department shall serve upon the applicant a copy of the decision granting or denying an application for a license. An applicant shall have the right to contest denial of his or her application for a license as provided in chapter 34.05 RCW by requesting a hearing in writing within ten days after receipt of the notice of denial.

(5) A provider shall not be licensed for more than one adult family home. Exceptions may be authorized by the department for good cause.

(6) The license fee shall be set at fifty dollars per year for each home. A fifty dollar processing fee shall also be charged each home when the home is initially licensed.

NEW SECTION. Sec. 21. (1) An adult family home shall post conspicuously in an area of the home accessible to the residents and visitors:

(a) Its license to operate;

(b) A notice that a copy of each inspection report received by the home from the department for the past three years is available for public inspection.

(2) An adult family home shall retain for public inspection a complete copy of each inspection report received by the home from the department for the past three years.

NEW SECTION. Sec. 22. (1) A license shall be valid for one year.

(2) At least ninety days prior to expiration of the license, the provider shall submit an application for renewal of a license. The department shall have the authority to investigate any information included in the application for renewal of a license.

(3)(a) Homes applying for a license shall be inspected at the time of licensure.

(b) Homes licensed by the department shall be inspected every two years.

(c) Licensed homes where a complaint has been received by the department may be inspected at any time.

(4) If the department finds that the home is not in compliance with this chapter, it shall require the home to correct any violations as provided in this chapter. If the department finds that the home is in compliance with this chapter and the rules adopted under this chapter, the department shall renew the license of the home.

NEW SECTION. Sec. 23. (1) No public agency contractor or employee shall place, refer, or recommend placement of a person into an adult family home that is operating without a license.

(2) Any public agency contractor or employee who knows or should know that an adult family home is operating without a license shall report the name and address of the home to the department. The department shall investigate any report filed under this section.

NEW SECTION. Sec. 24. An adult family home provider shall have the following minimum qualifications:

(1) Eighteen years of age or older;

(2) Good moral and responsible character and reputation;

(3) Literacy;

(4) Management and administrative ability to carry out the requirements of this chapter; and

(5) Sufficient physical, mental, and emotional capacity to carry out the requirements of this chapter.

NEW SECTION. Sec. 25. (1) Adult family homes shall be maintained internally and externally in good repair and condition. Such homes shall have safe and functioning systems for heating, cooling, hot and cold water, electricity, plumbing, garbage disposal, sewage, cooking, laundry, artificial and natural light, ventilation, and any other feature of the home.

(2) Adult family homes shall be maintained in a clean and sanitary manner, including proper sewage disposal, food handling, and hygiene practices.

(3) Adult family homes shall develop a fire drill plan for emergency evacuation of residents, shall have smoke detectors in each bedroom where a resident is located, shall have fire extinguishers on each floor of the home, and shall not keep nonambulatory patients above the first floor of the home.

(4) Adult family homes shall have clean, functioning, and safe household items and furnishings.

(5) Adult family homes shall provide a nutritious and balanced diet and shall recognize residents' needs for special diets.

(6) Adult family homes shall establish health care procedures for the care of residents including medication administration and emergency medical care.

(a) Adult family home residents shall be permitted to self-administer medications.

(b) Adult family home providers may administer medications only to the extent that the provider is a licensed health care professional for whom the administration of medications is within the scope of practice under Washington law.

NEW SECTION. Sec. 26. Each adult family home shall meet applicable local licensing, zoning, building, and housing codes, and state and local fire safety regulations. It is the responsibility of the home to check with local authorities to ensure all local codes are met. An adult family home shall be a residential use of property for zoning purposes. Political jurisdictions shall treat adult family homes as a permitted use in all residential zoning districts, including all single family residential zoning districts.

NEW SECTION. Sec. 27. Whenever possible adult family homes are encouraged to contact and work with local quality assurance projects such as the volunteer ombudsman with the goal of assuring high quality care is provided in the home.

NEW SECTION. Sec. 28. The department shall develop written training material to distribute to adult family home sponsors. The material shall explain licensure requirements established by this chapter and cover other areas to include issues affecting the health, mental health, nutrition, and hygiene of residents as well as other areas pertinent to the care of residents or of the home.

NEW SECTION. Sec. 29. (1) During inspections of an adult family home, the department shall have access and authority to examine, among other things, an adult family home's resident records, accounts, and physical premises, including the buildings, grounds, equipment, or any vehicles. The department also shall have the authority to interview the provider and residents of an adult family home.

(2) Whenever an inspection is conducted, the department shall prepare a written report that summarizes all information obtained during the inspection, and if the home is in violation of this chapter, serve a copy of the inspection report upon the provider at the same time as the notice of violation as provided in this chapter. If the home is not in violation of this chapter, a copy of the inspection report shall be mailed to the provider within ten days of the inspection of the home. All inspection reports shall be made available to the public at the department during business hours.

(3) If during an inspection the department finds it is necessary to take actions against the home as provided for in section 30(2) of this act, the inspection report shall describe any corrective measures on the part of the provider necessary to pass a reinspection. If the department finds upon reinspection of the home that the corrective measures have been satisfactorily implemented, the department shall cease any actions taken against the home. Nothing in this section shall require the department to license or renew the license of a home where serious physical harm or death has occurred to a resident.

NEW SECTION. Sec. 30. (1) The department is authorized to take one or more of the actions listed in subsection (2) of this section in any case in which the department finds that an adult family home provider has:

(a) Failed or refused to comply with the requirements of this chapter or the rules adopted under this chapter;

(b) Operated an adult family home without a license or under a revoked license;

(c) Knowingly or with reason to know made a false statement of material fact on his or her application for license or any data attached thereto, or in any matter under investigation by the department; or

(d) Willfully prevented or interfered with any inspection or investigation by the department.

(2) When authorized by subsection (1) of this section, the department may take one or more of the following actions:

(a) Refuse to issue a license;

(b) Suspend, revoke, or refuse to renew a license; or

(c) Suspend admissions to the adult family home.

NEW SECTION. Sec. 31. Nothing in this chapter or the rules adopted under it may be construed as authorizing the supervision, regulation, or control of the remedial care or treatment of residents in any adult family home conducted by and for the adherents of a church or religious denomination who rely upon spiritual means alone through prayer for healing in accordance with the tenets and practices of such church or religious denomination and the bona fide religious beliefs genuinely held by such adherents.

NEW SECTION. Sec. 32. Section 11, chapter 172, Laws of 1969 ex. sess., section 1, chapter 52, Laws of 1975-'76 2nd ex. sess. and RCW 74.08.044 are each repealed.

VI. RESIDENTIAL CARE FACILITY SITING

NEW SECTION. Sec. 33. (1) Unless the context clearly requires otherwise, these definitions shall apply throughout this section:

(a) "Adult family home" means a residential care facility that is regulated by the department of social and health services or, if SB 5145 becomes law, as regulated under that act.

(b) "Residential care facility" means a facility that cares for at least five, but not more than fifteen functionally disabled persons.

(c) "Sponsor" means any agency or unit of government, or any person or organization that intends to establish an adult family home or a residential care facility.

(d) "Municipality" means a town or city where a residential care facility is to be located, or a county, if the residential care facility is to be located therein and not simultaneously within a town or city.

(e) "Department" means the department of social and health services.

(2) An adult family home shall be considered a residential use of property for zoning purposes. Adult family homes shall be a permitted use in all areas zoned for residential or commercial purposes, including areas zoned for single family dwellings.

(3) The appropriate committees of the legislature shall collaborate with representatives of municipalities, service providers, advocates, the department, the office of the governor, and interested citizens in developing legislation to facilitate the siting of residential facilities in a way that preserves local control of zoning decisions, but implements the purposes of this act. Such committees shall propose legislation by January 1990.

NEW SECTION. Sec. 34. The sum of one hundred fifty thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the general fund to the senate and house of representatives solely for the long-term care commission created under section 13 of this act.

NEW SECTION. Sec. 35. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 36. Sections 2 through 35 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

NEW SECTION. Sec. 37. Sections 2, 3, 9, 11, 13, and 33 of this act shall constitute a new chapter in Title 74 RCW.

NEW SECTION. Sec. 38. Sections 14 through 31 of this act shall constitute a new chapter in Title 70 RCW.

NEW SECTION. Sec. 39. Subchapter headings as used in this act do not constitute any part of the law."

MOTION

Senator Wojahn moved that the following amendments to the Committee on Ways and Means amendment be considered simultaneously and be adopted:

On page 19, after line 33, insert the following:

"(f) "Family day care center" means an agency regulated under chapter 74.15 RCW."

On page 19, line 34, after "home" insert "and family day care center"

On page 20, line 1, after "homes" insert "and family day care centers"

POINT OF ORDER

Senator Anderson: "Thank you, Mr. President. I rise to a point of order. I believe that these amendments to the Committee on Ways and Means amendment offered by Senator Wojahn are outside of the scope and object on this bill. This bill deals with adult family homes and not with family day care centers. Also, the amendments that Senator Wojahn has offered, are being dealt with in another bill, House Bill No. 1582, and these are clearly outside of the intent of the original bill that deals with adult family homes."

Further debate ensued.

There being no objection, the President deferred further consideration of Engrossed Substitute House Bill No. 1968.

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE HOUSE BILL NO. 1056,

SUBSTITUTE HOUSE BILL NO. 1074,

HOUSE BILL NO. 1077,

HOUSE BILL NO. 1198,

HOUSE BILL NO. 1231,

HOUSE BILL NO. 1258,

HOUSE BILL NO. 1358,

SUBSTITUTE HOUSE BILL NO. 1386,

HOUSE BILL NO. 1400,

HOUSE BILL NO. 1690,

HOUSE BILL NO. 1757,

SUBSTITUTE HOUSE BILL NO. 1853,

SUBSTITUTE HOUSE BILL NO. 1854,

SUBSTITUTE HOUSE BILL NO. 1894,

HOUSE BILL NO. 1980,

SUBSTITUTE HOUSE BILL NO. 2012.

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE HOUSE BILL NO. 1430,

SUBSTITUTE HOUSE BILL NO. 1455,

SUBSTITUTE HOUSE BILL NO. 1572,

SUBSTITUTE HOUSE BILL NO. 1630,

HOUSE BILL NO. 1844,

HOUSE BILL NO. 1993,

HOUSE BILL NO. 2118.

There being no objection, the President returned the Senate to the fourth order of business.

MESSAGE FROM THE HOUSE

April 18, 1989

Mr. President:

The House insists on its position regarding its amendments to SECOND SUBSTITUTE SENATE BILL NO. 5372 and asks the Senate for a conference thereon. The Speaker has appointed the following members as Conferees:

Representatives Belcher, G. Fisher and Beck.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Newhouse, the Senate granted the request of the House for a conference on Second Substitute Senate Bill No. 5372 and the House amendments thereto.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Second Substitute Senate Bill No. 5372 and the House amendments thereto: Senators Nelson, Talmadge and Bluechel.

MOTION

On motion of Senator Newhouse, the Conference Committee appointments were confirmed.

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

INTRODUCTION AND FIRST READING

SCR 8414 by Senators Barr, McMullen, Amondson, Hansen, Smith, Vognild, Anderson, Bailey, Madsen, Hayner and Sutherland

Resolving to oppose the United States Forest Service's proposal to divert a portion of timber sales proceeds for fire suppression.

HOLD.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

ESHB 1825 by Committee on Transportation (originally sponsored by Representatives R. Fisher, Wood, Walk, Nelson, G. Fisher, Day, Hankins, Walker, Cantwell, Todd, Heavey, Winsley, Pruitt, Wang, Prentice, R. King, Scott, Crane and Fraser)

Changing provisions relating to high capacity transportation systems.

HOLD.

HCR 4411 by Representatives Ebersole, Ballard, Locke, Silver, Holland, Hine and Bowman

Providing for a joint select committee on legislative fiscal organization.

Referred to Committee on Ways and Means.

MOTION

On motion of Senator Newhouse, the rules were suspended and Senate Concurrent Resolution No. 8414 and Engrossed Substitute House Bill No. 1825 were advanced to second reading and placed on the second reading calendar.

At 3:48 p.m., there being no objection, the President declared the Senate to be at ease.

The Senate was called to order at 4:29 p.m. by President Pritchard.

There being no objection, the President returned the Senate to the fourth order of business.

MESSAGE FROM THE HOUSE

April 18, 1989

Mr. President:

The House has passed SECOND SUBSTITUTE SENATE BILL NO. 5400 with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 2, chapter 204, Laws of 1982 as amended by section 1, chapter 274, Laws of 1986 and RCW 71.24.015 are each amended to read as follows:

It is the intent of the legislature to establish a community mental health program which shall help people experiencing mental illness to retain a respected and productive position in the community. This will be accomplished through programs which provide(s) for:

(1) Access to mental health services for adults and children of the state who are acutely mentally ill, seriously disturbed, or chronically mentally ill, which services recognize the special needs of underserved populations, including minorities, children, the elderly, disabled, and low-income persons. It is also the purpose of this chapter to ensure that children in need of mental health care and treatment receive the care and treatment appropriate to their developmental level, and to enable treatment decisions to be made in response to clinical needs and in accordance with sound professional judgment while also recognizing parents' rights to participate in treatment decisions for their children;

(2) Accountability of services through state-wide standards for ~~((management))~~ monitoring and reporting of information;

(3) Minimum service delivery standards;

(4) Priorities for the use of available resources for the care of the mentally ill;

(5) Coordination of services within the department, including those divisions within the department that provide services to children, between the department and the office of the superintendent of public instruction, and among state mental hospitals, county authorities, community mental health services, and other support services, which ~~((may)) shall to the maximum extent feasible~~ also include the families of the mentally ill, and other service providers; and

(6) Coordination of services aimed at reducing duplication in service delivery and promoting complementary services among all entities that provide mental health services to adults and children.

It is the policy of the state to encourage the provision of a full range of treatment and rehabilitation services in the state for mental disorders. The legislature intends to encourage the development of county-based services with adequate local flexibility to assure eligible people in need of care access to the least-restrictive treatment alternative appropriate to their needs, and the availability of treatment components to assure continuity of care. To this end, counties are encouraged to enter into joint operating agreements with other counties to form regional systems of care which integrate planning, administration, and service delivery duties assigned to counties under chapters 71.05 and 71.24 RCW to consolidate administration, reduce administrative layering, and reduce administrative costs.

It is further the intent of the legislature to integrate the provision of services to provide continuity of care through all phases of treatment. To this end the legislature intends to promote active engagement with mentally ill persons and collaboration between families and service providers.

Sec. 2. Section 3, chapter 204, Laws of 1982 as amended by section 2, chapter 274, Laws of 1986 and RCW 71.24.025 are each amended to read as follows:

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

(1) "Acutely mentally ill" means a condition which is limited to a short-term severe crisis episode of:

(a) A mental disorder as defined in RCW 71.05.020(2) or, in the case of a child, as defined in RCW 71.34.020(12);

(b) Being gravely disabled as defined in RCW 71.05.020(1) or, in the case of a child, as defined in RCW 71.34.020(8); or

(c) Presenting a likelihood of serious harm as defined in RCW 71.05.020(3) or, in the case of a child, as defined in RCW 71.34.020(11).

(2) "Available resources" means those funds which shall be appropriated under this chapter by the legislature during any biennium for the purpose of providing community mental health programs under RCW 71.24.045. When regional support networks are established or after July 1, 1995, "available resources" means federal funds, except those provided according to Title XIX of the social security act, and state funds appropriated under this chapter or chapter 71.05 RCW by the legislature during any biennium for the purpose of providing residential services, resource management services, community support services, and other mental health services. This does not include funds appropriated for the purpose of operating and administering the state psychiatric hospitals, except as negotiated according to section 5(1)(d) of this act.

(3) "Licensed service provider" means an entity licensed ~~((by the department))~~ according to this chapter or chapter 71.05 RCW that meets state minimum standards or individuals licensed under chapter 18.57, 18.71, 18.83, or 18.88 RCW.

(4) "Child" means a person under the age of eighteen years.

(5) "Chronically mentally ill person" means a child or adult who has a mental disorder, in the case of a child as defined by chapter 71.34 RCW, and meets at least one of the following criteria:

(a) Has undergone two or more episodes of hospital care for a mental disorder within the preceding two years or, in the case of a child, has been placed by the department or its designee two or more times outside of the home, where the placements are related to a mental disorder, as defined in chapter 71.34 RCW, and where the placements progress toward a more

restrictive setting. Placements by the department include but are not limited to placements by child protective services and child welfare services;

(b) Has experienced a continuous psychiatric hospitalization or residential treatment exceeding six months' duration within the preceding year;

(c) Has been unable to engage in any substantial gainful activity by reason of any mental disorder which has lasted for a continuous period of not less than twelve months. "Substantial gainful activity" shall be defined by the department by rule consistent with Public Law 92-603, as amended, and shall include school attendance in the case of a child; or

(d) In the case of a child, has been subjected to continual distress as indicated by repeated physical or sexual abuse or neglect.

(6) "Community mental health program" means all mental health services established by a county authority. After July 1, 1995, or when the regional support networks are established, "community mental health program" means all activities or programs using available resources.

(7) "Community support services" means services for acutely and chronically mentally ill persons and includes: (a) Discharge planning for clients leaving state mental hospitals, other acute care inpatient facilities, inpatient psychiatric facilities for persons under twenty-one years of age, and other children's mental health residential treatment facilities; (b) sufficient contacts with clients, families, schools, or significant others to provide for an effective program of community maintenance; and (c) medication monitoring. After July 1, 1995, or when regional support networks are established, for adults and children "community support services" means services authorized, planned, and coordinated through resource management services including, at least, assessment, diagnosis, emergency crisis intervention available twenty-four hours, seven days a week, prescreening determinations for mentally ill persons being considered for placement in nursing homes as required by federal law, screening for patients being considered for admission to residential services, investigation, legal, and other nonresidential services under chapter 71.05 RCW, case management services, psychiatric treatment including medication supervision, counseling, psychotherapy, assuring transfer of relevant patient information between service providers, other services determined by regional support networks, and maintenance of a patient tracking system for chronically mentally ill persons.

(8) "County authority" means the board of county commissioners, county council, or county executive having authority to establish a community mental health program, or two or more of the county authorities specified in this subsection which have entered into an agreement to provide a community mental health program.

~~((#))~~ (9) "Department" means the department of social and health services.

~~((#))~~ (10) "Mental health services" means community services pursuant to RCW 71.24.035(5)(b) and other services provided by the state for the mentally ill. When regional support networks are established, or after July 1, 1995, "mental health services" shall include all services provided by regional support networks.

~~((#))~~ (11) "Mentally ill persons" and "the mentally ill" mean persons and conditions defined in subsections (1), (5), and ~~((#))~~ (15) of this section.

~~((#))~~ (12) "Regional support network" means a county authority or group of county authorities recognized by the secretary that enter into joint operating agreements to contract with the secretary pursuant to this chapter.

(13) "Residential services" means a facility or distinct part thereof which provides food~~((; clothing;))~~ and shelter, and may include ~~((day))~~ treatment services ~~((as defined in RCW 71.24.045, for acutely mentally ill, chronically mentally ill, or seriously disturbed persons as defined in this section. Such facilities include, but are not limited to, congregate care facilities providing mental health client services as stipulated by contract with the department beginning January 1, 1982)).~~

When regional support networks are established, or after July 1, 1995, for adults and children "residential services" means a complete range of residences and supports authorized by resource management services and which may involve a facility, a distinct part thereof, or services which support community living, for acutely mentally ill persons, chronically mentally ill persons, or seriously disturbed persons determined by the regional support network to be at risk of becoming acutely or chronically mentally ill. The services shall include at least evaluation and treatment services as defined in chapter 71.05 RCW, acute crisis respite care, long-term adaptive and rehabilitative care, and supervised and supported living services, and shall also include any residential services developed to service mentally ill persons in nursing homes.

(14) "Resource management services" mean the planning, coordination, and authorization of residential services and community support services administered pursuant to an individual service plan for acutely mentally ill adults and children, chronically mentally ill adults and children, or seriously disturbed adults and children determined by the regional support network at their sole discretion to be at risk of becoming acutely or chronically mentally ill. Resource management services include seven day a week, twenty-four hour a day availability of information regarding mentally ill adults' and children's enrollment in services and their

individual service plan to county-designated mental health professionals, evaluation and treatment facilities, and others as determined by the regional support network.

~~((+2))~~ (15) "Seriously disturbed person" means a person who:

- (a) Is gravely disabled or presents a likelihood of serious harm to ~~((himself))~~ oneself or others as a result of a mental disorder as defined in chapter 71.05 RCW;
- (b) Has been on conditional release status at some time during the preceding two years from an evaluation and treatment facility or a state mental health hospital;
- (c) Has a mental disorder which causes major impairment in several areas of daily living;
- (d) Exhibits suicidal preoccupation or attempts; or
- (e) Is a child diagnosed by a mental health professional, as defined in RCW 71.05.020, as experiencing a mental disorder which is clearly interfering with the child's functioning in family or school or with peers or is clearly interfering with the child's personality development and learning.

~~((+3))~~ (16) "Secretary" means the secretary of social and health services.

~~((+4))~~ (17) "State minimum standards" means: (a) Minimum requirements for ~~((management and))~~ delivery of mental health services as established by departmental rules and necessary to implement this chapter, including but not limited to ~~((county administration;))~~ licensing service providers ~~((information, accountability, contracts;))~~ and services; ~~((and))~~ (b) minimum service requirements for licensed service providers for the provision of mental health services as established by departmental rules pursuant to chapter ~~((34.04))~~ 34.05 RCW as necessary to implement this chapter, including, but not limited to: Qualifications for staff providing services directly to mentally ill persons; the intended result of each service ~~((for those priority groups identified in RCW 71.24.035(5)(b)));~~ and the rights and responsibilities of persons receiving mental health services pursuant to this chapter; (c) minimum requirements for residential services as established by the department in rule based on clients' functional abilities and not solely on their diagnoses, limited to health and safety, staff qualifications, and program outcomes. Minimum requirements for residential services are those developed in collaboration with consumers, families, counties, regulators, and residential providers serving the mentally ill. Minimum requirements encourage the development of broad-range residential programs, including integrated housing and cross-systems programs where appropriate, and do not unnecessarily restrict programming flexibility; and (d) minimum standards for community support services and resource management services, including at least qualifications for resource management services, client tracking systems, and the transfer of patient information between service providers.

Sec. 3. Section 4, chapter 204, Laws of 1982 as last amended by section 1, chapter 105, Laws of 1987 and RCW 71.24.035 are each amended to read as follows:

- (1) The department is designated as the state mental health authority.
- (2) The secretary may provide for public, client, and licensed service provider participation in developing the state mental health program.
- (3) The secretary shall provide for participation in developing the state mental health program for children and other underserved populations, by including ~~((children's))~~ representatives on any committee established to provide oversight to the state mental health program.
- (4) The secretary shall be designated as the county authority if a county fails to meet state minimum standards or refuses to exercise responsibilities under RCW 71.24.045.
- (5) The secretary shall:
 - (a) Develop a biennial state mental health program that incorporates county biennial needs assessments and county mental health service plans and state services for mentally ill adults and children. The secretary may also develop a six-year state mental health plan;
 - (b) Assure that any county community mental health program provides access to treatment for the county's residents in the following order of priority: (i) The acutely mentally ill; (ii) the chronically mentally ill; and (iii) the seriously disturbed. Such programs shall provide:
 - (A) Outpatient services;
 - (B) Emergency care services for twenty-four hours per day;
 - (C) Day treatment for mentally ill persons which includes training in basic living and social skills, supported work, vocational rehabilitation, and day activities. Such services may include therapeutic treatment. In the case of a child, day treatment includes age-appropriate basic living and social skills, educational and prevocational services, day activities, and therapeutic treatment;
 - (D) Screening for patients being considered for admission to state mental health facilities to determine the appropriateness of admission;
 - (E) Consultation and education services; and
 - (F) Community support services ~~((for acutely and chronically mentally ill persons which include: (i) Discharge planning for clients leaving state mental hospitals, other acute care inpatient facilities; inpatient psychiatric facilities for persons under twenty-one years of age; and other children's mental health residential treatment facilities; (ii) sufficient contacts with clients, families, schools, or significant others to provide for an effective program of community maintenance; and (iii) medication monitoring;))~~;

(c) Develop and promulgate rules establishing state minimum standards for the ~~((man-
agement and))~~ delivery of mental health services including, but not limited to:

(i) Licensed service providers;

(ii) ~~((County administration))~~ Regional support networks; and

(iii) ~~((information required to assure accountability of services delivered to the mentally ill;
and~~

~~((iv))~~ Residential and inpatient services, ((if a county chooses to provide such optional ser-
vices)) evaluation and treatment services and facilities under chapter 71.05 RCW, resource
management services, and community support services;

~~((d))~~ ((Assure coordination of services consistent with state minimum standards for individu-
als who are released from a state hospital into the community to assure a continuum of care;

~~((e))~~ Assure that the special needs of minorities, the elderly, disabled, children, and low-
income persons are met within the priorities established in ((subsection (5)(b) of)) this section;

~~((f))~~ ((e) Establish a standard contract or contracts, consistent with state minimum stan-
dards, which shall be used by the counties;

~~((g))~~ ((f) Establish, to the extent possible, a standardized auditing procedure which mini-
mizes paperwork requirements of county authorities and licensed service providers;

~~((h))~~ ((g) Develop and maintain an information system to be used by the state ((and)),
counties, and regional support networks when they are established which shall include a
tracking method which allows the department and regional support networks to identify men-
tal health clients' participation in any mental health service or public program on an immedi-
ate basis. The information system shall not include individual patient's case history files.
Confidentiality of client information and records shall be maintained as provided in this chap-
ter and in RCW 71.05.390, 71.05.400, 71.05.410, 71.05.420, 71.05.430, and 71.05.440. The system
shall be fully operational no later than January 1, 1993: PROVIDED, HOWEVER, That when a
regional support network is established, the department shall have an operational interim
tracking system for that network that will be adequate for the regional support network to per-
form its required duties under this chapter;

~~((i))~~ ((h) License service providers who meet state minimum standards;

~~((j))~~ ((i) Establish criteria to evaluate the performance of counties in administering mental
health programs as established under this chapter. Evaluation of community mental health
services shall include all categories of illnesses treated, all types of treatment given, the num-
ber of people treated, and costs related thereto; and

~~((k))~~ ((j) Certify regional support networks that meet state minimum standards;

~~((l))~~ ((k) Periodically inspect certified regional support networks and licensed service providers
at reasonable times and in a reasonable manner; and

~~((m))~~ ((l) Fix fees to be paid by evaluation and treatment centers to the secretary for the
required inspections;

~~((n))~~ ((m) Monitor and audit counties, regional support networks, and licensed service providers
as needed to assure compliance with contractual agreements authorized by this chapter;

~~((o))~~ ((n) Prior to September 1, ((1982)) 1989, adopt such rules as are necessary to implement the
department's responsibilities under this chapter pursuant to chapter ((34-04)) 34.05 RCW: PRO-
VIDED, That such rules shall be submitted to the appropriate committees of the legislature for
review and comment prior to adoption; and

~~((p))~~ ((o) Beginning July 1, 1989, and continuing through July 1, 1993, track by region and county
the use and cost of state hospital and local evaluation and treatment facilities for seventy-two
hour detention, fourteen, ninety, and one hundred eighty day commitments pursuant to chap-
ter 71.05 RCW, voluntary care in state hospitals, and voluntary community inpatient care cov-
ered by the medical assistance program. Service use and cost reports shall be provided to
regions in a timely fashion at six-month intervals.

~~((q))~~ ((p) The secretary shall use available resources appropriated specifically for community
mental health programs only for programs under RCW 71.24.045. After July 1, 1995, or when
regional support networks are established, available resources may be used only for regional
support networks.

~~((r))~~ ((q) Each certified regional support network and licensed service provider shall file with the
secretary, on request, such data, statistics, schedules, and information as the secretary reason-
ably requires. A certified regional support network or licensed service provider which, without
good cause, fails to furnish any data, statistics, schedules, or information as requested, or files
fraudulent reports thereof, may have its certification or license revoked or suspended.

~~((s))~~ ((r) The secretary may suspend, revoke, limit, or restrict a certification or license, or refuse
to grant a certification or license for failure to conform to the law, applicable rules and reg-
ulations, or applicable standards, or failure to meet the minimum standards established pursu-
ant to this section.

~~((t))~~ ((s) The superior court may restrain any regional support network or service provider from
operating without certification or a license or any other violation of this section. The court may
also review, pursuant to procedures contained in chapter 34.05 RCW, any denial, suspension,
limitation, restriction, or revocation of certification or license, and grant other relief required to
enforce the provisions of this chapter.

(10) Upon petition by the secretary, and after hearing held upon reasonable notice to the facility, the superior court may issue a warrant to an officer or employee of the secretary authorizing him or her to enter at reasonable times, and examine the records, books, and accounts of any regional support network or service provider refusing to consent to inspection or examination by the authority.

(11) The secretary shall adopt such rules as may be necessary to effectuate the intent and purposes of this chapter, which shall include but not be limited to certification and licensing and other action relevant to certifying regional support networks and licensing service providers.

(12) Notwithstanding the existence or pursuit of any other remedy, the secretary may, in the manner provided by law, upon the advice of the attorney general who shall represent the secretary in the proceedings, maintain an action in the name of the state for an injunction or other process against any person or governmental unit to restrain or prevent the establishment, conduct, or operation of a regional support network or service provider without certification or a license under this chapter.

(13) The standards for certification of evaluation and treatment facilities shall include standards relating to maintenance of good physical and mental health and other services to be afforded persons pursuant to this chapter and chapter 71.05 RCW, and shall otherwise assure the effectuation of the purposes and intent of this chapter and chapter 71.05 RCW.

(14)(a) The department, in consultation with affected parties, shall establish a distribution formula that reflects county needs assessments based on the number of persons who are acutely mentally ill, chronically mentally ill, and seriously disturbed as defined in chapter 71.24 RCW. The formula shall take into consideration the impact on counties of demographic factors in counties which result in concentrations of priority populations as defined in ((chapter 71-24 RCW) subsection (15) of this section. These factors shall include the population concentrations resulting from commitments under the involuntary treatment act, chapter 71.05 RCW, to state psychiatric hospitals, as well as concentration in urban areas, at border crossings at state boundaries, and other significant demographic and workload factors.

(b) The department shall submit a proposed distribution formula in accordance with this section to the ways and means and ((human services)) health care and corrections committees of the senate and to the ways and means and human services committees of the house of representatives by ((January 1, 1988)) October 1, 1989. The formula shall also include a projection of the funding allocations that will result for each county, which specifies allocations according to priority populations, including the allocation for services to children and other underserved populations.

(15) To supersede duties assigned under subsection (5) (a) and (b) of this section, and to assure a county-based, integrated system of care for acutely mentally ill adults and children, chronically mentally ill adults and children, and seriously disturbed adults and children who are determined by regional support networks at their sole discretion to be at risk of becoming acutely or chronically mentally ill, the secretary shall encourage the development of regional support networks as follows:

By December 1, 1989, the secretary shall recognize regional support networks requested by counties or groups of counties.

All counties wishing to be recognized as a regional support network on December 1, 1989, shall submit their intentions regarding participation in the regional support networks by October 30, 1989, along with preliminary plans. Counties wishing to be recognized as a regional support network by January 1, 1993, shall submit their intentions by November 30, 1992, along with preliminary plans. The secretary shall assume all duties assigned to the nonparticipating counties under chapters 71.05 and 71.24 RCW on July 1, 1995. Such responsibilities shall include those which would have been assigned to the nonparticipating counties under regional support networks.

The implementation of regional support networks, or the secretary's assumption of all responsibilities under chapters 71.05 and 71.24 RCW, shall be included in all state and federal plans affecting the state mental health program including at least those required by this chapter, the Medicaid program, and P.L. 99-660. Nothing in these plans shall be inconsistent with the intent and requirements of this chapter.

(16) The secretary shall:

(a) Disburse the first funds for the regional support networks that are ready to begin implementation by January 1, 1990, or within sixty days of approval of the biennial contract. The department must either approve or reject the biennial contract within sixty days of receipt.

(b) Enter into biennial contracts with regional support networks to begin implementation between January 1, 1990, and March 1, 1990, and complete implementation by June 1995. The contracts shall be consistent with available resources and plans submitted by participating regional support networks, and approved by the department.

(c) By July 1, 1993, allocate one hundred percent of available resources to regional support networks created by January 1, 1990, in a single grant. Regional support networks created by January 1, 1993, shall receive a single block grant by July 1, 1995. The grants shall include funds currently provided for all residential services, all services pursuant to chapter 71.05 RCW,

and all community support services and shall be distributed in accordance with a formula submitted to the legislature by January 1, 1993, in accordance with subsection (14) of this section.

(d) By January 1, 1990, allocate available resources to regional support networks for community support services, resource management services, and residential services excluding evaluation and treatment facilities provided pursuant to chapter 71.05 RCW in a single grant using the distribution formula established in subsection (14) of this section.

(e) By March 1, 1990, or within sixty days of approval of the contract continuing through July 1, 1993, provide grants as specifically appropriated by the legislature to regional support networks for evaluation and treatment facilities for persons detained or committed for periods up to seventeen days according to chapter 71.05 RCW. For regional support networks created by January 1, 1993, provide grants as specifically appropriated by the legislature to regional support networks for evaluation and treatment facilities for persons detained or committed for periods up to seventeen days according to chapter 71.05 RCW through July 1, 1995.

(f) Notify regional support networks of their allocation of available resources at least sixty days prior to the start of a new biennial contract period.

(g) Study and report to the legislature by December 1, 1989, on expanding the use of federal Title XIX funds and the definition of institutions for mental diseases to provide services to persons who are acutely mentally ill, chronically mentally ill, or at risk of becoming so. The study shall also include an assessment of the impact of Title XIX funds and the definition of institutions for mental diseases on the use of state funds to provide needed mental health services to the chronically mentally ill.

(h) Deny funding allocations to regional support networks based solely upon formal findings of noncompliance with the terms of the regional support network's contract with the department. Written notice and at least thirty days for corrective action must precede any such action. In such cases, regional support networks shall have full rights to appeal under chapter 34.05 RCW.

(i) Identify in its departmental biennial operating and capital budget requests the funds requested by regional support networks to implement their responsibilities under this chapter.

(j) Contract to provide or, if requested, make grants to counties to provide technical assistance to county authorities or groups of county authorities to develop regional support networks.

(17) The department of social and health services, in cooperation with the state congressional delegation, shall actively seek waivers of federal requirements and such modifications of federal regulations as are necessary to allow federal Medicaid reimbursement for services provided by free-standing evaluation and treatment facilities certified under chapter 71.05 RCW. The department shall periodically report its efforts to the health care and corrections committee of the senate and the human services committee of the house of representatives.

(18) The secretary shall establish a task force to examine the recruitment, training, and compensation of qualified mental health professionals in the community, which shall include the advantages and disadvantages of establishing a training academy, loan forgiveness program, or educational stipends offered in exchange for commitments of employment in mental health. The task force shall report back to the appropriate committees of the legislature by January 1, 1990.

Sec. 4. Section 5, chapter 204, Laws of 1982 as amended by section 5, chapter 274, Laws of 1986 and RCW 71.24.045 are each amended to read as follows:

The county authority shall:

(1) Submit biennial needs assessments beginning January 1, 1983, and mental health service plans which incorporate all services provided for by the county authority consistent with state minimum standards and which provide access to treatment for the county's residents including children and other underserved populations who are acutely mentally ill, chronically mentally ill, or seriously disturbed. The county program shall provide:

(a) Outpatient services;

(b) Emergency care services for twenty-four hours per day;

(c) Day treatment for mentally ill persons which includes training in basic living and social skills, supported work, vocational rehabilitation, and day activities. Such services may include therapeutic treatment. In the case of a child, day treatment includes age-appropriate basic living and social skills, educational and prevocational services, day activities, and therapeutic treatment;

(d) Screening for patients being considered for admission to state mental health facilities to determine appropriateness of admission;

(e) Consultation and education services;

(f) Residential and inpatient services, if the county chooses to provide such optional services; and

(g) Community support services ~~((for acutely and chronically mentally ill persons which include: (i) Discharge planning for clients leaving state mental hospitals, other acute care inpatient facilities, inpatient psychiatric facilities for persons under twenty-one years of age, and other children's mental health residential treatment facilities; (ii) sufficient contacts with~~

clients, schools, families, or significant others to provide for an effective program of community maintenance; and (iii) medication monitoring).

The county shall develop the biennial needs assessment based on clients to be served, services to be provided, and the cost of those services, and may include input from the public, clients, and licensed service providers. Each county authority may appoint a county mental health advisory board which shall review and provide comments on plans and policies developed by the county authority under this chapter. The composition of the board shall be broadly representative of the demographic character of the county and the mentally ill persons served therein. Length of terms of board members shall be determined by the county authority;

(2) Contract as needed with licensed service providers. The county authority may, in the absence of a licensed service provider entity, become a licensed service provider entity pursuant to minimum standards required for licensing by the department for the purpose of providing services not available from licensed service providers;

(3) Operate as a licensed service provider if it deems that doing so is more efficient and cost effective than contracting for services. When doing so, the county authority shall comply with rules promulgated by the secretary that shall provide measurements to determine when a county provided service is more efficient and cost effective. (~~Whenever a county authority chooses to operate as a licensed service provider, the secretary shall act as the county authority for that service.~~)

(4) Monitor and perform biennial fiscal audits of licensed service providers who have contracted with the county to provide services required by this chapter. The monitoring and audits shall be performed by means of a formal process which insures that the licensed service providers and professionals designated in this subsection meet the terms of their contracts, including the minimum standards of (~~management and~~) service delivery as established by the department;

(5) Assure that the special needs of minorities, the elderly, disabled, children, and low-income persons are met within the priorities established in (~~RCW 71.24.035(5)(b))~~ this chapter;

(6) Maintain patient tracking information in a central location (~~for the chronically mentally ill~~) as required for resource management services;

(7) Use not more than two percent of state-appropriated community mental health funds, which shall not include federal funds, to administer community mental health programs under RCW 71.24.155: PROVIDED, That county authorities serving a county or combination of counties whose population is equal to or greater than that of a county of the first class may be entitled to sufficient state-appropriated community mental health funds to employ up to one full-time employee or the equivalent thereof in addition to the two percent limit established in this subsection when such employee is providing staff services to a county mental health advisory board;

(8) Coordinate services for individuals who have received services through the community mental health system and who become patients at a state mental hospital.

NEW SECTION. Sec. 5. A new section is added to chapter 71.24 RCW to read as follows:

A county authority or a group of county authorities whose combined population is no less than forty thousand may enter into a joint operating agreement to form a regional support network. The roles and responsibilities of county authorities shall be determined by the terms of that agreement and the provisions of law. The state mental health authority may not determine the roles and responsibilities of county authorities as to each other under regional support networks by rule, except to assure that all duties required of regional support networks are assigned and that a single authority has final responsibility for all available resources and performance under the regional support network's contract with the secretary.

(1) Regional support networks shall within three months of recognition submit an overall six-year operating and capital plan, timeline, and budget and submit progress reports and an updated two-year plan biennially thereafter, to assume within available resources all of the following duties by July 1, 1995, instead of those presently assigned to counties under RCW 71.24.045(1):

(a) Administer and provide for the availability of all resource management services, residential services, and community support services.

(b) Administer and provide for the availability of all investigation, transportation, court-related, and other services provided by the state or counties pursuant to chapter 71.05 RCW.

(c) By July 1, 1993, provide within the boundaries of each regional support network evaluation and treatment services for at least eighty-five percent of persons detained or committed for periods up to seventeen days according to chapter 71.05 RCW. Regional support networks with populations of less than one hundred fifty thousand may contract to purchase evaluation and treatment services from other networks. For regional support networks that are created after June 30, 1991, the requirements of (c) of this subsection must be met by July 1, 1995.

(d) By July 1, 1993, administer a portion of funds appropriated by the legislature to house mentally ill persons in state institutions from counties within the boundaries of any regional support network, with the exception of mentally ill offenders, and provide for the care of all

persons needing evaluation and treatment services for periods up to seventeen days according to chapter 71.05 RCW in appropriate residential services, which may include state institutions. The regional support networks shall reimburse the state for use of state institutions at a rate equal to that assumed by the legislature when appropriating funds for such care at state institutions during the biennium when reimbursement occurs. The duty of a state hospital to accept persons for evaluation and treatment under chapter 71.05 RCW is limited by the responsibilities assigned to regional support networks under this section. For regional support networks that are created after June 30, 1991, the requirements of (d) of this subsection must be met by July 1, 1995.

(e) In the 1991-93 biennium, regional support networks which were recognized in 1989 shall include within their contracts measurable progress toward implementing evaluation and treatment goals, including agreements to reduce the overall number of detentions and agreements to divert a portion of short-term commitments from state hospitals established in the regional network plan: PROVIDED, That such agreements will not be required until the 1991 legislature has reviewed the feasibility and practicality of such agreements and has concurred with the appropriateness of such agreements.

(f) Administer and provide for the availability of all other mental health services, which shall include patient counseling, day treatment, consultation, education services, and mental health services to children as provided in this chapter.

(g) Establish standards and procedures for reviewing individual service plans and determining when that person may be discharged from resource management services.

(2) Regional support networks shall assume all duties assigned to county authorities by this chapter and chapter 71.05 RCW.

(3) A regional support network may request that any state-owned land, building, facility, or other capital asset which was ever purchased, deeded, given, or placed in trust for the care of the mentally ill and which is within the boundaries of a regional support network be made available to support the operations of the regional support network. State agencies managing such capital assets shall give first priority to requests for their use pursuant to this chapter.

(4) Each regional support network shall appoint a mental health advisory board which shall review and provide comments on plans and policies developed under this chapter. The composition of the board shall be broadly representative of the demographic character of the region and the mentally ill persons served therein. Length of terms of board members shall be determined by the regional support network.

(5) Regional support networks shall assume all duties specified in their plans and joint operating agreements through biennial contractual agreements with the secretary.

(6) Counties or groups of counties participating in a regional support network are not subject to RCW 71.24.045(7). The office of financial management shall consider information gathered in studies required in this chapter and information about the experience of other states to propose a mental health services administrative cost lid to the 1991 legislature which shall include administrative costs of licensed service providers, the state psychiatric hospitals and the department.

(7) The first regional support network contract may include a pilot project to: Establish standards and procedures for (a) making referrals for comprehensive medical examinations and treatment programs for those whose mental illness is caused or exacerbated by organic disease, and (b) training staff in recognizing the relationship between mental illness and organic disease.

Sec. 6. Section 16, chapter 111, Laws of 1967 ex. sess. as amended by section 10, chapter 204, Laws of 1982 and RCW 71.24.160 are each amended to read as follows:

The county authority shall make satisfactory showing to the secretary that state funds shall in no case be used to replace local funds from any source being used to finance mental health services prior to January 1, ((1982)) 1990.

Sec. 7. Section 7, chapter 142, Laws of 1973 1st ex. sess. as amended by section 5, chapter 215, Laws of 1979 ex. sess. and RCW 71.05.020 are each amended to read as follows:

For the purposes of this chapter:

(1) "Gravely disabled" means a condition in which a person, as a result of a mental disorder: (a) Is in danger of serious physical harm resulting from a failure to provide for his essential human needs of health or safety, or (b) manifests severe deterioration in routine functioning evidenced by repeated and escalating loss of cognitive or volitional control over his or her actions and is not receiving such care as is essential for his or her health or safety;

(2) "Mental disorder" means any organic, mental, or emotional impairment which has substantial adverse effects on an individual's cognitive or volitional functions;

(3) "Likelihood of serious harm" means either: (a) A substantial risk that physical harm will be inflicted by an individual upon his own person, as evidenced by threats or attempts to commit suicide or inflict physical harm on one's self, (b) a substantial risk that physical harm will be inflicted by an individual upon another, as evidenced by behavior which has caused such harm or which places another person or persons in reasonable fear of sustaining such harm, or (c) a substantial risk that physical harm will be inflicted by an individual upon the

property of others, as evidenced by behavior which has caused substantial loss or damage to the property of others;

(4) "Peace officer" means a law enforcement official of a public agency or governmental unit, and includes persons specifically given peace officer powers by any state law, local ordinance, or judicial order of appointment;

(5) "Judicial commitment" means a commitment by a court pursuant to the provisions of this chapter;

(6) "Public agency" means any evaluation and treatment facility or institution, hospital, or sanitarium which is conducted for, or includes a department or ward conducted for, the care and treatment of persons who are mentally ill or deranged, if the agency is operated directly by, federal, state, county, or municipal government, or a combination of such governments;

(7) "Private agency" means any person, partnership, corporation, or association not defined as a public agency, whether or not financed in whole or in part by public funds, which constitutes an evaluation and treatment facility or private institution, hospital, or sanitarium, which is conducted for, or includes a department or ward conducted for the care and treatment of persons who are mentally ill;

(8) "Attending staff" means any person on the staff of a public or private agency having responsibility for the care and treatment of a patient;

(9) "Department" means the department of social and health services of the state of Washington;

(10) "Resource management services" has the meaning given in chapter 71.24 RCW;

(11) "Secretary" means the secretary of the department of social and health services, or his designee;

~~((+1))~~ (12) "Mental health professional" means a psychiatrist, psychologist, psychiatric nurse, or social worker, and such other mental health professionals as may be defined by rules and regulations adopted by the secretary pursuant to the provisions of this chapter;

~~((+2))~~ (13) "Professional person" shall mean a mental health professional, as above defined, and shall also mean a physician, registered nurse, and such others as may be defined by rules and regulations adopted by the secretary pursuant to the provisions of this chapter;

~~((+3))~~ (14) "Psychiatrist" means a person having a license as a physician and surgeon in this state who has in addition completed three years of graduate training in psychiatry in a program approved by the American medical association or the American osteopathic association;

~~((+4))~~ (15) "Psychologist" means a person who has been licensed as a psychologist pursuant to chapter 18.83 RCW;

~~((+5))~~ (16) "Social worker" means a person with a master's or further advanced degree from an accredited school of social work or a degree from a graduate school deemed equivalent under rules and regulations adopted by the secretary;

~~((+6))~~ (17) "Evaluation and treatment facility" means any facility which can provide directly, or by direct arrangement with other public or private agencies, emergency evaluation and treatment, outpatient care, and short term inpatient care to persons suffering from a mental disorder, and which is certified as such by the department of social and health services: PROVIDED, That a physically separate and separately operated portion of a state hospital may be designated as an evaluation and treatment facility: PROVIDED FURTHER, That a facility which is part of, or operated by, the department of social and health services or any federal agency will not require certification: AND PROVIDED FURTHER, That no correctional institution or facility, or jail, shall be an evaluation and treatment facility within the meaning of this chapter.

NEW SECTION. Sec. 8. A new section is added to chapter 71.05 RCW to read as follows:

The legislature intends that the procedures and services authorized in this chapter be integrated with those in chapter 71.24 RCW to the maximum extent necessary to assure a continuum of care to persons who are mentally ill or who have mental disorders, as defined in either or both this chapter and chapter 71.24 RCW. To this end, regional support networks established in accordance with chapter 71.24 RCW shall institute procedures which require timely consultation with resource management services by county-designated mental health professionals and evaluation and treatment facilities to assure that determinations to detain, commit, treat, or release persons with mental disorders under this chapter are made only after appropriate information regarding such person's treatment history and current treatment plan has been sought from resource management services.

Sec. 9. Section 22, chapter 142, Laws of 1973 1st ex. sess. as amended by section 10, chapter 145, Laws of 1974 ex. sess. and RCW 71.05.170 are each amended to read as follows:

Whenever the designated county mental health professional petitions for detention of a person whose actions constitute a likelihood of serious harm to himself or others, or who is gravely disabled, the facility providing seventy-two hour evaluation and treatment must immediately accept on a provisional basis the petition and the person. The facility shall then evaluate the person's condition and admit or release such person in accordance with RCW 71.05.210. The facility shall notify in writing the court and the designated county mental health professional of the date and time of the initial detention of each person involuntarily detained

in order that a probable cause hearing shall be held no later than seventy-two hours after detention.

The duty of a state hospital to accept persons for evaluation and treatment under this section may be limited by chapter 71.24 RCW.

NEW SECTION, Sec. 10. As used in this chapter or chapter 71.24 or 10.77 RCW, the following words and phrases shall have the meanings indicated.

(1) "Registration records" include all the records of the department, regional support networks, treatment facilities, and other persons providing services to the department, county departments, or facilities which identify individuals who are receiving or who at any time have received services for mental illness.

(2) "Treatment records" include registration and all other records concerning individuals who are receiving or who at any time have received services for mental illness, which are maintained by the department, by regional support networks and their staffs, and by treatment facilities. Treatment records do not include notes or records maintained for personal use by an individual providing treatment services for the department, regional support networks, or a treatment facility if the notes or records are not available to others.

NEW SECTION, Sec. 11. (1) Informed consent for disclosure of information from court or treatment records to an individual, agency, or organization must be in writing and must contain the following information:

(a) The name of the individual, agency, or organization to which the disclosure is to be made;

(b) The name of the individual whose treatment record is being disclosed;

(c) The purpose or need for the disclosure;

(d) The specific type of information to be disclosed;

(e) The time period during which the consent is effective;

(f) The date on which the consent is signed; and

(g) The signature of the individual or person legally authorized to give consent for the individual.

(2) The files and records of court proceedings under chapter 71.05 RCW shall be closed but shall be accessible to any individual who is the subject of a petition and to the individual's attorney, guardian ad litem, resource management services, or service providers authorized to receive such information by resource management services.

NEW SECTION, Sec. 12. (1) Except as otherwise provided by law, all treatment records shall remain confidential. Treatment records may be released only to the persons designated in this section, or to other persons designated in an informed written consent of the patient.

(2) Treatment records of an individual may be released without informed written consent in the following circumstances:

(a) To an individual, organization, or agency as necessary for management or financial audits, or program monitoring and evaluation. Information obtained under this subsection shall remain confidential and may not be used in a manner that discloses the name or other identifying information about the individual whose records are being released.

(b) To the department, the director of regional support networks, or a qualified staff member designated by the director only when necessary to be used for billing or collection purposes. The information shall remain confidential.

(c) For purposes of research as permitted in chapter 42.48 RCW.

(d) Pursuant to lawful order of a court.

(e) To qualified staff members of the department, to the director of regional support networks, to resource management services responsible for serving a patient, or to service providers designated by resource management services as necessary to determine the progress and adequacy of treatment and to determine whether the person should be transferred to a less restrictive or more appropriate treatment modality or facility. The information shall remain confidential.

(f) Within the treatment facility where the patient is receiving treatment, confidential information may be disclosed to individuals employed, serving in bona fide training programs, or participating in supervised volunteer programs, at the facility when it is necessary to perform their duties.

(g) Within the department as necessary to coordinate treatment for mental illness, developmental disabilities, alcoholism, or drug abuse of individuals who are under the supervision of the department.

(h) To a licensed physician who has determined that the life or health of the individual is in danger and that treatment without the information contained in the treatment records could be injurious to the patient's health. Disclosure shall be limited to the portions of the records necessary to meet the medical emergency.

(i) To a facility that is to receive an individual who is involuntarily committed under chapter 71.05 RCW, or upon transfer of the individual from one treatment facility to another. The release of records under this subsection shall be limited to the treatment records required by law, a record or summary of all somatic treatments, and a discharge summary. The discharge summary may include a statement of the patient's problem, the treatment goals, the type of

treatment which has been provided, and recommendation for future treatment, but may not include the patient's complete treatment record.

(j) Notwithstanding the provisions of RCW 71.05.390(7), to a correctional facility or a corrections officer who is responsible for the supervision of an individual who is receiving inpatient or outpatient evaluation or treatment. Every person who is under the supervision of the department of corrections who receives evaluation or treatment under chapter 9.94A RCW shall be notified of the provisions of this section by the individual's corrections officer. Release of records under this section is limited to:

(i) An evaluation report provided pursuant to a written supervision plan.

(ii) The discharge summary, including a record or summary of all somatic treatments, at the termination of any treatment provided as part of the supervision plan.

(iii) When an individual is returned from a treatment facility to a correctional facility, the information provided under (j)(iv) of this subsection.

(iv) Any information necessary to establish or implement changes in the individual's treatment plan or the level or kind of supervision as determined by resource management services. In cases involving a person transferred back to a correctional facility, disclosure shall be made to clinical staff only. In cases involving a person under supervision of the department of corrections, disclosure shall be made to the supervising corrections officer only.

(k) To the individual's counsel or guardian ad litem, without modification, at any time in order to prepare for involuntary commitment or recommitment proceedings, reexaminations, appeals, or other actions relating to detention, admission, commitment, or patient's rights under chapter 71.05 RCW.

(l) To a corrections officer of the department who has custody of or is responsible for the supervision of an individual who is transferred or discharged from a treatment facility.

(m) To staff members of the protection and advocacy agency or to staff members of a private, nonprofit corporation for the purpose of protecting and advocating the rights of persons with mental illness or developmental disabilities. Resource management services may limit the release of information to the name, birthdate, and county of residence of the patient, information regarding whether the patient was voluntarily admitted, or involuntarily committed, the date and place of admission, placement, or commitment, the name and address of a guardian of the patient, and the date and place of the guardian's appointment. Any staff member who wishes to obtain additional information shall notify the patient's resource management services in writing of the request and of the resource management services' right to object. The staff member shall send the notice by mail to the guardian's address. If the guardian does not object in writing within fifteen days after the notice is mailed, the staff member may obtain the additional information. If the guardian objects in writing within fifteen days after the notice is mailed, the staff member may not obtain the additional information.

(3) Whenever federal law or federal regulations restrict the release of information contained in the treatment records of any patient who receives treatment for alcoholism or drug dependency, the department may restrict the release of the information as necessary to comply with federal law and regulations.

NEW SECTION. Sec. 13. (1) Procedures shall be established by resource management services to provide reasonable and timely access to individual treatment records. However, access may not be denied at any time to records of all medications and somatic treatments received by the individual.

(2) Following discharge, the individual shall have a right to a complete record of all medications and somatic treatments prescribed during admission or commitment and to a copy of the discharge summary prepared at the time of his or her discharge. A reasonable and uniform charge for reproduction may be assessed.

(3) Treatment records may be modified prior to inspection to protect the confidentiality of other patients or the names of any other persons referred to in the record who gave information on the condition that his or her identity remain confidential. Entire documents may not be withheld to protect such confidentiality.

(4) At the time of discharge all individuals shall be informed by resource management services of their rights as provided in sections 10 through 18 of this act.

NEW SECTION. Sec. 14. Each time written information is released from a treatment record, the record's custodian shall make a notation in the record including the following: The name of the person to whom the information was released; the identification of the information released; the purpose of the release; and the date of the release. The patient shall have access to this release data.

NEW SECTION. Sec. 15. Nothing in this act shall be construed to interfere with communications between physicians or psychologists and patients and attorneys and clients.

NEW SECTION. Sec. 16. Any person, including the state or any political subdivision of the state, violating sections 10 through 18 of this act shall be subject to the provisions of RCW 71.05.440.

NEW SECTION. Sec. 17. Any person who requests or obtains confidential information pursuant to sections 10 through 18 of this act under false pretenses shall be guilty of a gross misdemeanor.

NEW SECTION. Sec. 18. The department shall adopt rules to implement sections 10 through 17 of this act.

Sec. 19. Section 2, chapter 107, Laws of 1987, section 1, chapter 337, Laws of 1987, section 16, chapter 370, Laws of 1987, section 1, chapter 404, Laws of 1987 and section 10, chapter 411, Laws of 1987 and RCW 42.17.310 are each reenacted and amended to read as follows:

(1) The following are exempt from public inspection and copying:

(a) Personal information in any files maintained for students in public schools, patients or clients of public institutions or public health agencies, or welfare recipients (~~(-prisoners, probationers, or parolees)~~).

(b) Personal information in files maintained for employees, appointees, or elected officials of any public agency to the extent that disclosure would violate their right to privacy.

(c) Information required of any taxpayer in connection with the assessment or collection of any tax if the disclosure of the information to other persons would (i) be prohibited to such persons by RCW 82.32.330 or (ii) violate the taxpayer's right to privacy or result in unfair competitive disadvantage to the taxpayer.

(d) Specific intelligence information and specific investigative records compiled by investigative, law enforcement, and penalty agencies, and state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy.

(e) Information revealing the identity of persons who file complaints with investigative, law enforcement, or penalty agencies, other than the public disclosure commission, if disclosure would endanger any person's life, physical safety, or property: PROVIDED, That if at the time the complaint is filed the complainant indicates a desire for disclosure or nondisclosure, such desire shall govern: PROVIDED, FURTHER, That all complaints filed with the public disclosure commission about any elected official or candidate for public office must be made in writing and signed by the complainant under oath.

(f) Test questions, scoring keys, and other examination data used to administer a license, employment, or academic examination.

(g) Except as provided by chapter 8.26 RCW, the contents of real estate appraisals, made for or by any agency relative to the acquisition or sale of property, until the project or prospective sale is abandoned or until such time as all of the property has been acquired or the property to which the sale appraisal relates is sold, but in no event shall disclosure be denied for more than three years after the appraisal.

(h) Valuable formulae, designs, drawings, and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss.

(i) Preliminary drafts, notes, recommendations, and intra-agency memorandums in which opinions are expressed or policies formulated or recommended except that a specific record shall not be exempt when publicly cited by an agency in connection with any agency action.

(j) Records which are relevant to a controversy to which an agency is a party but which records would not be available to another party under the rules of pretrial discovery for causes pending in the superior courts.

(k) Records, maps, or other information identifying the location of archaeological sites in order to avoid the looting or depredation of such sites.

(l) Any library record, the primary purpose of which is to maintain control of library materials, or to gain access to information, which discloses or could be used to disclose the identity of a library user.

(m) Financial information supplied by or on behalf of a person, firm, or corporation for the purpose of qualifying to submit a bid or proposal for (a) a ferry system construction or repair contract as required by RCW 47.60.680 through 47.60.750 or (b) highway construction or improvement as required by RCW 47.28.070.

(n) Railroad company contracts filed with the utilities and transportation commission under RCW 81.34.070, except that the summaries of the contracts are open to public inspection and copying as otherwise provided by this chapter.

(o) Financial and commercial information and records supplied by private persons pertaining to export services provided pursuant to chapter 53.31 RCW.

(p) Financial disclosures filed by private vocational schools under chapter 28C.10 RCW.

(q) Records filed with the utilities and transportation commission or attorney general under RCW 80.04.095 that a court has determined are confidential under RCW 80.04.095.

(r) Financial and commercial information and records supplied by businesses during application for loans or program services provided by chapters 43.31, 43.63A, and 43.168 RCW.

(s) Membership lists or lists of members or owners of interests of units in timeshare projects, subdivisions, camping resorts, condominiums, land developments, or common-interest communities affiliated with such projects, regulated by the department of licensing, in the files or possession of the department.

(t) Except as provided under *section 2 of this 1987 act (1987 c 404 § 2), all applications for public employment, including the names of applicants, resumes, and other related materials submitted with respect to an applicant.

(u) The residential addresses and residential telephone numbers of employees or volunteers of a public agency which are held by the agency in personnel records, employment or volunteer rosters, or mailing lists of employees or volunteers.

(v) The residential addresses and residential telephone numbers of the customers of a public utility contained in the records or lists held by the public utility of which they are customers.

(w) Information obtained by the board of pharmacy as provided in RCW 69.45.090.

(2) Except for information described in subsection (1)(c)(i) of this section and confidential income data exempted from public inspection pursuant to RCW 84.40.020, the exemptions of this section are inapplicable to the extent that information, the disclosure of which would violate personal privacy or vital governmental interests, can be deleted from the specific records sought. No exemption may be construed to permit the nondisclosure of statistical information not descriptive of any readily identifiable person or persons.

(3) Inspection or copying of any specific records exempt under the provisions of this section may be permitted if the superior court in the county in which the record is maintained finds, after a hearing with notice thereof to every person in interest and the agency, that the exemption of such records is clearly unnecessary to protect any individual's right of privacy or any vital governmental function.

(4) Agency responses refusing, in whole or in part, inspection of any public record shall include a statement of the specific exemption authorizing the withholding of the record (or part) and a brief explanation of how the exemption applies to the record withheld.

NEW SECTION. Sec. 20. A new section is added to chapter 72.23 RCW to read as follows:

(1) It is the intent of the legislature to improve the quality of service at state hospitals, eliminate overcrowding, and more specifically define the role of the state hospitals. The legislature intends that eastern and western state hospitals shall become clinical centers for handling the most complicated long-term care needs. Over the next six years, their involvement in providing short-term and acute care shall be diminished in accordance with the revised responsibilities for mental health care under chapter 71.24 RCW. The legislature finds that establishment of the eastern state hospital board, the western state hospital board, and institutes for the study and treatment of mental disorders at both eastern state hospital and western state hospital will be instrumental in implementing the legislative intent.

(2)(a) The eastern state hospital board and the western state hospital board are each established. Members of the boards shall be appointed by the governor with the consent of the senate. Each board shall include:

(i) The director of the institute for the study and treatment of mental disorders established at the hospital;

(ii) One family member of a current or recent hospital resident;

(iii) One consumer of services;

(iv) One community mental health service provider;

(v) Two citizens with no financial or professional interest in mental health services;

(vi) One representative of the regional support network in which the hospital is located;

(vii) One representative from the staff who is a physician;

(viii) One representative from the nursing staff;

(ix) One representative from the other professional staff;

(x) One representative from the nonprofessional staff; and

(xi) One representative of a minority community.

(b) At least one representative listed in (a) (viii), (ix), or (x) of this subsection shall be a union member.

(c) Members shall serve four-year terms. Members of the board shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060 and shall receive compensation as provided in RCW 43.03.240.

(3) The boards established under this section shall:

(a) Monitor the operation and activities of the hospital;

(b) Review and advise on the hospital budget;

(c) Make recommendations to the governor and the legislature for improving the quality of service provided by the hospital;

(d) Monitor and review the activities of the hospital in implementing the intent of the legislature set forth in this section;

(e) Report periodically to the governor and the legislature on the implementation of the legislative intent set forth in this section; and

(f) Consult with the secretary regarding persons the secretary may select as the superintendent of the hospital whenever a vacancy occurs.

(4)(a) There is established at eastern state hospital and western state hospital, institutes for the study and treatment of mental disorders. The institutes shall be operated by joint operating agreements between state colleges and universities and the department of social and health services. The institutes are intended to:

(i) Promote recruitment and retention of highly qualified professionals at the state hospitals;

(ii) Improve clinical care by exploring new, innovative, and scientifically based treatment models for persons presenting particularly difficult and complicated clinical syndromes;

(iii) Provide expanded training opportunities for existing staff at the state hospitals;

(iv) Promote bilateral understanding of treatment orientation, possibilities, and challenges between state hospital professionals and community mental health professionals.

(b) To accomplish these purposes the institutes may, within funds appropriated for this purpose:

(i) Enter joint operating agreements with state universities or other institutions of higher education to accomplish the placement and training of students and faculty in psychiatry, psychology, social work, occupational therapy, nursing, and other relevant professions at the state hospitals;

(ii) Design and implement clinical research projects to improve the quality and effectiveness of state hospital services and operations;

(iii) Enter into agreements with community mental health service providers to accomplish the exchange of professional staff between the state hospitals and community mental health service providers;

(iv) Establish a student loan forgiveness program to retain qualified professionals at the state hospitals when the superintendent has determined a shortage of such professionals exists.

(c) Notwithstanding any other provisions of law to the contrary, the institutes may enter into agreements with the department or the state hospitals which may involve changes in staffing necessary to implement improved patient care programs contemplated by this section.

(d) The institutes are authorized to seek and accept public or private gifts, grants, contracts, or donations to accomplish their purposes under this section.

(5) The department shall review the diagnoses and treatment history of hospital patients and create a plan to locate inappropriately placed persons into medicaid reimbursable nursing homes or other nonhospital settings. The plan shall be submitted to the legislature by June 30, 1990.

NEW SECTION. Sec. 21. The department of health, if created, or the office of financial management shall conduct a study of equitable and timely compensation for involuntary psychiatric services through a review of medical assistance rates paid to hospitals. The department, or office of financial management, shall submit a report and recommendations to the department of social and health services and appropriate legislative committees by December 1, 1989.

NEW SECTION. Sec. 22. (1) In order to determine the effectiveness of this act, it is necessary to have an independent evaluation of the transition to regional systems of care. The legislative budget committee shall prepare a plan to conduct a study of the effectiveness of the change in the mental health system initiated by this act. The primary goal of the study is to evaluate the progress of the regional support networks in meeting the statutory requirement of this act to serve at least eighty-five percent of the short-term commitments within their boundaries by July 1, 1993. A plan for study shall include, but is not limited to, the following considerations:

(a) Progress in implementing and complying with the intention of this act to create regional support networks:

(b) Effect on short-term commitments to the state hospitals;

(c) Effect on residential options in the community;

(d) Effect on delivery of services, both residential and nonresidential, in the community; and

(e) Effect on continuity of services to the mentally ill.

(2) The plan for conducting a study, including start and completion dates, general research approaches, potential research problems, data requirements, necessary implementation authority, and cost estimates is to be provided to the appropriate policy and fiscal committees of the house of representatives and the senate by December 1, 1990. The plan may include proposals to use contract evaluators or other options for determining the most appropriate entity to complete the study, and shall identify ways to measure program progress and outcomes. The plan shall take into consideration a study completion date of December 1, 1992.

(3) In order to establish a beginning point for any future study of the effectiveness of the system changes initiated in this act, when the biennial contract is signed by the department of social and health services and a regional support network, the department shall forward a copy of the contract to the legislative budget committee.

NEW SECTION. Sec. 23. Sections 10 through 18 of this act shall take effect on July 1, 1995, or when regional support networks are established.

NEW SECTION. Sec. 24. Sections 10 through 18 of this act are each added to chapter 71.05 RCW.

NEW SECTION. Sec. 25. The following acts or parts of acts are each repealed:

(1) Section 4, chapter 274, Laws of 1986 and RCW 71.24.039; and

(2) Section 59, chapter 142, Laws of 1973 1st ex. sess. and RCW 71.05.540.

NEW SECTION. Sec. 26. If specific funding for the purposes of this act, referencing this act by bill number, is not provided by June 30, 1989, in the omnibus appropriations act, this act shall be null and void.

NEW SECTION. Sec. 27. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 1 of the title, after "systems;" strike the remainder of the title and insert "amending RCW 71.24.015, 71.24.025, 71.24.035, 71.24.045, 71.24.160, 71.05.020, and 71.05.170; reenacting and amending RCW 42.17.310; adding a new section to chapter 71.24 RCW; adding new sections to chapter 71.05 RCW; adding a new section to chapter 72.23 RCW; creating new sections; repealing RCW 71.24.039 and 71.05.540; prescribing penalties; providing an effective date; and declaring an emergency."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator West, the Senate did not concur in the House amendments to Second Substitute Senate Bill No. 5400 and requests of the House a conference thereon.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Second Substitute Senate Bill No. 5400 and the House amendments thereto: Senators Pullen, Niemi and West.

MOTION

On motion of Senator West, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

April 19, 1989

Mr. President:

The House has refused to concur in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 1208 and asks the Senate to recede therefrom, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Lee, the rules were suspended and Substitute House Bill No. 1208 was returned to second reading and read the second time.

MOTION FOR RECONSIDERATION

Senator Lee moved that the Senate reconsider the vote by which the Committee on Economic Development and Labor striking amendment, as amended, was adopted April 4, 1989.

The President declared the question before the Senate to be the motion by Senator Lee to reconsider the vote by which the Committee on Economic Development and Labor striking amendment, as amended, was adopted.

The motion by Senator Lee carried and the Senate will reconsider the committee amendment, as amended.

MOTION

On motion of Senator Lee, the Committee on Economic Development and Labor amendment, as amended, to Substitute House Bill No. 1208, on reconsideration, was withdrawn.

MOTION

On motion of Senator Lee, the following amendment by Senators Lee and McMullen was adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds it necessary to regulate the practice of shorthand reporting or court reporting at the level of certification to protect the public safety and well-being. The legislature intends that only individuals who meet and maintain minimum standards of competence may represent themselves as shorthand or court reporters.

NEW SECTION. Sec. 2. (1) No person may represent himself or herself as a shorthand reporter or a court reporter without first obtaining a certificate as required by this chapter.

(2) A person represents himself or herself to be a shorthand reporter or court reporter when the person adopts or uses any title or description of services that incorporates one or more of the following terms: "Shorthand reporter," "court reporter," "certified shorthand reporter," or "certified court reporter."

NEW SECTION. Sec. 3. The "practice of shorthand reporting or court reporting" means the making by means of written symbols or abbreviations in shorthand or machine writing of a verbatim record of any oral court proceeding, deposition, or proceeding before a jury, referee, court commissioner, special master, governmental entity, or administrative agency and the producing of a transcript from the proceeding.

NEW SECTION. Sec. 4. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Department" means the department of licensing.

(2) "Director" means the director of licensing.

(3) "Shorthand reporter" and "court reporter" mean an individual certified under this chapter.

(4) "Board" means the Washington state shorthand reporter advisory board.

NEW SECTION. Sec. 5. Nothing in this chapter prohibits or restricts:

(1) The practice of a profession by individuals who are licensed, certified, or registered under other laws of this state and who are performing services within their authorized scope of practice;

(2) The practice of shorthand reporting by an individual employed by the government of the United States while the individual is performing duties prescribed by the laws and regulations of the United States; or

(3) The practice of court reporting or use of the title certified court reporter by stenographers who are practicing as of the effective date of this act.

Nothing in this chapter shall be construed to prohibit the introduction of alternate technology.

NEW SECTION. Sec. 6. In addition to any other authority provided by law, the director may:

(1) Adopt rules in accordance with chapter 34.05 RCW that are necessary to implement this chapter;

(2) Set all certification examination, renewal, late renewal, duplicate, and verification fees in accordance with RCW 43.24.086;

(3) Establish the forms and procedures necessary to administer this chapter;

(4) Issue a certificate to any applicant who has met the requirements for certification;

(5) Hire clerical, administrative, and investigative staff as needed to implement and administer this chapter;

(6) Investigate complaints or reports of unprofessional conduct as defined in this chapter and hold hearings pursuant to chapter 34.05 RCW;

(7) Issue subpoenas for records and attendance of witnesses, statements of charges, statements of intent to deny certificates, and orders; administer oaths; take or cause depositions to be taken; and use other discovery procedures as needed in any investigation, hearing, or proceeding held under this chapter;

(8) Maintain the official departmental record of all applicants and certificate holders;

(9) Delegate, in writing to a designee, the authority to issue subpoenas, statements of charges, and statements of intent to deny certification;

(10) Prepare and administer or approve the preparation and administration of examinations for certification;

(11) Establish by rule the procedures for an appeal of a failure of an examination;

(12) Conduct a hearing under chapter 34.05 RCW on an appeal of a denial of a certificate based on the applicant's failure to meet minimum qualifications for certification.

NEW SECTION. Sec. 7. (1) The state shorthand reporters advisory board is established to advise the director concerning the administration of this chapter. The board shall consist of five members appointed by the director. Three members of the board shall be certified shorthand reporters, except for the initial members of the board, two of whom shall be freelance shorthand reporters and one a court-employed shorthand reporter, each engaged in the continuous practice of shorthand reporting for at least five years preceding appointment. Two members of the board shall be unaffiliated with the profession. One shall be a current member of the state bar association or state judiciary, the other shall be a public member. The term of office for board members is four years, except the terms of the first board members shall be staggered to ensure an orderly succession of new board members. The director may remove a board member for misconduct, incompetency, or neglect of duty as specified by rule. Upon the death, resignation, or removal of a member, the director shall appoint a new member to fill a vacancy on the board for the remainder of the unexpired term. No board member may serve more than two consecutive terms, whether full or partial.

(2) Board members shall be compensated in accordance with RCW 43.03.240 and reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(3) The board shall annually elect a chairperson and vice-chairperson to direct the meetings of the board. The board shall meet at least once each year, at times and locations determined by the director. A simple majority of the board members currently serving constitutes a quorum of the board.

(4) Upon receipt of complaints against shorthand reporters, the director shall investigate and evaluate the complaint to determine if disciplinary action is appropriate. At the discretion of the director, individual board members may participate in or conduct investigations or evaluations of investigation reports and make recommendations regarding further action. The director shall hold disciplinary hearings pursuant to chapter 34.05 RCW.

NEW SECTION. Sec. 8. The director, members of the board, and individuals acting on their behalf shall not be civilly liable for any act performed in good faith in the course of their duties.

NEW SECTION. Sec. 9. (1) The department shall issue a certificate to any applicant who, as determined by the director upon advice of the board, has:

- (a) Successfully completed an examination approved by the director;
- (b) Good moral character;
- (c) Not engaged in unprofessional conduct; and
- (d) Not been determined to be unable to practice with reasonable skill and safety as a result of a physical or mental impairment.

(2) A one-year temporary certificate may be issued, at the discretion of the director, to a person holding one of the following: National shorthand reporters association certificate of proficiency, registered professional reporter certificate, or certificate of merit; a current court or shorthand reporter certification, registration, or license of another state; or a certificate of graduation of a court reporting school. To continue to be certified under this chapter, a person receiving a temporary certificate shall successfully complete the examination under subsection (1)(a) of this section within one year of receiving the temporary certificate, except that the director may renew the temporary certificate if extraordinary circumstances are shown.

(3) The examination required by subsection (1)(a) of this section shall be no more difficult than the examination provided by the court reporter examining committee as authorized by RCW 2.32.180.

NEW SECTION. Sec. 10. Applications for certification shall be submitted on forms provided by the department. The department may require information and documentation to determine whether the applicant meets the criteria for certification as provided in this chapter. Each applicant shall pay a fee determined by the director as provided in RCW 43.24.086 which shall accompany the application.

NEW SECTION. Sec. 11. The director shall establish by rule the requirements and the renewal and late renewal fees for certification. Failure to renew the certificate on or before the expiration date cancels all privileges granted by the certificate. If an individual desires to reinstate a certificate which had not been renewed for three years or more, the individual shall satisfactorily demonstrate continued competence in conformance with standards determined by the director.

NEW SECTION. Sec. 12. Persons with two or more years' experience in shorthand reporting in Washington state as of the effective date of this act shall be granted a shorthand reporters certificate without examination, if application is made within one year of the effective date of this act. Shorthand reporters with less than two years' experience in shorthand reporting in this state as of the effective date of this act shall be granted a temporary certificate for one year. To continue to be certified under this chapter, a person receiving a temporary certificate shall successfully complete the examination under section 9 of this act within one year of receiving the temporary certificate, except that the director may renew the temporary certificate if extraordinary circumstances are shown.

NEW SECTION. Sec. 13. After a hearing conducted under chapter 34.05 RCW and upon a finding that a certificate holder or applicant has committed unprofessional conduct or is unable to practice with reasonable skill and safety due to a physical or mental condition, the director may issue an order providing for one or any combination of the following:

- (1) Revocation of the certification;
- (2) Suspension of the certificate for a fixed or indefinite term;
- (3) Restriction or limitation of the practice;
- (4) Requiring the satisfactory completion of a specific program or remedial education;
- (5) The monitoring of the practice by a supervisor approved by the director;
- (6) Censure or reprimand;
- (7) Compliance with conditions or probation for a designated period of time;
- (8) Denial of the certification request;
- (9) Corrective action;
- (10) Refund of fees billed to or collected from the consumer.

Any of the actions under this section may be totally or partly stayed by the director. In determining what action is appropriate, the director shall consider sanctions necessary to protect the public, after which the director may consider and include in the order requirements

designed to rehabilitate the certificate holder or applicant. All costs associated with compliance to orders issued under this section are the obligation of the certificate holder or applicant.

NEW SECTION. Sec. 14. The following conduct, acts, or conditions constitute unprofessional conduct for any certificate holder or applicant under the jurisdiction of this chapter:

(1) The commission of any act involving moral turpitude, dishonesty, or corruption relating to the practice of shorthand reporting, whether or not the act constitutes a crime. If the act constitutes a crime, conviction in a criminal proceeding is not a condition precedent to disciplinary action;

(2) Misrepresentation or concealment of a material fact in obtaining or in seeking reinstatement of a certificate;

(3) Advertising in a false, fraudulent, or misleading manner;

(4) Incompetence or negligence;

(5) Suspension, revocation, or restriction of the individual's certificate, registration, or license to practice shorthand reporting by a regulatory authority in any state, federal, or foreign jurisdiction;

(6) Violation of any state or federal statute or administrative rule regulating the profession;

(7) Failure to cooperate in an inquiry, investigation, or disciplinary action by:

(a) Not furnishing papers or documents;

(b) Not furnishing in writing a full and complete explanation of the matter contained in the complaint filed with the director;

(c) Not responding to subpoenas issued by the director, regardless of whether the recipient of the subpoena is the accused in the proceeding;

(8) Failure to comply with an order issued by the director or an assurance of discontinuance entered into with the director;

(9) Misrepresentation or fraud in any aspect of the conduct of the business or profession;

(10) Conviction of any gross misdemeanor or felony relating to the practice of the profession. For the purpose of this subsection, conviction includes all instances in which a plea of guilty or nolo contendere is the basis for conviction and all proceedings in which the sentence has been deferred or suspended. Nothing in this section abrogates rights guaranteed under chapter 9.96A RCW.

NEW SECTION. Sec. 15. This chapter may be known and cited as the shorthand reporting practice act.

NEW SECTION. Sec. 16. This act shall take effect September 1, 1989 except that the director may immediately take such steps as are necessary to ensure that this act is implemented on its effective date.

NEW SECTION. Sec. 17. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 18. Sections 1 through 17 of this act shall constitute a new chapter in Title 18 RCW.

NEW SECTION. Sec. 19. The sum of forty-eight thousand dollars, or as much thereof as may be necessary, is appropriated from the general fund to the department of licensing for the biennium ending June 30, 1991, to carry out the purposes of this act. The amount spent shall be repaid to the general fund from fees imposed as a result of this act prior to the end of the biennium ending June 30, 1993.*

MOTIONS

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

On page 1, line 1 of the title, after "reporters;" strike the remainder of the title and insert "adding a new chapter to Title 18 RCW; making an appropriation; and providing an effective date."

On motion of Senator Lee, the rules were suspended, Substitute House Bill No. 1208, as amended by the Senate under suspension of the rules, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1208, as amended by the Senate under suspension of the rules.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1208, as amended by the Senate under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 41; absent, 5; excused, 3.

Voting yea: Senators Anderson, Bailey, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen,

Rasmussen, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Vogniid, von Reichbauer, Warnke, West, Williams, Wojahn - 41.

Absent: Senators Amondson, Barr, McDonald, McMullen, Rinehart - 5.

Excused: Senators DeJarnatt, Saling, Thorsness - 3.

SUBSTITUTE HOUSE BILL NO. 1208, as amended by the Senate under suspension of the rules, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 19, 1989

Mr. President:

The House has refuses to concur in the Senate amendments to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1086 and asks the Senate to recede therefrom, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Newhouse, the rules were suspended and Engrossed Substitute House Bill No. 1086 was returned to second reading and read the second time.

MOTION FOR RECONSIDERATION

Senator Newhouse moved that the Senate reconsider the vote by which the Committee on Ways and Means striking amendment was adopted April 11, 1989.

The President declared the question before the Senate to be the motion by Senator Newhouse to reconsider the vote by which the Committee on Ways and Means striking amendment was adopted.

The motion by Senator Newhouse carried and the Senate will reconsider the committee amendment.

MOTIONS

On motion of Senator Matson, the following amendments by Senators Matson and Kreidler to the Committee on Ways and Means amendment were considered simultaneously and were adopted:

On page 11, beginning on line 3 of the amendment, after "FEE." strike everything through "who:" on line 8 and insert "(1) An annual state tank fee of sixty dollars per tank for fiscal years ending June 30, 1990, and June 30, 1991, and seventy-five dollars per tank each fiscal year thereafter, shall be paid no later than the December 31st of each fiscal year by every person who:"

On page 11, after line 19, strike all of subsection (2)

Renumber the remaining subsections consecutively and correct internal references accordingly.

On motion of Senator Matson, the following amendments by Senators Matson and Kreidler to the Committee on Ways and Means amendment were considered simultaneously and were adopted:

On page 12, line 28 of the amendment, after "act:" insert "and"

On page 12, line 30 of the amendment, after "RCW 43.84.090" strike everything through "act" on page 13, line 2

On motion of Senator Matson, the following amendment by Senators Matson and Kreidler to the Committee on Ways and Means amendment was adopted:

On page 14, after line 30 of the amendment, insert the following:

"NEW SECTION, Sec. 17. A new section is added to chapter 43.131 RCW to read as follows: Sections 2 through 14 of this act shall expire July 1, 1999."

Renumber the sections consecutively and correct any internal references accordingly.

The President declared the question before the Senate to be the adoption of the Committee on Ways and Means amendment, as amended on reconsideration, to Engrossed Substitute House Bill No. 1086.

The Committee on Ways and Means amendment, as amended on reconsideration, to Engrossed Substitute House Bill No. 1086 was adopted.

MOTIONS

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

On page 16, line 16 of the title amendment, after "19.27.080;" strike everything through "date;" on line 19 and insert "adding a new section to chapter 43.141 RCW; adding a new chapter to Title 90 RCW; creating new sections; providing an effective date; providing an expiration date;"

On motion of Senator Matson, the rules were suspended, Engrossed Substitute House Bill No. 1086, as amended by the Senate under suspension of the rules, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1086, as amended by the Senate under suspension of the rules.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1086, as amended by the Senate under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 44; absent, 4; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 44.

Absent: Senators Barr, Johnson, McMullen, Patterson - 4.

Excused: Senator DeJarnatt - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1086, as amended by the Senate under suspension of the rules, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 19, 1989

Mr. President:

The House has refused to concur in the Senate amendments to SECOND SUBSTITUTE HOUSE BILL NO. 1180 and asks the Senate to recede therefrom, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Newhouse, the rules were suspended and Second Substitute House Bill No. 1180 was returned to second reading and read the second time.

MOTION FOR RECONSIDERATION

Senator Newhouse moved that the Senate reconsider the vote by which the Committee on Ways and Means striking amendment was adopted April 11, 1989.

The President declared the question before the Senate to be the motion by Senator Newhouse to reconsider the vote by which the Committee on Ways and Means striking amendment was adopted.

The motion by Senator Newhouse carried and the Senate will reconsider the committee amendment.

MOTIONS

On motion of Senator Matson, the following amendment by Senators Matson and Kreidler to the Committee on Ways and Means amendment was adopted:

On page 14, beginning on line 13 of the amendment, strike all of subsection (4) and insert the following:

"(4) Within thirty days after the end of each calendar quarter the department shall determine the "quarterly balance," which shall be the balance in the pollution liability reinsurance program trust account as of the last day of that calendar quarter. Balance determinations by the department under this section are final and shall not be used to challenge the validity of any tax imposed under this section. For each calendar quarter, tax shall be imposed under this section during the entire calendar quarter unless:

(a) Tax was imposed under this section during the immediately preceding calendar quarter, and most recent quarterly balance is more than fifteen million dollars; or

(b) Tax was not imposed under this section during the immediately preceding calendar quarter, and the most recent quarterly balance is more than seven million five hundred thousand dollars."

On motion of Senator Matson, the following amendment by Senators Matson and Kreidler to the Committee on Ways and Means amendment was adopted:

On page 15, beginning on line 34 of the amendment, after "Sec. 19," strike everything through "(2)" on page 16, line 11

The President declared the question before the Senate to be the adoption of the Committee on Ways and Means amendment, as amended on reconsideration, to Second Substitute House Bill No. 1180.

The Committee on Ways and Means amendment, as amended on reconsideration, to Second Substitute House Bill No. 1180 was adopted.

POINT OF INQUIRY

Senator Rasmussen: "Senator Matson, would it be all right to have this letter from the Department of Ecology put in the record?"

Senator Matson: "It certainly would, Senator."

Senator Rasmussen: "I would so ask, Mr. President."

At the request of Senator Rasmussen, the letter from the Director of the Department of Ecology follows:

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
Olympia, Washington

April 17, 1987

The Honorable Jim Matson
Washington State Senate
201 Institutions Building
Olympia, Washington 989504

Dear Senator Matson:

We at the Department of Ecology recognize the high priority of environmental problems posed by leaking underground petroleum storage tanks. We are also aware of the serious economic hardship which may be imposed on private tank owners as a result of such leaking tanks.

For these reasons, with restoration of the \$3 million to the toxics account in House Bill No. 1180, we are committed to the following approach to this issue: Ecology will set aside at least \$1.5 million from the State Toxics Account, in this and also in the following biennium, to assist in cleanup of petroleum contaminated sites where economic hardship is involved.

I look forward to our continued partnership in providing workable solutions to the complex environmental problems facing our state.

Sincerely,

CHRISTINE O. GREGOIRE, Director

MOTIONS

On motion of Senator Anderson, Senator Amondson was excused.

On motion of Senator Kreidler, Senator Rinehart was excused.

MOTION

On motion of Senator Matson, the rules were suspended, Second Substitute House Bill No. 1180, as amended by the Senate under suspension of the rules, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute House Bill No. 1180, as amended by the Senate under suspension of the rules.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 1180, as amended by the Senate under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 45; absent, 1; excused, 3.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorness, Vogt, von Reichbauer, Warnke, West, Williams, Wojahn - 45.

Absent: Senator McMullen - 1.

Excused: Senators Amondson, DeJarnatt, Rinehart - 3.

SECOND SUBSTITUTE HOUSE BILL NO. 1180, as amended by the Senate under suspension of the rules, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Gaspard: "I rise to a point of personal privilege. Mr. President and members of the Senate, the last few days, for me and my family, have been very troublesome and somewhat tragic for us. I'd like to take this opportunity to thank the members of the Senate and the staff and those involved with this Legislature to thank them for all their kind words and thoughts and prayers. It's been very helpful to all of us in our family.

"As I look back in these halls, these are the halls that have been part of my adult life and there have been very many happy times--my marriage, the birth of my daughters--and now your support and help has helped me see through some rather tragic times. I want to thank you for that. These are cherished memories of friendships we developed here. One of the lessons that I learned and received is that in the process of living, we have a God-given time on earth and let's make the most of it and cherish our friendships and loved ones. Thank you."

MESSAGE FROM THE HOUSE

April 18, 1989

Mr. President:

The House refuses to concur in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 1251 and asks the Senate for a conference thereon. The Speaker has appointed the following members as Conferees: Representatives Haugen, Nutley and Ferguson.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator McCaslin, the Senate insists on its position regarding the Senate amendments to Substitute House Bill No. 1251, refuses to grant the request of the House for a conference and once again asks the House to concur therein.

MESSAGE FROM THE HOUSE

April 19, 1989

Mr. President:

The House grants the request of the Senate for a conference on ENGROSSED SENATE BILL NO. 5833. The Speaker has appointed the following members as Conferees: Representatives Appelwick, H. Myers and Tate.

ALAN THOMPSON, Chief Clerk

MESSAGE FROM THE HOUSE

April 19, 1989

Mr. President:

The House grants the request of the Senate for a conference on SECOND SUBSTITUTE SENATE BILL NO. 5375. The Speaker has appointed the following members as Conferees: Representatives Appelwick, Insee and Patrick.

ALAN THOMPSON, Chief Clerk

MESSAGE FROM THE HOUSE

April 19, 1989

Mr. President:

The House receded from its amendments to REENGROSSED SUBSTITUTE SENATE BILL NO. 5566 and passed the bill without the House amendments and the bill is herewith transmitted.

ALAN THOMPSON, Chief Clerk

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

There being no objection, the Senate resumed consideration of Engrossed Substitute House Bill No. 1864 and the pending amendments by Senator Madsen on page 19, line 1; the pending amendment by Senators Madsen and Talmadge on page 28, line 8; and the pending amendment by Senator Talmadge on page 28, line 8, to the Committee on Ways and Means striking amendment, deferred earlier today.

RULING BY THE PRESIDENT

President Pritchard: "In ruling upon the point of order raised by Senator McDonald, the President finds that Engrossed Substitute House Bill No. 1864 is a measure concerning the quality of care in Washington nursing homes and providing for, among other things, adjustments in the depreciation base of certain nursing homes.

"The amendment proposed by Senator Madsen on page 19, line 1, to the Committee on Ways and Means amendment also makes adjustments in the depreciation base of certain nursing homes.

"The President, therefore, finds that the proposed amendment to the Committee on Ways and Means amendment does not change the scope and object of the bill and that the point of order is not well taken."

The amendment by Senator Madsen on page 19, line 1, to the Committee on Ways and Means amendment was ruled in order.

Debate ensued.

MOTION

On motion of Senator McDonald, further consideration of Engrossed Substitute House Bill No. 1864 was deferred.

There being no objection, the President returned the Senate to the fourth order of business.

MESSAGE FROM THE HOUSE

April 19, 1989

Mr. President:

The House refuses to concur in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 1475 and asks the Senate for a conference thereon. The Speaker has appointed the following members as Conferees:

Representatives R. Meyers, Inslee and Padden.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Newhouse, the Senate granted the request of the House for a conference on Substitute House Bill No. 1475 and the Senate amendments thereto.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Substitute House Bill No. 1475 and the Senate amendments thereto: Senators Johnson, McMullen and Thorsness.

MOTION

On motion of Senator Newhouse, the Conference Committee appointments were confirmed.

PARLIAMENTARY INQUIRY

Senator Talmadge: "A point of parliamentary inquiry, Mr. President. Who is Senator McMillan?"

President Pritchard: "Well, you're right. He's a cousin of Senator Kreedler."

MESSAGE FROM THE HOUSE

April 19, 1989

Mr. President:

The House refuses to concur in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 1217 and asks the Senate to recede therefrom, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator McCaslin, the Senate receded from its amendments to Substitute House Bill No. 1217.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1217, without the Senate amendments.

Debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1217, without the Senate amendments, and the bill passed the Senate by the following vote: Yeas, 45; absent, 1; excused, 3.

Voting yea: Senators Anderson, Bailey, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vogtild, von Reichbauer, Warnke, West, Williams, Wojahn - 45.

Absent: Senator Barr - 1.

Excused: Senators Amondson, DeJarnatt, Rinehart - 3.

SUBSTITUTE HOUSE BILL NO. 1217, without the Senate amendments, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PARLIAMENTARY INQUIRY

Senator Talmadge: "A point of parliamentary inquiry, Mr. President. Just as a request, this bill that we just dealt with was a problem for a number of members, because there was a Government Operations Committee amendment that is in the book that has the striking amendment from the committees. The original bill was in one of the three white materials that we have received with respect to the bills. There was no explanation about the amendment with which we're dealing, and just as a way of giving some guidance to us on the floor of the Senate, it might be helpful if we had some indication of what the amendment was that was abandoned by the Senate and just a way of explanation, so that we could have some idea of what was transpiring."

REPLY BY THE PRESIDENT

President Pritchard: "The Chair somewhat agrees with you, Senator. These are, of course, difficult times and papers going back and forth, but the message is received."

PERSONAL PRIVILEGE

Senator McCaslin: "A point of personal privilege, Mr. President. Senator Talmadge, I would hope that when you get up and explain something on the floor that you would do it in English, so most of us non-lawyers could understand exactly what you are saying, because often times you get up and you throw cases out. I don't know whether you are really quoting cases--"

RULING BY THE PRESIDENT

President Pritchard: "That's enough. That's not a point of personal privilege."

Senator McCaslin: "Well, it's personal with me, Mr. President. I'll be happy to explain what we took out of that bill."

President Pritchard: "Senator, we're on the next bill."

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

There being no objection, the Senate resumed consideration of Engrossed Substitute House Bill No. 1968 and the pending amendments on page 19, lines 33 and 34, and page 20, line 1, by Senator Wojahn to the Committee on Ways and Means amendment, deferred earlier today.

RULING BY THE PRESIDENT

President Pritchard: "In ruling upon the point of order raised by Senator Anderson, the President finds that Engrossed Substitute House Bill No. 1968 is a measure which establishes a long term care policy for the state by making numerous changes in the law, including revising state funded Chore Services, expanding the Children Respite program, establishing eligibility standards for certain assistance and creating a long-term implementation team.

"The amendments proposed by Senator Wojahn to the Committee on Ways and Means amendment would allow family daycare centers to be classified as residential property for zoning purposes.

"The President, therefore, finds that the proposed amendments do change the scope and object of the bill and that the point of order is well taken."

The amendments by Senator Wojahn to the Committee on Ways and Means amendment to Engrossed Substitute House Bill No. 1968 were ruled out of order.

The President declared the question before the Senate to be the adoption of the Committee on Ways and Means striking amendment to Engrossed Substitute House Bill No. 1968.

Debate ensued.

The Committee on Ways and Means striking amendment to Engrossed Substitute House Bill No. 1968 was adopted.

MOTIONS

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

On page 1, line 1 of the title, after "care;" strike the remainder of the title and insert "amending RCW 74.08.541, 74.08.545, 74.08.550, 74.08.570, and 74.41.050; adding a new chapter to Title 74 RCW; adding a new chapter to Title 70 RCW; adding new sections to chapter 74.09 RCW; creating new sections; repealing RCW 74.08.044; making an appropriation; and declaring an emergency."

On motion of Senator West, the rules were suspended, Engrossed Substitute House Bill No. 1968, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

MOTIONS

On motion of Senator Anderson, Senator McCaslin was excused.

On motion of Senator Bender, Senator Owen was excused.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1968, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1968, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Patterson, Pullen,

Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vogndild, von Reichbauer, Warnke, West, Williams, Wojahn - 45.

Excused: Senators Amondson, DeJarnatt, McCaslin, Owen - 4.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1968, as amended by the Senate, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION FOR RECONSIDERATION

Having served prior notice, Senator Nelson moved to now reconsider the vote by which Engrossed Substitute Senate Bill No. 5338 failed to pass the Senate earlier today.

The President declared the question before the Senate to be the motion by Senator Nelson to reconsider the vote by which Engrossed Substitute Senate Bill No. 5338 failed to pass the Senate.

The motion by Senator Nelson for reconsideration of Engrossed Substitute Senate Bill No. 5338 carried.

MOTION

On motion of Senator Nelson, further consideration of Engrossed Substitute Senate Bill No. 5338, on reconsideration, was deferred.

REPORT OF CONFERENCE COMMITTEE

RE: SHB 1558

Relating to use of steroids.

April 19, 1989

Mr. President:

Mr. Speaker:

We of your Conference Committee to whom the above measure was referred, have had the same under consideration and we report that we are unable to agree and we respectfully request the powers of Free Conference in order to amend the measure as follows:

That the Senate Committee on Health Care and Corrections amendment adopted, as amended by the Senate, on April 7, 1989, be adopted with the following change:

On page 4, line 33, of the Health Care and Corrections amendments, after "follows:" strike all material through "year." on page 5, and insert:

"The superintendent of public instruction, in consultation with the Washington interscholastic activity association, shall promulgate rules by January 1, 1990, regarding loss of eligibility to participate in school sponsored athletic events for any student athlete found to have violated this chapter. The regents or trustees of each institution of higher education shall promulgate rules by January 1, 1990, regarding loss of eligibility to participate in school sponsored athletic events for any student athlete found to have violated this chapter."

Signed by Senators West, Talmadge, Amondson; Representatives Braddock, Inslee, Brumsickle.

MOTION

On motion of Senator Newhouse, the Report of the Conference Committee on Substitute House Bill No. 1558 was adopted and the committee was granted the powers of Free Conference.

REPORT OF CONFERENCE COMMITTEE

RE: SSB 5827

Providing pet identification and certification procedures to minimize theft.

April 19, 1989

Mr. President:

Mr. Speaker:

We of your Conference Committee to whom the above measure was referred, have had the same under consideration and we report that we are unable to agree and we respectfully request the powers of Free Conference in order to amend the measure as follows:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. A new section is added to chapter 9.08 RCW to read as follows:

As used in RCW 9.08.070:

(1) "Pet animal" means a tamed or domesticated animal legally retained by a person and kept as a companion. "Pet animal" does not include livestock raised for commercial purposes.

(2) "Research institution" means a facility licensed by the United States department of agriculture to use animals in biomedical or product research.

(3) "U.S.D.A. licensed dealer" means a person who is licensed or required to be licensed by the United States department of agriculture to commercially buy, receive, sell, negotiate for sale, or transport animals.

Sec. 2, Section 1, chapter 114, Laws of 1982 and RCW 9.08.070 are each amended to read as follows:

(1) Any person who, with intent to deprive or defraud the owner thereof, does any of the following shall be guilty of a gross misdemeanor and shall be punished as prescribed under RCW 9A.20.021(2) and by a mandatory fine of not less than five hundred dollars per pet animal except as provided by (d) of this subsection:

((1)) (a) Takes, leads away, confines, secretes or converts any ((dog)) pet animal, except in cases in which the value of the ((dog)) pet animal exceeds two hundred fifty dollars;

((2)) (b) Conceals the identity of any ((dog)) pet animal or its owner by obscuring, altering, or removing from the ((dog)) pet animal any collar, tag, license, tattoo, or other identifying device or mark((-or));

((3)) (c) Willfully or recklessly kills or injures any ((dog)) pet animal, unless excused by law.

~~(Such violations shall be punished by imprisonment in the county jail for not more than one year or by a fine of not more than one thousand dollars, or by both such fine and imprisonment:)~~

(d) Nothing in this subsection or subsection (2) of this section shall prohibit a person from also being convicted of separate offenses under RCW 9A.56.030, 9A.56.040, or 9A.56.050 for theft or under RCW 9A.56.150, 9A.56.160, or 9A.56.170 for possession of stolen property.

(2) (a) It is unlawful for any person to receive with intent to sell to a research institution in the state of Washington, or sell or otherwise directly transfer to a research institution in the state of Washington, a pet animal that the person knows or has reason to know has been stolen or fraudulently obtained. This subsection does not apply to U.S.D.A. licensed dealers.

(b) The first conviction under (a) of this subsection is a gross misdemeanor and is punishable as prescribed under RCW 9A.20.021(2) and by a mandatory fine of not less than five hundred dollars per pet animal. A second or subsequent conviction under (a) of this subsection is a class C felony and is punishable as prescribed under RCW 9A.20.021 (1)(c) and by a mandatory fine of not less than one thousand dollars per pet animal.

(3) (a) It is unlawful for any person, who knows or has reason to know that a pet animal has been stolen or fraudulently obtained, to sell or otherwise transfer the pet animal to another who the person knows or has reason to know has previously sold a stolen or fraudulently obtained pet animal to a research institution in the state of Washington.

(b) A conviction under (a) of this subsection is a class C felony and shall be punishable as prescribed under RCW 9A.20.021 (1)(c) and by a mandatory fine of not less than one thousand dollars per pet animal.

(4)(a) It is unlawful for a U.S.D.A. licensed dealer to receive with intent to sell, or sell or transfer directly or through a third party, to a research institution in the state of Washington, a pet animal that the dealer knows or has reason to know has been stolen or fraudulently obtained.

(b) A conviction under (a) of this subsection is a class C felony and shall be punishable as prescribed under RCW 9A.20.021 (1)(c) and by a mandatory fine of not less than one thousand dollars per pet animal.

(5) The sale, receipt, or transfer of each individual pet animal in violation of subsections (1), (2), (3), and (4) of this section constitutes a separate offense.

(6) The provisions of subsections (1), (2), (3), and (4) of this section shall not apply to the lawful acts of any employee, agent, or director of any humane society, animal control agency, or animal shelter operated by or on behalf of any government agency, operating under law.

NEW SECTION. Sec. 3. A new section is added to chapter 16.52 RCW to read as follows:

(1) All transfers of mammals, other than rats and mice bred for use in research and livestock, to research institutions in this state, whether by sale or otherwise, shall conform with federal laws and, except as to those animals obtained from a source outside the United States, shall be accompanied by one of the following written certifications, dated and signed under penalty of perjury:

(a) Breeder certification: A written statement certifying that the person signing the certification is a United States department of agriculture-licensed class A dealer whose business license in the state of Washington includes only those animals that the dealer breeds and raises as a closed or stable colony and those animals that the dealer acquires for the sole purpose of maintaining or enhancing the dealer's breeding colony, that the animal being sold is one of those animals, and that the person signing the certification is authorized to do so. The certification shall also include an identifying number for the dealer, such as a business license number.

(b) True owner certification: A written statement certifying that the animal being transferred is owned by the person signing the certification, and that the person signing the certification either (i) has no personal knowledge or reason to believe that the animal is a pet animal, or (ii) consents to having the animal used for research at a research institution. The certification shall also state the date that the owner obtained the animal, and the person or other source from whom it was obtained. The certification shall also include an identifying number for the person signing the certification, such as a drivers' license number or business license number. The certifications signed by or on behalf of a humane society, animal control agency, or animal shelter need not contain a statement that the society, agency, or shelter owns the animal, but shall state that the animal has been in the possession of the society, agency, or shelter for the minimum period required by law that entitles it to legally dispose of the animal.

(2) In addition to the foregoing certification, all research institutions in this state shall open at the time a dog or cat is transferred to it a file that contains the following information for each dog or cat transferred to the institution:

- (a) All information required by federal law;
- (b) The certification required by this section; and
- (c) A brief description of the dog or cat (e.g. breed, color, sex, any identifying characteristics), and a photograph of the dog or cat.

The brief description may be contained in the written certification.

These files shall be maintained and open for public inspection for a period of at least two years from the date of acquisition of the animal.

(3) All research institutions in this state shall, within one hundred eighty days of the effective date of this act, adopt and operate under written policies governing the acquisition of animals to be used in biomedical or product research at that institution. The written policies shall be binding on all employees, agents, or contractors of the institution. These policies must contain, at a minimum, the following provisions:

(a) Animals shall be acquired in accordance with the federal animal welfare act, public health service policy, and other applicable statutes and regulations;

(b) No research may be conducted on a pet animal without the written permission of the pet animal's owner;

(c) Any animal acquired by the institution that is determined to be a pet animal shall be returned to its legal owner, unless the institution has the owner's written permission to retain the animal; and

(d) A person at the institution shall be designated to have the responsibility for investigating any facts supporting the possibility that an animal in the institution's possession may be a pet animal, including any inquiries from citizens regarding their pets. This person shall devise and insure implementation of procedures to inform inquiring citizens of their right to prompt review of the relevant files required to be kept by the institution for animals obtained under subsection (2) of this section, and shall be responsible for facilitating the rapid return of any animal determined to be a pet animal to the legal owner who has not given the institution permission to have the animal or transferred ownership of it to the institution.

(4) For the purposes of this section, "research institution" means any facility licensed by the United States department of agriculture to use animals in biomedical or product research.

NEW SECTION, Sec. 4. A new section is added to chapter 19.86 RCW to read as follows:

Any violation of RCW 9.08.070 or section 3 of this act constitutes an unfair or deceptive practice in violation of this chapter. The relief available under this chapter for violations of RCW 9.08.070 or section 3 of this act by a research institution shall be limited to only monetary penalties in an amount not to exceed two thousand five hundred dollars.

NEW SECTION, Sec. 5. A new section is added to chapter 16.52 RCW to read as follows:

No provision of RCW 9.08.070 or section 3 of this act shall in any way interfere with or impair the operation of any other provision of this chapter or Title 28B RCW, relating to higher education or biomedical research. The provisions of RCW 9.08.070 and section 3 of this act are cumulative and nonexclusive and shall not affect any other remedy.

NEW SECTION, Sec. 6. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 3 of the title, after "research;" strike the remainder of the title and insert "amending RCW 9.08.070; adding a new section to chapter 9.08 RCW; adding new sections to chapter 16.52 RCW; adding a new section to chapter 19.86 RCW; prescribing penalties; and declaring an emergency."

Signed by Senators Barr, Moore, Bailey; Representatives Rayburn, Appelwick, Nealey.

MOTION

On motion of Senator Newhouse, the Report of the Conference Committee on Substitute Senate Bill No. 5827 was adopted and the committee was granted the powers of Free Conference.

REPORT OF CONFERENCE COMMITTEE

RE: EHB 1070

Revising provisions of criminal procedure.

April 19, 1989

Mr. President:

Mr. Speaker:

We of your Conference Committee to whom the above measure was referred, have had the same under consideration and we report that we are unable to agree and we respectfully request the powers of Free Conference in order to amend the measure as follows:

(1) Not adopt the Committee on Law and Justice amendment adopted on April 6, 1989, and

(2) That the following Free Conference Committee amendment be adopted:

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

*Sec. 1. Section 2, chapter 42, Laws of 1955 as last amended by section 1, chapter 4, Laws of 1969 ex. sess. and RCW 9.95.062 are each amended to read as follows:

(1) Notwithstanding CrR 3.2 or RAP 7.2, an appeal by a defendant in a criminal action shall not stay the execution of the judgment of conviction, if the court determines by a preponderance of the evidence that:

(a) The defendant is likely to flee or to pose a danger to the safety of any other person or the community if the judgment is stayed; or

(b) The delay resulting from the stay will unduly diminish the deterrent effect of the punishment; or

(c) A stay of the judgment will cause unreasonable trauma to the victims of the crime or their families; or

(d) The defendant has not undertaken to the extent of the defendant's financial ability to pay the financial obligations under the judgment or has not posted an adequate performance bond to assure payment.

(2) In case the defendant has been convicted of a felony, and has been unable to (~~furnish a bail bond~~) obtain release pending the appeal by posting an appeal bond, cash, adequate security, release on personal recognizance, or any other conditions imposed by the court, the time (~~he~~) the defendant has been imprisoned pending the appeal shall be deducted from the term for which (~~he~~) the defendant was (~~heretofore~~) sentenced (~~to the penitentiary~~), if the judgment (~~against him be~~) is affirmed."

Signed by Senators Pullen, Talmadge, Thorsness: Representatives Appelwick, Rector, Padden.

MOTION

On motion of Senator Newhouse, the Report of the Conference Committee on Engrossed House Bill No. 1070 was adopted and the committee was granted the powers of Free Conference.

REPORT OF CONFERENCE COMMITTEE

RE: ESHB 2020

Providing tuition and fee waivers for intercollegiate athletes to achieve gender equity.

April 19, 1989

Mr. President:

Mr. Speaker:

We of your Conference Committee to whom the above measure was referred, have had the same under consideration and we report that we are unable to agree and we respectfully request the powers of Free Conference in order to amend the measure as follows:

(1) Not adopt the Senate Committee on Ways and Means amendment which was adopted, as amended, on April 13, 1989, and

(2) Adopt the following Conference Committee striking amendment:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds that the ratio of women to men in intercollegiate athletics in Washington's higher education system is inequitable. It is the intent of the legislature, through additional tuition and fee waivers, to achieve gender equity in intercollegiate athletics.

Sec. 2. Section 1, chapter 262, Laws of 1979 ex. sess. as last amended by section 3, chapter 232, Laws of 1986 and RCW 28B.15.740 are each amended to read as follows:

(1) The boards of trustees or regents of each of the state's regional universities, The Evergreen State College, or state universities, and the various community colleges, consistent with regulations and procedures established by the state board for community college education, may waive, in whole or in part, tuition and services and activities fees subject to the limitations set forth in subsections (2) and (3).

(2) Except as provided in subsection (3) of this section, the total dollar amount of tuition and fee waivers awarded by any state university, regional university, or state college, shall not exceed four percent, and for the community colleges considered as a whole, such amount shall not exceed three percent of an amount determined by estimating the total collections from tuition and services and activities fees had no such waivers been made and deducting the portion of that total amount which is attributable to the difference between resident and nonresident fees: PROVIDED, That at least three-fourths of the dollars waived shall be for needy students who are eligible for resident tuition and fee rates pursuant to RCW 28B.15.012 through 28B.15.015: PROVIDED FURTHER, That the remainder of the dollars waived, not to exceed one-fourth of the total, may be applied to other students at the discretion of the board of trustees or regents, except on the basis of participation in intercollegiate athletic programs: PROVIDED FURTHER, That the waivers for undergraduate and graduate students of foreign nations under RCW 28B.15.556 are not subject to the limitation under this section.

(3) In addition to the tuition and fee waivers provided in subsection (2) of this section, a total dollar amount of tuition and fee waivers awarded by any state university, regional university, or state college, not to exceed one percent, as calculated in subsection (2) of this section, may be used for the purpose of achieving or maintaining gender equity in intercollegiate athletic programs. At any institution that has an underrepresented gender class in intercollegiate athletics, any such waivers shall be awarded:

(a) First, to members of the underrepresented gender class who participate in intercollegiate athletics, where such waivers result in saved or displaced money that can be used for athletic programs for the underrepresented gender class. Such saved or displaced money shall be used for programs for the underrepresented gender class; and

(b) Second, (i) to nonmembers of the underrepresented gender class who participate in intercollegiate athletics, where such waivers result in saved or displaced money that can be used for athletic programs for members of the underrepresented gender class. Such saved or displaced money shall be used for programs for the underrepresented gender class; or (ii) to members of the underrepresented gender class who participate in intercollegiate athletics, where such waivers do not result in any saved or displaced money that can be used for athletic programs for members of the underrepresented gender class.

NEW SECTION. Sec. 3. Institutions of higher education shall strive to accomplish the following goals:

(1) Provide the following benefits and services equitably to male and female athletes participating in intercollegiate athletic programs: Equipment and supplies; medical services; services and insurance; transportation and per diem allowances; opportunities to receive coaching and instruction; scholarships and other forms of financial aid; conditioning programs; laundry services; assignment of game officials; opportunities for competition, publicity, and awards; and scheduling of games and practice times, including use of courts, gyms, and pools. Each institution which provides showers, toilets, lockers, or training room facilities for athletic purposes shall provide access to comparable facilities for both males and females.

(2) Provide equitable intercollegiate athletic opportunities for male and female students including opportunities to participate and to receive the benefits of the services listed in subsection (1) of this section.

(3) Provide participants with female and male coaches and administrators to act as role models.

NEW SECTION. Sec. 4. (1) An institution of higher education may grant waivers for the purpose of achieving gender equity in intercollegiate athletic programs as authorized in section 2 of this act, for the 1990-91 academic year only if the institution's governing board has adopted a plan for complying with the provisions of section 3 of this act and submitted the plan to the higher education coordinating board.

(2) Beginning in the 1991-92 academic year, an institution of higher education shall not grant any waiver for the purpose of achieving gender equity in intercollegiate athletic programs as authorized in section 2 of this act unless the institution's plan has been approved by the higher education coordinating board.

(3) The plan shall include, but not be limited to:

(a) For any institution with an underrepresented gender class, provisions that ensure that by July 1, 1994, the institution shall provide athletic opportunities for the underrepresented

gender class at a rate that meets or exceeds the rate at which that class participates in high school interscholastic athletics in Washington state not to exceed the point at which the underrepresented gender class is no longer underrepresented;

(b) Activities to be undertaken by the institution to increase participation rates of any underrepresented gender class in interscholastic and intercollegiate athletics. These activities may include, but are not limited to: Sponsoring equity conferences, coaches clinics and sports clinics; and taking a leadership role in working with athletic conferences to reduce barriers to participation by those gender classes in interscholastic and intercollegiate athletics;

(c) An identification of barriers to achieving and maintaining equitable intercollegiate athletic opportunities for men and women; and

(d) Measures to achieve institutional compliance with the provisions of section 3 of this act.

NEW SECTION, Sec. 5. (1) The higher education coordinating board shall report biennially, beginning December 1991, to the governor and the house of representatives and senate committees on higher education, on institutional efforts to comply with the requirements of sections 2 through 4 of this act. Each report shall include recommendations on measures to assist institutions with compliance. The first report shall also include a recommendation on whether to grant this waiver authority to community college governing boards.

(2) Before the board makes its report in December 1994, the board shall assess the extent of institutional compliance with the requirements of sections 2 through 4 of this act. The 1994 report shall include a recommendation on whether to continue this waiver authority.

NEW SECTION, Sec. 6. (1) As used in and for the limited purposes of sections 1 and 3 through 5 of this act and RCW 28B.15.740, "underrepresented gender class" means female students or male students, where the ratio of participation of female or male students, respectively, in intercollegiate athletics is less than approximately the ratio of female to male students or male to female students, respectively, enrolled as undergraduates at an institution.

(2) As used in and for the limited purpose of subsection 4(b) of this act, an "underrepresented gender class" in interscholastic athletics means female students or male students, where the ratio of participation of female or male students, respectively, in K-12 interscholastic athletics is less than approximately the ratio of female to male students or male to female students, respectively, enrolled in K-12 public schools in Washington.

NEW SECTION, Sec. 7. Nothing in this act shall be construed to excuse any institution from any more stringent requirement to achieve gender equity imposed by law, nor to permit any institution to decrease participation of any underrepresented gender class.

NEW SECTION, Sec. 8. Sections 1 and 3 through 6 of this act are each added to chapter 28B.15 RCW.

NEW SECTION, Sec. 9. This act shall expire on June 30, 1997.

NEW SECTION, Sec. 10. This act shall take effect July 1, 1990."

On page 1, line 2 of the title, after "equity;" strike the remainder of the title and insert "amending RCW 28B.15.740; adding new sections to chapter 28B.15 RCW; creating a new section; providing an effective date; and providing an expiration date."

Signed by Senators Saling, Stratton, Patterson; Representatives Jacobsen, Bristol, Miller.

MOTION

On motion of Senator Newhouse, the Report of the Conference Committee on Engrossed Substitute House Bill No. 2020 was adopted and the committee was granted the powers of Free Conference.

MESSAGE FROM THE HOUSE

April 19, 1989

Mr. President:

The House concurred in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 2041, except in the amendment to page 1, line 18, and asks the Senate to recede therefrom, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Pullen, the rules were suspended and Substitute House Bill No. 2041 was returned to second reading and read the second time.

MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator Newhouse moved to reconsider the vote by which the amendment by Senator Newhouse on page 1, line 18, was adopted April 13, 1989.

The President declared the question before the Senate to be the motion by Senator Newhouse to reconsider the vote by which the amendment by Senator Newhouse on page 1, line 18, to Substitute House Bill No. 2041 was adopted April 13, 1989.

The motion by Senator Newhouse carried and the Senate will reconsider the amendment on page 1, line 18, to Substitute House Bill No. 2041.

MOTION

On motion of Senator Hayner, the amendment on page 1, line 18, was withdrawn.

MOTION

Senator Pullen moved that the following amendments by Senators Nelson, Talmadge and Pullen be considered simultaneously and be adopted:

On page 1, line 15, after "49.60.227" strike "~~((where the petitioner shall pay a filing fee of twenty dollars))~~" and insert "where the petitioner shall pay a filing fee of twenty dollars"

On page 1, line 18, after "fee of" strike "twenty" and insert "thirty"

On page 1, line 21, after "additional" strike "fifty-eight" and insert "forty-eight"

On page 1, line 23, before "dollar" strike "twenty" and insert "thirty"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senators Nelson, Talmadge and Pullen on page 1, lines 15, 18, 21 and 23 to Substitute House Bill No. 2041.

The motion by Senator Pullen carried and the amendments were adopted.

MOTION

On motion of Senator Pullen, the rules were suspended, Substitute House Bill No. 2041, as amended by the Senate under suspension of the rules, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2041, as amended by the Senate under suspension of the rules.

MOTION

On motion of Senator Bauer, Senator Gaspard was excused.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2041, as amended by the Senate under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 43; nays, 1; excused, 5.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 43.

Voting nay: Senator Pullen - 1.

Excused: Senators Amondson, DeJarnatt, Gaspard, McCaslin, Owen - 5.

SUBSTITUTE HOUSE BILL NO. 2041, as amended by the Senate under suspension of the rules, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 19, 1989

Mr. President:

The House concurred in the Senate amendments to ENGROSSED HOUSE BILL NO. 2155, except in the amendment to page 28, line 20, and asks the Senate to recede therefrom, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

Senator Pullen moved that the Senate do recede from the amendment on page 28, line 20, to Engrossed House Bill No. 2155.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Pullen that the Senate do recede from its amendment on page 28, line 20, to Engrossed House Bill No. 2155.

The motion by Senator Pullen failed.

MOTION

On motion of Senator Nelson, the Senate insists on its position regarding the Senate amendment on page 28, line 20, to Engrossed House Bill No. 2155 and once again asks the House to concur therein.

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

There being no objection, the Senate resumed consideration of Engrossed Substitute House Bill No. 1864 and the pending amendments by Senator Madsen on page 19, line 1; the pending amendment by Senators Madsen and Talmadge on page 28, line 8; and the pending amendment by Senator Talmadge on page 28, line 8, to the Committee on Ways and Means striking amendment.

The amendment by Senator Madsen on page 19, line 1, to the Committee on Ways and Means striking amendment was ruled in order earlier today and then deferred.

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator McDonald, you said we probably should vote against it. I don't know what we're talking about in dollar amounts and how that would be affected."

Senator McDonald: "I don't know exactly either, Senator Rasmussen, because my understanding of the amendment is that it allows for appropriation--the amount that would be appropriated. I guess in my years in the Legislature, the thing that I don't like to see happen, is raise peoples expectations beyond what you can produce. If we say it would be subject to appropriation and have no expectations that it would be, then I think we have done a disservice, and I think we ought to just reject the amendment."

Senator Rasmussen: "Thank you."

Further debate ensued.

FURTHER ANSWER BY SENATOR MCDONALD

Senator McDonald: "It would cost, in my memory, about 1.1 million dollars in this biennium. It would drive forward about a 4.4 million dollar appropriation in the next biennium. Does that answer your question, Senator Rasmussen?"

Further debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Madsen on page 19, line 1, to Engrossed Substitute House Bill No. 1864.

The motion by Senator Madsen failed and the amendment to the Committee on Ways and Means amendment was not adopted on a rising vote.

RULING BY THE PRESIDENT

President Pritchard: "In ruling upon the point of order raised by Senator McDonald, the President finds that Engrossed Substitute House Bill No. 1864 is a measure concerning the quality of care in Washington nursing homes and providing for, among other things, adjustments in the nursing service cost center reimbursement rate by providing a twelve and one-half percent increase in wages and benefits for nursing home nursing staff.

"The amendment proposed by Senators Madsen and Talmadge to the Committee on Ways and Means amendment provides for the same salary increase.

"The President, therefore, finds that the proposed amendment to the Committee on Ways and Means amendment does not change the scope and object of the bill and that the point of order is not well taken."

The amendment by Senators Madsen and Talmadge on page 28, line 8, to Engrossed Substitute House Bill No. 1864 was ruled in order.

Debate ensued.

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

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senators Madsen and Talmadge on page 28, line 8, to the Committee on Ways and Means amendment to Engrossed Substitute House Bill No. 1864.

ROLL CALL

The Secretary called the roll and the amendment to the Committee on Ways and Means amendment was not adopted by the following vote: Yeas, 22; nays, 23; excused, 4.

Voting yea: Senators Bauer, Bender, Conner, Fleming, Hansen, Kreidler, Madsen, McMullen, Moore, Murray, Niemi, Owen, Rasmussen, Rinehart, Smitherman, Stratton, Sutherland, Talmadge, Vognild, Warnke, Williams, Wojahn - 22.

Voting nay: Senators Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Hayner, Johnson, Lee, Matson, McDonald, Metcalf, Nelson, Newhouse, Patterson, Pullen, Saling, Sellar, Smith, Thorsness, von Reichbauer, West - 23.

Excused: Senators Amondson, DeJarnatt, Gaspard, McCaslin - 4.

RULING BY THE PRESIDENT

President Pritchard: "In ruling upon the point of order raised by Senator McDonald, the President finds that Engrossed Substitute House Bill No. 1864 is a measure concerning the quality of care in Washington nursing homes and providing for, among other things, adjustments in the nursing service cost center reimbursement rate.

"The amendment proposed by Senator Talmadge to the Committee on Ways and Means amendment makes adjustments in the nursing service cost center reimbursement rate by allowing enhancements to current rates for recruiting and retaining nursing staff.

"The President, therefore, finds that the proposed amendment to the Committee on Ways and Means amendment does not change the scope and object of the bill and that the point of order is not well taken."

The amendment by Senator Talmadge on page 28, line 8, to the Committee on Ways and Means amendment to Engrossed Substitute House Bill No. 1864 was ruled in order.

Debate ensued.

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

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senator Talmadge on page 28, line 8, to the Committee on Ways and Means amendment to Engrossed Substitute House Bill No. 1864.

ROLL CALL

The Secretary called the roll and the amendment to the Committee on Ways and Means amendment was not adopted by the following vote: Yeas, 22; nays, 24; excused, 3.

Voting yea: Senators Bauer, Bender, Conner, Fleming, Hansen, Kreidler, Madsen, McMullen, Moore, Murray, Niemi, Owen, Rasmussen, Rinehart, Smitherman, Stratton, Sutherland, Talmadge, Vognild, Warnke, Williams, Wojahn - 22.

Voting nay: Senators Amondson, Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Hayner, Johnson, Lee, Matson, McDonald, Metcalf, Nelson, Newhouse, Patterson, Pullen, Saling, Sellar, Smith, Thorsness, von Reichbauer, West - 24.

Excused: Senators DeJarnatt, Gaspard, McCaslin - 3.

MOTION

Senator Kreidler moved that the following amendment by Senators Kreidler and Talmadge to the Committee on Ways and Means amendment be adopted:

On page 28, after line 8 of the amendment, insert the following:

"NEW SECTION, Sec. 19. A new section is added to chapter 18.51 RCW to read as follows:

(1) The department shall assure that a preadmission financial eligibility screen is administered prior to admission to a nursing facility licensed under this chapter to determine whether a person is eligible or will be eligible for medical assistance under chapter 74.09 RCW within six months of admission.

(2) The department shall assure that a functional assessment is administered prior to admission to a nursing facility for a person who is expected to be eligible for medical assistance under chapter 74.09 RCW within six months of admission. The assessment shall determine what services are needed and whether such long-term care could be provided in some other more appropriate setting.

(3) The department shall adopt rules to implement the program described in this chapter. The rules shall coordinate, when applicable, with any screen or preadmission assessments mandated under Title XIX of the social security act or other federal regulations.

NEW SECTION, Sec. 20. A new section is added to chapter 18.51 RCW to read as follows:

(1) A nursing facility shall notify applicants, in writing, that the applicant is required under law to participate in the preadmission screen and assessment established in accordance with section 19 of this act.

(2) A nursing facility shall not admit applicants prior to a prescreen as provided for in section 19 of this act.

(3) A nursing facility shall not admit applicants prior to a functional assessment when the applicant is known to be eligible for medical assistance under chapter 74.09 RCW within six months of admission, unless the department finds good cause for immediate admission.

(4) A nursing facility shall immediately refer to the department an applicant who is known to be eligible for medical assistance under chapter 74.09 RCW within six months of the prescreen mandated in section 19 of this act.

NEW SECTION, Sec. 21. A new section is added to chapter 74.42 RCW to read as follows:

The department shall provide the applicant and the nursing home with a written notice of its determination made under section 19 of this act. If the department determines that a person's placement in a nursing home is not appropriate, the written notice must contain:

(1) The reasons for the department's determination; and

(2) A detailed description of services available to the person which, if used by the person, make the placement of the person in a nursing home inappropriate."

Renumber remaining section consecutively.

POINT OF INQUIRY

Senator Rasmussen: "Senator Kreidler, in the case that Senator West was talking about, your parents, your grandparents, or whomever--children, coming out of a hospital for whatever need--if you select a nursing home and you have the money to pay for it, the department doesn't enter into it at all, do they? That's not department business."

Senator Kreidler: "Thank you, Senator Rasmussen. As it stands right now, if you're a private pay patient and you come to a nursing home, there is no review at the current time. You're automatically--you come forward and you're accepted as a nursing home patient on the referral, generally on the referral of a physician. That's how it currently works right now for that admission. There is no financial assessment. Currently, there is very little information that's ever imparted as to what the alternatives are, which is to speak to a concern that was raised and was probably part of your question, that what happens to a family that decided to put a loved one--a family member into a nursing home.

"At that particular point in time, there's a simple assessment document that would be signed by the individual or their representative and their physician saying that they're in a financial situation where they would not effectively become a public patient within six months. At that point, there is no further review or assessment that is done. The alternatives are explained to them or given to them in a brochure, but there is nothing that happens to them. It is only those individuals who show that they have no financial resources that will carry them past six months--they are, at that point, then required to have an assessment of their particular physical needs to see if they really need to be in a nursing home at that point or not. If you have more than six months of money to keep you in as a private pay nursing home patient, there's no assessment that is done at that point."

The President declared the question before the Senate to be the adoption of the amendment by Senators Kreidler and Talmadge on page 28, line 8, to the Committee on Ways and Means amendment to Engrossed Substitute House Bill No. 1864.

The motion by Senator Kreidler failed and the amendment to the committee amendment was not adopted.

MOTION

On motion of Senator Newhouse, further consideration of Engrossed Substitute House Bill No. 1864 was deferred.

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

There being no objection, the Senate resumed consideration of Engrossed Substitute Senate Bill No. 5338, on reconsideration, deferred earlier today.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5338, on reconsideration.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5338, on reconsideration, and the bill passed the Senate by the following vote: Yeas, 25; nays, 21; excused, 3.

Voting yeas: Senators Bailey, Bender, Bluechel, Conner, Fleming, Hansen, Hayner, Johnson, Kreidler, Lee, Matson, McDonald, McMullen, Metcalf, Murray, Nelson, Niemi, Owen, Patterson, Pullen, Sellar, Talmadge, Thorsness, Vogtild, West - 25.

Voting nays: Senators Amondson, Anderson, Barr, Bauer, Benitz, Cantu, Craswell, Madsen, Moore, Newhouse, Rasmussen, Rinehart, Saling, Smith, Smitherman, Stratton, Sutherland, von Reichbauer, Warnke, Williams, Wojahn - 21.

Excused: Senators DeJarnatt, Gaspard, McCaslin - 3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5338, on reconsideration, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

There being no objection, the Senate resumed consideration of Engrossed Substitute House Bill No. 1864, deferred earlier today.

MOTION

Senator McDonald moved that the following amendment to the Committee on Ways and Means amendment be adopted:

On page 2, beginning on line 14 of the amendment, strike all of sections 2 through 19 and insert the following:

*Sec. 2. Section 41, chapter 177, Laws of 1980 as last amended by section 3, chapter 175, Laws of 1986 and RCW 74.46.410 are each amended to read as follows:

(1) Costs will be unallowable if they are not documented, necessary, ordinary, and related to the provision of care services to authorized patients.

(2) Unallowable costs include, but are not limited to, the following:

(a) Costs of items or services not covered by the medical care program. Costs of such items or services will be unallowable even if they are indirectly reimbursed by the department as the result of an authorized reduction in patient contribution;

(b) Costs of services and items provided to recipients which are covered by the department's medical care program but not included in care services established by the department under this chapter;

(c) Costs associated with a capital expenditure subject to section 1122 approval (part 100, Title 42 C.F.R.) if the department found it was not consistent with applicable standards, criteria, or plans. If the department was not given timely notice of a proposed capital expenditure, all associated costs will be unallowable up to the date they are determined to be reimbursable under applicable federal regulations;

(d) Costs associated with a construction or acquisition project requiring certificate of need approval pursuant to chapter 70.38 RCW if such approval was not obtained;

(e) Interest costs other than those provided by RCW 74.46.290 on and after the effective date of RCW 74.46.530;

(f) Salaries or other compensation of owners, officers, directors, stockholders, and others associated with the contractor or home office, except compensation paid for service related to patient care;

(g) Costs in excess of limits or in violation of principles set forth in this chapter;

(h) Costs resulting from transactions or the application of accounting methods which circumvent the principles of the cost-related reimbursement system set forth in this chapter;

(i) Costs applicable to services, facilities, and supplies furnished by a related organization in excess of the lower of the cost to the related organization or the price of comparable services, facilities, or supplies purchased elsewhere;

(j) Bad debts of non-Title XIX recipients. Bad debts of Title XIX recipients are allowable if the debt is related to covered services, it arises from the recipient's required contribution toward the cost of care, the provider can establish that reasonable collection efforts were made, the debt was actually uncollectible when claimed as worthless, and sound business judgment established that there was no likelihood of recovery at any time in the future;

(k) Charity and courtesy allowances;

(l) Cash, assessments, or other contributions, excluding dues, to charitable organizations, professional organizations, trade associations, or political parties, and costs incurred to improve community or public relations;

(m) Vending machine expenses;

(n) Expenses for barber or beautician services not included in routine care;

(o) Funeral and burial expenses;

(p) Costs of gift shop operations and inventory;

(q) Personal items such as cosmetics, smoking materials, newspapers and magazines, and clothing, except those used in patient activity programs;

(r) Fund-raising expenses, except those directly related to the patient activity program;

(s) Penalties and fines;

(t) Expenses related to telephones, televisions, radios, and similar appliances in patients' private accommodations;

(u) Federal, state, and other income taxes;

(v) Costs of special care services except where authorized by the department;

(w) Expenses of key-man insurance and other insurance or retirement plans not made available to all employees;

(x) Expenses of profit-sharing plans;

(y) Expenses related to the purchase and/or use of private or commercial airplanes which are in excess of what a prudent contractor would expend for the ordinary and economic provision of such a transportation need related to patient care;

(z) Personal expenses and allowances of owners or relatives;

(aa) All expenses of maintaining professional licenses or membership in professional organizations;

(bb) Costs related to agreements not to compete;

(cc) Amortization of goodwill;

(dd) Expenses related to vehicles which are in excess of what a prudent contractor would expend for the ordinary and economic provision of transportation needs related to patient care;

(ee) Legal and consultant fees in connection with a fair hearing against the department where a decision is rendered in favor of the department or where otherwise the determination of the department stands;

(ff) Legal and consultant fees of a contractor or contractors in connection with a lawsuit against the department;

(gg) Lease acquisition costs and other intangibles not related to patient care;

(hh) All rental or lease costs other than those provided in RCW 74.46.300 on and after the effective date of RCW 74.46.510 and 74.46.530;

(ii) Postsurvey charges incurred by the facility as a result of subsequent inspections under RCW 18.51.050 which occur beyond the first postsurvey visit during the certification survey calendar year;

(jj) Costs and fees otherwise allowable for legal services, whether purchased, allocated by a home office, regional office or management company, or performed by the contractor or employees of the contractor, in excess of the eighty-fifth percentile of such costs reported by all contractors for the most recent cost report period: PROVIDED, That this limit shall not apply if a contractor has not exceeded this percentile in any of the preceding three annual cost report periods;

(kk) Costs and fees otherwise allowable for accounting and bookkeeping services, whether purchased, allocated by a home office, regional office or management company, or performed by the contractor or employees of the contractor, in excess of the eighty-fifth percentile of such costs reported by all contractors for the most recent cost report period: PROVIDED, That this limit shall not apply if a contractor has not exceeded this percentile in any of the preceding three annual cost report periods.

Sec. 3, Section 12, chapter 476, Laws of 1987 and RCW 18.51.430 are each amended to read as follows:

A petition for receivership shall include the name of the candidate for receiver. The department shall maintain a list of qualified persons to act as receivers, however, no person may be considered to be qualified to be a receiver who:

(1) Is the owner, licensee, or administrator of the facility;

(2) Is affiliated with the facility;

(3) Has a financial interest in the facility at the time the receiver is appointed; or

(4) Has owned or operated a nursing home that has been ordered into receivership.

If a receiver is appointed, he or she may be drawn from the list but need not be, but an appointee shall have experience in providing long-term health care and a history of satisfactory operation of a nursing home. Preference may be granted to persons expressing an interest in permanent operation of the facility.

Sec. 4. Section 19, chapter 476, Laws of 1987 and RCW 18.51.500 are each amended to read as follows:

Upon order of the court, the department shall provide emergency or transitional financial assistance to a receiver not to exceed thirty thousand dollars. The receiver shall file with the court an accounting for any money expended. Any emergency or transitional expenditure made by the department on behalf of a nursing home not certified to participate in the Medicaid Title XIX program shall be recovered from revenue generated by the facility which revenue is not obligated to the operation of the facility. ~~((If such funds are not fully recovered at the termination of the receivership.))~~ An action to recover such sums may be filed by the department against the former licensee or owner at the time the expenditure is made, regardless of whether the facility is certified to participate in the Medicaid Title XIX program or not.

In lieu of filing an action, the department may file a lien on the facility or on the proceeds of the sale of the facility. Such a lien shall take priority over all other liens except for liens for wages to employees. The owner of the facility shall be entitled to the proceeds of the facility or the sale of the facility to the extent that these exceed the liabilities of the facility, including liabilities to the state, receiver, employees, and contractors, at the termination of the receivership.

Revenues relating to services provided by the current or former licensee, operator, or owner and available operating funds belonging to such licensee, operator, or owner shall be under the control of the receiver. The receiver shall consult the court in cases of extraordinary or questionable debts incurred prior to his or her appointment and shall not have the power to close the home or sell any assets of the home without prior court approval.

Priority shall be given to debts and expenditures directly related to providing care and meeting the needs of patients. Any payment made to the receiver shall discharge the obligation of the payor to the owner of the facility.

Sec. 5. Section 24, chapter 211, Laws of 1979 ex. sess. and RCW 74.42.240 are each amended to read as follows:

(1) No staff member may administer any medication to a resident unless the staff member is licensed to administer medication: PROVIDED, That nothing herein shall be construed as prohibiting graduate nurses or student nurses from administering medications when permitted to do so under chapter 18.88 or 18.78 RCW and rules adopted thereunder.

(2) The facility may only allow a resident to give himself or herself medication with the attending physician's permission.

(3) Medication shall only be administered to or used by the resident for whom it is ordered. Sec. 6. Section 38, chapter 211, Laws of 1979 ex. sess. as amended by section 2, chapter 284, Laws of 1985 and RCW 74.42.380 are each amended to read as follows:

(1) The facility shall have a director of nursing services. The director of nursing services shall be a registered nurse.

(2) The director of nursing services is responsible for:

(a) Coordinating the plan of care for each resident;

(b) Permitting only licensed personnel to administer medications: PROVIDED, That nothing herein shall be construed as prohibiting graduate nurses(~~(- and student nurses under the supervision of their clinical instructor.))~~ or student nurses from administering medications when permitted to do so under chapters 18.88 or 18.78 RCW and rules promulgated pursuant thereto: PROVIDED FURTHER, That nothing herein shall be construed as prohibiting persons certified under chapter 18.135 RCW from practicing pursuant to the delegation and supervision requirements of chapter 18.135 RCW and rules promulgated pursuant thereto; and

(c) Insuring that the licensed practical nurses comply with chapter 18.78 RCW, the registered nurses comply with chapter 18.88 RCW, and persons certified under chapter 18.135 RCW comply with the provisions of that chapter and rules promulgated pursuant thereto.

Sec. 7. Section 1, chapter 284, Laws of 1985 and RCW 18.51.054 are each amended to read as follows:

The department may deny a license to any applicant ~~((who))~~ if the department finds that the applicant or any partner, officer, director, managerial employee, or owner of five percent or more of the applicant:

(1) Operated a nursing home without a license or under a revoked or suspended license;

(2) Knowingly or with reason to know made a false statement of a material fact (a) in an application for license or any data attached thereto, or (b) in any matter under investigation by the department; or

(3) Refused to allow representatives or agents of the department to inspect (a) all books, records, and files required to be maintained or (b) any portion of the premises of the nursing home; or

(4) Willfully prevented, interfered with, or attempted to impede in any way (a) the work of any authorized representative of the department or (b) the lawful enforcement of any provision of this chapter or chapter 74.42 RCW; or

(5) Has a history of significant noncompliance with federal or state regulations in providing nursing home care. In deciding whether to deny a license under this section, the factors the department considers shall include the gravity and frequency of the noncompliance.

Sec. 8. Section 7, chapter 117, Laws of 1951 as last amended by section 23, chapter 476, Laws of 1987 and RCW 18.51.060 are each amended to read as follows:

~~(1) (The department is authorized to deny, suspend, or revoke a license or, in lieu thereof or in addition thereto, assess monetary penalties of a civil nature not to exceed three thousand dollars per violation)) In any case in which ((H)) the department finds that ((the applicant, or)) a licensee, or any partner, officer, director, owner of five percent or more of the assets of the nursing home, or managing employee((:~~

~~((a)) failed or refused to comply with the requirements of this chapter or of chapter 74.42 RCW, or the standards, rules and regulations established under them((:)) or, in the case of a Medicaid contractor, failed or refused to comply with the Medicaid requirements of Title XIX of the social security act, as amended, and regulations promulgated thereunder, the department may take any or all of the following actions:~~

~~(a) Suspend, revoke, or refuse to renew a license;~~

~~(b) Order stop placement;~~

~~(c) Assess monetary penalties of a civil nature;~~

~~(d) Deny payment to a nursing home for any Medicaid resident admitted after notice to deny payment. Residents who are Medicaid recipients shall not be responsible for payment when the department takes action under this subsection;~~

~~(e) Appoint temporary management as provided in subsection (7) of this section.~~

(2) The department may suspend, revoke, or refuse to renew a license, assess monetary penalties of a civil nature, or both, in any case in which it finds that the licensee, or any partner, officer, director, owner of five percent or more of the assets of the nursing home, or managing employee:

~~((b)) (a) Operated a nursing home without a license or under a revoked or suspended license; or~~

~~((c) Has) (b) Knowingly or with reason to know made a false statement of a material fact in his application for license or any data attached thereto, or in any matter under investigation by the department; or~~

~~((d)) (c) Refused to allow representatives or agents of the department to inspect all books, records, and files required to be maintained or any portion of the premises of the nursing home; or~~

~~((e)) (d) Willfully prevented, interfered with, or attempted to impede in any way the work of any duly authorized representative of the department and the lawful enforcement of any provision of this chapter or of chapter 74.42 RCW; or~~

~~((f)) (e) Willfully prevented or interfered with any representative of the department in the preservation of evidence of any violation of any of the provisions of this chapter or of chapter 74.42 RCW or the standards, rules, and regulations adopted under them; or~~

~~((g)) (f) Failed to report patient abuse or neglect in violation of chapter 70.124 RCW; or~~

~~((h)) (g) Fails to pay any civil monetary penalty assessed by the department pursuant to this chapter within ten days after such assessment becomes final((:-PROVIDED- That in no event shall the department assess a civil monetary penalty authorized pursuant to this section or post the said premises as provided in RCW 18.51.260 or include in the report required pursuant to RCW 18.51.270 during any period in which it has not reasonably implemented and funded its cost-related reimbursement system for public patients:~~

~~(2) A contractor subject to civil penalty under subsection (1)(a) of this section shall have a reasonable opportunity, not to exceed sixty days from notification of the violation, to correct the violation before being assessed a civil monetary penalty under this section. However, if the department determines that the violation resulted in serious harm to or death of a patient, constitutes a serious threat to patient life, health, or safety, or substantially limits the nursing home's capacity to render adequate care, the violator shall be so notified and a penalty may be assessed without prior opportunity to correct. Each day the violation continues may constitute a separate violation subject to assessment of a separate penalty.~~

~~The correction of a standard or condition level deficiency, as defined by the authority of Title XVIII of the social security act and 42 C.F.R. 405-110 subpart K, shall be maintained for a period of at least one year. Failure to maintain such correction shall constitute a separate violation for each day the deficiency is not corrected and may be subject to the assessment of a separate penalty not to exceed three thousand dollars without a prior opportunity to correct the violation.~~

~~(3) A person subject to civil penalty under subsection (1)(b) through (h) of this section shall not have a prior opportunity to correct the violation before being assessed a civil monetary penalty under this section.~~

Following the notification of a violation of subsection (1)(b) through (h) of this section, each day upon which the same or a substantially similar action occurs shall constitute a separate violation subject to the assessment of a separate penalty:

(4) Any civil penalty assessed under this section or chapter 74.46 RCW shall bear a reasonable rate of interest from the date of notification of the violation. The department may administer civil fines under this section or chapter 74.46 RCW by:

(a) Requiring payment in full; or

(b) Permitting installment payments; or

(c) Requiring that the full amount or a portion of the assessed civil penalty be expended to ameliorate the violation or to improve nonadministrative services within the facility; or

(d) Deter the penalty or a portion thereof until one year after corrective action has been completed to assure maintenance of such action: PROVIDED, That the penalty may be reduced all or in part at the end of such year: PROVIDED FURTHER, That the penalty may be trebled if such corrective action is not maintained for one year).

~~((5))~~ (3) The department shall deny payment to a nursing home having a Medicaid contract with respect to any Medicaid-eligible individual admitted to the nursing home when:

(a) The department finds the nursing home not in compliance with the requirements of Title XIX of the social security act, as amended, and regulations promulgated thereunder, and the facility has not complied with such requirements within three months; in such case, the department shall deny payment until correction has been achieved; or

(b) The department finds on three consecutive standard surveys that the nursing home provided substandard quality of care; in such case, the department shall deny payment for new admissions until the facility has demonstrated to the satisfaction of the department that it is in compliance with Medicaid requirements and that it will remain in compliance with such requirements.

(4) (a) Civil penalties collected under this section or under chapter 74.42 RCW shall be deposited into a special fund administered by the department to be applied to the protection of the health or property of residents of nursing homes found to be deficient, including payment for the costs of relocation of residents to other facilities, maintenance of operation of a facility pending correction of deficiencies or closure, and reimbursement of residents for personal funds lost.

(b) Civil monetary penalties, if imposed, may be assessed and collected, with interest, for each day a nursing home is or was out of compliance. Civil monetary penalties shall not exceed three thousand dollars per violation. Each day upon which the same or a substantially similar action occurs is a separate violation subject to the assessment of a separate penalty.

(c) Any civil penalty assessed under this section or chapter 74.46 RCW shall be a nonreimbursable item under chapter 74.46 RCW.

(5)(a) The department shall order stop placement on a nursing home, effective upon oral or written notice, when the department determines:

(i) The nursing home no longer substantially meets the requirements of chapter 18.51 RCW, chapter 74.42 RCW, or in the case of Medicaid contractors, the requirements of Title XIX of the social security act, as amended, and any regulations promulgated under such statutes; and

(ii) The deficiency or deficiencies in the nursing home:

(A) Jeopardize the health and safety of the residents, or

(B) Seriously limit the nursing home's capacity to provide adequate care.

(b) When the department has ordered a stop placement, the department may approve a readmission to the nursing home from a hospital when the department determines the readmission would be in the best interest of the individual seeking readmission.

(c) The department shall terminate the stop placement when:

(i) The provider states in writing that the deficiencies necessitating the stop placement action have been corrected; and

(ii) The department staff confirms in a timely fashion not to exceed fifteen working days that:

(A) The deficiencies necessitating stop placement action have been corrected, and

(B) The provider exhibits the capacity to maintain adequate care and service.

(d) A nursing home provider shall have the right to an informal review to present written evidence to refute the deficiencies cited as the basis for the stop placement. A request for an informal review must be made in writing within ten days of the effective date of the stop placement.

(e) A stop placement shall not be delayed or suspended because the nursing home requests a hearing pursuant to chapter 34.05 RCW or an informal review. The stop placement shall remain in effect until:

(i) The department terminates the stop placement; or

(ii) The stop placement is terminated by a final agency order, after a hearing, pursuant to chapter 34.05 RCW.

(6) If the department determines that an emergency exists as a result of a nursing home's failure or refusal to comply with requirements of this chapter or, in the case of a Medicaid contractor, its failure or refusal to comply with Medicaid requirements of Title XIX of the social

security act, as amended, and rules adopted thereunder, the department may suspend the nursing home's license and order the immediate closure of the nursing home, the immediate transfer of residents, or both.

(7) If the department determines that the health or safety of residents is immediately jeopardized as a result of a nursing home's failure or refusal to comply with requirements of this chapter or, in the case of a medicaid contractor, its failure or refusal to comply with medicaid requirements of Title XIX of the social security act, as amended, and rules adopted thereunder, the department may appoint temporary management to:

(a) Oversee the operation of the facility; and

(b) Ensure the health and safety of the facilities residents while:

(i) Orderly closure of the facility occurs; or

(ii) The deficiencies necessitating temporary management are corrected.

(8) The department shall by rule specify criteria as to when and how the sanctions specified in this section shall be applied. Such criteria shall provide for the imposition of incrementally more severe penalties for deficiencies that are repeated, uncorrected, pervasive, or present a threat to the health, safety, or welfare of the residents.

Sec. 9. Section 16, chapter 99, Laws of 1975 1st ex. sess. as amended by section 19, chapter 2, Laws of 1981 1st ex. sess. and RCW 18.51.065 are each amended to read as follows:

(1) All orders of the department denying, suspending, or revoking the license or assessing a monetary penalty shall become final twenty days after the same has been served upon the applicant or licensee unless a hearing is requested. All orders of the department imposing stop placement, temporary management, emergency closure, emergency transfer, or license suspension, shall be effective immediately upon notice. Orders of the department imposing denial of payment shall become final twenty days after the same has been served, unless a hearing is requested, except that such orders shall be effective immediately upon notice and pending any hearing when the department determines the deficiencies jeopardize the health and safety of the residents or seriously limit the nursing home's capacity to provide adequate care. All hearings hereunder and judicial review of such determinations shall be in accordance with the administrative procedure act, chapter ((34-04)) 34.05 RCW, except that all orders of the department imposing stop placement, temporary management, emergency closure, emergency transfer, or license suspension shall be effective pending any hearing, and except that chapter 34.05 RCW shall have no application to receivership, which is instituted by direct petition to superior court as provided for in RCW 18.51.410 through 18.51.520.

Sec. 10. Section 10, chapter 476, Laws of 1987 and RCW 18.51.410 are each amended to read as follows:

A petition to establish a receivership shall allege that one or more of the following conditions exist and that the current operator has demonstrated an inability or unwillingness to take actions necessary to immediately correct the conditions alleged:

(1) The facility is operating without a license;

(2) The facility has not given the department prior written notice of its intent to close and has not made arrangements within thirty days before closure for the orderly transfer of its residents: PROVIDED, That if the facility has given the department prior written notice but the department has not acted with all deliberate speed to transfer the facility's residents, this shall bar the filing of a petition under this ((section)) subsection;

(3) ~~((An emergency exists that specifically demonstrates an immediate and serious threat of harm to))~~ The health, ~~((security))~~ safety, or welfare of the facility's residents ~~((including, but not limited to, abandonment of the facility by the owner))~~ is immediately jeopardized;

(4) ~~((A condition exists in the facility in violation of a licensing statute or regulation that specifically demonstrates an immediate and serious threat of harm to the health, safety, or welfare of the residents of the facility;~~

~~((5))~~ The facility demonstrates a pattern and practice of violating chapter 18.51 or 74.42 RCW ~~((or other statutes or regulations adopted by the department designed to safeguard the health, security, or welfare of residents))~~ and rules adopted thereunder such that the facility has demonstrated a repeated inability to maintain minimum patient care standards; or

~~((6))~~ (5) The facility demonstrates a pattern or practice of violating a condition level as defined by the federal government under the authority of Title XIX of the social security act.

The department may file a petition in the superior court in the county in which the nursing home is located or in the superior court of Thurston county. The current or former operator or licensee and the owner of the nursing home, if different than the operator or licensee, shall be made a party to the action. The court shall grant the petition if it finds, by a preponderance of the evidence, that one or more of the conditions listed in subsections (1) through (6) of this section exists and, subject to RCW 18.51.420, that the current operator is unable or unwilling to take actions necessary to immediately correct the conditions.

Sec. 11. Section 13, chapter 476, Laws of 1987 and RCW 18.51.440 are each amended to read as follows:

Upon receipt of a petition for receivership, the court shall hear the matter within fourteen days. Temporary relief may be obtained under chapter 7.40 RCW and other applicable laws. In all actions arising under RCW 18.51.410 through 18.51.530, the posting of a certified copy of

the summons and petition in a conspicuous place in the nursing home shall constitute service of those documents upon the respondent.

~~((In considering the petition, the court shall consider the following factors, among others:~~

~~(1) The history of the provider, including any prior history of deficiencies and corrective action taken; and~~

~~(2) Whether the circumstances alleged in the petition occurred for reasons that were beyond the control of the facility's current or former operator, licensee, or owner.))~~

Sec. 12. Section 15, chapter 476, Laws of 1987 and RCW 18.51.460 are each amended to read as follows:

~~(1) The receivership shall terminate:~~

~~((1) At the end of the appointed term;~~

~~(2)) (a) When all deficiencies have been eliminated and the court determines that the facility has the management capability to ensure continued compliance with all requirements; or~~

~~(b) When all residents have been transferred and the facility closed.))~~

~~(3) When all deficiencies have been eliminated and the facility has been sold or returned to its former owner. PROVIDED, That when a rehabilitated facility is returned to its former owner, the court may impose conditions to assure the continued compliance with chapters 18.51 and 74.42 RCW, and other applicable laws and regulations; or~~

~~(4) Upon possession and control of the nursing home by a licensed replacement operator.))~~

~~(2) Upon the termination of a receivership, the court may impose conditions to assure the continued compliance with chapter 18.51 RCW, chapter 74.42 RCW, and, in the case of medicaid contractors, continued compliance with Title XIX of the social security act, as amended, and regulations promulgated thereunder.~~

Sec. 13. Section 58, chapter 211, Laws of 1979 ex. sess. as last amended by section 27, chapter 476, Laws of 1987 and RCW 74.42.580 are each amended to read as follows:

The department may deny, suspend, ~~((or))~~ revoke, or refuse to renew a license or provisional license ~~((or, in lieu thereof or in addition thereto))~~, assess monetary penalties of a civil nature, deny payment, seek receivership, order stop placement, appoint temporary management, order emergency closure, or order emergency transfer as provided in RCW 18.51.054 and 18.51.060 for violations of requirements of this chapter or, in the case of medicaid contractors, the requirements of Title XIX of the social security act, as amended, or rules adopted thereunder. Chapter ~~((34.04))~~ 34.05 RCW shall apply to any such actions, except for receivership, and except that stop placement, appointment of temporary management, emergency closure, emergency transfer, and summary license suspension shall be effective pending any hearing, and except that denial of payment shall be effective pending any hearing when the department determines deficiencies jeopardize the health and safety of the residents or seriously limit the nursing home's capacity to provide adequate care.

Sec. 14. Section 36, chapter 177, Laws of 1980 as last amended by section 1, chapter 208, Laws of 1988 and by section 1, chapter 221, Laws of 1988 and RCW 74.46.360 are each reenacted and amended to read as follows:

(1) The depreciation base shall be the historical cost of the contractor or lessor, when the assets are leased by the contractor, in acquiring the asset in an arm's-length transaction and preparing it for use, less goodwill, and less accumulated depreciation which has been incurred during periods that the assets have been used in or as a facility by any contractor, such accumulated depreciation to be measured in accordance with subsections (2), (3), and (4) of this section and RCW 74.46.350 and 74.46.370. If the department challenges the historical cost of an asset, or if the contractor cannot or will not provide the historical costs, the department will have the department of general administration, through an appraisal procedure, determine the fair market value of the assets at the time of purchase. The depreciation base of the assets will not exceed such fair market value.

(2) The historical cost of donated assets, or of assets received through testate or intestate distribution, shall be the lesser of:

(a) Fair market value at the date of donation or death; or

(b) The historical cost base of the owner last contracting with the department, if any.

(3) Estimated salvage value of acquired, donated, or inherited assets shall be deducted from historical cost where the straight-line or sum-of-the-years' digits method of depreciation is used.

(4) (a) Where depreciable assets are acquired that were used in the medical care program subsequent to January 1, 1980, the depreciation base of the assets will not exceed the net book value which did exist or would have existed had the assets continued in use under the previous contract with the department; except that depreciation shall not be assumed to accumulate during periods when the assets were not in use in or as a facility.

(b) The provisions of (a) of this subsection shall not apply to the most recent arm's-length acquisition if it occurs at least ten years after the ownership of the assets has been previously transferred in an arm's-length transaction nor to the first arm's-length acquisition that occurs after January 1, 1980, for facilities participating in the medical care program prior to January 1, 1980. The new depreciation base for such acquisitions shall not exceed the fair market value

of the assets as determined by the department of general administration through an appraisal procedure. A determination by the department of general administration of fair market value shall be final unless the procedure used to make such determination is shown to be arbitrary and capricious. This subsection is inoperative for any transfer of ownership of any asset occurring on or after July 18, 1984, leaving (a) of this subsection to apply alone to such transfers: PROVIDED, HOWEVER, That this subsection shall apply to transfers of ownership of assets occurring prior to January 1, 1985, if the costs of such assets have never been reimbursed under medicaid cost reimbursement on an owner-operated basis or as a related-party lease: PROVIDED FURTHER, That for any contractor that can document in writing an enforceable agreement for the purchase of a nursing home dated prior to ~~((August-))~~ July 18, 1984, and submitted to the department prior to January 1, 1988, the depreciation base of the nursing home, for rates established after July 18, 1984, shall not exceed the fair market value of the assets at the date of purchase as determined by the department of general administration through an appraisal procedure. For medicaid cost reimbursement purposes, an agreement to purchase a nursing home dated prior to July 18, 1984, is enforceable, even though such agreement contains no legal description of the real property involved, notwithstanding the statute of frauds or any other provision of law.

(c) In the case of assets leased by the same contractor since January 1, 1980, in an arm's-length lease, and purchased by the lessee/contractor, the lessee/contractor shall have the option:

(i) To have the provisions of subsection (b) of this section apply to the purchase; or

(ii) To have the reimbursement for property and return on investment continue to be calculated pursuant to the provisions contained in RCW 74.46.530(1)(i) (e) and (f) based upon the provisions of the lease in existence on the date of the purchase, but only if the purchase date meets one of the following criteria:

(A) The purchase date is after the lessor has declared bankruptcy or has defaulted in any loan or mortgage held against the leased property;

(B) The purchase date is within one year of the lease expiration or renewal date contained in the lease;

(C) The purchase date is after a rate setting for the facility in which the reimbursement rate set pursuant to this chapter no longer is equal to or greater than the actual cost of the lease; or

(D) The purchase date is within one year of any purchase option in existence on January 1, 1988.

(d) Where depreciable assets are acquired from a related organization, the contractor's depreciation base shall not exceed the base the related organization had or would have had under a contract with the department.

(e) Where the depreciable asset is a donation or distribution between related organizations, the base shall be the lesser of (i) fair market value, less salvage value, or (ii) the depreciation base the related organization had or would have had for the asset under a contract with the department.

Sec. 15. Section 74.09.120, chapter 26, Laws of 1959 as last amended by section 44, chapter 67, Laws of 1983 1st ex. sess. and RCW 74.09.120 are each amended to read as follows:

The department shall purchase necessary physician and dentist services by contract or "fee for service." The department shall purchase hospital care by contract or by all inclusive day rate, or at a reasonable cost based on a ratio of charges to cost. Any hospital when requested by the department shall supply such information as necessary to justify its rate, charges or costs. All additional services provided by the hospital shall be purchased at rates established by the department after consultation with the hospital. The department shall purchase nursing home care by contract. The department shall establish regulations for reasonable nursing home accounting and reimbursement systems which shall provide that no payment shall be made to a nursing home which does not permit inspection by the department of social and health services of every part of its premises and an examination of all records, including financial records, methods of administration, general and special dietary programs, the disbursement of drugs and methods of supply, and any other records the department deems relevant to the establishment of such a system.

All other services and supplies provided under the program shall be secured by contract.

The department may purchase care in institutions for the mentally retarded, also known as intermediate care facilities for the mentally retarded. The department shall establish rules for reasonable accounting and reimbursement systems for such care. Institutions for the mentally retarded include licensed nursing homes, public institutions, licensed boarding homes with fifteen beds or less, and hospital facilities certified as intermediate care facilities for the mentally retarded under the federal medicaid program to provide health, habilitative, or rehabilitative services and twenty-four hour supervision for mentally retarded individuals or persons with related conditions and includes in the program "active treatment" as federally defined.

The department may purchase care in institutions for mental diseases by contract. The department shall establish rules for reasonable accounting and reimbursement systems for such care. Institutions for mental diseases are certified under the federal medicaid program

and primarily engaged in providing diagnosis, treatment, or care to persons with mental diseases, including medical attention, nursing care, and related services.

Sec. 16. Section 44, chapter 177, Laws of 1980 and RCW 74.46.440 are each amended to read as follows:

Only those services which are authorized for a facility pursuant to the medical care program shall be reimbursed under this chapter. Services provided by institutions for mental diseases shall not be reimbursed under this chapter.

Sec. 17. Section 2, chapter 177, Laws of 1980 as last amended by section 6, chapter 476, Laws of 1987 and RCW 74.46.020 are each amended to read as follows:

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

(1) "Accrual method of accounting" means a method of accounting in which revenues are reported in the period when they are earned, regardless of when they are collected, and expenses are reported in the period in which they are incurred, regardless of when they are paid.

(2) "Ancillary care" means those services required by the individual, comprehensive plan of care provided by qualified therapists.

(3) "Appraisal" means the process of estimating the fair market value or reconstructing the historical cost of an asset acquired in a past period as performed by a professionally designated real estate appraiser with no pecuniary interest in the property to be appraised. It includes a systematic, analytic determination and the recording and analyzing of property facts, rights, investments, and values based on a personal inspection and inventory of the property.

(4) "Arm's-length transaction" means a transaction resulting from good-faith bargaining between a buyer and seller who are not related organizations and have adverse positions in the market place. Sales or exchanges of nursing home facilities among two or more parties in which all parties subsequently continue to own one or more of the facilities involved in the transactions shall not be considered as arm's-length transactions for purposes of this chapter. Sale of a nursing home facility which is subsequently leased back to the seller within five years of the date of sale shall not be considered as an arm's-length transaction for purposes of this chapter.

(5) "Assets" means economic resources of the contractor, recognized and measured in conformity with generally accepted accounting principles.

(6) "Bad debts" means amounts considered to be uncollectable from accounts and notes receivable.

(7) "Beds" means the number of set-up beds in the facility, not to exceed the number of licensed beds.

(8) "Beneficial owner" means:

(a) Any person who, directly or indirectly, through any contract, arrangement, understanding, relationship, or otherwise has or shares:

(i) Voting power which includes the power to vote, or to direct the voting of such ownership interest; and/or

(ii) Investment power which includes the power to dispose, or to direct the disposition of such ownership interest;

(b) Any person who, directly or indirectly, creates or uses a trust, proxy, power of attorney, pooling arrangement, or any other contract, arrangement, or device with the purpose or effect of divesting himself of beneficial ownership of an ownership interest or preventing the vesting of such beneficial ownership as part of a plan or scheme to evade the reporting requirements of this chapter;

(c) Any person who, subject to subparagraph (b) of this subsection, has the right to acquire beneficial ownership of such ownership interest within sixty days, including but not limited to any right to acquire:

(i) Through the exercise of any option, warrant, or right;

(ii) Through the conversion of an ownership interest;

(iii) Pursuant to the power to revoke a trust, discretionary account, or similar arrangement;

or

(iv) Pursuant to the automatic termination of a trust, discretionary account, or similar arrangement;

except that, any person who acquires an ownership interest or power specified in subparagraphs (i), (ii), or (iii) of this subparagraph (c) with the purpose or effect of changing or influencing the control of the contractor, or in connection with or as a participant in any transaction having such purpose or effect, immediately upon such acquisition shall be deemed to be the beneficial owner of the ownership interest which may be acquired through the exercise or conversion of such ownership interest or power;

(d) Any person who in the ordinary course of business is a pledgee of ownership interest under a written pledge agreement shall not be deemed to be the beneficial owner of such pledged ownership interest until the pledgee has taken all formal steps necessary which are required to declare a default and determines that the power to vote or to direct the vote or to

dispose or to direct the disposition of such pledged ownership interest will be exercised; except that:

(i) The pledgee agreement is bona fide and was not entered into with the purpose nor with the effect of changing or influencing the control of the contractor, nor in connection with any transaction having such purpose or effect, including persons meeting the conditions set forth in subparagraph (b) of this subsection; and

(ii) The pledgee agreement, prior to default, does not grant to the pledgee:

(A) The power to vote or to direct the vote of the pledged ownership interest; or

(B) The power to dispose or direct the disposition of the pledged ownership interest, other than the grant of such power(s) pursuant to a pledge agreement under which credit is extended and in which the pledgee is a broker or dealer.

(9) "Capitalization" means the recording of an expenditure as an asset.

(10) "Contractor" means an entity which contracts with the department to provide services to medical care recipients in a facility and which entity is responsible for operational decisions.

(11) "Department" means the department of social and health services (DSHS) and its employees.

(12) "Depreciation" means the systematic distribution of the cost or other basis of tangible assets, less salvage, over the estimated useful life of the assets.

(13) "Direct care supplies" means medical, pharmaceutical, and other supplies required for the direct nursing and ancillary care of medical care recipients.

(14) "Entity" means an individual, partnership, corporation, or any other association of individuals capable of entering enforceable contracts.

(15) "Equity" means the net book value of all tangible and intangible assets less the recorded value of all liabilities, as recognized and measured in conformity with generally accepted accounting principles.

(16) "Facility" means a nursing home licensed in accordance with chapter 18.51 RCW, excepting nursing homes certified as institutions for mental diseases, or that portion of a hospital licensed in accordance with chapter 70.41 RCW which operates as a nursing home.

(17) "Fair market value" means the replacement cost of an asset less observed physical depreciation on the date for which the market value is being determined.

(18) "Financial statements" means statements prepared and presented in conformity with generally accepted accounting principles including, but not limited to, balance sheet, statement of operations, statement of changes in financial position, and related notes.

(19) "Generally accepted accounting principles" means accounting principles approved by the financial accounting standards board (FASB).

(20) "Generally accepted auditing standards" means auditing standards approved by the American institute of certified public accountants (AICPA).

(21) "Goodwill" means the excess of the price paid for a business over the fair market value of all other identifiable, tangible, and intangible assets acquired.

(22) "Historical cost" means the actual cost incurred in acquiring and preparing an asset for use, including feasibility studies, architect's fees, and engineering studies.

(23) "Imprest fund" means a fund which is regularly replenished in exactly the amount expended from it.

(24) "Joint facility costs" means any costs which represent resources which benefit more than one facility, or one facility and any other entity.

(25) "Lease agreement" means a contract between two parties for the possession and use of real or personal property or assets for a specified period of time in exchange for specified periodic payments. Elimination (due to any cause other than death or divorce) or addition of any party to the contract, expiration, or modification of any lease term in effect on January 1, 1980, or termination of the lease by either party by any means shall constitute a termination of the lease agreement. An extension or renewal of a lease agreement, whether or not pursuant to a renewal provision in the lease agreement, shall be considered a new lease agreement. A strictly formal change in the lease agreement which modifies the method, frequency, or manner in which the lease payments are made, but does not increase the total lease payment obligation of the lessee, shall not be considered modification of a lease term.

(26) "Medical care program" means medical assistance provided under RCW 74.09.500 or authorized state medical care services.

(27) "Medical care recipient" or "recipient" means an individual determined eligible by the department for the services provided in chapter 74.09 RCW.

(28) "Net book value" means the historical cost of an asset less accumulated depreciation.

(29) "Net invested funds" means the net book value of tangible fixed assets employed by a contractor to provide services under the medical care program, including land, buildings, and equipment as recognized and measured in conformity with generally accepted accounting principles, plus an allowance for working capital which shall be five percent of the allowable costs of each contractor for the previous calendar year.

(30) "Operating lease" means a lease under which rental or lease expenses are included in current expenses in accordance with generally accepted accounting principles.

(31) "Owner" means a sole proprietor, general or limited partners, and beneficial interest holders of five percent or more of a corporation's outstanding stock.

(32) "Ownership interest" means all interests beneficially owned by a person, calculated in the aggregate, regardless of the form which such beneficial ownership takes.

(33) "Patient day" or "client day" means a calendar day of care which will include the day of admission and exclude the day of discharge; except that, when admission and discharge occur on the same day, one day of care shall be deemed to exist.

(34) "Professionally designated real estate appraiser" means an individual who is regularly engaged in the business of providing real estate valuation services for a fee, and who is deemed qualified by a nationally recognized real estate appraisal educational organization on the basis of extensive practical appraisal experience, including the writing of real estate valuation reports as well as the passing of written examinations on valuation practice and theory, and who by virtue of membership in such organization is required to subscribe and adhere to certain standards of professional practice as such organization prescribes.

(35) "Qualified therapist" means:

(a) An activities specialist who has specialized education, training, or experience as specified by the department;

(b) An audiologist who is eligible for a certificate of clinical competence in audiology or who has the equivalent education and clinical experience;

(c) A mental health professional as defined by chapter 71.05 RCW;

(d) A mental retardation professional who is either a qualified therapist or a therapist approved by the department who has had specialized training or one year's experience in treating or working with the mentally retarded or developmentally disabled;

(e) A social worker who is a graduate of a school of social work;

(f) A speech pathologist who is eligible for a certificate of clinical competence in speech pathology or who has the equivalent education and clinical experience;

(g) A physical therapist as defined by chapter 18.74 RCW; and

(h) An occupational therapist who is a graduate of a program in occupational therapy, or who has the equivalent of such education or training.

(36) "Questioned costs" means those costs which have been determined in accordance with generally accepted accounting principles but which may constitute disallowed costs or departures from the provisions of this chapter or rules and regulations adopted by the department.

(37) "Records" means those data supporting all financial statements and cost reports including, but not limited to, all general and subsidiary ledgers, books of original entry, and transaction documentation, however such data are maintained.

(38) "Related organization" means an entity which is under common ownership and/or control with, or has control of, or is controlled by, the contractor.

(a) "Common ownership" exists when an entity is the beneficial owner of five percent or more ownership interest in the contractor and any other entity.

(b) "Control" exists where an entity has the power, directly or indirectly, significantly to influence or direct the actions or policies of an organization or institution, whether or not it is legally enforceable and however it is exercisable or exercised.

(39) "Restricted fund" means those funds the principal and/or income of which is limited by agreement with or direction of the donor to a specific purpose.

(40) "Secretary" means the secretary of the department of social and health services.

(41) "Title XIX" or "Medicaid" means the 1965 amendments to the social security act, P.L. 89-07, as amended.

(42) "Physical plant capital improvement" means a capitalized improvement that is limited to an improvement to the building or the related physical plant.

NEW SECTION, Sec. 18. The department, in cooperation with the state's area agencies on aging, shall prepare printed information regarding the availability of long-term care services in the state. The department shall distribute the information to the state's nursing homes and work with professional organizations representing physicians to encourage distribution of the information to patients in need of long-term care services. Nursing homes shall make the information available prior to accepting new residents for admission.

The information shall include current long-term care services options, including community based and residential services, in an easily understandable manner explaining the nature of the services and other information necessary to allow individuals to assess what services might be appropriate given their functional limitations. The information shall also contain phone numbers and addresses of private and public resources available to assist individuals and their families in assessing the service needs of the individual so that they may make informed decisions about choosing long-term care services.

NEW SECTION, Sec. 19. Section 2 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1989."

POINT OF ORDER

Senator Madsen: "Thank you, Mr. President. I rise to a point of order. We have gone through several scopes on this particular language. It does deal with nursing homes, all the reimbursements and this type of thing, but Sections 15, 16 and 17 deal with institutions for the mentally diseased or mentally ill. All three of these sections deal with something other than nursing homes, so I would ask you to review those three sections as they relate to the original scope and object of the bill. Thank you."

MOTION

On motion of Senator Newhouse, further consideration of Engrossed Substitute House Bill No. 1864 was deferred.

There being no objection, the President reverted the Senate to the first order of business.

REPORT OF STANDING COMMITTEE
GUBERNATORIAL APPOINTMENT

April 19, 1989

GA 9129 GEORGE E. NORTHCROFT, to be appointed May 1, 1989, for a term ending at the Governor's pleasure, as Director of the Department of Retirement Systems.
Reported by Committee on Financial Institutions and Insurance

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators von Reichbauer, Chairman; Johnson, Vice Chairman, Fleming, McCaslin, McMullen, Matson, Rasmussen, Sellar, Smitherman, West.

MOTION

On motion of Senator Newhouse, the rules were suspended and the Gubernatorial Appointment of George E. Northcroft, as Director of the Department of Retirement Systems, was advanced to second reading and placed on the second reading calendar.

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

MESSAGE FROM THE GOVERNOR

April 19, 1989

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to advise you that on April 18, 1989, Governor Gardner approved the following Senate Bill entitled:

Senate Bill No. 5042

Relating to unilateral implementation in public sector collective bargaining.

Sincerely,

TERRY SEBRING, Legal Counsel to the Governor

MOTION

At 6:39 p.m., on motion of Senator Newhouse, the Senate adjourned until 9:30 a.m., Thursday, April 20, 1989.

JOEL PRITCHARD, President of the Senate.
GORDON A. GOLOB, Secretary of the Senate.

ONE HUNDRED-SECOND DAY

MORNING SESSION

Senate Chamber, Olympia, Thursday, April 20, 1989

The Senate was called to order at 9:30 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Barr, Bauer, Bender, DeJarnatt, McMullen, Metcalf, Owen, Patterson, Pullen and Wojahn. There being no objection, the President excused Senator DeJarnatt.

The Sergeant at Arms Color Guard, consisting of Pages Miriam Safsten and Steven Talbot, presented the Colors. Lieutenant Colonel John Hannah, chaplain, United States Army of Fort Lewis, offered the prayer.

MOTION

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

MESSAGE FROM THE GOVERNOR

April 19, 1989

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to advise you that on April 19, 1989, Governor Gardner approved the following Senate Bills entitled:

Senate Bill No. 5370

Relating to self-study of schools.

Substitute Senate Bill No. 5531

Relating to the award of excellence in education program.

Senate Bill No. 5580

Relating to agency write-offs of uncollectable accounts.

Senate Bill No. 5617

Relating to the mathematics, engineering and science achievement program.

Senate Bill No. 5668

Relating to venue of juvenile proceedings.

Substitute Senate Bill No. 5733

Relating to trademark registration and protection.

Senate Bill No. 5771

Relating to the assignment of rents.

Substitute Senate Bill No. 5786

Relating to the relocation of harbor lines.

Substitute Senate Bill No. 5838

Relating to agricultural livestock liens.

Senate Bill No. 5983

Relating to water rights.

Substitute Senate Bill No. 6003

Relating to school and educational service districts' employee attendance incentive programs.

Sincerely,

TERRY SEBRING, Legal Counsel to the Governor

MESSAGE FROM THE HOUSE

April 19, 1989

Mr. President:

The House concurred in the Senate amendment (s) to the following listed bills and passed said bills as amended by the Senate:

SUBSTITUTE HOUSE BILL NO. 1071.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1301.

ENGROSSED HOUSE BILL NO. 1518.

SUBSTITUTE HOUSE BILL NO. 1560,
 SUBSTITUTE HOUSE BILL NO. 1582,
 HOUSE BILL NO. 1631,
 SUBSTITUTE HOUSE BILL NO. 1759,
 ENGROSSED HOUSE BILL NO. 1841,
 SUBSTITUTE HOUSE BILL NO. 1983,
 HOUSE BILL NO. 2053,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2066,
 SUBSTITUTE HOUSE BILL NO. 2070,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2136.

ALAN THOMPSON, Chief Clerk

SECOND READING
 CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Nelson, Gubernatorial Appointment No. 9016, Eileen P. Farley, as a member of the Sentencing Guidelines Commission, was confirmed.

APPOINTMENT OF EILEEN P. FARLEY

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 39; absent, 9; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, Moore, Murray, Nelson, Newhouse, Niemi, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams - 39.

Absent: Senators Barr, Bauer, Bender, McMullen, Metcalf, Owen, Patterson, Pullen, Wojahn - 9.

Excused: Senator DeJarnatt - 1.

MOTIONS

On motion of Senator Anderson, Senators Amondson, Barr, Metcalf and Patterson were excused.

On motion of Senator Vognild, Senators Bender, Owen and Wojahn were excused.

MOTION

On motion of Senator Nelson, Gubernatorial Appointment No. 9026, Catherine M. Haas, as a member of the Human Rights Commission, was confirmed.

Senator Rasmussen spoke to the confirmation of Catherine M. Haas as a member of the Human Rights Commission.

APPOINTMENT OF CATHERINE M. HAAS

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 41; nays, 1; excused, 7.

Voting yea: Senators Anderson, Bailey, Bauer, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Moore, Murray, Nelson, Newhouse, Niemi, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams - 41.

Voting nay: Senator Fleming - 1.

Excused: Senators Amondson, Barr, Bender, DeJarnatt, Metcalf, Owen, Wojahn - 7.

MOTIONS

On motion of Senator Fleming, Senator Talmadge was excused.

On motion of Senator Vognild, Senator Rinehart was excused.

MOTION

On motion of Senator Pullen, Gubernatorial Appointment No. 9030, Robert J. Hoyden, as a member of the Child Support Schedule Commission, was confirmed.

APPOINTMENT OF ROBERT J. HOYDEN

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 43; absent, 2; excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Pullen, Rasmussen, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Thorsness, Vognil, von Reichbauer, Warnke, West, Williams - 43.

Absent: Senators McMullen, Patterson - 2.

Excused: Senators DeJarnatt, Rinehart, Talmadge, Wojahn - 4.

MOTION

On motion of Senator Bender, Senator Moore was excused.

There being no objection, the President returned the Senate to the fourth order of business.

MESSAGE FROM THE HOUSE

April 19, 1989

Mr. President:

The House insists on its position regarding the House amendments to SUBSTITUTE SENATE BILL NO. 5108 and asks the Senate to concur therein, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Smith, the Senate concurred in the House amendments to Substitute Senate Bill No. 5108.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5108, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5108, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 42; absent, 2; excused, 5.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, Metcalf, Murray, Nelson, Newhouse, Niemi, Owen, Pullen, Rasmussen, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Thorsness, Vognil, von Reichbauer, Warnke, West, Williams - 42.

Absent: Senators McMullen, Patterson - 2.

Excused: Senators DeJarnatt, Moore, Rinehart, Talmadge, Wojahn - 5.

SUBSTITUTE SENATE BILL NO. 5108, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

President Pro Tempore Bluechel assumed the Chair.

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

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator McCaslin, Gubernatorial Appointment No. 9110, Betty Woods, as a member of the State Personnel Board, was confirmed.

APPOINTMENT OF BETTY WOODS

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 30; nays, 14; excused, 5.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Fleming, Hansen, Hayner, Johnson, Madsen, Matson, McCaslin, McDonald, Nelson, Newhouse, Owen, Patterson, Pullen, Saling, Sellar, Smith, Stratton, Thorsness, von Reichbauer, Warnke, West, Williams - 30.

Voting nay: Senators Bauer, Bender, Conner, Gaspard, Kreidler, Lee, McMullen, Metcalf, Murray, Niemi, Rasmussen, Smitherman, Sutherland, Vognild - 14.

Excused: Senators DeJarnatt, Moore, Rinehart, Talmadge, Wojahn - 5.

President Pritchard assumed the Chair.

There being no objection, the President returned the Senate to the fourth order of business.

STATEMENT FOR THE JOURNAL

April 20, 1989

Mary Wiley
Journal Clerk

Because I was attending a meeting regarding farmworker legislation, I missed the vote on Gubernatorial Appointment No. 9030, Gubernatorial No. 9110 and Substitute Senate Bill No. 5108.

I would have voted 'no' on Gubernatorial Appointment No. 9110, not because Ms. Woods is unqualified to serve on the State Personnel Board, but her background in industry results in an imbalance on the Board. I would have voted 'yes' on Gubernatorial Appointment No. 9030, Robert J. Hoyden, as a member of the Child Support Schedule Commission and 'yes' on Substitute Senate Bill No. 5108.

SENATOR PHIL TALMADGE,
34th District

MESSAGE FROM THE HOUSE

April 19, 1989

Mr. President:

The House receded from its amendments to SUBSTITUTE SENATE BILL NO. 5184 to page 3, line 14 and page 7, line 5; insists on its amendment to page 1, line 19, and asks the Senate to concur therein, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Nelson, the Senate concurred in the House amendment to page 1, line 19, to Substitute Senate Bill No. 5184.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5184, as amended by the House without the amendments on page 3, line 14, and page 7, line 5.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5184, as amended by the House without the amendments on page 3, line 14, and page 7, line 5, and the bill passed the Senate by the following vote: Yeas, 44; absent, 2; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Saling, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams - 44.

Absent: Senators Craswell, Sellar - 2.

Excused: Senators DeJarnatt, Rinehart, Wojahn - 3.

SUBSTITUTE SENATE BILL NO. 5184, as amended by the House without the amendments on page 3, line 14, and page 7, line 5, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTIONS

On motion of Senator Bender, Senator McMullen was excused.

On motion of Senator Smith, Senators Amondson, Anderson and Craswell were excused.

MESSAGE FROM THE HOUSE

April 19, 1989

Mr. President:

The House insists on its position regarding the House amendments to SUBSTITUTE SENATE BILL NO. 5663 and once again asks the Senate to concur therein, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator McCaslin, the Senate concurred in the House amendments to Substitute Senate Bill No. 5663.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5663, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5663, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 41; nays, 2; excused, 6.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams - 41.

Voting nay: Senators Pullen, Rasmussen - 2.

Excused: Senators Amondson, Anderson, Craswell, DeJarnatt, McMullen, Wojahn - 6.

SUBSTITUTE SENATE BILL NO. 5663, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 19, 1989

Mr. President:

The House concurred in the Senate amendments to ENGROSSED HOUSE BILL NO. 1768, except in the amendment to page 1, line 19, and asks the Senate to recede therefrom, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Benitz, the Senate receded from its amendment to page 1, line 19, to Engrossed House Bill No. 1768.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 1768, as amended by the Senate without the amendment on page 1, line 19.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1768, as amended by the Senate without the amendment on page 1, line 19, and the bill passed the Senate by the following vote: Yeas, 38; nays, 4; absent, 1; excused, 6.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Madsen, Matson, McCaslin, McDonald, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams - 38.

Voting nay: Senators Lee, Pullen, Rasmussen, Sutherland - 4.

Absent: Senator Patterson - 1.

Excused: Senators Amondson, Anderson, Craswell, DeJarnatt, McMullen, Wojahn - 6.

ENGROSSED HOUSE BILL NO. 1768, as amended by the Senate without the amendment on page 1, line 19, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

INTRODUCTION OF SPECIAL GUEST

The President introduced the Honorable Wen-Chung Chang, Director General of the Coordination Council for North American Affairs who was seated on the Senate Rostrum.

With permission of the Senate, business was suspended to permit Director General Chang to address the Senate.

Senators Talmadge and Fleming gave words of welcome to Director General Chang.

MESSAGE FROM THE HOUSE

April 19, 1989

Mr. President:

The House insists on its position regarding the House amendments to ENGROSSED SENATE BILL NO. 5536 and once again asks the Senate to concur therein, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator McCaslin, the Senate concurred in the House amendments to Engrossed Senate Bill No. 5536.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5536, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5536, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 43; nays, 1; excused, 5.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, Metcalf, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warmke, West, Williams - 43.

Voting nay: Senator Moore - 1.

Excused: Senators Amondson, Anderson, DeJarnatt, McMullen, Wojahn - 5.

ENGROSSED SENATE BILL NO. 5536, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 10:43 a.m., on motion of Senator Newhouse, the Senate was declared to be at ease.

The Senate was called to order at 11:54 a.m. by President Pritchard.

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

INTRODUCTION AND FIRST READING

SCR 8415 by Senators Hayner and Vognild

Creating a tax and spending reform task force.

MOTIONS

On motion of Senator Newhouse, the rules were suspended and Senate Concurrent Resolution No. 8415 was advanced to second reading and read the second time.

On motion of Senator Newhouse, the rules were suspended, Senate Concurrent Resolution No. 8415 was advanced to third reading, the second reading considered the third, and the concurrent resolution was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Stratton: "Senator Hayner, I share the same concern that Senator Smitherman just mentioned. We have a record here of trying to handle the difficult issues by this committee of ten and shutting the public out. We have a one on one success ratio which isn't too good a record. Can we be assured that whatever this committee comes up with--that we will have public hearings--that we will go through the process of having the participation of the public in the results before we are forced to take a vote on it?"

Senator Hayner: "That was certainly not addressed when we talked about this in the Governor's office, but I think that if the committee agrees that that would be necessary, that certainly would be done. There has been a lot of in-put in all of these months that the Governor, with his committee, has gone around the state. It's true and I've gotten dozens and dozens of letters on the subject, but if you have concerns, I think that you should talk to your particular conferees and tell them that that is what you would like to have."

Senator Stratton: "Thank you, Senator Hayner."

Further debate ensued.

PARLIAMENTARY INQUIRY

Senator Fleming: "A point of parliamentary inquiry, Mr. President. On Senate Concurrent Resolutions, Rule 59, it says, 'concurrent resolutions shall be subject to the rules governing the course of a bill and may be adopted without a roll call.'"

REPLY BY THE PRESIDENT

President Pritchard: "We are going to have a roll call on this measure. Joint Rule 17 speaks to concurrent resolutions. I can tell you, we are going to have a roll call on this measure."

Senator Fleming: "Thank you, Mr. President."

MOTION

Senator Rasmussen moved that the rules be suspended and Senate Concurrent Resolution No. 8415 be returned to second reading.

The President declared the question before the Senate to be the motion by Senator Rasmussen that Senate Concurrent Resolution No. 8415 be returned to second reading.

The motion by Senator Rasmussen failed.

MOTION

On motion of Senator Bender, Senator Gaspard was excused.

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Concurrent Resolution No. 8415.

ROLL CALL

The Secretary called the roll on the final passage of Senate Concurrent Resolution No. 8415 and the concurrent resolution passed the Senate by the following vote: Yeas, 35; nays, 10; absent, 1; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Rinehart, Saling, Sellar, Smith, Smitherman, Vognlid, von Reichbauer, Warnke - 35.

Voting nay: Senators McCaslin, Moore, Pullen, Rasmussen, Stratton, Sutherland, Talmadge, Thorsness, West, Williams - 10.

Absent: Senator Matson - 1.

Excused: Senators DeJarnatt, Gaspard, Wojahn - 3.

SENATE CONCURRENT RESOLUTION NO. 8415, having received the constitutional majority, was declared passed.

There being no objection, the President returned the Senate to the fourth order of business.

MESSAGE FROM THE HOUSE

April 18, 1989

Mr. President:

The House insists on its position regarding the House amendments to ENGROSSED SENATE BILL NO. 5185 and asks the Senate to concur therein, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Newhouse, the Senate refuses to concur in the House amendments to Engrossed Senate Bill No. 5185 and requests of the House a conference thereon.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Senate Bill No. 5185 and the House amendments thereto: Senators Smith, Warnke and Bailey.

MOTION

On motion of Senator Newhouse, the Conference Committee appointments were confirmed.

PERSONAL PRIVILEGE

Senator Rasmussen: "A point of personal privilege, Mr. President. I want to compliment the staff on the summary that has just been put out regarding the bills that are in conference and in dispute. It's excellent. It's the best one we've ever had."

MESSAGE FROM THE HOUSE

April 14, 1989

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 5383 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. The legislature finds that the economy of Washington, like that of the nation, has shifted to an international economic arena. To meet this growing competition from other countries, businesses in the state need a skilled and flexible work force. Because of the increased technical nature of the new jobs and the tightening of labor markets, employers will be hard pressed to find skilled workers to meet world market competition. Approximately eighty-five percent of the workforce for the year 2000 is already employed. Many of the workers currently employed will encounter problems adapting to the needs of the future labor market. A large share of the workers will need improved technical skills. Action is needed to retrain workers to keep up with emerging technology and to provide the necessary skills to workers reentering the work force. To assist workers in need of skills and employers in need of skilled workers, an increase in training opportunities in the state is necessary.

The legislature further finds that by directing additional job training and retraining to those individuals who are recipients of unemployment insurance benefits, recent exhaustees of benefits, or employees who are soon likely to claim benefits due to economic dislocation, the state can reduce pressure on the unemployment insurance system and at the same time promote the economic development of the state.

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

- (1) "Council" means the Washington council on employment futures.
- (2) "Commissioner" means the commissioner of the employment security department.
- (3) "Department" means the employment security department.
- (4) "Program" means the Washington employment futures program.
- (5) "Fund" means the employment futures fund established in section 11 of this act for the deposit and expenditure of funds acquired for the implementation of the Washington employment futures program.
- (6) "Training" means any education or skill training or retraining activity that is needed by an individual to begin or continue full participation in the Washington work force.
- (7) "Training providers" includes agencies and institutions of secondary education, vocational technical institutes, community colleges, higher education, adult education, vocational education, apprenticeship programs, and private and public nonprofit organizations that are representative of communities or significant segments of communities and provide job training services.
- (8) "Eligible participant" means a person who, prior to beginning training pursuant to this chapter, was:
 - (a) Unemployed and claiming unemployment insurance benefits;
 - (b) An individual who had exhausted eligibility for unemployment insurance benefits within the previous twenty-four months;
 - (c) Employed, but had been determined by the department to be likely to be displaced and therefore claim unemployment insurance benefits subsequent to notice given under the

federal worker adjustment and retraining notification act, P.L. 100-379, 102 Stat. 890, or any state law requiring advance notification of workplace closures or mass layoffs or after voluntary notice by an employer of likely displacement not to exceed one hundred twenty days in advance of such displacement; or

(d) A displaced homemaker as defined in RCW 28B.04.030. Displaced homemakers shall constitute no less than two percent of program participants.

NEW SECTION. Sec. 3. There is hereby created the Washington state job training coordination council. The state council is designed to promote a program of comprehensive and coordinated job training planning in Washington in accordance with the federal job training partnership act, P.L. 97-300. Members of the council shall be appointed in accordance with the provisions of the federal job training partnership act. The council shall develop a plan on a biennial basis describing in detail the programs and activities that will be assisted with funds provided under the federal job training partnership act. The state council shall not operate programs or provide services directly to eligible participants, but shall exist solely to plan, coordinate, and monitor the provision of such programs and services.

NEW SECTION. Sec. 4. (1) There is created the Washington employment futures program.

(2) The program shall include:

(a) The provision of training and related services; and

(b) Evaluation of the effectiveness of the program.

NEW SECTION. Sec. 5. (1) There is created the Washington council on employment futures. The council shall consist of six voting members, seven nonvoting members, and a nonvoting chairperson. The governor shall appoint the members of the council. Three of the voting members shall be representatives of business, at least one of whom shall be from east of the Cascades, and three of the voting members shall be representatives of labor, at least one of whom shall be from east of the Cascades. Three of the nonvoting members shall be the state superintendent of public instruction, the executive director of the state board for vocational education, and the executive director of the state board for community college education. Four legislators shall serve as nonvoting members. The president of the senate shall appoint a senator from each of the major caucuses to serve on the council, and the speaker of the house of representatives shall appoint a representative from each of the major caucuses to serve on the council. The commissioner of employment security shall serve as the nonvoting chairperson of the council. At least two of the labor representatives shall be selected from a list of not less than five names, submitted to the governor by a state-wide organization, which through its affiliates embraces a cross section and a majority of organized labor in the state. At least two of the business representatives shall be selected from a list of not less than five names, submitted to the governor by a recognized state-wide organization of employers, which represents a majority of employers in the state.

(2) The council shall be responsible for the overall administration of the program. The council shall meet as necessary to carry out the purposes of this chapter, and council members shall be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060. Each voting member of the council shall be compensated in accordance with RCW 43.03.240.

(3) The department shall provide staff to the council as necessary to carry out the purposes of this chapter.

(4) No more than fifteen percent of the total program appropriation shall be used for administration by the council, the department, or any regional review panels established by the council. Administrative costs may include costs for linkage between eligible participants and the program.

NEW SECTION. Sec. 6. Contract proposals for training shall be submitted to the council for approval. Proposals shall not be approved except by a majority of the voting members of the council. The council may establish regional review panels to review and recommend proposals to the council for final approval. Contracts shall not be subject to bid requirements. Proposal specifications shall be developed by the council and established by rule.

(1) The council may agree to contracts for training with any one or more of the following:

(a) A provider of training services;

(b) An employer submitting a proposal jointly with one or more eligible training providers or private industry councils;

(c) An organization representing employees submitting a proposal jointly with one or more eligible training providers or private industry councils; or

(d) A private industry council authorized under the federal job training partnership act, P.L. 97-300.

(2) Proposals for training under the program shall demonstrate the provider's past success in training and job placement, and must demonstrate the employment demand for the proposed trainees.

(3) Training providers under the program shall be reimbursed for the full cost of training, except indirect costs shall be limited to no more than ten percent of the total, and twenty-five percent of the cost of training shall not be paid to the provider until the trainee is placed and employed in a job for a period of at least ninety days.

(4) Contracts may include the cost of facilitating the applications of small businesses and groups of small businesses as part of the cost of providing training.

NEW SECTION. Sec. 7. The delivery of program services shall be accomplished through the existing education and training system. Services delivered through the program shall include:

(1) Vocational training to provide workers with skills required in the labor market;

(2) Upgrading skills in areas that are necessary to keep pace with technology and the global economy;

(3) Workplace literacy training, including English as a second language, and training to improve math, reading, and computational skills for workers who need advanced skills because of technological changes in the marketplace;

(4) Other training that assists workers and employers in supporting economic development in the state; and

(5) Support services approved by the council.

NEW SECTION. Sec. 8. (1) The council shall only approve proposals for training that facilitate the employment of participants in jobs with definite career potential and long-term job security for which an adequate force of workers does not already exist. At least seventy-five percent of the funds for training under the program shall be expended for training that is linked to specific job openings.

(2) The council may develop minimum standards for length of training, wage levels of jobs for which training shall be provided, and costs per trainee. No proposal shall be considered that proposes training for employment covered by a collective bargaining agreement unless the signatory labor organization agrees in writing.

(3) The council shall give priority to proposals for training:

(a) In areas of critical skill shortages;

(b) For jobs in businesses that would likely fail were it not for the provision of the training;

(c) For jobs in businesses that are either newly locating in the state or expanding employment in the state; and

(d) For jobs in distressed areas of the state.

NEW SECTION. Sec. 9. Proposals developed pursuant to this chapter shall not replace, supplant, compete with, or duplicate in any way already existing education or training programs.

NEW SECTION. Sec. 10. Evaluation is an integral part of the Washington employment futures program and shall give useful, policy-relevant information about the effectiveness of program strategies and training provided in the program.

(1) Evaluation of the program shall be performed by the department in conjunction with a research organization with expertise in program analysis selected by the office of financial management. The role of the research organization shall be limited to assisting the department in setting evaluation parameters and verifying the department's analysis of the data. The evaluation shall have three major components:

(a) An analysis of program implementation and operation with a focus on the linkages among the organizations providing services;

(b) An analysis to show the impact of the different services on program participants and short-term and long-term benefits to employers, including comparisons with control groups of similar make-up not engaged in the program; and

(c) An analysis of the effect of program participation and operation on the unemployment compensation fund.

(2) The department shall develop and test an integrated state-wide education, training, and employment tracking system by following the postprogram employment history of program participants. The system shall:

(a) Identify all employers since training for each former program participant and his or her rates of compensation; and

(b) Determine whether the former program participant's employment is related to prior education or training.

(3) All providers participating in the program shall provide enrollment and completion data on program participants by social security number to facilitate the matching necessary for identification, tracking, and accountability.

(4) All employers participating in the program or hiring program trainees shall supply the department with the occupational title of the participants.

(5) An interim report shall be prepared by January 1, 1990. Yearly evaluations shall be prepared by January 1, 1991, and January 1, 1992. A detailed evaluation report shall be prepared by January 1, 1993. That evaluation shall contain recommendations about continuation of the program.

NEW SECTION. Sec. 11. A new section is added to chapter 50.16 RCW to read as follows:

The employment futures fund is established to be administered by the commissioner as a separate and identifiable fund. The employment futures fund shall consist of contributions paid under section 12 of this act, public and private grants for the purposes of chapter 50.— RCW (sections 1 through 10 of this act), and other funds provided for the employment futures program. Money in the employment futures fund may be expended only for the purposes of

chapter 50.— RCW (sections 1 through 10 of this act) and money from contributions paid under section 12 of this act must be appropriated.

NEW SECTION. Sec. 12. A new section is added to chapter 50.24 RCW to read as follows:

(1) Beginning January 1, 1989, contributions to the employment futures fund established in section 11 of this act shall accrue and become payable by each employer, except employers as described in RCW 50.04.010 and 50.44.030 who have properly elected to make payments in lieu of contributions, taxable local government employers as described in RCW 50.44.035, and those employers who are required to make payments in lieu of contributions, at the rate of six one-hundredths of one percent.

(2) The amount of wages subject to tax shall be determined under RCW 50.24.010.

(3) Contributions under this section shall become due and be paid by each employer pursuant to rules prescribed by the commissioner and shall not be deducted, in whole or in part, from the remuneration of individuals in the employ of the employer. Any deduction in violation of this section is unlawful.

(4) In the payment of any contributions under this section, a fractional part of a cent shall be disregarded unless it amounts to one-half cent or more, in which case it shall be increased to one cent.

NEW SECTION. Sec. 13. A new section is added to chapter 50.29 RCW to read as follows:

Tax rates for rate classes 1 through 19, described in RCW 50.29.025, shall be reduced by six one-hundredths of one percent for rate years 1989 through 1993.

NEW SECTION. Sec. 14. If any part of this act is found to be in conflict with federal requirements which are a prescribed condition to the allocation of federal funds to the state or the eligibility of employers in this state for federal unemployment tax credits, the conflicting part of this act is hereby declared to be inoperative solely to the extent of the conflict, and such finding or determination shall not affect the operation of the remainder of this act. The rules under this act shall meet federal requirements which are a necessary condition to the receipt of federal funds by the state or the granting of federal unemployment tax credits to employers in this state.

NEW SECTION. Sec. 15. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 16. Sections 1 through 10 of this act shall constitute a new chapter in Title 50 RCW.

NEW SECTION. Sec. 17. The sum of twenty-one million one hundred thousand dollars, or as much thereof as may be necessary, is appropriated from the employment futures fund to the employment security department for the biennium ending June 30, 1991, to carry out the purposes of this act. In no fiscal year shall funds expended for the program exceed eleven million dollars.

NEW SECTION. Sec. 18. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

NEW SECTION. Sec. 19. A new section is added to chapter 43.131 RCW to read as follows:

The Washington employment futures program shall be terminated on June 30, 1993, as provided in section 20 of this act.

NEW SECTION. Sec. 20. A new section is added to chapter 43.131 RCW to read as follows:

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 1994:

(1) Section 1, chapter ---, Laws of 1989 and RCW 50.--- (section 1 of this act);

(2) Section 2, chapter ---, Laws of 1989 and RCW 50.--- (section 2 of this act);

(3) Section 3, chapter ---, Laws of 1989 and RCW 50.--- (section 3 of this act);

(4) Section 4, chapter ---, Laws of 1989 and RCW 50.--- (section 4 of this act);

(5) Section 5, chapter ---, Laws of 1989 and RCW 50.--- (section 5 of this act);

(6) Section 6, chapter ---, Laws of 1989 and RCW 50.--- (section 6 of this act);

(7) Section 7, chapter ---, Laws of 1989 and RCW 50.--- (section 7 of this act);

(8) Section 8, chapter ---, Laws of 1989 and RCW 50.--- (section 8 of this act);

(9) Section 9, chapter ---, Laws of 1989 and RCW 50.--- (section 9 of this act);

(10) Section 10, chapter ---, Laws of 1989 and RCW 50.--- (section 10 of this act);

(11) Section 11, chapter ---, Laws of 1989 and RCW 50.16.--- (section 11 of this act);

(12) Section 12, chapter ---, Laws of 1989 and RCW 50.24.--- (section 12 of this act); and

(13) Section 13, chapter ---, Laws of 1989 and RCW 50.29.--- (section 13 of this act)."

On page 1, line 1 of the title, after "planning;" strike the remainder of the title and insert "adding a new chapter to Title 50 RCW; adding a new section to chapter 50.16 RCW; adding a new section to chapter 50.24 RCW; adding a new section to chapter 50.29 RCW; adding new sections to chapter 43.131 RCW; creating a new section; making an appropriation; and declaring an emergency."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Newhouse, the Senate refuses to concur in the House amendments to Substitute Senate Bill No. 5383 and requests of the House a conference thereon.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Substitute Senate Bill No. 5383 and the House amendments thereto: Senators Lee, Vogndil and Bailey.

MOTION

On motion of Senator Newhouse, the Conference Committee appointments were confirmed.

REPORT OF CONFERENCE COMMITTEE

RE: HB 2060

Providing industrial insurance coverage for the horse racing industry.

April 19, 1989

Mr. President:

Mr. Speaker:

We of your Conference Committee, to whom the above measure was referred, have had the same under consideration and we report that we are unable to agree and we respectfully request the powers of Free Conference in order to amend the measure as follows:

(1) Not adopt the Senate Economic Development and Labor Committee amendment adopted April 4, 1989, and

(2) Adopt the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. A new section is added to chapter 51.16 RCW to read as follows:

(1) The department shall assess premiums, under the provisions of this section, for certain horse racing employments licensed in accordance with chapter 67.16 RCW. This premium assessment shall be for the purpose of providing industrial insurance coverage for employees of trainers licensed under chapter 67.16 RCW, including but not limited to exercise riders, pony riders, and grooms, and including all on or off track employment. For the purposes of sections 1 through 5 of this act a hotwalker shall be considered a groom. The department may adopt rules under chapter 34.05 RCW to carry out the purposes of this section, including rules providing for alternative reporting periods and payment due dates for coverage under this section. The department rules shall ensure that no licensee licensed prior to the effective date of this act shall pay more than the assessment fixed at the basic manual rate.

(2) The department shall compute industrial insurance premium rates on a per license basis, which premiums shall be assessed at the time of each issuance or renewal of the license for owners, trainers, and grooms in amounts established by department rule for coverage under this section. Premium assessments shall be determined in accordance with the requirements of this title, except that assessments shall not be experience rated and shall be fixed at the basic manual rate. However, rates may vary according to differences in working conditions at major tracks and fair tracks.

(3) For the purposes of paying premiums and assessments under this section and making reports under this title, individuals licensed as trainers by the Washington horse racing commission shall be considered employers. The premium assessment for a groom's license shall be paid by the trainer responsible for signing the groom's license application and shall be payable at the time of license issuance or renewal.

(4) The fee to be assessed on owner licenses as required by this section shall not exceed one hundred fifty dollars. However, those owners having less than a full ownership in a horse or horses shall pay a percentage of the required license fee that is equal to the total percentage of the ownership that the owner has in the horse or horses. In no event shall an owner having an ownership percentage in more than one horse pay more than a one hundred fifty-dollar license fee. The assessment on each owner's license shall not imply that an owner is an employer, but shall be required as part of the privilege of holding an owner's license.

(5) Premium assessments under this section shall be collected by the Washington horse racing commission and deposited in the industrial insurance trust funds as provided under department rules.

NEW SECTION, Sec. 2. A new section is added to chapter 67.16 RCW to read as follows:

In addition to the license fees authorized by this chapter, the commission shall collect the industrial insurance premium assessments required under section 1 of this act from trainers, grooms, and owners. The industrial insurance premium assessments required under section 1 of

this act shall be retroactive to January 1, 1989, and shall be collected from all licensees whose licenses were issued after that date. The commission shall deposit the industrial insurance premium assessments in the industrial insurance trust fund as required by rules adopted by the department of labor and industries.

Sec. 3. Section 51.16.140, chapter 23, Laws of 1961 as last amended by section 29, chapter 350, Laws of 1977 ex. sess. and RCW 51.16.140 are each amended to read as follows:

(1) Every employer who is not a self-insurer shall deduct from the pay of each of his or her workers one-half of the amount he or she is required to pay, for medical benefits within each risk classification. Such amount shall be periodically determined by the director and reported by him or her to all employers under this title: PROVIDED, That the state governmental unit shall pay the entire amount into the medical aid fund for volunteers, as defined in RCW 51.12.035, and the state apprenticeship council shall pay the entire amount into the medical aid fund for registered apprentices or trainees, for the purposes of RCW 51.12.130. The deduction under this section is not authorized for premiums assessed under section 1 of this 1989 act.

(2) It shall be unlawful for the employer, unless specifically authorized by this title, to deduct or obtain any part of the premium or other costs required to be by him or her paid from the wages or earnings of any of his or her workers, and the making of or attempt to make any such deduction shall be a gross misdemeanor.

Sec. 4. Section 9, chapter 14, Laws of 1980 and RCW 51.32.073 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, each employer shall retain from the earnings of each worker that amount as shall be fixed from time to time by the director, the basis for measuring said amount to be determined by the director. The money so retained shall be matched in an equal amount by each employer, and all such moneys shall be remitted to the department in such manner and at such intervals as the department directs and shall be placed in the supplemental pension fund: PROVIDED, That the state apprenticeship council shall pay the entire amount into the supplemental pension fund for registered apprentices or trainees during their participation in supplemental and related instruction classes. The moneys so collected shall be used exclusively for the additional payments from the supplemental pension fund prescribed in this title and for the amount of any increase payable under the provisions of RCW 51.32.075, as now or hereafter amended, and shall be no more than necessary to make such payments on a current basis. The department may require a self-insurer to make any additional payments which are payable from the supplemental pension fund and thereafter such self-insurer shall be reimbursed therefrom.

(2) None of the amount assessed for the supplemental pension fund under section 1 of this 1989 act may be retained from the earnings of workers covered under section 1 of this 1989 act.

Sec. 5. Section 4, chapter 55, Laws of 1933 as last amended by section 2, chapter 146, Laws of 1985 and RCW 67.16.020 are each amended to read as follows:

It shall be the duty of the commission, as soon as it is possible after its organization, to prepare and promulgate a complete set of rules and regulations to govern the race meets in this state. It shall determine and announce the place, time and duration of race meets for which license fees are exacted; and it shall be the duty of each person holding a license under the authority of this chapter, and every owner, trainer, jockey, and attendant at any race course in this state, to comply with all rules and regulations promulgated and all orders issued by the commission. It shall be unlawful for any person to hold any race meet without having first obtained and having in force and effect a license issued by the commission as in this chapter provided; and it shall be unlawful for any owner, trainer or jockey to participate in race meets in this state without first securing a license therefor from the state racing commission, the fee for which shall be set by the commission which shall offset the cost of administration and shall not be for a period exceeding ~~((three))~~ one year~~((s))~~.

NEW SECTION. Sec. 6. The house commerce and labor committee and the senate economic development and labor committee, in conjunction with the horse racing commission and the department of labor and industries, shall conduct a study of industrial insurance coverage of the horse racing industry, specifically including coverage for jockeys. The committees shall report the results of the study to the house of representatives and the senate by December 1, 1989.

NEW SECTION. Sec. 7. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 1 of the title, after "industry;" strike the remainder of the title and insert "amending RCW 51.16.140, 51.32.073, and 67.16.020; adding a new section to chapter 51.16 RCW; adding a new section to chapter 67.16 RCW; creating a new section; and declaring an emergency."

Signed by Senators Matson, Warnke, West; Representatives Leonard, Rector, Patrick.

MOTION

On motion of Senator Newhouse, the Report of the Conference Committee on House Bill No. 2060 was adopted and the committee was granted the powers of Free Conference.

REPORT OF CONFERENCE COMMITTEE

RE: HB 2167

Regarding mobile home parks.

April 19, 1989

Mr. President:

Mr. Speaker:

We of your Conference Committee to whom the above measure was referred, have had the same under consideration and we report that we are unable to agree and we respectfully request the powers of Free Conference in order to amend the measure as follows:

That the Senate Committee on Economic Development and Labor striking amendment, which was adopted on April 12, 1989, be adopted with the following changes:

On page 4, beginning on line 7, strike section 7.

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

On page 7, line 18, after "insert" strike "amending RCW 59.22.050;" and

On page 6, line 23, after "1990" strike all material through "act" on page 6, line 31

Signed by Senators Smith, Murray, Bluechel; Representatives Nutley, Leonard, Winsley.

MOTION

On motion of Senator Newhouse, the Report of the Conference Committee on House Bill No. 2167 was adopted and the committee was granted the powers of Free Conference.

REPORT OF CONFERENCE COMMITTEE

RE: EHB 1917

Establishing a certified real estate appraiser law.

April 20, 1989

Mr. President:

Mr. Speaker:

We of your Conference Committee to whom the above measure was referred, have had the same under consideration and we report that we are unable to agree and we respectfully request the powers of Free Conference in order to amend the measure as follows:

That the amendments by Senators Williams and Lee adopted, as amended, on April 14, 1989, be adopted with the following changes and additions:

On page 6, line 20 of the amendment, after "chapter;" strike "and" and insert the following:

"(3) To make recommendations to the director regarding continuing education requirements; and"

Renumber the subsections consecutively.

On page 7, after line 30 of the amendment, insert the following:

"(7) To impose continuing education requirements as a prerequisite to renewal of certification;"

Renumber the subsections consecutively.

On page 8, line 27 of the amendment, after "chapter" insert "and minimally meet the requirements of federal guidelines regarding state certification of appraisers that the director determines are appropriate for state-certified appraisers in this state"

On page 10, after line 19 of the amendment, insert the following:

"(3) The education requirements of subsections (1) and (2) of this section may be waived by the director if the applicant presents evidence to the satisfaction of the director that the applicant was practicing as a real estate appraiser in the state of Washington on the effective date of this section."

On page 10, line 27 of the amendment, after "Sec. 14." strike "(1)"

On page 10, line 32 of the amendment, after "by the" strike "board" and insert "director"

On page 10, beginning on line 33 of the amendment, strike all material through "examination." on page 11, line 7

On page 12, line 6 of the amendment, after "period of" strike "one year" and insert "two years"

On page 12, line 13 of the amendment, after "certificate" insert "and shall demonstrate satisfaction of any continuing education requirements"

Signed by Senators von Reichbauer, Williams, Sellar: Representatives O'Brien, Vekich, May.

MOTION

On motion of Senator Newhouse, the Report of the Conference Committee on Engrossed House Bill No. 1917 was adopted and the committee was granted the powers of Free Conference.

MOTION

At 12:22 p.m., on motion of Senator Newhouse, the Senate recessed until 2:30 p.m.

The Senate was called to order at 2:34 p.m. by President Pritchard.

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

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Nelson, Gubernatorial Appointment No. 9034, W. James Kennedy, as a member of the Child Support Schedule Commission, was confirmed.

APPOINTMENT OF W. JAMES KENNEDY

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 40; absent, 6; excused, 3.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Conner, Craswell, Fleming, Hansen, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, Williams - 40.

Absent: Senators Amondson, Cantu, Hayner, McDonald, Smith, West - 6.

Excused: Senators DeJarnatt, Gaspard, Wojahn - 3.

There being no objection, the President returned the Senate to the fourth order of business.

There being no objection, the Senate resumed consideration of the Message from the House reporting they had passed Senate Bill No. 5966 with amendments, which was deferred on April 18, 1989.

MOTION

On motion of Senator Lee, the Senate concurred in the House amendments on page 1, lines 6, 10, 21 and 25 to Senate Bill No. 5966.

MOTION

Senator Lee moved that the Senate do not concur in the House amendment on page 2, line 14, to Senate Bill No. 5966.

POINT OF INQUIRY

Senator Niemi: "What does this do, Senator Lee?"

Senator Lee: "As I mentioned just a little bit earlier, all it does is strike out the words 'foster parents.' It leaves the words 'adoptive parents' in the bill we've been calling the Sick Child Leave Bill that we passed last year. It will add 'adoptive parents' to that law, but will not add 'foster parents.'"

The President declared the question before the Senate to be the motion by Senator Lee to not concur in the amendment on page 1, line 14, to Senate Bill No. 5966.

The motion by Senator Lee carried and the Senate did not concur in the House amendment on page 2, line 14, to Senate Bill No. 5966 and asks the House to recede therefrom.

POINT OF ORDER

Senator Lee: "Mr. President, I wish to raise the point of order on the House amendment on page 1, after the enacting clause. I believe that it expands the scope and object of the bill. The measure that we have been discussing up to this point and the measure that the Senate sent over to the House, was simply to add 'adoptive parents' to the Sick Child legislation that we passed last year, which permits parents to use their sick leave or other kind of leave policy with pay, in fact, to care for sick children.

"The amendment that is being challenged for scope and object is one which provides an entirely different kind of leave policy. It goes beyond and does not refer to 'sick child' at all. It is what we have been calling the Parental Leave or Family Leave Bill which would provide additional leave over and above what is now permitted for maternity disability leave that is available to employees within the state of Washington. That is a subject of an entirely different bill and there is another vehicle that is still alive before this body on which this can be resolved. Even though that doesn't have anything to do with the fact that I'm raising scope and object on this, it is not to kill the issue, but because genuinely it does not belong as part of this bill."

Further debate ensued.

There being no objection, the President deferred further consideration of Senate Bill No. 5966.

MESSAGE FROM THE HOUSE

April 19, 1989

Mr. President:

The House refuses to concur in the Senate amendments to ENGROSSED HOUSE BILL NO. 1334 and asks the Senate to recede therefrom, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Bailey, the Senate insists on its position regarding the Senate amendments to Engrossed House Bill No. 1334 and asks the House to concur therein.

MESSAGE FROM THE HOUSE

April 13, 1989

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 6009 with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 16, chapter 157, Laws of 1973 1st ex. sess. as amended by section 12, chapter 460, Laws of 1987 and RCW 26.09.160 are each amended to read as follows:

(1) The performance of parental functions and the duty to provide child support are distinct responsibilities in the care of a child. If a party fails to comply with a provision of a decree or temporary order of injunction, the obligation of the other party to make payments for support or maintenance or to permit contact with children is not suspended. An attempt by a parent, in either the negotiation or the performance of a parenting plan, to condition one aspect of the parenting plan upon another ((may be deemed to be in bad faith. If the court finds that a parent acted in bad faith in an attempt to condition parental functions, in a refusal), to refuse to perform the duties provided in the parenting plan, or ((in the hindrance of) to hinder the performance by the other parent((- the court has broad discretion to punish the conduct by a punitive award or other remedies, including civil or criminal contempt, and may consider the conduct in awarding attorneys' fees)) of duties provided in the parenting plan, may be punished by the court by holding the party in contempt of court and by awarding to the aggrieved party reasonable attorneys' fees and costs incidental in bringing a motion for contempt of court.

(2)(a) A motion may be filed to initiate a contempt action to coerce a parent to comply with an order establishing residential provisions for a child. If the court finds there is reasonable cause to believe the parent has not complied with the order, the court may issue an order to show cause why the relief requested should not be granted.

(b) If, based on all the facts and circumstances, the court finds after hearing that the parent has not complied with the order establishing residential provisions for the child, the court may find the parent in contempt of court. Upon a finding of contempt, the court shall order:

(i) The noncomplying parent to provide the moving party additional time with the child. The additional time shall be equal to the time missed with the child, due to the parent's noncompliance;

(ii) The parent to pay, to the moving party, all court costs and reasonable attorneys' fees incurred as a result of the noncompliance, and any reasonable expenses incurred in locating or returning a child; and

(iii) The parent to pay, to the moving party, a civil penalty, not less than the sum of one hundred dollars.

The court may also order the parent to be imprisoned in the county jail, if the parent is presently able to comply with the provisions of the court-ordered parenting plan and is presently unwilling to comply. The parent may be imprisoned until he or she agrees to comply with the order, but in no event for more than one hundred eighty days.

(3) On a second failure within three years to comply with a residential provision of a court-ordered parenting plan, a motion may be filed to initiate contempt of court proceedings according to the procedure set forth in subsection (2) (a) and (b) of this section. On a finding of contempt under this subsection, the court shall order:

(a) The noncomplying parent to provide the other parent or party additional time with the child. The additional time shall be twice the amount of the time missed with the child, due to the parent's noncompliance;

(b) The noncomplying parent to pay, to the other parent or party, all court costs and reasonable attorneys' fees incurred as a result of the noncompliance, and any reasonable expenses incurred in locating or returning a child; and

(c) The noncomplying parent to pay, to the moving party, a civil penalty of not less than two hundred fifty dollars.

The court may also order the parent to be imprisoned in the county jail, if the parent is presently able to comply with the provisions of the court-ordered parenting plan and is presently unwilling to comply. The parent may be imprisoned until he or she agrees to comply with the order but in no event for more than one hundred eighty days.

(4) For purposes of subsections (1), (2), and (3) of this section, the parent shall be deemed to have the present ability to comply with the order establishing residential provisions unless he or she establishes otherwise by a preponderance of the evidence. The parent shall establish a reasonable excuse for failure to comply with the residential provision of a court-ordered parenting plan by a preponderance of the evidence.

(5) Any monetary award ordered under subsections (1), (2), and (3) of this section may be enforced, by the party to whom it is awarded, in the same manner as a civil judgment.

(6) Subsections (1), (2), and (3) of this section authorize the exercise of the court's power to impose remedial sanctions for contempt of court and is in addition to any other contempt power the court may possess.

(7) Upon motion for contempt of court under subsections (1) through (3) of this section, if the court finds the motion was brought without reasonable basis, the court shall order the moving party to pay to the nonmoving party, all costs, reasonable attorneys' fees, and a civil penalty of not less than one hundred dollars.

Sec. 2. Section 2, chapter 95, Laws of 1984 and RCW 9A.40.070 are each amended to read as follows:

(1) A relative of a person is guilty of custodial interference in the second degree if, with the intent to deny access to such person by a parent, guardian, institution, agency, or other person having a lawful right to physical custody of such person, the relative takes, entices, retains, detains, or conceals the person from a parent, guardian, institution, agency, or other person having a lawful right to physical custody of such person. This subsection shall not apply to a parent's noncompliance with a court-ordered parenting plan.

(2) A parent of a child is guilty of custodial interference in the second degree if: (a) The parent takes, entices, retains, detains, or conceals the child, with the intent to deny access, from the other parent having the lawful right to time with the child pursuant to a court-ordered parenting plan; or (b) the parent has not complied with the residential provisions of a court-ordered parenting plan after a finding of contempt under section 1(3) of this act; or (c) if the court finds that the parent has engaged in a pattern of willful violations of the court-ordered residential provisions.

(3) Nothing in (b) of this subsection prohibits conviction of custodial interference in the second degree under (a) or (c) of this subsection in absence of findings of contempt.

(4) The first conviction of custodial interference in the second degree is a gross misdemeanor. The second or subsequent conviction of custodial interference in the second degree is a class C felony.

Sec. 3. Section 26, chapter 157, Laws of 1973 1st ex. sess. as amended by section 19, chapter 460, Laws of 1987 and RCW 26.09.260 are each amended to read as follows:

(1) The court shall not modify a prior custody decree or a parenting plan unless it finds, upon the basis of facts that have arisen since the prior decree or plan or that were unknown to the court at the time of the prior decree or plan, that a substantial change has occurred in the circumstances of the child or the parents and that the modification is necessary to serve the best interests of the child. In applying these standards, the court shall retain the residential schedule established by the decree or parenting plan unless:

(a) The parents agree to the modification;

(b) The child has been integrated into the family of the petitioner with the consent of the other parent in substantial deviation from the parenting plan; ~~((or))~~

(c) The child's present environment is detrimental to the child's physical, mental, or emotional health and the harm likely to be caused by a change of environment is outweighed by the advantage of a change to the child; or

(d) The court has found the nonmoving parent in contempt of court at least twice within three years because the parent failed to comply with the residential time provisions in the court-ordered parenting plan, or the parent has been convicted of custodial interference in the first or second degree under RCW 9A.40.060 or 9A.40.070.

(2) A conviction of custodial interference in the first or second degree under RCW 9A.40.060 or 9A.40.070 shall constitute a substantial change of circumstances for the purposes of this section.

~~((2))~~ (3) If the court finds that a motion to modify a prior decree or parenting plan has been brought in bad faith, the court shall assess the attorney's fees and court costs of the non-moving parent against the moving party.

NEW SECTION. Sec. 4. A new section is added to chapter 26.09 RCW to read as follows:

All court orders containing parenting plan provisions or orders of contempt, entered pursuant to section 1 of this act, shall include the following language:

WARNING: VIOLATION OF THE RESIDENTIAL PROVISIONS OF THIS ORDER WITH ACTUAL KNOWLEDGE OF ITS TERMS IS PUNISHABLE BY CONTEMPT OF COURT, AND MAY BE A CRIMINAL OFFENSE UNDER RCW 9A.40.070(2). VIOLATION OF THIS ORDER MAY SUBJECT A VIOLATOR TO ARREST.

Sec. 5. Section 3, chapter 95, Laws of 1984 and RCW 9A.40.080 are each amended to read as follows:

(1) Any reasonable expenses incurred in locating or returning a child or incompetent person shall be assessed against a defendant convicted under RCW 9A.40.060 or 9A.40.070.

(2) In any prosecution of custodial interference in the first or second degree, it is a complete defense, if established by the defendant by a preponderance of the evidence, that:

(a) The defendant's purpose was to protect the child, incompetent person, or himself or herself from imminent physical harm, ~~((and))~~ that the belief in the existence of the imminent physical harm was reasonable, and that the defendant sought the assistance of the police, sheriff's office, protective agencies, or the court of any state before committing the acts giving rise to the charges or within a reasonable time thereafter;

(b) The complainant had, prior to the defendant committing the acts giving rise to the crime, for a protracted period of time, failed to exercise his or her rights to physical custody or access to the child under a court-ordered parenting plan or order granting visitation rights, provided that such failure was not the direct result of the defendant's denial of access to such person;

(c) The acts giving rise to the charges were consented to by the complainant; or

(d) The offender, after providing or making a good faith effort to provide notice to the person entitled to access to the child, failed to provide access to the child due to reasons that a reasonable person would believe were directly related to the welfare of the child, and allowed access to the child in accordance with the court order within a reasonable period of time. The burden of proof that the denial of access was reasonable is upon the person denying access to the child.

(3) Consent of a child less than sixteen years of age or of an incompetent person does not constitute a defense to an action under RCW 9A.40.060 or 9A.40.070.

NEW SECTION. Sec. 6. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 2 of the title, after "child," strike the remainder of the title and insert "amending RCW 26.09.160, 9A.40.070, 26.09.260, and 9A.40.080; adding a new section to chapter 26.09 RCW; and prescribing penalties."

and the same are herewith transmitted.

DENNIS KARRAS, Deputy Chief Clerk

POINT OF INQUIRY

Senator Owen: "Senator Pullen, what is the purpose of Subsection (2) of Section 2 of Substitute Senate Bill No. 6009?"

Senator Pullen: "The current custodial interference in the second degree statute, RCW 9A.40.070 (1), applies to a relative who takes a child from a parent who has the right of physical custody of a child. Parents who do not have physical custody of the child, but have the right of residential time under a parenting plan, require protection from egregious interferences with that right.

"Subsection 2 (a) of the act clarifies existing law as applied to parents who have a lawful right of access to the child under a parenting plan. The acts must be serious and major interferences with the plan and done with the intent to deprive the other parent of access to the child.

"Subsection 2 (b) applies to parents who have interfered with the residential time to such a serious degree that the court has found that parent in contempt at least twice and the parent continues to interfere with that time so that a charge of custodial interference in the second degree is warranted.

"Subsection 2 (c) applies to parents who continue to engage in a pattern of violations that may not rise to the level of interference under subsection (a) of (b), but the court finds that the repetitive nature of the offenses demonstrates that the parent is willfully violating the court order. This provision allows a prosecutor, in the prosecutor's discretion, to file custodial interference in the second degree if the violations are serious enough to warrant filing in absence of findings of contempt."

Further debate ensued.

MOTIONS

Senator Pullen moved that the Senate do concur in the House amendments to Substitute Senate Bill No. 6009.

On motion of Senator Anderson, Senators Amondson, Pullen and West were excused.

POINT OF INQUIRY

Senator Rasmussen: "My question is Senator Niemi, do you think that by passage of this bill, we will be relieving the congestion in the courts? Will this relieve the courts of some of the congestion or will it increase the congestion in the courts?"

Senator Niemi: "Well, I think any time you add more steps, it increases congestion and I think this will increase congestion--yes."

Further debate ensued.

The President declared the question before the Senate to be the motion by Senator Pullen that the Senate do concur in the House amendments to Substitute Senate Bill No. 6009.

The motion by Senator Pullen carried and the Senate concurred in the House amendments to Substitute Senate Bill No. 6009.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6009, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6009, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 34; nays, 8; absent, 2; excused, 5.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Craswell, Fleming, Gaspard, Hansen, Johnson, Kreidler, Matson, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vogtild, von Reichbauer, Warnke - 34.

Voting nay: Senators Hayner, Madsen, McCaslin, Murray, Niemi, Rasmussen, Rinehart, Williams - 8.

Absent: Senators Conner, Lee - 2.

Excused: Senators Amondson, DeJarnatt, Pullen, West, Wojahn - 5.

SUBSTITUTE SENATE BILL NO. 6009, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Vice President Pro Tempore Craswell assumed the Chair.

MESSAGE FROM THE HOUSE

April 15, 1989

Mr. President:

The House refuses to concur in the Senate amendments to HOUSE BILL NO. 1354 and asks the Senate to recede therefrom, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

Senator Metcalf moved that the Senate insist on its position regarding the Senate amendments to House Bill No. 1354 and asks the House to concur therein.

MOTION

Senator Kreidler moved that the Senate do recede from its amendments to House Bill No. 1354.

Debate ensued.

PARLIAMENTARY INQUIRY

Senator Metcalf: "A point of parliamentary inquiry. Just so I understand, the motion before us is Senator Kreidler's motion to recede from our Senate amendments?"

REPLY BY THE VICE PRESIDENT PRO TEMPORE

Vice President Pro Tempore Craswell: "Yes, Senator Metcalf."

Further debate ensued.

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

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the motion by Senator Kreidler that the Senate recede from its amendments to House Bill No. 1354.

ROLL CALL

The Secretary called the roll and the motion by Senator Kreidler failed by the following vote: Yeas, 19; nays, 27; excused, 3.

Voting yea: Senators Bauer, Bender, Conner, Fleming, Gaspard, Kreidler, Madsen, McMullen, Moore, Murray, Niemi, Owen, Rinehart, Stratton, Sutherland, Talmadge, Vognild, Warnke, Williams - 19.

Voting nay: Senators Amondson, Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Hansen, Hayner, Johnson, Lee, Matson, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Patterson, Pullen, Rasmussen, Saling, Sellar, Smith, Smitherman, Thorsness, von Reichbauer - 27.

Excused: Senators DeJarnatt, West, Wojahn - 3.

The Vice President Pro Tempore declared the question before the Senate to be the motion by Senator Metcalf that the Senate insist on its position regarding the Senate amendments to House Bill No. 1354 and asks the House to concur therein.

Debate ensued.

PARLIAMENTARY INQUIRY

Senator Kreidler: "A point of parliamentary inquiry. Isn't it, by the vote that we've taken, isn't it automatic that we've already taken that position?"

REPLY BY THE VICE PRESIDENT PRO TEMPORE

Vice President Pro Tempore Craswell: "Pursuant to Rule 254, the answer is 'no.' Further action has to be taken."

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

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the motion by Senator Metcalf that the Senate insists on its position regarding the Senate amendments to House Bill No. 1354.

MOTION

On motion of Senator Smith, Senators Anderson and Johnson were excused.

ROLL CALL

The Secretary called the roll and the motion by Senator Metcalf carried by the following vote: Yeas, 25; nays, 17; absent, 2; excused, 5.

Voting yea: Senators Amondson, Bailey, Barr, Bluechel, Cantu, Craswell, Hansen, Hayner, Lee, Matson, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Patterson, Pullen, Rasmussen, Saling, Sellar, Smith, Smitherman, Stratton, Thorsness, von Reichbauer - 25.

Voting nay: Senators Bauer, Bender, Fleming, Gaspard, Kreidler, Madsen, McMullen, Moore, Murray, Niemi, Owen, Rinehart, Sutherland, Talmadge, Vognilid, Warnke, Williams - 17.

Absent: Senators Benitz, Conner - 2.

Excused: Senators Anderson, DeJarnatt, Johnson, West, Wojahn - 5.

The Senate insists on its position regarding its amendments to House Bill No. 1354 and asks the House to concur therein.

President Pritchard assumed the Chair.

MESSAGE FROM THE HOUSE

April 19, 1989

Mr. President:

The House refuses to concur in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 1624 and asks the Senate to recede therefrom, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

Senator Metcalf moved that the Senate adhere to its position regarding the Senate amendments to Substitute House Bill No. 1624 and asks the House to concur therein.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Metcalf that the Senate adhere to its position regarding the Senate amendments to Substitute House Bill No. 1624 and asks the House to concur therein.

The motion by Senator Metcalf carried and the Senate adheres to its position regarding the Senate amendments to Substitute House Bill No. 1624 and asks the House to concur therein.

MESSAGE FROM THE HOUSE

April 20, 1989

Mr. President:

The House grants the request of the Senate for a conference on ENGROSSED SUBSTITUTE SENATE BILL NO. 5186. The Speaker has appointed the following members as Conferees:

Representatives Appelwick, Hargrove and Padden.

ALAN THOMPSON, Chief Clerk

MESSAGE FROM THE HOUSE

April 20, 1989

Mr. President:

The House grants the request of the Senate for a conference on SUBSTITUTE SENATE BILL NO. 5686. The Speaker has appointed the following members as Conferees:

Representatives Rayburn, Grant and Nealey.

ALAN THOMPSON, Chief Clerk

MESSAGE FROM THE HOUSE

April 20, 1989

Mr. President:

The House grants the request of the Senate for a conference on SENATE BILL NO. 5926. The Speaker has appointed the following members as Conferees:

Representatives Nelson, Jesernig and Hankins.

ALAN THOMPSON, Chief Clerk

MESSAGE FROM THE HOUSE

April 20, 1989

Mr. President:

The House grants the request of the Senate for a conference on SECOND SUBSTITUTE SENATE BILL NO. 6051. The Speaker has appointed the following members as Conferees:

Representatives Cantwell, Wineberry and Moyer.

ALAN THOMPSON, Chief Clerk

MESSAGE FROM THE HOUSE

April 20, 1989

Mr. President:

The House refuses to concur in the Senate amendments to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1479 and asks the Senate for a conference thereon. The Speaker has appointed the following members as Conferees:

Representatives Locke, Ebersole and Silver.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Newhouse, the Senate granted the request of the House for a conference on Engrossed Substitute House Bill No. 1479 and the Senate amendments thereto.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Substitute House Bill No. 1479 and the Senate amendments thereto: Senators McDonald, Gaspard and Hayner.

MOTION

On motion of Senator Newhouse, the Conference Committee appointments were confirmed.

REPORT OF CONFERENCE COMMITTEE

RE: EHB 2131

Making additional requirements for mobile home electrical inspection.

April 19, 1989

Mr. President:

Mr. Speaker:

We of your Conference Committee to whom the above measure was referred, have had the same under consideration and we recommend the following:

That the Senate Committee on Economic Development and Labor amendment adopted on April 7, 1989, be adopted.

Signed by Senators Bluechel, Murray, Matson; Representatives Nutley, Rector, Ballard.

MOTION

On motion of Senator Newhouse, the Report of the Conference Committee on Engrossed House Bill No. 2131 was adopted.

MOTION

On motion of Senator Newhouse, further consideration of Engrossed House Bill No. 2131 was deferred.

MESSAGE FROM THE HOUSE

April 20, 1989

Mr. President:

The House grants the request of the Senate for a conference on SECOND SUBSTITUTE HOUSE BILL NO. 1476. The Speaker has appointed the following members as Conferees:

Representatives Cantwell, Basich and Doty.

ALAN THOMPSON, Chief Clerk

MESSAGE FROM THE HOUSE

April 20, 1989

Mr. President:

The House has adopted the Report of the Conference Committee on SUBSTITUTE HOUSE BILL NO. 1558 and granted the committee the powers of Free Conference.

ALAN THOMPSON, Chief Clerk

REPORT OF FREE CONFERENCE COMMITTEE

RE: SHB 1558

Regulating use of steroids.

April 19, 1989

Mr. President:

Mr. Speaker:

We of your Free Conference Committee, have had the same under consideration and we recommend that the measure be amended as proposed under the request of Free Conference and that the bill do pass as amended by the Free Conference Committee.

(See Report of Conference Committee and request for Free Conference on Substitute House Bill No. 1558, read in April 19, 1989.)

Signed by Senators West, Talmadge, Amondson: Representatives Braddock, Inslee, Brumsickle.

MOTION

Senator Newhouse moved that the Report of the Free Conference Committee on Substitute House Bill No. 1558 be adopted.

Debate ensued.

The President declared the question before the Senate to be the adoption of the Report of the Free Conference Committee on Substitute House Bill No. 1558.

The motion by Senator Newhouse carried and the Report of the Free Conference Committee on Substitute House Bill No. 1558 was adopted.

MOTION

On motion of Senator Anderson, Senators Johnson and Matson were excused.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1558, as amended by the Free Conference Committee.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1558, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 44; excused, 5.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, Williams - 44.

Excused: Senators DeJarnatt, Johnson, Matson, West, Wojahn - 5.

SUBSTITUTE HOUSE BILL NO. 1558, as amended by the Free Conference Committee, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 20, 1989

Mr. President:

The House has adopted the Report of the Conference Committee on SUBSTITUTE SENATE BILL NO. 5443 and has passed the bill as recommended by the Conference Committee.

ALAN THOMPSON, Chief Clerk

REPORT OF CONFERENCE COMMITTEE

RE: SSB 5443

Providing for various policy changes to provisions of law dealing with drivers and vehicles.

April 19, 1989

Mr. President:

Mr. Speaker:

We of your Conference Committee to whom the above measure was referred, have had the same under consideration and we recommend the following:

That the following House Transportation Committee amendment be adopted and Substitute Senate Bill No. 5433 do pass as recommended by the Conference Committee:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 4, chapter 231, Laws of 1971 ex. sess. as amended by section 1, chapter 22, Laws of 1977 ex. sess. and RCW 46.04.302 are each amended to read as follows:

"Mobile home" or "manufactured home" means a structure, originally constructed to be transportable in one or more sections, ((which)) that is ((thirty-two body feet or more in length and is eight body feet or more in width, and which is)) built on a permanent chassis, and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities((~~and includes the~~)) that include plumbing, heating, ((air-conditioning;)) and electrical systems contained therein((~~except as hereinafter specifically excluded, and excluding modular homes~~)). The structure must comply with the national Mobile Home Construction and Safety Standards Act of 1974 as adopted in chapter 43.22 RCW, if applicable. For purposes of titling and registration, a structure that met this definition when constructed continues to be a manufactured home notwithstanding that it is no longer transportable when affixed to land.

NEW SECTION. Sec. 2. A new section is added to chapter 46.04 RCW to read as follows:

"Park trailer" or "park model trailer" means a travel trailer designed to be used with temporary connections to utilities necessary for operation of installed fixtures and appliances. The trailer's gross area shall not exceed four hundred square feet when in the setup mode. "Park trailer" excludes a mobile home.

NEW SECTION. Sec. 3. A new section is added to chapter 46.04 RCW to read as follows:

"Travel trailer" means a trailer built on a single chassis transportable upon the public streets and highways that is designed to be used as a temporary dwelling without a permanent foundation and may be used without being connected to utilities.

Sec. 4. Section 14, chapter 231, Laws of 1971 ex. sess. as last amended by section 2, chapter 304, Laws of 1981 and RCW 46.12.290 are each amended to read as follows:

The provisions of chapter 46.12 RCW insofar as they are not inconsistent with the provisions of ~~(this 1971 amendatory act shall)~~ chapter 231, Laws of 1971 ex. sess. apply to mobile homes regulated by ~~(this 1971 amendatory act)~~ chapter 231, Laws of 1971 ex. sess.: PROVIDED, That RCW 46.12.080 and 46.12.250 through 46.12.270 shall not apply to mobile homes(~~(PROVIDED FURTHER, That)~~). In order to lawfully transfer ownership ~~((of))~~ or add a secured party to a ~~((community))~~ mobile home, ~~((both spouses))~~ all registered owners of record must sign the title certificate. ~~((In addition;))~~ The director of licensing shall have the power to adopt such rules ~~((and regulations;))~~ as ~~((he deems))~~ necessary to implement the provisions of this chapter ~~((46.12 RCW as they relate;))~~ relating to mobile homes.

Sec. 5. Section 1, chapter 215, Laws of 1982 and RCW 46.12.370 are each amended to read as follows:

In addition to any other authority which it may have, the department of licensing may furnish lists of registered and legal owners of motor vehicles only for the purposes specified in this section to:

(1) The manufacturers of motor vehicles, or their authorized agents, to be used to enable those manufacturers to carry out the provisions of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. sec. 1382-1418), including amendments or additions thereto, respecting safety-related defects in motor vehicles;

(2) Any governmental agency of the United States or Canada, or political subdivisions thereof, to be used by it or by its authorized commercial agents or contractors only in connection with the enforcement of motor vehicle or traffic laws by, or programs related to traffic safety of, that government agency. Only such parts of the list as are required for completion of the work required of the agent or contractor shall be provided to such agent or contractor; ~~((or))~~

(3) Any business regularly making loans to other persons to finance the purchase of motor vehicles, to be used to assist the person requesting the list to determine ownership of specific vehicles for the purpose of determining whether or not to provide such financing; or

(4) Business enterprises for commercial purposes at such cost and for such purposes as the department deems appropriate.

In the event a list of registered and legal owners of motor vehicles is used for any purpose other than that authorized in subsections (1), (2) ~~((and)),~~ (3), and (4) of this section, the manufacturer, governmental agency, financial institution, business enterprise, or their authorized agents or contractors responsible for the unauthorized disclosure or use will be denied further access to such information by the department of licensing.

Sec. 6. Section 18, chapter 121, Laws of 1965 ex. sess. as amended by section 13, chapter 170, Laws of 1969 ex. sess. and RCW 46.20.205 are each amended to read as follows:

Whenever any person after applying for or receiving a driver's license ~~((shall))~~ or identificard moves from the address named in ~~((such))~~ the application or in the license or identificard issued to him or her or when the name of a licensee or holder of an identificard is changed by marriage or otherwise ~~((such)),~~ the person shall within ten days thereafter notify the department in writing on a form provided by the department of his or her old and new addresses or of such former and new names and of the number of any license then held by him or her. The written notification is the exclusive means by which the address of record maintained by the department concerning the licensee or identificard holder may be changed. Any notice regarding the cancellation, suspension, revocation, probation, or nonrenewal of the driver's license, driving privilege, or identificard mailed to the address of record of the licensee or identificard holder is effective notwithstanding the licensee's or identificard holder's failure to receive the notice.

Sec. 7. Section 46.20.300, chapter 12, Laws of 1961 as last amended by section 150, chapter 158, Laws of 1979 and RCW 46.20.300 are each amended to read as follows:

The director of licensing ~~((may))~~ shall suspend, revoke, or cancel the vehicle driver's license of any resident of this state upon receiving notice of the conviction of such person in another state of an offense therein which, if committed in this state, would be ground for the suspension or revocation of the vehicle driver's license. The director may further, upon receiving a record of the conviction in this state of a nonresident driver of a motor vehicle of any offense under the motor vehicle laws of this state, forward a certified copy of such record to the motor vehicle administrator in the state of which the person so convicted is a resident; such record to consist of a copy of the judgment and sentence in the case.

Sec. 8. Section 1, chapter 22, Laws of 1987 and RCW 46.20.308 are each amended to read as follows:

(1) Any person who operates a motor vehicle within this state is deemed to have given consent, subject to the provisions of RCW 46.61.506, to a test or tests of his or her breath or blood for the purpose of determining the alcoholic content of his or her breath or blood if arrested for any offense where, at the time of the arrest, the arresting officer has reasonable grounds to believe the person had been driving or was in actual physical control of a motor vehicle while under the influence of intoxicating liquor.

(2) The test or tests of breath shall be administered at the direction of a law enforcement officer having reasonable grounds to believe the person to have been driving or in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor. However, in those instances where: (a) The person is incapable due to physical injury, physical incapacity, or other physical limitation, of providing a breath sample; or (b) as a result of a traffic accident the person is being treated for a medical condition in a hospital, clinic, doctor's office, or other similar facility in which a breath testing instrument is not present, a blood test shall be administered by a qualified person as provided in RCW 46.61.506(4). The officer shall inform the person of his or her right to refuse the breath or blood test, and of his or her right to have additional tests administered by any qualified person of his or her choosing as provided in RCW 46.61.506. The officer shall warn the driver that (a) his or her privilege to drive will be revoked or denied if he or she refuses to submit to the test, and (b) that his or her refusal to take the test may be used in a criminal trial.

(3) Except as provided in this section, the test administered shall be of the breath only. If an individual is unconscious or is under arrest for the crime of vehicular homicide as provided in RCW 46.61.520 or vehicular assault as provided in RCW 46.61.522, or if an individual is under arrest for the crime of driving while under the influence of intoxicating liquor or drugs as provided in RCW 46.61.502, which arrest results from an accident in which another person has been injured and there is a reasonable likelihood that such other person may die as a result of injuries sustained in the accident, a breath or blood test may be administered without the consent of the individual so arrested.

(4) Any person who is dead, unconscious, or who is otherwise in a condition rendering him or her incapable of refusal, shall be deemed not to have withdrawn the consent provided by subsection (1) of this section and the test or tests may be administered, subject to the provisions of RCW 46.61.506, and the person shall be deemed to have received the warnings required under subsection (2) of this section.

(5) If, following his or her arrest and receipt of warnings under subsection (2) of this section, the person arrested refuses upon the request of a law enforcement officer to submit to a test or tests of his or her breath or blood, no test shall be given except as authorized under subsection (3) or (4) of this section.

(6) The department of licensing, upon the receipt of a sworn report of the law enforcement officer that ~~(he)~~ the officer had reasonable grounds to believe the arrested person had been driving or was in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor and that the person had refused to submit to the test or tests upon the request of the law enforcement officer after being informed that refusal would result in the revocation of ~~(his)~~ the person's privilege to drive, shall revoke ~~(his)~~ the person's license or permit to drive or any nonresident operating privilege.

(7) Upon revoking the license or permit to drive or the nonresident operating privilege of any person, the department shall immediately notify the person involved in writing by personal service or by certified mail of its decision and the grounds therefor, and of ~~(his)~~ the person's right to a hearing, specifying the steps he or she must take to obtain a hearing. Within ~~(ten)~~ fifteen days after ~~(receiving such)~~ the notice has been given, the person may, in writing, request a formal hearing. Upon receipt of such request, the department shall afford the person an opportunity for a hearing as provided in RCW 46.20.329 and 46.20.332. The hearing shall be conducted in the county of the arrest. For the purposes of this section, the scope of such hearing shall cover the issues of whether a law enforcement officer had reasonable grounds to believe the person had been driving or was in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor, whether the person was placed under arrest, and whether ~~(he)~~ the person refused to submit to the test or tests upon request of the officer after having been informed that such refusal would result in the revocation of ~~(his)~~ the person's privilege to drive. The department shall order that the revocation either be rescinded or sustained. Any decision by the department revoking a person's driving privilege shall be stayed and shall not take effect while a formal hearing is pending as provided in this section or during the pendency of a subsequent appeal to superior court so long as there is no conviction for a moving violation or no finding that the person has committed a traffic infraction that is a moving violation during pendency of the hearing and appeal.

(8) If the revocation is sustained after such a hearing, the person whose license, privilege, or permit is revoked has the right to file a petition in the superior court of the county of arrest to review the final order of revocation by the department in the manner provided in RCW 46.20.334.

(9) When it has been finally determined under the procedures of this section that a nonresident's privilege to operate a motor vehicle in this state has been revoked, the department shall give information in writing of the action taken to the motor vehicle administrator of the state of the person's residence and of any state in which he or she has a license.

Sec. 9. Section 3, chapter 77, Laws of 1982 as last amended by section 9, chapter 1, Laws of 1985 ex. sess. and RCW 46.20.510 are each amended to read as follows:

(1) There shall be three categories for the special motorcycle endorsement of a driver's license. Category one shall be for motorcycles or motor-driven cycles having an engine displacement of one hundred fifty cubic centimeters or less. Category two shall be for motorcycles having an engine displacement of five hundred cubic centimeters or less. Category three shall include categories one and two, and shall be for motorcycles having an engine displacement of five hundred one cubic centimeters or more.

(2) ~~(A motorcycle endorsement issued prior to June 10, 1982, is deemed to be for category three. Thereafter, a person first seeking a motorcycle endorsement or a person seeking an endorsement to operate a motorcycle with an engine displacement of a higher category than the one covered by his or her existing endorsement, shall obtain an endorsement for the appropriate category pursuant to RCW 46.20.505 through 46.20.515.~~

(3) The department may issue a motorcyclist's instruction permit to an individual who wishes to learn to ride a motorcycle or obtain an endorsement of a larger endorsement category for a period not to exceed ninety days. This motorcyclist's instruction permit may be renewed for an additional ninety days. The director shall collect a two dollar and fifty cent fee for the motorcyclist's instruction permit or renewal, and the fee shall be deposited in the motorcycle safety education account of the highway safety fund. This permit and a valid driver's license with current endorsement, if any, shall be carried when operating a motorcycle. An individual with a motorcyclist's instruction permit may not carry passengers, may not operate a motorcycle during the hours of darkness or on a fully-controlled, limited-access facility, and shall be under the direct visual supervision of a person with a motorcycle endorsement of the appropriate category and at least five years' riding experience.

Sec. 10. Section 5, chapter 62, Laws of 1979 and RCW 46.65.065 are each amended to read as follows:

(1) Whenever a person's driving record, as maintained by the department, brings him or her within the definition of an habitual traffic offender, as defined in RCW 46.65.020, the department shall forthwith notify ~~(such)~~ the person of the revocation in writing by certified mail at his or her address of record as maintained by the department. If ~~(such)~~ the person is a nonresident of this state, notice shall be sent to ~~(such)~~ the person's last known address. Notices of revocation shall inform the recipient thereof of his or her right to a formal hearing and specify the steps which must be taken in order to obtain a hearing. ~~(The person upon receiving such)~~ Within fifteen days after the notice has been given, the person may, in writing ((and

~~within ten days therefrom~~), request a formal hearing(~~(--PROVIDED--That)~~). If such a request is not made within the prescribed time the right to a hearing (~~(shall be deemed to have been)~~) is waived(~~(--PROVIDED--FURTHER--That)~~). A request for a hearing ((shall)) stays the effectiveness of the revocation.

(2) Upon receipt of a request for a hearing, the department shall schedule a hearing in the county in which the person making the request resides, and if ~~((such))~~ person is a nonresident of this state, the hearing shall be held in Thurston county. The department shall give at least ten days notice of the hearing to ~~((such))~~ the person.

(3) The scope of the hearings provided by this section ~~((shall be))~~ is limited to the issues of whether the certified transcripts or abstracts of the convictions, as maintained by the department, show that the requisite number of violations have been accumulated within the prescribed period of time as set forth in RCW 46.65.020 ~~((as now or hereafter amended))~~ and ~~(;)~~ whether the terms and conditions for granting stays, as provided in RCW 46.65.060 ~~((as now or hereafter amended))~~, have been met.

(4) Upon receipt of the hearing officer's decision, an aggrieved party ~~((shall have the right to))~~ may appeal to the superior court of the county ~~((wherein))~~ in which he or she resides, or, in the case of a nonresident of this state, in the superior court of Thurston county, for review of the revocation. Notice of appeal must be filed within thirty days after receipt of the hearing officer's decision or the right to appeal ~~((shall be deemed to have been))~~ is waived. Review by the court shall be de novo and without a jury.

(5) The filing of a notice of appeal ~~((shall))~~ does not stay the effective date of the revocation.

Sec. 11. Section 3, chapter 11, Laws of 1979 as last amended by section 1, chapter 287, Laws of 1988 and RCW 46.70.011 are each amended to read as follows:

As used in this chapter:

(1) "Vehicle" means and includes every device capable of being moved upon a public highway and in, upon, or by which any persons or property is or may be transported or drawn upon a public highway, excepting devices moved by human or animal power or used exclusively upon stationary rails or tracks.

(2) "Motor vehicle" means every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails, and which is required to be registered and titled under Title 46 RCW, Motor Vehicles.

(3) "Vehicle dealer" means any person, firm, association, corporation, or trust, not excluded by subsection (4) of this section, engaged in the business of buying, selling, listing, exchanging, offering, brokering, leasing with an option to purchase, auctioning, soliciting, or advertising the sale of new or used vehicles, or arranging or offering or attempting to solicit or negotiate on behalf of others, a sale, purchase, or exchange of an interest in new or used motor vehicles, irrespective of whether the motor vehicles are owned by that person. Vehicle dealers shall be classified as follows:

(a) A "motor vehicle dealer" is a vehicle dealer that deals in new or used motor vehicles, or both;

(b) A "mobile home and travel trailer dealer" is a vehicle dealer that deals in mobile homes, park trailers, or travel trailers, or ~~((both))~~ more than one type of these vehicles;

(c) A "miscellaneous vehicle dealer" is a vehicle dealer that deals in motorcycles or vehicles other than motor vehicles or mobile homes and travel trailers or any combination of such vehicles.

(4) The term "vehicle dealer" does not include, nor do the licensing requirements of RCW 46.70.021 apply to, the following persons, firms, associations, or corporations:

(a) Receivers, trustees, administrators, executors, guardians, or other persons appointed by, or acting under a judgment or order of, any court; or

(b) Public officers while performing their official duties; or

(c) Employees of vehicle dealers who are engaged in the specific performance of their duties as such employees; or

(d) Any person engaged in an isolated sale of a vehicle in which he is the registered or legal owner, or both, thereof; or

(e) Any person, firm, association, corporation, or trust, engaged in the selling of equipment other than vehicles, subject to registration, used for agricultural or industrial purposes; or

(f) A real estate broker licensed under chapter 18.85 RCW, or his authorized representative, who, on behalf of the legal or registered owner of a used mobile home negotiates the purchase, sale, or exchange of the used mobile home in conjunction with the purchase, sale, exchange, rental, or lease of the land upon which the used mobile home is located and the real estate broker is not acting as an agent, subagent, or representative of a vehicle dealer licensed under this chapter; or

(g) Owners who are also operators of the special highway construction equipment or of the highway construction equipment for which a vehicle license and display vehicle license number plate is required as defined in RCW 46.16.010; or

(h) Any bank, trust company, savings bank, mutual savings bank, savings and loan association, credit union, and any parent, subsidiary, or affiliate thereof, authorized to do business

in this state under state or federal law with respect to the sale or other disposition of a motor vehicle owned and used in their business; or with respect to the acquisition and sale or other disposition of a motor vehicle in which the entity has acquired an interest as a lessor, lessee, or secured party.

(5) "Vehicle salesperson" means any person who for any form of compensation sells, auctions, leases with an option to purchase, or offers to sell or to so lease vehicles on behalf of a vehicle dealer.

(6) "Department" means the department of licensing, which shall administer and enforce the provisions of this chapter.

(7) "Director" means the director of licensing.

(8) "Manufacturer" means any person, firm, association, corporation, or trust, resident or nonresident, who manufactures or assembles new and unused vehicles or remanufactures vehicles in whole or in part and further includes the terms:

(a) "Distributor," which means any person, firm, association, corporation, or trust, resident or nonresident, who in whole or in part offers for sale, sells, or distributes any new and unused vehicle to vehicle dealers or who maintains factory representatives.

(b) "Factory branch," which means a branch office maintained by a manufacturer for the purpose of selling or offering for sale, vehicles to a distributor, wholesaler, or vehicle dealer, or for directing or supervising in whole or in part factory or distributor representatives, and further includes any sales promotion organization, whether a person, firm, or corporation, which is engaged in promoting the sale of new and unused vehicles in this state of a particular brand or make to vehicle dealers.

(c) "Factory representative," which means a representative employed by a manufacturer, distributor, or factory branch for the purpose of making or promoting for the sale of their vehicles or for supervising or contracting with their dealers or prospective dealers.

(9) "Established place of business" means a location meeting the requirements of RCW 46.70.023(1) at which a vehicle dealer conducts business in this state.

(10) "Principal place of business" means that dealer firm's business location in the state, which place the dealer designates as their principal place of business.

(11) "Subagency" means any place of business of a vehicle dealer within the state, which place is physically and geographically separated from the principal place of business of the firm or any place of business of a vehicle dealer within the state, at which place the firm does business using a name other than the principal name of the firm, or both.

(12) "Temporary subagency" means a location other than the principal place of business or subagency within the state where a licensed vehicle dealer may secure a license to conduct the business and is licensed for a period of time not to exceed ten days for a specific purpose such as auto shows, ~~((auctions;))~~ shopping center promotions, tent sales, exhibitions, or similar merchandising ventures. No more than six temporary subagency licenses may be issued to a licensee in any twelve-month period.

(13) "Wholesale vehicle dealer" means a vehicle dealer who ~~((sells to Washington dealers))~~ buys and sells other than at retail.

(14) "Retail vehicle dealer" means a vehicle dealer who ~~((sells vehicles to the public))~~ may buy and sell at both wholesale and retail.

(15) "Listing dealer" means a used mobile home dealer who makes contracts with sellers who will compensate the dealer for obtaining a willing purchaser for the seller's mobile home.

Sec. 12. Section 5, chapter 241, Laws of 1986 and RCW 46.70.027 are each amended to read as follows:

A vehicle dealer is accountable for the dealer's employees, sales personnel, and managerial personnel while in the performance of their official duties. Any violations of this chapter or applicable provisions of chapter 46.12 or 46.16 RCW committed by any of these employees subjects the dealer to license penalties prescribed under RCW 46.70.101. A retail purchaser, consignor who is not a motor vehicle dealer, or a motor vehicle dealer who has purchased from a wholesale dealer, who has suffered a loss or damage by reason of ((a breach of warranty or by)) any act by a dealer, salesperson, managerial person, or other employee of a dealership, that constitutes a violation of this chapter or applicable provisions of chapter 46.12 or 46.16 RCW may institute an action for recovery against the dealer and the surety bond as set forth in RCW 46.70.070. However, under this section, motor vehicle dealers who have purchased from wholesale dealers may only institute actions against wholesale dealers and their surety bonds.

NEW SECTION. Sec. 13. A new section is added to chapter 46.70 RCW to read as follows:

Dealers who transact dealer business by consignment shall obtain a consignment contract for sale and shall comply with applicable provisions of chapter 46.70 RCW. The dealer shall place all funds received from the sale of the consigned vehicle in a trust account until the sale is completed, except that the dealer shall pay any outstanding liens against the vehicle from these funds. Where title has been delivered to the purchaser, the dealer shall pay the amount due a consignor within ten days after the sale.

NEW SECTION. Sec. 14. A new section is added to chapter 46.70 RCW to read as follows:

(1) In addition to other powers granted, the director or the director's designee may enforce RCW 46.70.021 through the issuance of criminal citations. The sole duty of law enforcement agencies under this section is to make arrests. All enforcement actions under this section shall be prosecuted by the county prosecutor in the county in which the violation occurred.

(2) Any liability or claim that arises from the exercise or alleged exercise of authority under subsection (1) of this section rests with the department unless the director or the director's designee acts under the direction and control of another agency or unless the liability is otherwise assumed under a written agreement between the department of licensing and another agency.

Sec. 15. Section 46.70.070, chapter 12, Laws of 1961 as last amended by section 11, chapter 241, Laws of 1986 and RCW 46.70.070 are each amended to read as follows:

(1) Before issuing a vehicle dealer's license, the department shall require the applicant to file with the department a surety bond in the amount of:

(a) Fifteen thousand dollars for motor vehicle dealers;
 (b) Thirty thousand dollars for mobile home, park trailer, and travel trailer dealers: PROVIDED, That if such dealer does not deal in mobile homes or park trailers such bond shall be fifteen thousand dollars;

(c) Five thousand dollars for miscellaneous dealers, running to the state, and executed by a surety company authorized to do business in the state. Such bond shall be approved by the attorney general as to form and conditioned that the dealer shall conduct his business in conformity with the provisions of this chapter(;

~~(d) Wholesale dealers shall not be required to file a surety bond with the department).~~

Any retail purchaser, consignee who is not a motor vehicle dealer, or a motor vehicle dealer who has purchased from a wholesale dealer, who (shall have) has suffered any loss or damage by reason of ((breach of warranty or by)) any act by a dealer which constitutes a violation of this chapter shall have the right to institute an action for recovery against such dealer and the surety upon such bond. However, under this section, motor vehicle dealers who have purchased from wholesale dealers may only institute actions against wholesale dealers and their surety bonds. Successive recoveries against said bond shall be permitted, but the aggregate liability of the surety to all persons shall in no event exceed the amount of the bond. Upon exhaustion of the penalty of said bond or cancellation of the bond by the surety the vehicle dealer license shall automatically be deemed canceled.

(2) The bond for any vehicle dealer licensed or to be licensed under more than one classification shall be the highest bond required for any such classification.

(3) Vehicle dealers shall maintain a bond for each business location in this state and bond coverage for all temporary subagencies.

Sec. 16. Section 11, chapter 74, Laws of 1967 ex. sess. as last amended by section 13, chapter 241, Laws of 1986 and RCW 46.70.101 are each amended to read as follows:

The director may by order deny, suspend, or revoke the license of any vehicle dealer or vehicle manufacturer or, in lieu thereof or in addition thereto, may by order assess monetary penalties of a civil nature not to exceed one thousand dollars per violation, if the director finds that the order is in the public interest and that the applicant or licensee:

(1) In the case of a vehicle dealer:

(a) The applicant or licensee, or any partner, officer, director, owner of ten percent or more of the assets of the firm, or managing employee:

(i) Was the holder of a license issued pursuant to this chapter, which was revoked for cause and never reissued by the department, or which license was suspended for cause and the terms of the suspension have not been fulfilled or which license was assessed a civil penalty and the assessed amount has not been paid;

(ii) Has been adjudged guilty of a crime which directly relates to the business of a vehicle dealer and the time elapsed since the adjudication is less than ten years, or suffering any judgment within the preceding five years in any civil action involving fraud, misrepresentation, or conversion. For the purposes of this section, adjudged guilty shall mean in addition to a final conviction in either a state or municipal court, an unvacated forfeiture of bail or collateral deposited to secure a defendant's appearance in court, the payment of a fine, a plea of guilty, or a finding of guilt regardless of whether the sentence is deferred or the penalty is suspended;

(iii) Has knowingly or with reason to know made a false statement of a material fact in his application for license or any data attached thereto, or in any matter under investigation by the department;

(iv) Does not have an established place of business as required in this chapter;

(v) Refuses to allow representatives or agents of the department to inspect during normal business hours all books, records, and files maintained within this state;

(vi) Sells, exchanges, offers, brokers, auctions, solicits, or advertises a new or current model vehicle to which a factory new vehicle warranty attaches and fails to have a valid, written service agreement as required by this chapter, or having such agreement refuses to honor the terms of such agreement within a reasonable time or repudiates the same;

(vii) Is insolvent, either in the sense that their liabilities exceed their assets, or in the sense that they cannot meet their obligations as they mature;

(viii) Fails to pay any civil monetary penalty assessed by the director pursuant to this section within ten days after such assessment becomes final;

(ix) Fails to notify the department of bankruptcy proceedings in the manner required by RCW 46.70.183;

(x) Knowingly, or with reason to know, allows a salesperson employed by the dealer, or acting as their agent, to commit any of the prohibited practices set forth in subsection (1)(a) of this section and RCW 46.70.180.

(b) The applicant or licensee, or any partner, officer, director, owner of ten percent of the assets of the firm, or any employee or agent:

(i) Has failed to comply with the applicable provisions of chapter 46.12 or 46.16 RCW or this chapter or any rules and regulations adopted thereunder;

(ii) Has defrauded or attempted to defraud the state, or a political subdivision thereof of any taxes or fees in connection with the sale or transfer of a vehicle;

(iii) Has forged the signature of the registered or legal owner on a certificate of title;

(iv) Has purchased, sold, disposed of, or has in his or her possession any vehicle which he or she knows or has reason to know has been stolen or appropriated without the consent of the owner;

(v) Has willfully failed to deliver to a purchaser a certificate of ownership to a vehicle which he has sold;

(vi) Has committed any act in violation of RCW 46.70.090 relating to vehicle dealer license plates or manufacturer license plates;

(vii) Has committed any act in violation of RCW 46.70.180 relating to unlawful acts and practices;

(viii) Has engaged in practices inimical to the health or safety of the citizens of the state of Washington including but not limited to failure to comply with standards set by the state of Washington or the federal government pertaining to the construction or safety of vehicles;

(ix) Has aided or assisted an unlicensed dealer or salesperson in unlawful activity through active or passive participation in sales, allowing use of facilities, dealer license number, or by any other means; ((or))

(x) Converts or appropriates, whether temporarily or permanently, property or funds belonging to a customer, dealer, or manufacturer, without the consent of the owner of the property or funds; or

(xi) Has sold any vehicle with knowledge that it has "REBUILT" on the title or has been declared totaled out by an insurance carrier and then rebuilt without clearly disclosing that fact in writing.

(c) The licensee or any partner, officer, director, or owner of ten percent or more of the assets of the firm holds or has held any such position in any other vehicle dealership licensed pursuant to this chapter which is subject to final proceedings under this section.

(2) In the case of a manufacturer, or any partner, officer, director, or majority shareholder:

(a) Was or is the holder of a license issued pursuant to this chapter which was revoked for cause and never reissued by the department, or which license was suspended for cause and the terms of the suspension have not been fulfilled, or which license was assessed a civil penalty and the assessed amount has not been paid;

(b) Has knowingly or with reason to know, made a false statement of a material fact in his application for license, or any data attached thereto, or in any matter under investigation by the department;

(c) Has failed to comply with the applicable provisions of chapter 46.12 or 46.16 RCW or this chapter or any rules and regulations adopted thereunder;

(d) Has defrauded or attempted to defraud the state or a political subdivision thereof, of any taxes or fees in connection with the sale or transfer of a vehicle;

(e) Has purchased, sold, disposed of, or has in his possession, any vehicle which he knows or has reason to know has been stolen or appropriated without the consent of the owner;

(f) Has committed any act in violation of RCW 46.70.090 relating to vehicle dealer license plates and manufacturer license plates;

(g) Has committed any act in violation of RCW 46.70.180 relating to unlawful acts and practices;

(h) Sells or distributes in this state or transfers into this state for resale, any new or unused vehicle to which a warranty attaches or has attached and refuses to honor the terms of such warranty within a reasonable time or repudiates the same;

(i) Fails to maintain one or more resident employees or agents to provide service or repairs to vehicles located within the state of Washington only under the terms of any warranty attached to new or unused vehicles manufactured and which are or have been sold or distributed in this state or transferred into this state for resale unless such manufacturer requires warranty service to be performed by all of its dealers pursuant to a current service agreement on file with the department;

(j) Fails to reimburse within a reasonable time any vehicle dealer within the state of Washington who in good faith incurs reasonable obligations in giving effect to warranties that

attach or have attached to any new or unused vehicle sold or distributed in this state or transferred into this state for resale by any such manufacturer;

(k) Engaged in practices inimical to the health and safety of the citizens of the state of Washington including but not limited to failure to comply with standards set by the state of Washington or the federal government pertaining to the construction and safety of vehicles;

(l) Is insolvent either in the sense that his or her liabilities exceed his or her assets or in the sense that he or she cannot meet his or her obligations as they mature;

(m) Fails to notify the department of bankruptcy proceedings in the manner required by RCW 46.70.183.

Sec. 17. Section 46.80.110, chapter 12, Laws of 1961 as last amended by section 9, chapter 253, Laws of 1977 ex. sess. and RCW 46.80.110 are each amended to read as follows:

The director or a designee may, pursuant to the provisions of chapter ~~((34.04))~~ 34.05 RCW, by order deny, suspend, or revoke the license of any motor vehicle wrecker, or assess a civil fine of up to five hundred dollars for each violation, if ~~((he))~~ the director finds that the applicant or licensee has:

(1) Acquired a vehicle or major component part other than by first obtaining title or other documentation as provided by this chapter;

(2) Willfully misrepresented the physical condition of any motor or integral part of a motor vehicle;

(3) Sold, had in his possession, or disposed of a motor vehicle or trailer or any part thereof when he knows that such vehicle or part has been stolen, or appropriated without the consent of the owner;

(4) Sold, bought, received, concealed, had in his possession, or disposed of a motor vehicle or trailer or part thereof having a missing, defaced, altered, or covered manufacturer's identification number, unless approved by a law enforcement officer;

(5) Committed forgery or misstated a material fact on any title, registration, or other document covering a vehicle that has been reassembled from parts obtained from the disassembly of other vehicles;

(6) Committed any dishonest act or omission which the director has reason to believe has caused loss or serious inconvenience as a result of a sale of a motor vehicle, trailer, or part thereof;

(7) Failed to comply with any of the provisions of this chapter ~~((as now or hereafter amended;))~~ or with any of the rules ~~((and regulations))~~ adopted ~~((thereunder))~~ under it, or with any of the provisions of Title 46 RCW relating to registration and certificates of title of vehicles;

(8) Procured a license fraudulently or dishonestly or that such license was erroneously issued;

(9) Been convicted of a crime that directly relates to the business of a vehicle wrecker and the time elapsed since conviction is less than ten years, or suffered any judgment within the preceding five years in any civil action involving fraud, misrepresentation, or conversion. For the purposes of this section, conviction means in addition to a final conviction in either a federal, state, or municipal court, an unvacated forfeiture of bail or collateral deposited to secure a defendant's appearance in court, the payment of a fine, a plea of guilty, or a finding of guilt regardless of whether the sentence is deferred or the penalty is suspended.

Sec. 18. Section 5, chapter 51, Laws of 1979 ex. sess. as amended by section 2, chapter 80, Laws of 1986 and RCW 46.82.320 are each amended to read as follows:

(1) No person, including the owner, operator, partner, officer, or stockholder of a driver training school shall give instruction in the operation of an automobile for a fee without a license issued by the director for that purpose. An application for an instructor's license shall be filed with the director, containing such information as prescribed by the director, accompanied by an application fee of twenty-five dollars which shall in no event be refunded. If the application is approved by the director and the applicant satisfactorily meets the examination requirements as prescribed in RCW 46.82.330, the applicant shall be granted a license valid for a period of one year from the date of issuance. An instructor shall take a requalification examination every five years.

(2) The annual fee for renewal of an instructor's license shall be five dollars. The director shall issue a license certificate to each licensee which shall be conspicuously displayed in the place of business of the employing driver training school. Unless revoked, canceled, or denied by the director, the license shall remain the property of the licensee in the event of termination of employment or employment by another driver training school. If a renewal application has not been received by the director within sixty days from the date a notice of license expiration was mailed to the licensee, the license will be voided requiring a new application as provided for in this chapter, including examination and payment of all fees.

(3) Persons who qualify under the rules jointly adopted by the superintendent of public instruction and the director of licensing to teach only the laboratory phase, shall be subject to a ten dollar examination fee.

(4) Each licensee shall be provided with a wallet-size identification card by the director at the time the license is issued which shall be carried on the instructor's person at all times while engaged in instructing.

(5) The person to whom an instructor's license has been issued shall notify the director in writing within thirty days of any change of employment or termination of employment, providing the name and address of the new driver training school by whom the instructor will be employed.

Sec. 19. Section 9, chapter 51, Laws of 1979 ex. sess. and RCW 46.82.360 are each amended to read as follows:

The license of any driver training school or instructor may be suspended, revoked, denied, or refused renewal for failure to comply with the business practices specified in this section.

(1) No place of business shall be established nor any business of a driver training school conducted or solicited within one thousand feet of an office or building owned or leased by the department of licensing in which examinations for drivers' licenses are conducted. The distance of one thousand feet shall be measured along the public streets by the nearest route from the place of business to such building.

(2) Any ~~(motor vehicle)~~ automobile used by a driver training school or an instructor for instruction purposes must be equipped with:

(a) Dual controls for foot brake and clutch, or foot brake only in a vehicle equipped with an automatic transmission;

(b) An instructor's rear view mirror; and

(c) A sign displayed on the back ~~((and/or))~~ or top, or both, of the vehicle not less than twenty inches in horizontal width or less than ten inches in vertical height and having the words "student driver" or "instruction car~~(*)~~," or both, in legible, printed, English letters at least two and one-half inches in height near the top and the name of the school in similarly legible letters not less than one inch in height placed somewhere below the aforementioned words, and the street number and name and the telephone number in similarly legible letters at least one inch in height placed next below the name of the school. The lettering and background colors shall be of contrasting shades so as to be clearly readable at one hundred feet in clear daylight. The sign shall be displayed at all times when instruction is being given.

(3) Instruction may not be given by an instructor to a student in an automobile unless the student possesses a current and valid instruction permit issued pursuant to RCW 46.20.055 or a current and valid driver's license.

(4) No driver training school or instructor shall advertise or otherwise indicate that the issuance of a driver's license is guaranteed or assured as a result of the course of instruction offered.

(5) No driver training school or instructor shall utilize any types of advertising without using the full, legal name of the school and identifying itself as a driver training school. Items and services advertised must be available in a manner as might be expected by the average person reading the advertisement.

(6) A driver training school shall have an established place of business owned, rented, or leased by the school and regularly occupied and used exclusively for the business of giving driver instruction. The established place of business of a driver training school that applies for an initial license after the effective date of this act, shall be located in a district that is zoned for business or commercial purposes. The established place of business, branch office, or classroom or advertised address of any such driver training school shall not consist of or include a house trailer, residence, tent, temporary stand, temporary address, bus, telephone answering service if such service is the sole means of contacting the driver training school, a room or rooms in a hotel or rooming house or apartment house, or premises occupied by a single or multiple-unit dwelling house. To classify as a branch office or classroom the facility must be within a thirty-five mile radius of the established place of business. Nothing in this subsection may be construed as limiting the authority of local governments to grant conditional use permits or variances from zoning ordinances.

(7) No driver training school or instructor shall conduct any type of instruction or training on a course used by the department of licensing for testing applicants for a Washington driver's license.

(8) Each driver training school shall maintain records on all of its students, including the student's name and address, the starting and ending dates of instruction, the student's instruction permit or driver's license number, the type of training given, and the total number of hours of instruction. Records of past students shall be maintained for five years following the completion of the instruction.

(9) Each driver training school shall, at its established place of business, display, in a place where it can be seen by all clients, a copy of the required minimum curriculum compiled by the driver advisory committee. Copies of the required minimum curriculum are to be provided to driver training schools and instructors by the director.

(10) Driver training schools and instructors shall submit to periodic inspections of their business practices, facilities, records, and insurance by authorized representatives of the director of the department of licensing.

Sec. 20. Section 82.50.010, chapter 15, Laws of 1961 as last amended by section 11, chapter 107, Laws of 1979 and RCW 82.50.010 are each amended to read as follows:

(1) "Mobile home" means a ~~((structure, transportable in one or more sections, which is thirty-two body feet or more in length and is eight body feet or more in width, and which is built on a permanent chassis, and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein, except as hereinafter specifically excluded, and excluding modular homes as defined below))~~ mobile home as defined by RCW 46.04.302.

(2) "Park trailer" means a park trailer as defined by section 2 of this act.

(3) "Travel trailer" means ~~((all trailers of the type designed to be used upon the public streets and highways which are capable of being used as facilities for human habitation and which are less than thirty-two body feet in length and eight body feet or less in width, except as may be hereinafter specifically excluded))~~ a travel trailer as defined by section 3 of this act.

(4) "Modular home" means ~~((any factory-built housing designed primarily for residential occupancy by human beings which does not contain a permanent frame and must be mounted on a permanent foundation))~~ a modular home as defined by RCW 46.04.303.

(5) "Camper" means a ~~((structure designed to be mounted upon a motor vehicle which provides facilities for human habitation or for temporary outdoor or recreational lodging and which is five feet or more in overall length and five feet or more in height from its floor to its ceiling when fully extended, but shall not include motor homes as defined in this section))~~ camper as defined by RCW 46.04.085.

(6) "Motor home(s)" means a motor ~~((vehicles originally designed, reconstructed, or permanently altered to provide facilities for human habitation))~~ home as defined by RCW 46.04.305.

(7) "Director" means the director of licensing of the state.

NEW SECTION. Sec. 21. A study committee is established to develop recommendations regarding a system of driver's license issuance that provides increased security against fraud. The study is to include but not be limited to procedures, potential use of new technologies, equipment, and security provisions. If the committee finds that increased costs must be incurred, then a funding proposal should also be developed.

The committee shall consist of:

(1) Two members from organizations representing business interests in the state and one member representing financial institutions, all to be appointed by the chair of the legislative transportation committee;

(2) The chief of the Washington state patrol or a designee;

(3) The chair of the liquor control board or a designee;

(4) The director of the department of licensing, or a designee, and one additional employee of the department appointed by the director;

(5) Two members of the Washington house of representatives, one from each political party, appointed by the speaker of the house of representatives; and

(6) Two members of the Washington state senate, one from each political party, appointed by the president of the senate.

The committee shall report its findings and recommendations to the house of representatives and senate transportation committees by December 1, 1989. Current departmental policy against issuing driver's licenses over the counter to individuals without adequate photographic identification shall remain in effect, and no contracts on driver's licensing systems may be awarded by the department of licensing until the committee recommendations are reviewed by the legislative transportation committee.

Sec. 22. Section 46.12.020, chapter 12, Laws of 1961 as last amended by section 1, chapter 244, Laws of 1987 and by section 9, chapter 388, Laws of 1987 and RCW 46.12.020 are each reenacted and amended to read as follows:

~~((+))~~ No vehicle license number plates or certificate of license registration, whether original issues or duplicates, may be issued or furnished by the department unless the applicant, at the same time, makes satisfactory application for a certificate of ownership or presents satisfactory evidence that such a certificate of ownership covering the vehicle has been previously issued.

~~((2))~~ Except as otherwise provided in this section, no vehicle license number plates or certificate of license registration, whether original issues or duplicates, and no renewed vehicle license may be issued by the department unless the applicant possesses a valid driver's license. In the case of joint application by more than one person, each applicant shall possess a valid driver's license.

(3) Subsection (2) of this section applies only to applicants who are individual persons and does not apply to corporations, other businesses, or vehicles proportionally registered under chapter 46.07-RCW.

(4) Subsection (2) of this section does not apply to any applicant with respect to whom the department determines that:

(a) The applicant's driver's license is not currently suspended or revoked and the applicant is not in suspended or revoked status;

~~(b) The applicant has not been convicted of a violation of RCW 46.20.021, 46.20.342, 46.20.420, or 46.65.090; and~~

~~(c) Circumstances not related to any violation of Title 46 RCW account for the applicant's current lack of a driver's license and the applicant's need to register a vehicle. The applicant shall by affidavit indicate:~~

~~(i) The reason for the applicant's lack of a driver's license;~~

~~(ii) The need the applicant has for registering a vehicle; and~~

~~(iii) That the applicant will not knowingly permit a person without a driver's license to drive any vehicle registered in the applicant's name;~~

~~(5) A knowingly made material misstatement on an affidavit under subsection (4)(c) of this section is a misdemeanor;~~

~~(6) No denial under this section of issuance or of renewal of plates or certificates affects the right of any person to maintain, transfer, or acquire title in any vehicle. Unless the parties to the contract agree otherwise, no such denial affects the rights or obligations of any party to a contract for the purchase, or for the financing of the purchase, of a motor vehicle.))~~

NEW SECTION, Sec. 23. Section 22 of this act shall take effect January 1, 1990."

On line 2 of the title, after "licensing;" strike the remainder of the title and insert "amending RCW 46.04.302, 46.12.290, 46.12.370, 46.20.205, 46.20.300, 46.20.308, 46.20.510, 46.65.065, 46.70.011, 46.70.027, 46.70.070, 46.70.101, 46.80.110, 46.82.320, 46.82.360, and 82.50.010; reenacting and amending RCW 46.12.020; adding new sections to chapter 46.04 RCW; adding new sections to chapter 46.70 RCW; creating a new section; prescribing penalties; and providing an effective date."

Signed by Senators Patterson, Nelson, Bender; Representatives R. Meyers, Cooper, Schmidt.

MOTION

Senator Nelson moved that the Report of the Conference Committee on Substitute Senate Bill No. 5443 be adopted.

PARLIAMENTARY INQUIRY

Senator Rasmussen: "Mr. President, a parliamentary inquiry. How long has this report been on the desk?"

REPLY BY THE PRESIDENT

President Pritchard: "My advisor here tells me that it's a conference report and it does not have to be on the desk. From Joint Rule 11, it says, 'Each house shall have twenty-four hours from the time of proper receipt by the Chief Clerk of the House and the Secretary of the Senate to consider reports from the Free Conference Committee. Neither house may vote thereon until the twenty-four hour period shall have elapsed.' The time is just for Free Conference Reports."

The President declared the question before the Senate to be the adoption of the Report of the Conference Committee on Substitute Senate Bill No. 5443.

The motion by Senator Nelson carried and the Report of the Conference Committee on Substitute Senate Bill No. 5443 was adopted.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5443, as recommended by the Conference Committee.

Debate ensued.

MOTION

On motion of Senator Bender, Senator Fleming was excused.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5443, as recommended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 42; absent, 2; excused, 5.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, Williams - 42.

Absent: Senators Murray, Newhouse - 2.

Excused: Senators DeJarnatt, Fleming, Johnson, West, Wojahn - 5.

SUBSTITUTE SENATE BILL NO. 5443, as recommended by the Conference Committee, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 20, 1989

Mr. President:

The House receded from its amendment to SUBSTITUTE SENATE BILL NO. 5085, and has passed the bill without the House amendment, and the bill is herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

At 4:14 p.m., on motion of Senator Newhouse, the Senate was declared to be at ease.

The Senate was called to order at 5:01 p.m. by President Pritchard.

MOTION

At 5:01 p.m., on motion of Senator Newhouse, the Senate adjourned until 9:00 a.m., Friday, April 21, 1989.

JOEL PRITCHARD, President of the Senate.

GORDON A. GOLOB, Secretary of the Senate.

ONE HUNDRED-THIRD DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, April 21, 1989

The Senate was called to order at 9:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Bender, DeJarnatt, Gaspard, Hayner, Lee, McCaslin, McDonald, McMullen, Rinehart, Sellar and West. On motion of Senator Warnke, Senators Bender and Rinehart were excused. On motion of Senator Smitherman, Senators DeJarnatt and Gaspard were excused. On motion of Senator Newhouse, Senators Hayner, McDonald and McCaslin were excused. On motion of Senator Anderson, Senators Sellar and West were excused.

The Sergeant at Arms Color Guard, consisting of Pages Rhonda Slotemaker and Twila Lampers, presented the Colors. Captain Theodore Shomsky, chaplain, United States Army of Fort Lewis, offered the prayer.

MOTION

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

REPORT OF STANDING COMMITTEE GUBERNATORIAL APPOINTMENT

April 20, 1989

GA 9126 MYRNA J. EMERICK, appointed March 23, 1989, for a term ending September 23, 1993, as a member of the Board of Trustees for Lower Columbia College District No. 13.
Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Saling, Chairman; Patterson, Vice Chairman, Bauer, Cantu, Smitherman, Stratton, von Reichbauer.

MOTION

On motion of Senator Newhouse, the rules were suspended and the Gubernatorial Appointment of Myrna J. Emerick, as a member of the Board of Trustees for Lower Columbia Community College, was advanced to second reading and placed on the second reading calendar.

MESSAGES FROM THE HOUSE

April 20, 1989

Mr. President:

The Speaker has signed HOUSE BILL NO. 1385, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

April 20, 1989

Mr. President:

The Speaker has signed:

SENATE BILL NO. 5154,
SENATE BILL NO. 5246,
SENATE BILL NO. 5329,
SUBSTITUTE SENATE BILL NO. 5348,
SUBSTITUTE SENATE BILL NO. 5418,
SENATE BILL NO. 5552,
SENATE BILL NO. 5592,
SENATE BILL NO. 5679,
SENATE BILL NO. 5689,
SENATE BILL NO. 5701.

SENATE BILL NO. 5737,
SENATE BILL NO. 5738,
SUBSTITUTE SENATE BILL NO. 5903,
SENATE JOINT MEMORIAL NO. 8010,
SENATE JOINT RESOLUTION NO. 8210, and the same are herewith transmitted.
ALAN THOMPSON, Chief Clerk

April 20, 1989

Mr. President:

The Speaker has signed:

SENATE BILL NO. 5250,
SENATE BILL NO. 5826,
SENATE BILL NO. 5853,
SUBSTITUTE SENATE BILL NO. 5857, and the same are herewith transmitted.
ALAN THOMPSON, Chief Clerk

April 20, 1989

Mr. President:

The Speaker has signed:

SUBSTITUTE SENATE BILL NO. 5107,
SUBSTITUTE SENATE BILL NO. 5128,
SUBSTITUTE SENATE BILL NO. 5147,
SENATE BILL NO. 5167,
SUBSTITUTE SENATE BILL NO. 5293,
SUBSTITUTE SENATE BILL NO. 5350,
SENATE BILL NO. 5381,
SUBSTITUTE SENATE BILL NO. 5506,
SUBSTITUTE SENATE BILL NO. 5648,
SECOND SUBSTITUTE SENATE BILL NO. 5658,
SUBSTITUTE SENATE BILL NO. 5812,
SENATE BILL NO. 5858,
SUBSTITUTE SENATE BILL NO. 5905,
SENATE BILL NO. 5907,
SENATE BILL NO. 5916,
SUBSTITUTE SENATE BILL NO. 5947,
SUBSTITUTE SENATE BILL NO. 6013,
SUBSTITUTE SENATE BILL NO. 6048,
SENATE JOINT RESOLUTION NO. 8200, and the same are herewith transmitted.
ALAN THOMPSON, Chief Clerk

April 17, 1989

Mr. President:

The Speaker has signed:

SUBSTITUTE HOUSE BILL NO. 1007,
HOUSE BILL NO. 1019,
HOUSE BILL NO. 1042,
HOUSE BILL NO. 1060,
HOUSE BILL NO. 1072,
HOUSE BILL NO. 1085,
SUBSTITUTE HOUSE BILL NO. 1104,
SUBSTITUTE HOUSE BILL NO. 1115,
SUBSTITUTE HOUSE BILL NO. 1173,
SUBSTITUTE HOUSE BILL NO. 1183,
HOUSE BILL NO. 1253,
SUBSTITUTE HOUSE BILL NO. 1337,
SUBSTITUTE HOUSE BILL NO. 1370,
SUBSTITUTE HOUSE BILL NO. 1388,
SUBSTITUTE HOUSE BILL NO. 1414,
HOUSE BILL NO. 1467,
SUBSTITUTE HOUSE BILL NO. 1547, and the same are herewith transmitted.
ALAN THOMPSON, Chief Clerk

April 20, 1989

Mr. President:

The Speaker has signed:

HOUSE BILL NO. 1241,

SUBSTITUTE HOUSE BILL NO. 1504, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

April 20, 1989

Mr. President:

The Speaker has signed:

SUBSTITUTE HOUSE BILL NO. 1065,

HOUSE BILL NO. 1342,

HOUSE BILL NO. 1395,

HOUSE BILL NO. 1729, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

April 20, 1989

Mr. President:

The Speaker has signed:

HOUSE JOINT MEMORIAL NO. 4001, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

April 20, 1989

Mr. President:

The House has adopted SENATE CONCURRENT RESOLUTION NO. 8415, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

April 20, 1989

Mr. President:

The House has passed ENGROSSED HOUSE BILL NO. 1768, as amended by the Senate, but without the amendment to page 1, line 19, from which the Senate receded.

ALAN THOMPSON, Chief Clerk

April 20, 1989

Mr. President:

The House grants the request of the Senate for a conference on SUBSTITUTE SENATE BILL NO. 5383. The Speaker has appointed the following members as conferees: Representatives Cantwell, Rector and Fuhrman.

ALAN THOMPSON, Chief Clerk

April 20, 1989

Mr. President:

The House grants the request of the Senate for a conference on SECOND SUBSTITUTE SENATE BILL NO. 5400. The Speaker has appointed the following members as conferees: Representatives Bristow, Raiter and Moyer.

ALAN THOMPSON, Chief Clerk

SECOND READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Nelson, Gubernatorial Appointment No. 9036, Wayne M. King, as a member of the Child Support Schedule Commission, was confirmed.

APPOINTMENT OF WAYNE M. KING

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 38; absent, 2; excused, 9.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Hansen, Johnson, Kreidler, Madsen, Matson, Melcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Saling, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vogndild, von Reichbauer, Warnke, Williams, Wojahn - 38.

Absent: Senators Lee, McMullen - 2.

Excused: Senators Bender, DeJarnatt, Gaspard, Hayner, McCaslin, McDonald, Rinehart, Sellar, West - 9.

MOTION

On motion of Senator Pullen, Gubernatorial Appointment No. 9046, Jon Ostlund as a member of the Sentencing Guidelines Commission, was confirmed.

MOTION

On motion of Senator Anderson, Senator Patterson was excused.

APPOINTMENT OF JON OSTLUND

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 39; absent, 1; excused, 9.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Hansen, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Pullen, Rasmussen, Saling, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, Williams, Wojahn - 39.

Absent: Senator McMullen - 1.

Excused: Senators Bender, DeJarnatt, Gaspard, Hayner, McDonald, Patterson, Rinehart, Sellar, West - 9.

MOTION

On motion of Senator Pullen, Gubernatorial Appointment No. 9053, Judith Parker, as a member of the Child Support Schedule Commission, was confirmed.

APPOINTMENT OF JUDITH PARKER

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 38; absent, 2; excused, 9.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Hansen, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Pullen, Rasmussen, Saling, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, Williams, Wojahn - 38.

Absent: Senators McMullen, Smith - 2.

Excused: Senators Bender, DeJarnatt, Gaspard, Hayner, McDonald, Patterson, Rinehart, Sellar, West - 9.

There being no objection, the President returned the Senate to the fourth order of business.

MESSAGE FROM THE HOUSE

April 20, 1989

Mr. President:

The House insists on its position regarding the House amendments to SENATE BILL NO. 5172 and asks the Senate to concur therein, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Benitz, the Senate concurred in the House amendments to Senate Bill No. 5172.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5172, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5172, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 38; absent, 2; excused, 9.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Pullen, Rasmussen, Saling, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, Williams, Wojahn - 38.

Absent: Senators Hansen, McMullen - 2.

Excused: Senators Bender, DeJarnatt, Gaspard, Hayner, McDonald, Patterson, Rinehart, Sellar, West - 9.

SENATE BILL NO. 5172, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Anderson, Senator Barr was excused.

MESSAGE FROM THE HOUSE

April 20, 1989

Mr. President:

The House insists on its position regarding the Senate amendments to SUBSTITUTE HOUSE BILL NO. 2024 and asks the Senate to recede therefrom, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Lee, the Senate receded from its amendments to Substitute House Bill No. 2024.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2024, without the Senate amendments.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2024, without the Senate amendments, and the bill passed the Senate by the following vote: Yeas, 37; absent, 3; excused, 9.

Voting yea: Senators Amondson, Anderson, Bailey, Bauer, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Johnson, Kreidler, Lee, Madsen, McCaslin, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Pullen, Rasmussen, Rinehart, Saling, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, Williams, Wojahn - 37.

Absent: Senators Hansen, Matson, McMullen - 3.

Excused: Senators Barr, Bender, DeJarnatt, Gaspard, Hayner, McDonald, Patterson, Sellar, West - 9.

SUBSTITUTE HOUSE BILL NO. 2024, without the Senate amendments, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Vognild, Senators Hansen and McMullen were excused.

MESSAGE FROM THE HOUSE

April 20, 1989

Mr. President:

The House insists on its position regarding the Senate amendment on page 28, line 20, to ENGROSSED HOUSE BILL NO. 2155 and again asks the Senate to recede therefrom, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

Senator Pullen moved that the Senate do recede from the Senate amendment on page 28, line 20, to Engrossed House Bill No. 2155.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Pullen that the Senate do recede from the Senate amendment of page 28, line 20, to Engrossed House Bill No. 2155.

The motion by Senator Pullen carried on a rising vote and the Senate receded from its amendment on page 28, line 20, to Engrossed House Bill No. 2155.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 2155, without the Senate amendment on page 28, line 20.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2155, without the Senate amendment on page 28, line 20, and the bill passed the Senate by the following vote: Yeas, 33; nays, 6; excused, 10.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Fleming, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, Metcalf, Moore, Nelson, Newhouse, Owen, Pullen, Rinehart, Saling, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, Williams - 33.

Voting nay: Senators Bauer, Conner, Murray, Niemi, Rasmussen, Wojahn - 6.

Excused: Senators Bender, DeJarnatt, Gaspard, Hansen, Hayner, McDonald, McMullen, Patterson, Sellar, West - 10.

ENGROSSED HOUSE BILL NO. 2155, without the Senate amendment on page 28, line 20, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

NOTICE FOR RECONSIDERATION

Having voted on the prevailing side, Senator Talmadge served notice that he will move to reconsider the vote by which Engrossed House Bill No. 2155, without the Senate amendment on page 28, line 20, passed the Senate.

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

MOTION

On motion of Senator Saling, the following resolution was adopted:

SENATE RESOLUTION 1989-8655

by Senators Saling, Bauer, Rasmussen, Amondson, Anderson, Bailey, Barr, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rinehart, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams and Wojahn

WHEREAS, The Washington State Legislature, in 1981, established the Washington Scholars Program to recognize selected senior students from Washington public and private high schools for their academic achievements, leadership abilities, and community service contributions; and

WHEREAS, Three senior students are selected from each of the state's forty-nine legislative districts by a review committee composed of distinguished secondary and postsecondary educators; and

WHEREAS, The students selected for special recognition as Washington Scholars have distinguished themselves by their energy and diversity as student leaders; as participants in music, debate, sports, and other programs; and through valuable service to their communities; and

WHEREAS, The families of the students have nurtured and supported the interests and talents of their children; and

WHEREAS, These selected students must maintain a 3.3 grade point average at Washington's public colleges and universities in order to receive tuition and fee waivers and at private institutions in order to receive grants; and

WHEREAS, The state of Washington benefits from the accomplishments of these caring and gifted individuals, not only as students but, as citizens of our communities and our state;

NOW, THEREFORE, BE IT RESOLVED, That the Senate commends the families of these students for their encouragement and support; and

BE IT FURTHER RESOLVED, That the Washington Scholars be recognized and congratulated for their hard work, dedication, and maturity in achieving this noteworthy accomplishment; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate immediately transmit copies of this resolution to all of the Washington scholars from each of the forty-nine legislative districts.

Senator Bauer spoke to Senate Resolution 1989-8655 and requested that all Senators be sponsors of the resolution.

INTRODUCTION OF SPECIAL GUESTS

The President introduced the Washington Scholars who were seated in the galleries.

There being no objection the President returned the Senate to the fourth order of business.

REPORT OF CONFERENCE COMMITTEE

RE: SHB 1254

Providing immunity from civil liability.

April 20, 1989

Mr. President:

Mr. Speaker:

We of your Conference Committee to whom the above measure was referred, have had the same under consideration and we report that we are unable to agree and we respectfully request the powers of Free Conference in order to amend the measure as follows:

(1) That the Senate amendment by Senator Talmadge to page 1, line 16, which was adopted on April 3, 1989, be rejected; and

(2) That the following amendment be adopted:

On page 1, following line 19, insert a new section as follows:

"NEW SECTION. Sec. 3. If an agency fails to reasonably respond to a person who in good faith communicates a complaint or information to any agency of federal, state, or local government regarding any matter reasonably of concern to that agency, the person shall be immune from civil liability on claims arising from the communication of such complaint or information which the person genuinely and reasonably believed to be true. A person prevailing upon the defense provided for in this section shall be entitled to recover costs and reasonable attorneys' fees incurred in establishing the defense."

Renumber the remaining sections consecutively and correct internal references accordingly.

Signed by Senators Pullen, Sutherland: Representatives Appelwick, Myers, Padden.

MOTION

On motion of Senator Newhouse, the Report of the Conference Committee on Substitute House Bill No. 1254 was adopted and the committee was granted the powers of Free Conference.

REPORT OF CONFERENCE COMMITTEE

RE: ESHB 1133

Regarding employer involvement in child care.

April 20, 1989

Mr. President:

Mr. Speaker:

We of your Conference Committee to whom the above measure was referred, have had the same under consideration and we report that we are unable to agree and we respectfully request the powers of Free Conference in order to amend the measure as follows:

That the Senate Committee on Economic Development and Labor amendments adopted on April 11, 1989, be adopted with the following changes:

On page 13, line 9, strike "assigned to and located" and insert "colocated"

On page 14, beginning on line 12, strike all of subsection (4)

Signed by Senators Cantu, Niemi, Anderson: Representatives Cantwell, Wineberry, Moyer.

MOTION

On motion of Senator Newhouse, the Report of the Conference Committee on Engrossed Substitute House Bill No. 1133 was adopted and the committee was granted the powers of Free Conference.

REPORT OF CONFERENCE COMMITTEE

RE: ESHB 1028

Changing requirements for fishing licenses.

April 20, 1989

Mr. President:

Mr. Speaker:

We of your Conference Committee to whom the above measure was referred, have had the same under consideration and we report that we are unable to agree and we respectfully request the powers of Free Conference in order to amend the measure as follows:

(1) That the Senate Committee on Environment and Natural Resources amendments adopted, as amended, on April 13, 1989, be rejected, and

(2) The following amendment be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION, Sec. 1. A new section is added to chapter 75.25 RCW to read as follows:

The following recreational fishing licenses are administered and issued by the department of fisheries under authority of the director of fisheries:

- (1) Hood Canal shrimp license;
- (2) Razor clam license;
- (3) Personal use fishing license;
- (4) Salmon license; and
- (5) Sturgeon license.

Sec. 2. Section 1, chapter 31, Laws of 1983 1st ex. sess. as amended by section 6, chapter 80, Laws of 1984 and RCW 75.25.015 are each amended to read as follows:

(1) A Hood Canal shrimp license is required for all persons other than residents under fifteen years of age to take or possess shrimp taken for personal use from that portion of Hood Canal lying south of the Hood Canal floating bridge.

(2) The annual fees for Hood Canal shrimp licenses are:

(a) For a resident ((license)), fifteen years of age or older and under seventy years of age, five dollars; (except that a person seventy years of age or older may pay a one-time fee of five dollars);

(b) For a nonresident ((license)), fifteen dollars.

Sec. 3. Section 4, chapter 243, Laws of 1979 ex. sess. as last amended by section 91, chapter 46, Laws of 1983 1st ex. sess. and RCW 75.25.040 are each amended to read as follows:

(1) A razor clam license is required for all persons other than residents under fifteen years of age to take, dig for, or possess razor clams taken for personal use from the clam beds of this state including razor clams taken from national park beaches.

(2) The annual fees for razor clam licenses are:

(a) For a resident ((license, two)) fifteen years of age or older and under seventy years of age, three dollars ((and fifty cents)), and

(b) For a nonresident ((license)), ten dollars.

~~((2) Upon application, a resident sixty-five years of age or older or under sixteen years of age shall be issued a razor clam license at no cost. Dealers may collect the dealer's fee established in RCW 75.25.130.~~

~~(3) Razor clam license fees shall be deposited in the general fund and shall be appropriated for the development or operation of programs beneficial to razor clam harvesting.))~~

Sec. 4. Section 2, chapter 81, Laws of 1980 as amended by section 92, chapter 46, Laws of 1983 1st ex. sess. and RCW 75.25.080 are each amended to read as follows:

(1) It is lawful to dig the personal-use daily bag limit of razor clams for another person if that person has in possession a physical disability permit issued by the director.

(2) An application for a physical disability permit must be submitted on a department of fisheries official form and must be accompanied by a licensed medical doctor's certification of disability.

Sec. 5. Section 1, chapter 87, Laws of 1987 and RCW 75.25.090 are each amended to read as follows:

(1) ((An annual)) A personal use license is required for ((a person sixteen)) all persons other than persons under fifteen years of age ((or older)) to fish for, take, or possess food fish for personal use from state waters or offshore waters; (other than carp and sturgeon in the Columbia river above Chief Joseph Dam). A personal use license is not required under this section to fish for, take, or possess carp and sturgeon in the Columbia river above Chief Joseph Dam, smelt, or albacore. ((An annual personal use license is valid for the calendar year in which it is issued.))

(2) The fees for ((an)) annual personal use licenses are ((three dollars for residents and nine dollars for nonresidents.)):

(a) For a resident fifteen years of age or older and under seventy years of age, three dollars; and

(b) For a nonresident fifteen years of age or older, ten dollars.

~~((2) A) (3) The fees for two-consecutive-day ((combined)) personal use licenses ((and punchcard shall be issued. The fee for the license and punchcard is three dollars for residents and nonresidents:~~

~~(3) it is unlawful to fish for or possess food fish without the licenses, punchcards, and stamps required by this chapter;)) are:~~

(a) For food fish other than sturgeon, three dollars; and

(b) For sturgeon only, three dollars.

Sec. 6. Section 11, chapter 327, Laws of 1977 ex. sess. as last amended by section 2, chapter 87, Laws of 1987 and RCW 75.25.100 are each amended to read as follows:

(1) In addition to a personal use license, a salmon ((punchcard)) license is required ((for a person)) to take, fish for, or possess anadromous salmon taken for personal use from state waters or offshore waters. A salmon ((punchcard)) license is not required for persons under fifteen years of age, nor is it required of a person who has a valid two-consecutive-day ((combined)) personal use license ((and punchcard)) for food fish other than sturgeon.

(2) The fees for ((a)) annual salmon ((punchcard is three dollars. A salmon punchcard is valid for a maximum catch of fifteen salmon, after which another punchcard may be purchased. A salmon punchcard is valid only for the calendar year for which it is issued)) licenses are:

(a) For a resident fifteen years of age or older and under seventy years of age, three dollars; and

(b) For nonresidents, fifteen years of age or older, three dollars.

NEW SECTION. Sec. 7. A new section is added to chapter 75.25 RCW to read as follows:

(1) A sturgeon license is required to take, fish for, or possess sturgeon taken for personal use from the following state waters:

(a) Columbia river and all tributaries;

(b) Willapa Bay and all tributaries; and

(c) Grays Harbor and all tributaries.

A sturgeon license is not required of a person under fifteen years of age, nor is it required of a person who has a valid sturgeon-only two-consecutive-day personal use license.

(2) In addition to a sturgeon license, a personal use license is required when fishing for sturgeon in all waters listed in subsection (1) of this section, except the Columbia river above Chief Joseph Dam.

(3) The fees for annual sturgeon licenses are:

(a) For a resident fifteen years of age or older, and under seventy years of age, three dollars; and

(b) For all nonresidents fifteen years of age or older, three dollars.

Sec. 8. Section 13, chapter 327, Laws of 1977 ex. sess. as last amended by section 3, chapter 87, Laws of 1987 and RCW 75.25.110 are each amended to read as follows:

(1) ((A personal use license, salmon punchcard, or two-consecutive-day combined license and punchcard)) Any of the recreational fishing licenses required by this chapter shall, upon request, be issued without charge to ((persons under sixteen years of age or seventy years of age and older:

(2) Upon application;)) the following individuals upon request:

(a) Residents under fifteen years of age and residents seventy years of age or older;

(b) Residents who submit applications attesting that they are a person sixty-five years of age or older who is an honorably discharged veteran of the United States armed forces with a service-connected disability and who has been a resident of this state for ((five years shall be given a personal use license and salmon punchcard free of charge.)) the preceding ninety days:

((Upon application;)) (c) A blind person ((shall be issued a personal use license and salmon punchcard free of charge));

(d) A person with a developmental disability as defined in RCW 71A.10.020 with documentation of the disability from the department of social and health services; and

(e) A person who is physically handicapped and confined to a wheelchair.

(2) Personal use licenses, salmon licenses, and sturgeon licenses shall, upon request, be issued to nonresidents under fifteen years of age.

(3) A blind person or a physically handicapped person confined to a wheelchair who has been issued a card for a permanent disability under RCW 46.16.381 may use that card in place of a fishing license unless a punchcard is required by the director.

Sec. 9. Section 17, chapter 327, Laws of 1977 ex. sess. as last amended by section 4, chapter 87, Laws of 1987 and RCW 75.25.120 are each amended to read as follows:

In concurrent waters of the Columbia river and in Washington coastal territorial waters from the Oregon-Washington boundary to a point five nautical miles north, an Oregon angling license comparable to the Washington ((salmon punchcard or)) personal use license, two-consecutive-day personal use license, salmon license, or sturgeon license is valid if Oregon

recognizes as valid the Washington (~~(salmon punchcard or)~~ personal use license, two-consecutive-day personal use license, salmon license, or sturgeon license in comparable Oregon waters.

If Oregon recognizes as valid the Washington (~~(salmon punchcard)~~) personal use license, ((or) two-consecutive-day ((combined)) personal use license ((and punchcard)), salmon license, or sturgeon license southward to Cape Falcon in the coastal territorial waters from the Washington-Oregon boundary and in concurrent waters of the Columbia river then Washington shall recognize a valid Oregon license comparable to the Washington personal use license, (~~(punchcard, or)~~ two-consecutive-day ((combined)) personal use license ((and punchcard)), salmon license, or sturgeon license northward to Leadbetter Point.

Oregon licenses are not valid for the taking of (~~(salmon))~~ food fish when angling in concurrent waters of the Columbia river from the Washington shore.

NEW SECTION. Sec. 10. A new section is added to chapter 75.25 RCW to read as follows:

Catch record cards necessary for proper management of the state's food fish and shellfish resources shall be administered under rules adopted by the director and issued at no charge.

Sec. 11. Section 12, chapter 327, Laws of 1977 ex. sess. as last amended by section 6, chapter 87, Laws of 1987 and RCW 75.25.130 are each amended to read as follows:

All recreational licenses((- punchcards, and stamps)) required by this chapter shall be issued only under authority of the director. The director may authorize license dealers to issue the recreational licenses((- punchcards, and stamps)) and collect the recreational license fees. In addition to the recreational license((- punchcard, or stamp)) fees, dealers may charge a dealer's fee (~~((of fifty cents))~~) for each (~~(Hood Canal shrimp license, two-consecutive-day combined license and punchcard, personal use license, punchcard, and razor clam))~~ recreational license. The director shall establish the amount to be retained by dealers, which shall be at least fifty cents for each license issued. Fees retained by dealers shall be uniform throughout the state. The dealer's fee may be retained by the license dealer.

The director shall adopt rules for the issuance of (~~(personal use))~~ recreational licenses((- Hood Canal shrimp licenses, razor clam licenses, stamps, and punchcards)) and for the collection, payment, and handling of license fees and dealers' fees.

Sec. 12. Section 15, chapter 327, Laws of 1977 ex. sess. as last amended by section 7, chapter 87, Laws of 1987 and RCW 75.25.140 are each amended to read as follows:

(1) (~~(Personal use))~~ Recreational licenses((- Hood Canal shrimp licenses, razor clam licenses, stamps, and punchcards)) are not transferable. Upon request of a fisheries patrol officer (~~(or)~~), ex officio fisheries patrol officer, or authorized fisheries employee, a person digging for or possessing razor clams or fishing for or possessing Hood Canal shrimp or food fish for personal use shall exhibit the required recreational license and (~~(punchcard and))~~ write his or her signature for comparison with the signature on the license. Failure to comply with the request is prima facie evidence that the person does not have a license or (~~(punchcard or))~~ is not the person named on the license (~~(or punchcard))~~.

(2) The razor clam license shall be visible on the licensee while digging for razor clams.

Sec. 13. Section 99, chapter 46, Laws of 1983 1st ex. sess. as amended by section 9, chapter 80, Laws of 1984 and RCW 75.25.150 are each amended to read as follows:

It is unlawful to dig for or possess razor clams, fish for or possess (~~(anadromous salmon))~~ food fish, or take or possess Hood Canal shrimp without the licenses required by this chapter.

NEW SECTION. Sec. 14. A new section is added to chapter 75.25 RCW to read as follows:

Recreational licenses issued by the department of fisheries under this chapter are valid for the following periods:

(1) Recreational licenses issued without charge to persons designated by this chapter are valid:

- (a) For life for blind persons;
- (b) For the period of continued state residency for qualified disabled veterans;
- (c) For the period of continued state residency for persons sixty-five years of age or more;
- (d) For the period of the disability for persons with a developmental disability;
- (e) For life for handicapped persons confined to a wheelchair who have been issued a permanent disability card; and
- (f) Until a child reaches fifteen years of age.

(2) Two-consecutive-day personal use licenses expire at midnight on the day following the validation date written on the license by the license dealer, except two-consecutive-day personal use licenses validated for December 31 expire at midnight on that date.

(3) An annual salmon license is valid for a maximum catch of fifteen salmon, after which another salmon license may be purchased. A salmon license is valid only for the calendar year for which it is issued.

(4) An annual sturgeon license is valid for a maximum catch of fifteen sturgeon. A sturgeon license is valid only for the calendar year for which it is issued.

(5) All other recreational licenses are valid for the calendar year for which they are issued.

Sec. 15. Section 16, chapter 327, Laws of 1977 ex. sess. as last amended by section 8, chapter 87, Laws of 1987 and RCW 75.25.160 are each amended to read as follows:

A person who violates a provision of this chapter or who knowingly falsifies information required for the issuance of a ~~((Hood Canal shrimp)) recreational license~~~~((personal use license, razor clam license, or punchcard))~~ is guilty of a misdemeanor and is subject to the penalties provided in chapter 9A.20 RCW.

Sec. 16. Section 9, chapter 87, Laws of 1987 and RCW 75.25.170 are each amended to read as follows:

Fees received for ~~((personal use)) recreational licenses~~~~((punchcards, and stamps))~~ required under this chapter shall be deposited in the general fund and shall be appropriated for management, enhancement, research, and enforcement purposes of the shellfish, salmon, and marine fish programs of the department of fisheries.

Sec. 17. Section 14, chapter 176, Laws of 1957 as last amended by section 102, chapter 78, Laws of 1980 and RCW 77.32.005 are each amended to read as follows:

For the purposes of this chapter:

A "resident" means a ~~((citizen of the United States or))~~ person who ~~((has in good faith declared the intent to become a citizen of the United States;))~~ has maintained a permanent place of abode within this state for at least ninety days immediately preceding an application for a license, ~~((and))~~ has established by formal evidence an intent to continue residing within this state, and who is not licensed to hunt or fish as a resident in another state.

A "nonresident" means a person who has not fulfilled the qualifications of a resident.

Sec. 18. Section 77.32.230, chapter 36, Laws of 1955 as last amended by section 914, chapter 176, Laws of 1988 and RCW 77.32.230 are each amended to read as follows:

(1) A person sixty-five years of age or older who is an honorably discharged veteran of the United States armed forces having a service-connected disability and who has been a resident for ~~((five years))~~ the preceding ninety days may receive upon application a state hunting and fishing license free of charge.

(2) A resident who is an honorably discharged veteran of the United States armed forces having a service-connected disability and whose service-connected disabilities have been established as permanent in nature by the veterans administration and are rated from thirty to one hundred percent disabled as determined by the veterans administration shall receive a fishing and hunting license for one-half price.

Disabled veterans applying for a one-half price fishing and hunting license under this subsection shall provide the department or dealer with a copy of documents verifying the disability from the veterans administration.

(3) A ~~((person))~~ resident seventy years of age or older ~~((who has been a resident for ten years))~~ may receive, upon application, a fishing license free of charge.

~~((3))~~ (4) A blind person, or a person with a developmental disability as defined in RCW 71A.10.020 with documentation of the disability from the department of social and health services, or a physically handicapped person confined to a wheelchair may receive upon application a fishing license free of charge.

~~((4))~~ (5) A blind person or a physically handicapped person confined to a wheelchair who has been issued a card for a permanent disability under RCW 46.16.381 may use that card in place of a fishing license unless tags, permits, stamps, or punchcards are required by this chapter.

~~((5))~~ (6) A fishing license is not required for persons under the age of fifteen.

~~((6))~~ (7) Tags, permits, stamps, and punchcards required by this chapter shall be purchased separately by persons receiving a free or reduced-fee license.

Sec. 19. Section 13, chapter 310, Laws of 1981 as last amended by section 88, chapter 506, Laws of 1987 and RCW 77.32.360 are each amended to read as follows:

(1) A steelhead punchcard is required to fish for steelhead trout. The fee for this punchcard is fifteen dollars.

(2) Persons possessing steelhead trout shall immediately validate their punchcard as provided by rule.

(3) Steelhead punchcards required under this section expire April 30th following the date of issuance.

(4) Each person who returns a steelhead punchcard to an authorized license dealer by June 1 following the period for which it was issued shall be given a credit equal to five dollars towards that day's purchase of any license, permit, transport tag, punchcard, or stamp required by this chapter.

This subsection does not apply to annual steelhead punchcards for persons under the age of fifteen and persons age seventy or older.

(5) Persons under the age of fifteen and persons age seventy or older may purchase an annual steelhead punchcard for five dollars. The five-dollar punchcard entitles the holder to retain no more than ten steelhead. After retaining ten steelhead, a new punchcard may be purchased.

~~((5))~~ (6) An upland bird punchcard is required to hunt for quail, partridge, and pheasant in areas designated by rule of the commission. The fee for this punchcard is fifteen dollars.

~~((6))~~ (7) Persons killing quail, partridge, and pheasant shall immediately validate their punchcard as provided by rule of the commission.

~~((7))~~ (8) Upland bird punchcards required under this section expire March 31st following the date of issuance.

NEW SECTION, Sec. 20. The following acts or parts of acts are each repealed:

(1) Section 2, chapter 243, Laws of 1979 ex. sess., section 90, chapter 46, Laws of 1983 1st ex. sess. and RCW 75.25.020; and

(2) Section 5, chapter 87, Laws of 1987 and RCW 75.25.125.

NEW SECTION, Sec. 21. This act shall take effect on January 1, 1990.*

On page 1, line 1 of the title, after "licenses;" strike the remainder of the title and insert "amending RCW 75.25.015, 75.25.040, 75.25.080, 75.25.090, 75.25.100, 75.25.110, 75.25.120, 75.25.130, 75.25.140, 75.25.150, 75.25.160, 75.25.170, 77.32.005, 77.32.230, and 77.32.360; adding new sections to chapter 75.25 RCW; repealing RCW 75.25.020 and 75.25.125; and providing an effective date."

Signed by Senators Metcalf, Owen, Anderson; Representatives R. King, Morris, S. Wilson.

MOTION

On motion of Senator Newhouse, the Report of the Conference Committee on Engrossed Substitute House Bill No. 1028 was adopted and the committee was granted the powers of Free Conference.

SECOND REPORT OF CONFERENCE COMMITTEE

RE: ESHB 2020

Providing tuition and fee waivers for intercollegiate athletes to achieve gender equity.

April 20, 1989

Mr. President:

Mr. Speaker:

We of your Conference Committee (Second Report) to whom the above measure was referred, have had the same under consideration and we report that we are unable to agree and we respectfully request the powers of Free Conference in order to amend the measure as follows:

(1) Not adopt the Senate Committee on Ways and Means amendment which was adopted as amended on April 13, 1989, and

(2) Adopt the following striking amendment:

Strike everything after the enacting clause and insert the following:

***NEW SECTION, Sec. 1.** The legislature finds that the ratio of women to men in intercollegiate athletics in Washington's higher education system is inequitable. It is the intent of the legislature, through additional tuition and fee waivers, to achieve gender equity in intercollegiate athletics.

Sec. 2. Section 1, chapter 262, Laws of 1979 ex. sess. as last amended by section 3, chapter 232, Laws of 1986 and RCW 28B.15.740 are each amended to read as follows:

(1) The boards of trustees or regents of each of the state's regional universities, The Evergreen State College, or state universities, and the various community colleges, consistent with regulations and procedures established by the state board for community college education, may waive, in whole or in part, tuition and services and activities fees subject to the limitations set forth in subsections (2) and (3).

(2) Except as provided in subsection (3) of this section, the total dollar amount of tuition and fee waivers awarded by any state university, regional university, or state college, shall not exceed four percent, and for the community colleges considered as a whole, such amount shall not exceed three percent of an amount determined by estimating the total collections from tuition and services and activities fees had no such waivers been made and deducting the portion of that total amount which is attributable to the difference between resident and nonresident fees: PROVIDED, That at least three-fourths of the dollars waived shall be for needy students who are eligible for resident tuition and fee rates pursuant to RCW 28B.15.012 through 28B.15.015: PROVIDED FURTHER, That the remainder of the dollars waived, not to exceed one-fourth of the total, may be applied to other students at the discretion of the board of trustees or regents, except on the basis of participation in intercollegiate athletic programs: PROVIDED FURTHER, That the waivers for undergraduate and graduate students of foreign nations under RCW 28B.15.556 are not subject to the limitation under this section.

(3) In addition to the tuition and fee waivers provided in subsection (2) of this section and subject to the provisions of sections 3 and 4 of this act, a total dollar amount of tuition and fee waivers awarded by any state university, regional university, or state college, not to exceed one percent, as calculated in subsection (2) of this section, may be used for the purpose of achieving or maintaining gender equity in intercollegiate athletic programs. At any institution

that has an underrepresented gender class in intercollegiate athletics, any such waivers shall be awarded:

(a) First, to members of the underrepresented gender class who participate in intercollegiate athletics, where such waivers result in saved or displaced money that can be used for athletic programs for the underrepresented gender class. Such saved or displaced money shall be used for programs for the underrepresented gender class; and

(b) Second, (i) to nonmembers of the underrepresented gender class who participate in intercollegiate athletics, where such waivers result in saved or displaced money that can be used for athletic programs for members of the underrepresented gender class. Such saved or displaced money shall be used for programs for the underrepresented gender class; or (ii) to members of the underrepresented gender class who participate in intercollegiate athletics, where such waivers do not result in any saved or displaced money that can be used for athletic programs for members of the underrepresented gender class.

NEW SECTION. Sec. 3. Institutions of higher education shall strive to accomplish the following goals:

(1) Provide the following benefits and services equitably to male and female athletes participating in intercollegiate athletic programs: Equipment and supplies; medical services; services and insurance; transportation and per diem allowances; opportunities to receive coaching and instruction; scholarships and other forms of financial aid; conditioning programs; laundry services; assignment of game officials; opportunities for competition, publicity, and awards; and scheduling of games and practice times, including use of courts, gyms, and pools. Each institution which provides showers, toilets, lockers, or training room facilities for athletic purposes shall provide access to comparable facilities for both males and females.

(2) Provide equitable intercollegiate athletic opportunities for male and female students including opportunities to participate and to receive the benefits of the services listed in subsection (1) of this section.

(3) Provide participants with female and male coaches and administrators to act as role models.

NEW SECTION. Sec. 4. (1) An institution of higher education shall not grant any waivers for the purpose of achieving gender equity until the 1991-92 academic year, and may grant waivers for the purpose of achieving gender equity in intercollegiate athletic programs as authorized in section 2 of this act, for the 1991-92 academic year only if the institution's governing board has adopted a plan for complying with the provisions of section 3 of this act and submitted the plan to the higher education coordinating board.

(2) Beginning in the 1992-93 academic year, an institution of higher education shall not grant any waiver for the purpose of achieving gender equity in intercollegiate athletic programs as authorized in section 2 of this act unless the institution's plan has been approved by the higher education coordinating board.

(3) The plan shall include, but not be limited to:

(a) For any institution with an underrepresented gender class, provisions that ensure that by July 1, 1994, the institution shall provide athletic opportunities for the underrepresented gender class at a rate that meets or exceeds the rate at which that class participates in high school interscholastic athletics in Washington state not to exceed the point at which the underrepresented gender class is no longer underrepresented;

(b) Activities to be undertaken by the institution to increase participation rates of any underrepresented gender class in interscholastic and intercollegiate athletics. These activities may include, but are not limited to: Sponsoring equity conferences, coaches clinics and sports clinics; and taking a leadership role in working with athletic conferences to reduce barriers to participation by those gender classes in interscholastic and intercollegiate athletics;

(c) An identification of barriers to achieving and maintaining equitable intercollegiate athletic opportunities for men and women; and

(d) Measures to achieve institutional compliance with the provisions of section 3 of this act.

NEW SECTION. Sec. 5. (1) The higher education coordinating board shall report biennially, beginning December 1992, to the governor and the house of representatives and senate committees on higher education, on institutional efforts to comply with the requirements of sections 2 through 4 of this act. Each report shall include recommendations on measures to assist institutions with compliance. The first report shall also include a recommendation on whether to grant this waiver authority to community college governing boards.

(2) Before the board makes its report in December 1994, the board shall assess the extent of institutional compliance with the requirements of sections 2 through 4 of this act. The 1994 report shall include a recommendation on whether to continue this waiver authority.

NEW SECTION. Sec. 6. (1) As used in and for the limited purposes of sections 1 and 3 through 5 of this act and RCW 28B.15.740, "underrepresented gender class" means female students or male students, where the ratio of participation of female or male students, respectively, in intercollegiate athletics is less than approximately the ratio of female to male students or male to female students, respectively, enrolled as undergraduates at an institution.

(2) As used in and for the limited purpose of subsection 4(b) of this act, an "underrepresented gender class" in interscholastic athletics means female students or male students, where

the ratio of participation of female or male students, respectively, in K-12 interscholastic athletics is less than approximately the ratio of female to male students or male to female students, respectively, enrolled in K-12 public schools in Washington.

NEW SECTION. Sec. 7. Nothing in this act shall be construed to excuse any institution from any more stringent requirement to achieve gender equity imposed by law, nor to permit any institution to decrease participation of any underrepresented gender class.

NEW SECTION. Sec. 8. Sections 1 and 3 through 6 of this act are each added to chapter 28B.15 RCW.

NEW SECTION. Sec. 9. This act shall expire on June 30, 1997."

On page 1, line 2 of the title, after "equity;" strike the remainder of the title and insert "amending RCW 28B.15.740; adding new sections to chapter 28B.15 RCW; creating a new section; and providing an expiration date."

Signed by Senators Saling, Stratton, Patterson; Representatives Jacobsen, Bristow, Miller.

MOTION

On motion of Senator Newhouse, the Report of the Conference Committee on Engrossed Substitute House Bill No. 2020 was adopted and the committee was granted the powers of Free Conference.

REPORT OF CONFERENCE COMMITTEE

RE: SSB 5827

Providing pet identification and certification procedures to minimize theft.

April 19, 1989

Mr. President:

Mr. Speaker:

We of your Conference Committee to whom the above measure was referred, have had the same under consideration and we report that we are unable to agree and we respectfully request the powers of Free Conference in order to amend the measure as follows:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 9.08 RCW to read as follows:

As used in RCW 9.08.070:

(1) "Pet animal" means a tamed or domesticated animal legally retained by a person and kept as a companion. "Pet animal" does not include livestock raised for commercial purposes.

(2) "Research institution" means a facility licensed by the United States department of agriculture to use animals in biomedical or product research.

(3) "U.S.D.A. licensed dealer" means a person who is licensed or required to be licensed by the United States department of agriculture to commercially buy, receive, sell, negotiate for sale, or transport animals.

Sec. 2. Section 1, chapter 114, Laws of 1982 and RCW 9.08.070 are each amended to read as follows:

(1) Any person who, with intent to deprive or defraud the owner thereof, does any of the following shall be guilty of a gross misdemeanor and shall be punished as prescribed under RCW 9A.20.021(2) and by a mandatory fine of not less than five hundred dollars per pet animal except as provided by (d) of this subsection:

~~((1))~~ (a) Takes, leads away, confines, secretes or converts any ~~((dog))~~ pet animal, except in cases in which the value of the ~~((dog))~~ pet animal exceeds two hundred fifty dollars;

~~((2))~~ (b) Conceals the identity of any ~~((dog))~~ pet animal or its owner by obscuring, altering, or removing from the ~~((dog))~~ pet animal any collar, tag, license, tattoo, or other identifying device or mark~~((-or))~~;

~~((3))~~ (c) Willfully or recklessly kills or injures any ((dog)) pet animal, unless excused by law.

~~((Such violations shall be punished by imprisonment in the county jail for not more than one year or by a fine of not more than one thousand dollars, or by both such fine and imprisonment:))~~

(d) Nothing in this subsection or subsection (2) of this section shall prohibit a person from also being convicted of separate offenses under RCW 9A.56.030, 9A.56.040, or 9A.56.050 for theft or under RCW 9A.56.150, 9A.56.160, or 9A.56.170 for possession of stolen property.

(2) (a) It is unlawful for any person to receive with intent to sell to a research institution in the state of Washington, or sell or otherwise directly transfer to a research institution in the state of Washington, a pet animal that the person knows or has reason to know has been stolen or fraudulently obtained. This subsection does not apply to U.S.D.A. licensed dealers.

(b) The first conviction under (a) of this subsection is a gross misdemeanor and is punishable as prescribed under RCW 9A.20.021(2) and by a mandatory fine of not less than five hundred dollars per pet animal. A second or subsequent conviction under (a) of this subsection is a class C felony and is punishable as prescribed under RCW 9A.20.021 (1)(c) and by a mandatory fine of not less than one thousand dollars per pet animal.

(3) (a) It is unlawful for any person, who knows or has reason to know that a pet animal has been stolen or fraudulently obtained, to sell or otherwise transfer the pet animal to another who the person knows or has reason to know has previously sold a stolen or fraudulently obtained pet animal to a research institution in the state of Washington.

(b) A conviction under (a) of this subsection is a class C felony and shall be punishable as prescribed under RCW 9A.20.021 (1)(c) and by a mandatory fine of not less than one thousand dollars per pet animal.

(4)(a) It is unlawful for a U.S.D.A. licensed dealer to receive with intent to sell, or sell or transfer directly or through a third party, to a research institution in the state of Washington, a pet animal that the dealer knows or has reason to know has been stolen or fraudulently obtained.

(b) A conviction under (a) of this subsection is a class C felony and shall be punishable as prescribed under RCW 9A.20.021 (1)(c) and by a mandatory fine of not less than one thousand dollars per pet animal.

(5) The sale, receipt, or transfer of each individual pet animal in violation of subsections (1), (2), (3), and (4) of this section constitutes a separate offense.

(6) The provisions of subsections (1), (2), (3), and (4) of this section shall not apply to the lawful acts of any employee, agent, or director of any humane society, animal control agency, or animal shelter operated by or on behalf of any government agency, operating under law.

NEW SECTION, Sec. 3. A new section is added to chapter 16.52 RCW to read as follows:

(1) All transfers of mammals, other than rats and mice bred for use in research and livestock, to research institutions in this state, whether by sale or otherwise, shall conform with federal laws and, except as to those animals obtained from a source outside the United States, shall be accompanied by one of the following written certifications, dated and signed under penalty of perjury:

(a) Breeder certification: A written statement certifying that the person signing the certification is a United States department of agriculture-licensed class A dealer whose business license in the state of Washington includes only those animals that the dealer breeds and raises as a closed or stable colony and those animals that the dealer acquires for the sole purpose of maintaining or enhancing the dealer's breeding colony, that the animal being sold is one of those animals, and that the person signing the certification is authorized to do so. The certification shall also include an identifying number for the dealer, such as a business license number.

(b) True owner certification: A written statement certifying that the animal being transferred is owned by the person signing the certification, and that the person signing the certification either (i) has no personal knowledge or reason to believe that the animal is a pet animal, or (ii) consents to having the animal used for research at a research institution. The certification shall also state the date that the owner obtained the animal, and the person or other source from whom it was obtained. The certification shall also include an identifying number for the person signing the certification, such as a drivers' license number or business license number. The certifications signed by or on behalf of a humane society, animal control agency, or animal shelter need not contain a statement that the society, agency, or shelter owns the animal, but shall state that the animal has been in the possession of the society, agency, or shelter for the minimum period required by law that entitles it to legally dispose of the animal.

(2) In addition to the foregoing certification, all research institutions in this state shall open at the time a dog or cat is transferred to it a file that contains the following information for each dog or cat transferred to the institution:

- (a) All information required by federal law;
- (b) The certification required by this section; and
- (c) A brief description of the dog or cat (e.g. breed, color, sex, any identifying characteristics), and a photograph of the dog or cat.

The brief description may be contained in the written certification.

These files shall be maintained and open for public inspection for a period of at least two years from the date of acquisition of the animal.

(3) All research institutions in this state shall, within one hundred eighty days of the effective date of this act, adopt and operate under written policies governing the acquisition of animals to be used in biomedical or product research at that institution. The written policies shall be binding on all employees, agents, or contractors of the institution. These policies must contain, at a minimum, the following provisions:

(a) Animals shall be acquired in accordance with the federal animal welfare act, public health service policy, and other applicable statutes and regulations;

(b) No research may be conducted on a pet animal without the written permission of the pet animal's owner;

(c) Any animal acquired by the institution that is determined to be a pet animal shall be returned to its legal owner, unless the institution has the owner's written permission to retain the animal; and

(d) A person at the institution shall be designated to have the responsibility for investigating any facts supporting the possibility that an animal in the institution's possession may be a pet animal, including any inquiries from citizens regarding their pets. This person shall devise and insure implementation of procedures to inform inquiring citizens of their right to prompt review of the relevant files required to be kept by the institution for animals obtained under subsection (2) of this section, and shall be responsible for facilitating the rapid return of any animal determined to be a pet animal to the legal owner who has not given the institution permission to have the animal or transferred ownership of it to the institution.

(4) For the purposes of this section, "research institution" means any facility licensed by the United States department of agriculture to use animals in biomedical or product research.

NEW SECTION, Sec. 4. A new section is added to chapter 19.86 RCW to read as follows:

Any violation of RCW 9.08.070 or section 3 of this act constitutes an unfair or deceptive practice in violation of this chapter. The relief available under this chapter for violations of RCW 9.08.070 or section 3 of this act by a research institution shall be limited to only monetary penalties in an amount not to exceed two thousand five hundred dollars.

NEW SECTION, Sec. 5. A new section is added to chapter 16.52 RCW to read as follows:

No provision of RCW 9.08.070 or section 3 of this act shall in any way interfere with or impair the operation of any other provision of this chapter or Title 28B RCW, relating to higher education or biomedical research. The provisions of RCW 9.08.070 and section 3 of this act are cumulative and nonexclusive and shall not affect any other remedy.

NEW SECTION, Sec. 6. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 3 of the title, after "research;" strike the remainder of the title and insert "amending RCW 9.08.070; adding a new section to chapter 9.08 RCW; adding new sections to chapter 16.52 RCW; adding a new section to chapter 19.86 RCW; prescribing penalties; and declaring an emergency."

Signed by Senators Barr, Bailey, Moore; Representatives Rayburn, Appelwick, Nealey.

MOTION

On motion of Senator Newhouse, the Report of the Conference Committee on Substitute Senate Bill No. 5827 was adopted and the committee was granted the powers of Free Conference.

MESSAGE FROM THE HOUSE

April 20, 1989

Mr. President:

The House has adopted the Report of the Conference Committee on ENGROSSED SUBSTITUTE SENATE BILL NO. 5314 and has granted said committee the powers of Free Conference.

ALAN THOMPSON, Chief Clerk

REPORT OF CONFERENCE COMMITTEE

RE: ESSB 5314

Relating to sex crimes/public schools.

April 19, 1989

Mr. President:

Mr. Speaker:

We of your Conference Committee to whom the above measure was referred, have had the same under consideration and we report that we are unable to agree and we respectfully request the powers of Free Conference in order to amend the measure as follows:

That all previous amendments be rejected and the following striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 28A.70.160, chapter 223, Laws of 1969 ex. sess. as last amended by section 137, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.70.160 are each amended to read as follows:

(1) Any certificate ~~(to teach)~~ or permit authorized under the provisions of this chapter, chapter 28A.67 RCW, or rules and regulations promulgated thereunder may be revoked or suspended by the authority authorized to grant the same upon complaint of any school district

superintendent or educational service district superintendent for immorality, violation of written contract, unprofessional conduct, intemperance, or crime against the law of the state((;)).

(2) Any such certificate or permit authorized under this chapter or chapter 28A.67 RCW shall be revoked by the authority authorized to grant the certificate upon a guilty plea or the conviction of any felony crime involving the physical neglect of ((children)) a child under chapter 9A.42 RCW, the physical injury or death of ((children)) a child under chapter 9A.32 or 9A.36 RCW (excepting ((possible)) motor vehicle violations under chapter 46.61 RCW), sexual exploitation of a child under chapter 9.68A RCW, sexual offenses under chapter 9A.44 RCW where a minor is the victim, promoting prostitution of a minor under chapter 9A.88 RCW, the sale or purchase of a minor child under RCW 9A.64.030, or ((the sexual abuse of children, or any unprofessional conduct, after)) violation of similar laws of another jurisdiction. The person whose certificate is in question ((has been)) shall be given an opportunity to be heard. Mandatory permanent revocation upon a guilty plea or the conviction of felony crimes specified under this subsection shall apply to such convictions or guilty pleas which occur after the effective date of this 1989 act. Revocation of any certificate or permit authorized under this chapter or chapter 28A.67 RCW for a guilty plea or criminal conviction occurring prior to the effective date of this 1989 act shall be subject to the provisions of subsection (1) of this section.

Sec. 2. Section 28A.70.180, chapter 223, Laws of 1969 ex. sess. and RCW 28A.70.180 are each amended to read as follows:

In case any certificate or permit authorized under this chapter or chapter 28A.67 RCW is revoked, the holder shall not be eligible to receive another ((teacher's)) certificate or permit for a period of twelve months after the date of revocation. However, if the certificate or permit authorized under this chapter or chapter 28A.67 RCW was revoked because of a guilty plea or the conviction of a felony crime involving the physical neglect of a child under chapter 9A.42 RCW, the physical injury or death of a child under chapter 9A.32 or 9A.36 RCW (except motor vehicle violations under chapter 46.61 RCW), sexual exploitation of a child under chapter 9.68A RCW, sexual offenses under chapter 9A.44 RCW where a minor is the victim, promoting prostitution of a minor under chapter 9A.88 RCW, the sale or purchase of a minor child under RCW 9A.64.030, or violation of similar laws of another jurisdiction, the certificate or permit shall not be reinstated.

NEW SECTION. Sec. 3. A new section is added to Title 28A RCW to read as follows:

(1) The school district board of directors shall immediately terminate the employment of any classified employee who has contact with children during the course of his or her employment upon a guilty plea or conviction of any felony crime involving the physical neglect of a child under chapter 9A.42 RCW, the physical injury or death of a child under chapter 9A.32 or 9A.36 RCW (except motor vehicle violations under chapter 46.61 RCW), sexual exploitation of a child under chapter 9.68A RCW, sexual offenses under chapter 9A.44 RCW where a minor is the victim, promoting prostitution of a minor under chapter 9A.88 RCW, the sale or purchase of a minor child under RCW 9A.64.030, or violation of similar laws of another jurisdiction.

(2) The employee shall have a right of appeal under chapter 28A.88 RCW including any right of appeal under a collective bargaining agreement.

NEW SECTION. Sec. 4. A new section is added to Title 28A RCW to read as follows:

The school district board of directors shall include in any contract for services with an entity or individual other than an employee of the school district a provision requiring the contractor to prohibit any employee of the contractor from working at a public school who has contact with children at a public school during the course of his or her employment and who has pled guilty to or been convicted of any felony crime involving the physical neglect of a child under chapter 9A.42 RCW, the physical injury or death of a child under chapter 9A.32 or 9A.36 RCW (except motor vehicle violations under chapter 46.61 RCW), sexual exploitation of a child under chapter 9.68A RCW, sexual offenses under chapter 9A.44 RCW where a minor is the victim, promoting prostitution of a minor under chapter 9A.88 RCW, the sale or purchase of a minor child under RCW 9A.64.030, or violation of similar laws of another jurisdiction. The contract shall also contain a provision that any failure to comply with this section shall be grounds for the school district immediately terminating the contract.

NEW SECTION. Sec. 5. A new section is added to Title 28A RCW to read as follows:

The school district shall immediately terminate the employment of any person whose certificate or permit authorized under chapter 28A.70 or 28A.67 RCW is subject to revocation under RCW 28A.70.160(2) upon a guilty plea or conviction of any felony crime involving the physical neglect of a child under chapter 9A.42 RCW, the physical injury or death of a child under chapter 9A.32 or 9A.36 RCW (except motor vehicle violations under chapter 46.61 RCW), sexual exploitation of a child under chapter 9.68A RCW, sexual offenses under chapter 9A.44 RCW where a minor is the victim, promoting prostitution of a minor under chapter 9A.88 RCW, the sale or purchase of a minor child under RCW 9A.64.030, or violation of similar laws of another jurisdiction. Employment shall remain terminated unless the employee successfully prevails on appeal. This section shall only apply to employees holding a certificate or permit who have contact with children during the course of their employment.

NEW SECTION. Sec. 6. A new section is added to chapter 43.43 RCW to read as follows:

(1) Upon a guilty plea or conviction of a person of any felony crime involving the physical neglect of a child under chapter 9A.42 RCW, the physical injury or death of a child under chapter 9A.32 or 9A.36 RCW (except motor vehicle violations under chapter 46.61 RCW), sexual exploitation of a child under chapter 9.68A RCW, sexual offenses under chapter 9A.44 RCW where a minor is the victim, promoting prostitution of a minor under chapter 9A.88 RCW, or the sale or purchase of a minor child under RCW 9A.64.030, the prosecuting attorney shall determine whether the person holds a certificate or permit issued under chapter 28A.70 or 28A.67 RCW or is employed by a school district. If the person is employed by a school district or holds a certificate or permit issued under chapter 28A.70 or 28A.67 RCW, the prosecuting attorney shall notify the state patrol of such guilty pleas or convictions.

(2) When the state patrol receives information that a person who has a certificate or permit issued under chapter 28A.70 or 28A.67 RCW or is employed by a school district has pled guilty to or been convicted of one of the felony crimes under subsection (1) of this section, the state patrol shall immediately transmit that information to the superintendent of public instruction. It shall be the duty of the superintendent of public instruction to provide this information to the state board of education and the school district employing the individual who pled guilty to or was convicted of the crimes identified in subsection (1) of this section.

NEW SECTION. Sec. 7. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 1 of the title, after "schools;" strike the remainder of the title and insert "amending RCW 28A.70.160 and 28A.70.180; adding new sections to Title 28A RCW; and adding a new section to chapter 43.43 RCW."

Signed by Senators Bailey, Rinehart, Metcalf; Representatives Peery, G. Fisher, Betrozoff.

MOTION

On motion of Senator Newhouse, the Report of the Conference Committee on Engrossed Substitute Senate Bill No. 5314 was adopted and the committee was granted the powers of Free Conference.

MESSAGE FROM THE HOUSE

April 20, 1989

Mr. President:

The House has adopted the Report of the Conference Committee on ENGROSSED SUBSTITUTE SENATE BILL NO. 5759 and has granted said committee the powers of Free Conference.

ALAN THOMPSON, Chief Clerk

REPORT OF CONFERENCE COMMITTEE

RE: ESSB 5759

Relating to school breakfast program.

April 19, 1989

Mr. President:

Mr. Speaker:

We of your Conference Committee to whom the above measure was referred, have had the same under consideration and we report that we are unable to agree and we respectfully request the powers of Free Conference in order to amend the measure as follows:

That the following House Education Committee striking amendment listed below be adopted with the following exception:

On page 4, line 16, strike "reduced or"

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The superintendent of public instruction is directed to conduct a study of school lunch programs to determine reasons why some schools are not currently participating in the national school lunch program. The report shall include an estimate of the number of students in each of these schools who would be eligible for free or reduced-price lunches if they were available. The superintendent of public instruction shall submit to the legislature prior to January 15, 1990, a report on the results of its study, including recommendations on ways of increasing school participation in the school lunch program.

NEW SECTION. Sec. 2. (1) For the purposes of this section:

(a) "Free or reduced-price lunches" means lunches served by a school district that qualify for federal reimbursement as free or reduced-price lunches under the national school lunch program.

(b) "School breakfast program" means a program meeting federal requirements defined in 42 U.S.C. Sec. 1773.

(c) "Severe-need school" means a school that qualifies for a severe-need school reimbursement rate from federal funds for school breakfasts served to children from low-income families.

(2) School districts shall be required to develop and implement plans for a school breakfast program in severe-need schools, pursuant to the schedule in this section. For the second year prior to the implementation of the district's school breakfast program, and for each subsequent school year, each school district shall submit data enabling the superintendent of public instruction to determine which schools within the district will qualify as severe-need schools. In developing its plan, each school district shall consult with an advisory committee including school staff and community members appointed by the board of directors of the district.

(3) Using district-wide data on school lunch participation during the 1988-89 school year, the superintendent of public instruction shall adopt a schedule for implementation of school breakfast programs in severe-need schools as follows:

(a) School districts where at least forty percent of lunches served to students are free or reduced-price lunches shall submit a plan for implementation of a school breakfast program in severe-need schools to the superintendent of public instruction no later than July 1, 1990. Each such district shall implement a school breakfast program in all severe-need schools no later than the second day of school in the 1990-91 school year and in each school year thereafter.

(b) School districts where at least twenty-five but less than forty percent of lunches served to students are free or reduced-price lunches shall submit a plan for implementation of a school breakfast program in severe-need schools to the superintendent of public instruction no later than July 1, 1991. Each such district shall implement a school breakfast program in all severe-need schools no later than the second day of school in the 1991-92 school year and in each school year thereafter.

(c) School districts where less than twenty-five percent of lunches served to students are free or reduced-price lunches shall submit a plan for implementation of a school breakfast program in severe-need schools to the superintendent of public instruction no later than July 1, 1992. Each such district shall implement a school breakfast program in all severe-need schools no later than the second day of school in the 1992-93 school year and in each school year thereafter.

(d) School districts that did not offer a school lunch program in the 1988-89 school year are encouraged to implement such a program and to provide a school breakfast program in all severe-need schools when eligible.

(4) The requirements in this section shall lapse if the federal reimbursement rate for breakfasts served in severe-need schools is reduced or eliminated.

(5) Students who do not meet family-income criteria for free breakfasts shall be eligible to participate in the school breakfast programs established under this section, and school districts may charge for the breakfasts served to these students. School breakfast programs established under this section shall be supported entirely by federal funds and commodities, charges to students, and other local resources available for this purpose, and shall not create or imply any state funding obligation for these costs. The legislature does not intend to include these programs within the state's obligation for basic education funding under Article IX of the Constitution.

NEW SECTION. Sec. 3. The superintendent of public instruction shall conduct a study of the costs and feasibility of expanding the school breakfast program to include schools where more than twenty-five but less than forty percent of lunches served are free or reduced-price lunches. The study shall consider the total cost of the program, including but not limited to food costs, staff salaries and benefits, and additional pupil transportation costs. The superintendent of public instruction shall submit to the legislature prior to January 15, 1992, a report on the results of this study, including recommendations on whether to expand the school breakfast program to include these schools."

On page 1, line 1 of the title after "program," strike the remainder of the title and insert "and creating new sections."

Signed by Senators Bailey, Rinehart, Lee; Representatives Peery, G. Fisher, Bietrozzoff.

MOTION

On motion of Senator Newhouse, the Report of the Conference Committee on Engrossed Substitute Senate Bill No. 5759 was adopted and the committee was granted the powers of Free Conference.

REPORT OF CONFERENCE COMMITTEE

RE: E2SHB 1793

Creating the Omnibus Alcohol and Controlled Substance Act of 1989.

April 20, 1989

Mr. President:

Mr. Speaker:

We of your Conference Committee to whom the above measure was referred, have had the same under consideration and we report that we are unable to agree and we respectfully request the powers of Free Conference in order to amend the measure as follows:

(1) Not adopt the Senate Committee on Ways and Means amendment adopted, as amended, on March 29, 1989, and

(2) Adopt the following amendment:

Strike everything after the enacting clause and insert the following:

"INDEX

Part I. Criminal Penalties

- A. Crimes and Penalties
- B. Juvenile Offenders Structured Residential Program
- C. Juvenile Driver's License Revocation

Part II. Prevention, Investigation, and Procedure

- A. One-Party Consent
- B. Monitoring of Inmate Telephone Calls
- C. Property Forfeiture
- D. Off-Limits Orders
- E. Drug Site Cleanup
- F. Keg Registration
- G. Special Narcotics Enforcement Unit
- H. State-wide Drug Prosecution Assistance Program
- I. Neighborhood Blight
- J. School Official Searches of Student Lockers

Part III. Social Programs and Education

- A. Involuntary Treatment
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- C. Community Mobilization

Part IV. Appropriations

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Part VI. Miscellaneous

PART I
CRIMINAL PENALTIES
SUBPART A
CRIMES AND PENALTIES

Sec. 101, Section 2, chapter 115, Laws of 1983 as last amended by section 1, chapter 218, Laws of 1988 and RCW 9.94A.310 are each amended to read as follows:

(1)

TABLE 1
Sentencing Grid

	SERIOUSNESS SCORE										
	0	1	2	3	4	5	6	7	8	9 or more	
XIV	Life Sentence without Parole/Death Penalty										
XIII	23y4m 240- 320	24y4m 250- 333	25y4m 261- 347	26y4m 271- 361	27y4m 281- 374	28y4m 291- 388	30y4m 312- 416	32y10m 338- 450	36y 370- 493	40y 411- 548	
XII	12y 123- 164	13y 134- 178	14y 144- 192	15y 154- 205	16y 165- 219	17y 175- 233	19y 195- 260	21y 216- 288	25y 257- 342	29y 298- 397	
XI	6y 62- 82	6y9m 69- 92	7y6m 77- 102	8y3m 85- 113	9y 93- 123	9y9m 100- 133	12y6m 129- 171	13y6m 139- 185	15y6m 159- 212	17y6m 180- 240	

SERIOUSNESS SCORE	OFFENDER SCORE									
	0	1	2	3	4	5	6	7	8	9 or more
X	5y	5y6m	6y	6y6m	7y	7y6m	9y6m	10y6m	12y6m	14y6m
	51- 68	57- 75	62- 82	67- 89	72- 96	77- 102	98- 130	108- 144	129- 171	149- 198
IX	3y	3y6m	4y	4y6m	5y	5y6m	7y6m	8y6m	10y6m	12y6m
	31- 41	36- 48	41- 54	46- 61	51- 68	57- 75	77- 102	87- 116	108- 144	129- 171
VIII	2y	2y6m	3y	3y6m	4y	4y6m	6y6m	7y6m	8y6m	10y6m
	21- 27	26- 34	31- 41	36- 48	41- 54	46- 61	67- 89	77- 102	87- 116	108- 144
VII	18m	2y	2y6m	3y	3y6m	4y	5y6m	6y6m	7y6m	8y6m
	15- 20	21- 27	26- 34	31- 41	36- 48	41- 54	57- 75	67- 89	77- 102	87- 116
VI	13m	18m	2y	2y6m	3y	3y6m	4y6m	5y6m	6y6m	7y6m
	12+- 14	15- 20	21- 27	26- 34	31- 41	36- 48	46- 61	57- 75	67- 89	77- 102
V	9m	13m	15m	18m	2y2m	3y2m	4y	5y	6y	7y
	6- 12	12+- 14	13- 17	15- 20	22- 29	33- 43	41- 54	51- 68	62- 82	72- 96
IV	6m	9m	13m	15m	18m	2y2m	3y2m	4y2m	5y2m	6y2m
	3- 9	6- 12	12+- 14	13- 17	15- 20	22- 29	33- 43	43- 57	53- 70	63- 84
III	2m	5m	8m	11m	14m	20m	2y2m	3y2m	4y2m	5y
	1- 3	3- 8	4- 12	9- 12	12+- 16	17- 22	22- 29	33- 43	43- 57	51- 68
II		4m	6m	8m	13m	16m	20m	2y2m	3y2m	4y2m
	0-90 Days	2- 6	3- 9	4- 12	12+- 14	14- 18	17- 22	22- 29	33- 43	43- 57
I			3m	4m	5m	8m	13m	16m	20m	2y2m
	0-60 Days	0-90 Days	2- 5	2- 6	3- 8	4- 12	12+- 14	14- 18	17- 22	22- 29

NOTE: Numbers in the first horizontal row of each seriousness category represent sentencing midpoints in years(y) and months(m). Numbers in the second and third rows represent presumptive sentencing ranges in months, or in days if so designated. 12+ equals one year and one day.

(2) For persons convicted of the anticipatory offenses of criminal attempt, solicitation, or conspiracy under chapter 9A.28 RCW, the presumptive sentence is determined by locating the sentencing grid sentence range defined by the appropriate offender score and the seriousness level of the completed crime, and multiplying the range by 75 percent.

(3) The following additional times shall be added to the presumptive sentence if the offender or an accomplice was armed with a deadly weapon as defined in this chapter and the offender is being sentenced for one of the crimes listed in this subsection. If the offender or an accomplice was armed with a deadly weapon and the offender is being sentenced for an anticipatory offense under chapter 9A.28 RCW to commit one of the crimes listed in this subsection, the following times shall be added to the presumptive range determined under subsection (2) of this section:

- (a) 24 months for Rape 1 (RCW 9A.44.040), Robbery 1 (RCW 9A.56.200), or Kidnapping 1 (RCW 9A.40.020)
- (b) 18 months for Burglary 1 (RCW 9A.52.020)
- (c) 12 months for Assault 2 (RCW 9A.36.020 or 9A.36.021), Escape 1 (RCW 9A.76.110), Kidnapping 2 (RCW 9A.40.030), Burglary 2 of a building other than a dwelling (RCW 9A.52.030), Theft of Livestock 1 or 2 (RCW 9A.56.080), or any drug offense.

(4) An additional twenty-four months shall be added to the presumptive sentence for any ranked offense involving a violation of chapter 69.50 RCW if the offense was also a violation of section 112 of this 1989 act.

Sec. 102. Section 2, chapter 62, Laws of 1988, section 12, chapter 145, Laws of 1988, section 2, chapter 218, Laws of 1988 and RCW 9.94A.320 are each reenacted and amended to read as follows:

TABLE 2
CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

XIV	Aggravated Murder 1 (RCW 10.95.020)
XIII	Murder 1 (RCW 9A.32.030)
	Homicide by abuse (RCW 9A.32.055)
XII	Murder 2 (RCW 9A.32.050)
XI	Assault 1 (RCW 9A.36.011)
X	Kidnapping 1 (RCW 9A.40.020)
	Rape 1 (RCW 9A.44.040)
	Rape of a Child 1 (RCW 9A.44.073)
	Damaging building, etc., by explosion with threat to human being (RCW 70.74.280(1))
	Over 18 and deliver heroin or narcotic from Schedule I or II to someone under 18 ((and 3 years junior) (RCW 69.50.406)
	Leading Organized Crime (RCW 9A.82.060(1)(a))
IX	Robbery 1 (RCW 9A.56.200)
	Manslaughter 1 (RCW 9A.32.060)
	Explosive devices prohibited (RCW 70.74.180)
	Endangering life and property by explosives with threat to human being (RCW 70.74.270)
	Over 18 and deliver narcotic from Schedule III, IV, or V or a nonnarcotic from Schedule I-V to someone under 18 and 3 years junior (RCW 69.50.406)
	Sexual Exploitation, Under 16 (RCW 9.68A.040(2)(a))
	Inciting Criminal Profiteering (RCW 9A.82.060(1)(b))
VIII	Arson 1 (RCW 9A.48.020)
	Rape 2 (RCW 9A.44.050)
	Rape of a Child 2 (RCW 9A.44.076)
	Child Molestation 1 (RCW 9A.44.083)
	Promoting Prostitution 1 (RCW 9A.88.070)
	Selling heroin for profit (RCW 69.50.410)
	<u>Manufacture, deliver, or possess with intent to deliver heroin or cocaine (RCW 69.50.401(a)(1)(i))</u>
	<u>Manufacture, deliver, or possess with intent to deliver methamphetamine (RCW 69.50.401(a)(1)(ii))</u>
VII	Burglary 1 (RCW 9A.52.020)
	Vehicular Homicide (RCW 46.61.520)
	Introducing Contraband 1 (RCW 9A.76.140)
	Indecent Liberties (with forcible compulsion) (RCW 9A.44.100(1)(a))
	Sexual Exploitation, Under 18 (RCW 9.68A.040(2)(b))
	Dealing in depictions of minor engaged in sexually explicit conduct (RCW 9.68A.050)
	Sending, bringing into state depictions of minor engaged in sexually explicit conduct (RCW 9.68A.060)
VI	Bribery (RCW 9A.68.010)
	Manslaughter 2 (RCW 9A.32.070)
	Child Molestation 2 (RCW 9A.44.086)
	Intimidating a Juror/Witness (RCW 9A.72.110, 9A.72.130)
	Damaging building, etc., by explosion with no threat to human being (RCW 70.74.280(2))
	Endangering life and property by explosives with no threat to human being (RCW 70.74.270)
	Indecent Liberties (without forcible compulsion) (RCW 9A.44.100(1)(b))
	Incest 1 (RCW 9A.64.020(1))
	Selling for profit (controlled or counterfeit) any controlled substance (except heroin) (RCW 69.50.410)
	Manufacture, deliver, or possess with intent to deliver ((heroin or) narcotics from Schedule I or II (<u>except heroin or cocaine</u>) (RCW 69.50.401(a)(1)(i))
	Intimidating a Judge (RCW 9A.72.160)
V	Criminal Mistreatment 1 (RCW 9A.42.020)
	Rape 3 (RCW 9A.44.060)
	Kidnapping 2 (RCW 9A.40.030)
	Extortion 1 (RCW 9A.56.120)

- Incest 2 (RCW 9A.64.020(2))
 Perjury 1 (RCW 9A.72.020)
 Extortionate Extension of Credit (RCW 9A.82.020)
 Advancing money or property for extortionate extension of credit (RCW 9A.82.030)
 Extortionate Means to Collect Extensions of Credit (RCW 9A.82.040)
 Rendering Criminal Assistance 1 (RCW 9A.76.070)
- IV Theft of Livestock 1 (RCW 9A.56.080)
 Robbery 2 (RCW 9A.56.210)
 Assault 2 (RCW 9A.36.021)
 Escape 1 (RCW 9A.76.110)
 Arson 2 (RCW 9A.48.030)
 Rape of a Child 3 (RCW 9A.44.079)
 Bribing a Witness/Bribe Received by Witness (RCW 9A.72.090, 9A.72.100)
 Malicious Harassment (RCW 9A.36.080)
 Willful Failure to Return from Furlough (RCW 72.66.060)
 Hit and Run -- Injury Accident (RCW 46.52.020(4))
 Vehicular Assault (RCW 46.61.522)
 Manufacture, deliver, or possess with intent to deliver narcotics from Schedule III, IV, or V or nonnarcotics from Schedule I-V (except marijuana or methamphetamines) (RCW 69.50.401(a)(1)(i) through (iv))
 Influencing Outcome of Sporting Event (RCW 9A.82.070)
 Use of Proceeds of Criminal Profiteering (RCW 9A.82.080 (1) and (2))
 Knowingly Trafficking in Stolen Property (RCW 9A.82.050(2))
- III Criminal mistreatment 2 (RCW 9A.42.030)
 Sexual Misconduct with a Minor 1 (RCW 9A.44.093)
 Child Molestation 3 (RCW 9A.44.089)
 Extortion 2 (RCW 9A.56.130)
 Unlawful Imprisonment (RCW 9A.40.040)
 Assault 3 (RCW 9A.36.031)
 Unlawful possession of firearm or pistol by felon (RCW 9A.41.040)
 Harassment (RCW 9A.46.020)
 Promoting Prostitution 2 (RCW 9A.88.080)
 Willful Failure to Return from Work Release (RCW 72.65.070)
 Introducing Contraband 2 (RCW 9A.76.150)
 Communication with a Minor for Immoral Purposes (RCW 9A.68A.090)
 Patronizing a Juvenile Prostitute (RCW 9A.68A.100)
 Escape 2 (RCW 9A.76.120)
 Perjury 2 (RCW 9A.72.030)
 Intimidating a Public Servant (RCW 9A.76.180)
 Tampering with a Witness (RCW 9A.72.120)
 Manufacture, deliver, or possess with intent to deliver marijuana (RCW 69.50.401(a)(1)(ii))
 Recklessly Trafficking in Stolen Property (RCW 9A.82.050(1))
 Theft of livestock 1 (RCW 9A.56.080)
- II Malicious Mischief 1 (RCW 9A.48.070)
 Possession of Stolen Property 1 (RCW 9A.56.150)
 Theft 1 (RCW 9A.56.030)
 Burglary 2 (RCW 9A.52.030)
 Possession of controlled substance that is either heroin or narcotics from Schedule I or II (RCW 69.50.401(d))
Possession of phencyclidine (PCP) (RCW 69.50.401(d))
 Create, deliver, or possess a counterfeit controlled substance (RCW 69.50.401(b))
 Computer Trespass 1 (RCW 9A.52.110)
Reckless Endangerment 1 (RCW 9A.36.--- (section 109 of this 1989 act))
- I Theft 2 (RCW 9A.56.040)
 Possession of Stolen Property 2 (RCW 9A.56.160)
 Forgery (RCW 9A.60.020)
 Taking Motor Vehicle Without Permission (RCW 9A.56.070)
 Vehicle Prowl 1 (RCW 9A.52.095)
 Attempting to Elude a Pursuing Police Vehicle (RCW 46.61.024)
 Malicious Mischief 2 (RCW 9A.48.080)
 Reckless Burning 1 (RCW 9A.48.040)
 Unlawful Issuance of Checks or Drafts (RCW 9A.56.060)
 Unlawful Use of Food Stamps (RCW 9A.91.140 (2) and (3))
 False Verification for Welfare (RCW 74.08.055)
 Forged Prescription (RCW 69.41.020)
 Forged Prescription for a Controlled Substance (RCW 69.50.403)

Possess Controlled Substance that is a Narcotic from Schedule III, IV, or V or Non-narcotic from Schedule I-V (except phencyclidine) (RCW 69.50.401(d))

Sec. 103. Section 7, chapter 115, Laws of 1983 as last amended by section 12, chapter 153, Laws of 1988 and by section 3, chapter 157, Laws of 1988 and RCW 9.94A.360 are each reenacted and amended to read as follows:

The offender score is measured on the horizontal axis of the sentencing grid. The offender score rules are as follows:

The offender score is the sum of points accrued under this section rounded down to the nearest whole number.

(1) A prior conviction is a conviction which exists before the date of sentencing for the offense for which the offender score is being computed. Convictions entered or sentenced on the same date as the conviction for which the offender score is being computed shall be deemed "other current offenses" within the meaning of RCW 9.94A.400.

(2) Except as provided in subsection (4) of this section, class A prior felony convictions shall always be included in the offender score. Class B prior felony convictions shall not be included in the offender score, if since the last date of release from confinement (including full-time residential treatment) pursuant to a felony conviction, if any, or entry of judgment and sentence, the offender had spent ten consecutive years in the community without being convicted of any felonies. Class C prior felony convictions shall not be included in the offender score if, since the last date of release from confinement (including full-time residential treatment) pursuant to a felony conviction, if any, or entry of judgment and sentence, the offender had spent five consecutive years in the community without being convicted of any felonies. Serious traffic convictions shall not be included in the offender score if, since the last date of release from confinement (including full-time residential treatment) pursuant to a felony conviction, if any, or entry of judgment and sentence, the offender spent five years in the community without being convicted of any serious traffic or felony traffic offenses. This subsection applies to both adult and juvenile prior convictions.

(3) Out-of-state convictions for offenses shall be classified according to the comparable definitions and sentences provided by Washington law.

(4) Include class A juvenile felonies only if the offender was 15 or older at the time the juvenile offense was committed. Include class B and C juvenile felony convictions only if the offender was 15 or older at the time the juvenile offense was committed and the offender was less than 23 at the time the offense for which he or she is being sentenced was committed.

(5) Score prior convictions for felony anticipatory offenses (attempts, criminal solicitations, and criminal conspiracies) the same as if they were convictions for completed offenses.

(6) In the case of multiple prior convictions, for the purpose of computing the offender score, count all convictions separately, except:

(a) Prior adult offenses which were found, under RCW 9.94A.400(1)(a), to encompass the same criminal conduct, shall be counted as one offense, the offense that yields the highest offender score. The current sentencing court shall determine with respect to other prior adult offenses for which sentences were served concurrently whether those offenses shall be counted as one offense or as separate offenses, and if the court finds that they shall be counted as one offense, then the offense that yields the highest offender score shall be used;

(b) Juvenile prior convictions entered or sentenced on the same date shall count as one offense, the offense that yields the highest offender score; and

(c) In the case of multiple prior convictions for offenses committed before July 1, 1986, for the purpose of computing the offender score, count all adult convictions served concurrently as one offense, and count all juvenile convictions entered on the same date as one offense. Use the conviction for the offense that yields the highest offender score.

(7) If the present conviction is one of the anticipatory offenses of criminal attempt, solicitation, or conspiracy, count each prior conviction as if the present conviction were for a completed offense.

(8) If the present conviction is for a nonviolent offense and not covered by subsection (12) or (13) of this section, count one point for each adult prior felony conviction and one point for each juvenile prior violent felony conviction and 1/2 point for each juvenile prior nonviolent felony conviction.

(9) If the present conviction is for a violent offense and not covered in subsection (10), (11), (12), or (13) of this section, count two points for each prior adult and juvenile violent felony conviction, one point for each prior adult nonviolent felony conviction, and 1/2 point for each prior juvenile nonviolent felony conviction.

(10) If the present conviction is for Murder 1 or 2, Assault 1, Kidnaping 1, Homicide by Abuse, or Rape 1, count three points for prior adult and juvenile convictions for crimes in these categories, two points for each prior adult and juvenile violent conviction (not already counted), one point for each prior adult nonviolent felony conviction, and 1/2 point for each prior juvenile nonviolent felony conviction.

(11) If the present conviction is for Burglary 1, count prior convictions as in subsection (9) of this section; however count two points for each prior adult Burglary 2 conviction, and one point for each prior juvenile Burglary 2 conviction.

(12) If the present conviction is for a felony traffic offense count two points for each adult or juvenile prior conviction for Vehicular Homicide or Vehicular Assault; for each felony offense or serious traffic offense, count one point for each adult and 1/2 point for each juvenile prior conviction.

(13) If the present conviction is for a drug offense count ~~((two))~~ three points for each adult prior felony drug offense conviction and ~~((one))~~ two points for each juvenile drug offense. All other adult and juvenile felonies are scored as in subsection (9) of this section if the current drug offense is violent, or as in subsection (8) of this section if the current drug offense is nonviolent.

(14) If the present conviction is for Willful Failure to Return from Furlough, RCW 72.66.060, or Willful Failure to Return from Work Release, RCW 72.65.070, count only prior escape convictions in the offender score. Count adult prior escape convictions as one point and juvenile prior escape convictions as 1/2 point.

(15) If the present conviction is for Escape 1, RCW 9A.76.110, or Escape 2, RCW 9A.76.120, count adult prior convictions as one point and juvenile prior convictions as 1/2 point.

(16) If the present conviction is for Burglary 2, count priors as in subsection (8) of this section; however, count two points for each adult and juvenile prior Burglary 1 conviction, two points for each adult prior Burglary 2 conviction, and one point for each juvenile prior Burglary 2 conviction.

(17) If the present conviction is for an offense committed while the offender was under community placement, add one point.

Sec. 104. Section 69.50.401, chapter 308, Laws of 1971 ex. sess. as last amended by section 4, chapter 458, Laws of 1987 and RCW 69.50.401 are each amended to read as follows:

(a) Except as authorized by this chapter, it is unlawful for any person to manufacture, deliver, or possess with intent to manufacture or deliver, a controlled substance.

(1) Any person who violates this subsection with respect to:

(i) a controlled substance classified in Schedule I or II which is a narcotic drug, is guilty of a crime and upon conviction may be imprisoned for not more than ten years, or (A) fined not more than twenty-five thousand dollars if the crime involved less than two kilograms of the drug, or both such imprisonment and fine; or (B) if the crime involved two or more kilograms of the drug, then fined not more than one hundred thousand dollars for the first two kilograms and not more than fifty dollars for each gram in excess of two kilograms, or both such imprisonment and fine;

(ii) any other controlled substance classified in Schedule I, II, or III, is guilty of a crime and upon conviction may be imprisoned for not more than five years, fined not more than ten thousand dollars, or both;

(iii) a substance classified in Schedule IV, is guilty of a crime and upon conviction may be imprisoned for not more than five years, fined not more than ten thousand dollars, or both;

(iv) a substance classified in Schedule V, is guilty of a crime and upon conviction may be imprisoned for not more than five years, fined not more than ten thousand dollars, or both.

(b) Except as authorized by this chapter, it is unlawful for any person to create, deliver, or possess a counterfeit substance.

(1) Any person who violates this subsection with respect to:

(i) a counterfeit substance classified in Schedule I or II which is a narcotic drug, is guilty of a crime and upon conviction may be imprisoned for not more than ten years, fined not more than twenty-five thousand dollars, or both;

(ii) any other counterfeit substance classified in Schedule I, II, or III, is guilty of a crime and upon conviction may be imprisoned for not more than five years, fined not more than ten thousand dollars, or both;

(iii) a counterfeit substance classified in Schedule IV, is guilty of a crime and upon conviction may be imprisoned for not more than five years, fined not more than ten thousand dollars, or both;

(iv) a counterfeit substance classified in Schedule V, is guilty of a crime and upon conviction may be imprisoned for not more than five years, fined not more than ten thousand dollars, or both.

(c) It is unlawful, except as authorized in this chapter and chapter 69.41 RCW, for any person to offer, arrange, or negotiate for the sale, gift, delivery, dispensing, distribution, or administration of a controlled substance to any person and then sell, give, deliver, dispense, distribute, or administer to that person any other liquid, substance, or material in lieu of such controlled substance. Any person who violates this subsection is guilty of a crime and upon conviction may be imprisoned for not more than five years, fined not more than ten thousand dollars, or both.

(d) It is unlawful for any person to possess a controlled substance unless the substance was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of his professional practice, or except as otherwise authorized by this chapter. Any person who violates this subsection is guilty of a crime, and upon conviction may be imprisoned for not more than five years, fined not more than ten thousand dollars, or both, except as provided for in subsection (e) of this section.

(e) Except as provided for in subsection (a)(1)(ii) of this section any person found guilty of possession of forty grams or less of marihuana shall be guilty of a misdemeanor.

(f) It is unlawful to compensate, threaten, solicit, or in any other manner involve a person under the age of eighteen years in a transaction unlawfully to manufacture, sell, or deliver a controlled substance. A violation of this subsection shall be punished as a class C felony punishable in accordance with RCW 9A.20.021.

This section shall not apply to offenses defined and punishable under the provisions of RCW 69.50.410.

NEW SECTION. Sec. 105. A new section is added to chapter 69.50 RCW to read as follows:

A person who is convicted of a misdemeanor violation of any provision of this chapter shall be punished by imprisonment for not less than twenty-four consecutive hours, and by a fine of not less than two hundred fifty dollars. On a second or subsequent conviction, the fine shall not be less than five hundred dollars. These fines shall be in addition to any other fine or penalty imposed. Unless the court finds that the imposition of the minimum imprisonment will pose a substantial risk to the defendant's physical or mental well-being or that local jail facilities are in an overcrowded condition, the minimum term of imprisonment shall not be suspended or deferred. If the court finds such risk or overcrowding exists, it shall sentence the defendant to a minimum of forty hours of community service. If a minimum term of imprisonment is suspended or deferred, the court shall state in writing the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based. Unless the court finds the person to be indigent, the minimum fine shall not be suspended or deferred.

NEW SECTION. Sec. 106. A new section is added to chapter 69.50 RCW to read as follows:

(1) Every person convicted of a felony violation of RCW 69.50.401, 69.50.402, 69.50.403, 69.50.406, 69.50.407, 69.50.410, or 69.50.415 shall be fined one thousand dollars in addition to any other fine or penalty imposed. Unless the court finds the person to be indigent, this additional fine shall not be suspended or deferred by the court.

(2) On a second or subsequent conviction for violation of any of the laws listed in subsection (1) of this section, the person shall be fined two thousand dollars in addition to any other fine or penalty imposed. Unless the court finds the person to be indigent, this additional fine shall not be suspended or deferred by the court.

NEW SECTION. Sec. 107. A new section is added to chapter 69.50 RCW to read as follows:

It is unlawful for any person to deliver, or possess with intent to deliver, hypodermic syringes, needles, or other objects used, intended for use, or designed for use in parenterally injecting controlled substances into the human body, knowing or under circumstances where the person reasonably should know that such syringes, needles, or other objects will be used or are intended to be used to unlawfully introduce a controlled substance into the human body. Any person who violates this section is guilty of a misdemeanor. The department of social and health services shall conduct a study of needle exchange programs that are operating in other states and countries. The study shall examine the documented effectiveness of such programs, the estimated number of drug addicts participating in such programs, the estimated number of drug addicts who have participated in a testing, counseling, and education program as a result of the needle exchange program, the extent to which participation in a drug treatment program is a voluntary or mandated component of the needle exchange programs, the number of participants who have tested HIV positive, who administers such needle exchange programs, and the costs to administer and operate the program. The department of social and health services shall report back to the legislature by December 1, 1989.

NEW SECTION. Sec. 108. The legislature finds that increased trafficking in illegal drugs has increased the likelihood of "drive-by shootings." It is the intent of the legislature in sections 102, 109, and 110 of this act to categorize such reckless and criminal activity into a separate crime and to provide for an appropriate punishment.

NEW SECTION. Sec. 109. A new section is added to chapter 9A.36 RCW to read as follows:

(1) A person is guilty of reckless endangerment in the first degree when he or she recklessly discharges a firearm in a manner which creates a substantial risk of death or serious physical injury to another person and the discharge is either from a motor vehicle or from the immediate area of a motor vehicle that was used to transport the shooter or the firearm to the scene of the discharge.

(2) A person who unlawfully discharges a firearm from a moving motor vehicle may be inferred to have engaged in reckless conduct, unless the discharge is shown by evidence satisfactory to the trier of fact to have been made without such recklessness.

(3) Reckless endangerment in the first degree is a class C felony.

Sec. 110. Section 9A.36.050, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.36.050 are each amended to read as follows:

(1) A person is guilty of reckless endangerment in the second degree when he recklessly engages in conduct not amounting to reckless endangerment in the first degree but which creates a substantial risk of death or serious physical injury to another person.

(2) Reckless endangerment in the second degree is a gross misdemeanor.

Sec. 111. Section 10, chapter 270, Laws of 1984 as amended by section 11, chapter 455, Laws of 1985 and RCW 9A.82.100 are each amended to read as follows:

(1) (a) A person who sustains injury to his or her person, business, or property by an act of criminal profiteering that is part of a pattern of criminal profiteering activity or by a violation of RCW 9A.82.060 or 9A.82.080 may file an action in superior court for the recovery of damages and the costs of the suit, including reasonable investigative and attorney's fees.

(b) The attorney general or county prosecuting attorney may file an action: (i) On behalf of those persons injured or, respectively, on behalf of the state or county if the entity has sustained damages, or (ii) to prevent, restrain, or remedy a pattern of criminal profiteering activity or a violation of RCW 9A.82.060 or 9A.82.080.

(c) An action for damages filed by or on behalf of an injured person, the state, or the county shall be for the recovery of damages and the costs of the suit, including reasonable investigative and attorney's fees.

(d) In an action filed to prevent, restrain, or remedy a pattern of criminal profiteering activity or a violation of RCW 9A.82.060 or 9A.82.080, the court, upon proof of the violation, may impose a civil penalty not exceeding two hundred fifty thousand dollars, in addition to awarding the cost of the suit, including reasonable investigative and attorney's fees.

(2) The superior court has jurisdiction to prevent, restrain, and remedy a pattern of criminal profiteering or a violation of RCW 9A.82.060 or 9A.82.080 after making provision for the rights of all innocent persons affected by the violation and after hearing or trial, as appropriate, by issuing appropriate orders.

(3) Prior to a determination of liability, orders issued under subsection (2) of this section may include, but are not limited to, entering restraining orders or prohibitions or taking such other actions, including the acceptance of satisfactory performance bonds, in connection with any property or other interest subject to damages, forfeiture, or other restraints pursuant to this section as the court deems proper. The orders may also include attachment, receivership, or injunctive relief in regard to personal or real property pursuant to Title 7 RCW. In shaping the reach or scope of receivership, attachment, or injunctive relief, the superior court shall provide for the protection of bona fide interests in property, including community property, of persons who were not involved in the violation of this chapter, except to the extent that such interests or property were acquired or used in such a way as to be subject to forfeiture under RCW 9A.82.100(4)(f).

(4) Following a determination of liability, orders may include, but are not limited to:

(a) Ordering any person to divest himself or herself of any interest, direct or indirect, in any enterprise.

(b) Imposing reasonable restrictions on the future activities or investments of any person, including prohibiting any person from engaging in the same type of endeavor as the enterprise engaged in, the activities of which affect the laws of this state, to the extent the Constitutions of the United States and this state permit.

(c) Ordering dissolution or reorganization of any enterprise.

(d) Ordering the payment of actual damages sustained to those persons injured by a violation of RCW 9A.82.060 or 9A.82.080 or an act of criminal profiteering that is part of a pattern of criminal profiteering, and in the court's discretion, increasing the payment to an amount not exceeding three times the actual damages sustained.

(e) Ordering the payment of all costs and expenses of the prosecution and investigation of a pattern of criminal profiteering activity or a violation of RCW 9A.82.060 or 9A.82.080, civil and criminal, incurred by the state or county, including any costs of defense provided at public expense, as appropriate to the state general fund or the antiprofitteering revolving fund of the county.

(f) Ordering forfeiture first as restitution to any person damaged by an act of criminal profiteering that is part of a pattern of criminal profiteering then to the state general fund or antiprofitteering revolving fund of the county, as appropriate, to the extent not already ordered to be paid in other damages, of the following:

(i) Any property or other interest acquired or maintained in violation of RCW 9A.82.060 or 9A.82.080 to the extent of the investment of funds, and any appreciation or income attributable to the investment, from a violation of RCW 9A.82.060 or 9A.82.080.

(ii) Any property, contractual right, or claim against property used to influence any enterprise that a person has established, operated, controlled, conducted, or participated in the conduct of, in violation of RCW 9A.82.060 or 9A.82.080.

(iii) All proceeds traceable to or derived from an offense included in the pattern of criminal profiteering activity and all moneys, negotiable instruments, securities, and other things of value significantly used or intended to be used significantly to facilitate commission of the offense.

(g) Ordering payment to the state general fund or antiprofitteering revolving fund of the county, as appropriate, of an amount equal to the gain a person has acquired or maintained through an offense included in the definition of criminal profiteering.

(5) In addition to or in lieu of an action under this section, the attorney general or county prosecuting attorney may file an action for forfeiture to the state general fund or antiprofitteering revolving fund of the county, as appropriate, to the extent not already ordered paid pursuant to this section, of the following:

(a) Any interest acquired or maintained by a person in violation of RCW 9A.82.060 or 9A.82.080 to the extent of the investment of funds obtained from a violation of RCW 9A.82.060 or 9A.82.080 and any appreciation or income attributable to the investment.

(b) Any property, contractual right, or claim against property used to influence any enterprise that a person has established, operated, controlled, conducted, or participated in the conduct of, in violation of RCW 9A.82.060 or 9A.82.080.

(c) All proceeds traceable to or derived from an offense included in the pattern of criminal profiteering activity and all moneys, negotiable instruments, securities, and other things of value significantly used or intended to be used significantly to facilitate the commission of the offense.

(6) A defendant convicted in any criminal proceeding is precluded in any civil proceeding from denying the essential allegations of the criminal offense proven in the criminal trial in which the defendant was convicted. For the purposes of this subsection, a conviction shall be deemed to have occurred upon a verdict, finding, or plea of guilty, notwithstanding the fact that appellate review of the conviction and sentence has been or may be sought. If a subsequent reversal of the conviction occurs, any judgment that was based upon that conviction may be reopened upon motion of the defendant.

(7) The initiation of civil proceedings under this section shall be commenced within three years after discovery of the pattern of criminal profiteering activity or after the pattern should reasonably have been discovered.

(8) The attorney general or county prosecuting attorney may, in a civil action brought pursuant to this section, file with the clerk of the superior court a certificate stating that the case is of special public importance. A copy of that certificate shall be furnished immediately by the clerk to the presiding chief judge of the superior court in which the action is pending and, upon receipt of the copy, the judge shall immediately designate a judge to hear and determine the action. The judge so designated shall promptly assign the action for hearing, participate in the hearings and determination, and cause the action to be expedited.

(9) The standard of proof in actions brought pursuant to this section is the preponderance of the evidence test.

(10) A person other than the attorney general or county prosecuting attorney who files an action under this section shall serve notice and one copy of the pleading on the attorney general within thirty days after the action is filed with the superior court. The notice shall identify the action, the person, and the person's attorney. Service of the notice does not limit or otherwise affect the right of the state to maintain an action under this section or intervene in a pending action nor does it authorize the person to name the state or the attorney general as a party to the action.

(11) Except in cases filed by a county prosecuting attorney, the attorney general may, upon timely application, intervene in any civil action or proceeding brought under this section if the attorney general certifies that in the attorney general's opinion the action is of special public importance. Upon intervention, the attorney general may assert any available claim and is entitled to the same relief as if the attorney general had instituted a separate action.

(12) In addition to the attorney general's right to intervene as a party in any action under this section, the attorney general may appear as amicus curiae in any proceeding in which a claim under this section has been asserted or in which a court is interpreting RCW 9A.82.010, 9A.82.080, 9A.82.090, 9A.82.110, or 9A.82.120, or this section.

(13) A private civil action under this section does not limit any other civil or criminal action under this chapter or any other provision. Private civil remedies provided under this section are supplemental and not mutually exclusive.

(14) Upon motion by the defendant, the court may authorize the sale or transfer of assets subject to an order or lien authorized by this chapter for the purpose of paying actual attorney's fees and costs of defense. The motion shall specify the assets for which sale or transfer is sought and shall be accompanied by the defendant's sworn statement that the defendant has no other assets available for such purposes. No order authorizing such sale or transfer may be entered unless the court finds that the assets involved are not subject to possible forfeiture under RCW 9A.82.100(4)(f). Prior to disposition of the motion, the court shall notify the state of the assets sought to be sold or transferred and shall hear argument on the issue of whether the assets are subject to forfeiture under RCW 9A.82.100(4)(f). Such a motion may be made from time to time and shall be heard by the court on an expedited basis.

(15) In an action brought under subsection (1) (a) and (b)(i) of this section, either party has the right to a jury trial.

NEW SECTION. Sec. 112. A new section is added to chapter 69.50 RCW to read as follows:

(a) Any person who violates RCW 69.50.401(a) by manufacturing, selling, delivering, or possessing with the intent to manufacture, sell, or deliver a controlled substance listed under that subsection to a person in a school or on a school bus or within one thousand feet of a school bus route stop designated by the school district or within one thousand feet of the perimeter of the school grounds is punishable by a fine of up to twice the fine otherwise authorized by this chapter, but not including twice the fine authorized by RCW 69.50.406, or by imprisonment of up to twice the imprisonment otherwise authorized by this chapter, but not

including twice the imprisonment authorized by RCW 69.50.406, or by both such fine and imprisonment.

(b) It is not a defense to a prosecution for a violation of this section that the person was unaware that the prohibited conduct took place while in a school or school bus or within one thousand feet of the school or school bus route stop.

(c) It is not a defense to a prosecution for a violation of this section or any other prosecution under this chapter that persons under the age of eighteen were not present in the school, the school bus, or at the school bus route stop at the time of the offense or that school was not in session.

(d) It is an affirmative defense to a prosecution for a violation of this section that the prohibited conduct took place entirely within a private residence, that no person under eighteen years of age or younger was present in such private residence at any time during the commission of the offense, and that the prohibited conduct did not involve delivering, manufacturing, selling, or possessing with the intent to manufacture, sell, or deliver any controlled substance in RCW 69.50.401(a) for profit. The affirmative defense established in this section shall be proved by the defendant by a preponderance of the evidence. This section shall not be construed to establish an affirmative defense with respect to a prosecution for an offense defined in any other section of this chapter.

(e) In a prosecution under this section, a map produced or reproduced by any municipal, school district, or county engineer for the purpose of depicting the location and boundaries of the area on or within one thousand feet of any property used for a school or school bus route stop, or a true copy of such a map, shall under proper authentication, be admissible and shall constitute prima facie evidence of the location and boundaries of those areas if the governing body of the municipality, school district, or county has adopted a resolution or ordinance approving the map as the official location and record of the location and boundaries of the area on or within one thousand feet of the school or school bus route stop. Any map approved under this section or a true copy of the map shall be filed with the clerk of the municipality or county, and shall be maintained as an official record of the municipality or county. This section shall not be construed as precluding the prosecution from introducing or relying upon any other evidence or testimony to establish any element of the offense. This section shall not be construed as precluding the use or admissibility of any map or diagram other than the one which has been approved by the governing body of a municipality, school district, or county if the map or diagram is otherwise admissible under court rule.

(f) As used in this section the following terms have the meanings indicated unless the context clearly requires otherwise:

(1) "School" has the meaning under RCW 28A.01.055 or 28A.01.060. The term "school" also includes a private school approved under RCW 28A.02.201;

(2) "School bus" means a school bus as defined by the superintendent of public instruction by rule which is owned and operated by any school district and all school buses which are privately owned and operated under contract or otherwise with any school district in the state for the transportation of students. The term does not include buses operated by common carriers in the urban transportation of students such as transportation of students through a municipal transportation system; and

(3) "School bus route stop" means a school bus stop as designated on maps submitted by school districts to the office of the superintendent of public instruction.

Sec. 113. Section 210, chapter 518, Laws of 1987 and RCW 28A.120.040 are each amended to read as follows:

The superintendent of public instruction, through the state clearinghouse for education information, shall collect and disseminate to all school districts and other interested parties information about effective substance abuse programs and the penalties for manufacturing, selling, delivering, or possessing controlled substances on or within one thousand feet of a school or school bus route stop under section 112 of this 1989 act and distributing a controlled substance to a person under the age of eighteen under RCW 69.50.406.

NEW SECTION. Sec. 114. Sections 101 through 111 of this act apply to crimes committed on or after July 1, 1989.

SUBPART B

JUVENILE OFFENDERS STRUCTURED RESIDENTIAL PROGRAM

NEW SECTION. Sec. 115. A new section is added to chapter 13.40 RCW to read as follows:

(1) It is the intent of the legislature to establish a program that will benefit both the community and juvenile offenders by promoting the offenders' personal development and self-discipline, thereby making them more effective participants in society.

(2) Within available funds, the department of social and health services shall develop a juvenile offenders structured residential program for selected juvenile offenders. The program shall provide intensive training and rehabilitative programs for juvenile offenders. The department shall adopt rules for the operation, access, and successful completion of such programs.

(3) In order to serve significant portions of the sixty percent of juvenile justice clients in need of treatment for substance abuse, the department of social and health services shall, within available funds, provide enhancements to the eighteen county detention facilities in the

state. The enhancement shall be used to develop an intensive, inpatient treatment component within the structure of county detention programs, to be modeled after the exodus program currently operated by the department's division of juvenile rehabilitation.

(4) In order to serve youth returning from institutional treatment programs who seek help for substance abuse, the department of social and health services shall, within available funds, enhance substance abuse services and coordination for each of six service regions to ensure effective use of existing and new services created by this act, including direct service and consultation.

(5) No juvenile who suffers from any mental or physical problem which could endanger his or her health or drastically affect his or her performance in the program shall be admitted to or retained in the program.

(6) The department shall complete a study of the effectiveness of programs of the type created in this section by December 31, 1992.

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

SUBPART C

JUVENILE DRIVER'S LICENSE REVOCATION

Sec. 116. Section 2, chapter 148, Laws of 1988 and RCW 13.40.265 are each amended to read as follows:

(1) (a) If a juvenile (~~under eighteen years of age, but~~) thirteen years of age or ~~((over))~~ older is found by juvenile court to have committed an offense that is a violation of chapter 66.44, 69.41, 69.50, or 69.52 RCW, the court shall notify the department of licensing within twenty-four hours after entry of the judgment.

(b) Except as otherwise provided in (c) of this subsection, ~~((a court))~~ upon petition of a juvenile who has been found by the court to have committed an offense that is a violation of chapter 66.44, 69.41, 69.50, or 69.52 RCW, the court may at any time the court deems appropriate notify the department of licensing that the juvenile's driving privileges should be reinstated.

(c) ~~((The court shall not notify the department that the juvenile's driving privileges should be reinstated for a period of ninety days after the entry of the judgment if it is the first order issued with respect to the juvenile under RCW 46.20.265, or for a period of one year after the issuance of the order if it is the second or subsequent such order issued with respect to the juvenile))~~ If the offense is the juvenile's first violation of chapter 66.44, 69.41, 69.50, or 69.52 RCW, the juvenile may not petition the court for reinstatement of the juvenile's privilege to drive revoked pursuant to RCW 46.20.265 until ninety days after the date the juvenile turns sixteen or ninety days after the judgment was entered, whichever is later. If the offense is the juvenile's second or subsequent violation of chapter 66.44, 69.41, 69.50, or 69.52 RCW, the juvenile may not petition the court for reinstatement of the juvenile's privilege to drive revoked pursuant to RCW 46.20.265 until the date the juvenile turns seventeen or one year after the date judgment was entered, whichever is later.

(2) (a) If a juvenile enters into a diversion agreement with a diversion unit pursuant to RCW 13.40.080 concerning an offense that is a violation of chapter 66.44, 69.41, 69.50, or 69.52 RCW, the diversion unit shall notify the department of licensing within twenty-four hours after the diversion agreement is signed.

(b) If a diversion unit has notified the department pursuant to (a) of this subsection, the diversion unit shall notify the department of licensing when the juvenile has completed the agreement.

Sec. 117. Section 7, chapter 148, Laws of 1988 and RCW 46.20.265 are each amended to read as follows:

(1) In addition to any other authority to revoke driving privileges under this chapter, the department shall revoke all driving privileges of a juvenile when the department receives notice from a court pursuant to RCW 13.40.265, 66.44.365, 69.41.065, 69.50.420, or 69.52.070 or from a diversion unit pursuant to RCW 13.40.265. The revocation shall be imposed without hearing.

(2) The driving privileges of the juvenile revoked under subsection (1) of this section shall be revoked in the following manner:

(a) Upon receipt of the first notice, the department shall impose a revocation for one year, or until the juvenile reaches seventeen years of age, whichever is longer.

(b) Upon receipt of a second or subsequent notice, the department shall impose a revocation for ~~((one))~~ two years or until the juvenile reaches eighteen years of age, whichever is longer.

(3) If the department receives notice from a court that the juvenile's privilege to drive should be reinstated, the department shall immediately reinstate any driving privileges that have been revoked under this section.

(4) ~~(a)~~ If the department receives notice pursuant to RCW 13.40.265(2)(b) from a diversion unit that a juvenile has completed a diversion agreement for which the juvenile's driving privileges were revoked, the department shall reinstate any driving privileges revoked under this section as provided in (b) of this subsection. ~~((The department shall not reinstate driving privileges earlier than ninety days after the date the juvenile entered into a diversion agreement for the first violation of chapter 66.44, 69.41, 69.50, or 69.52 RCW and not earlier than one year~~

after the date the juvenile entered into a diversion agreement for a second or subsequent violation of chapter 66.44, 69.41, 69.50, or 69.52 RCW:))

(b) If the diversion agreement was for the juvenile's first violation of chapter 66.44, 69.41, 69.50, or 69.52 RCW, the department shall not reinstate the juvenile's privilege to drive until the later of ninety days after the date the juvenile turns sixteen or ninety days after the juvenile entered into a diversion agreement for the offense. If the diversion agreement was for the juvenile's second or subsequent violation of chapter 66.44, 69.41, 69.50, or 69.52 RCW, the department shall not reinstate the juvenile's privilege to drive until the later of the date the juvenile turns seventeen or one year after the juvenile entered into the second or subsequent diversion agreement.

Sec. 118. Section 3, chapter 148, Laws of 1988 and RCW 66.44.365 are each amended to read as follows:

(1) If a juvenile (~~(under eighteen years of age, but thirteen or over;))~~ thirteen years of age or older and under the age of eighteen is found by a court to have committed any offense that is a violation of this chapter, the court shall notify the department of licensing within twenty-four hours after entry of the judgment.

(2) Except as otherwise provided in subsection (3) of this section, (~~(the court;))~~ upon petition of a juvenile (~~(who has been found by the court to have committed an offense that is a violation of this chapter;))~~ whose privilege to drive has been revoked pursuant to RCW 46.20.265, the court may notify the department of licensing that the juvenile's privilege to drive should be reinstated.

(3) (~~(The court shall not notify the department that the juvenile's driving privileges should be reinstated for a period of ninety days after the entry of the judgment if it is the first revocation with respect to the juvenile under this section or RCW 46.20.265, or for a period of one year after the issuance of the order if it is the second or subsequent such revocation issued with respect to the juvenile))~~ If the conviction is for the juvenile's first violation of this chapter or chapter 69.41, 69.50, or 69.52 RCW, a juvenile may not petition the court for reinstatement of the juvenile's privilege to drive revoked pursuant to RCW 46.20.265 until the later of ninety days after the date the juvenile turns sixteen or ninety days after the judgment was entered. If the conviction was for the juvenile's second or subsequent violation of this chapter or chapter 69.41, 69.50, or 69.52 RCW, the juvenile may not petition the court for reinstatement of the juvenile's privilege to drive revoked pursuant to RCW 46.20.265 until the later of the date the juvenile turns seventeen or one year after the date judgment was entered.

Sec. 119. Section 4, chapter 148, Laws of 1988 and RCW 69.41.065 are each amended to read as follows:

(1) If a juvenile (~~(under eighteen years of age, but thirteen or over;))~~ thirteen years of age or older and under the age of twenty-one is found by a court to have committed any offense that is a violation of this chapter, the court shall notify the department of licensing within twenty-four hours after entry of the judgment.

(2) Except as otherwise provided in subsection (3) of this section, (~~(the court;))~~ upon petition of a juvenile (~~(who has been found by the court to have committed an offense that is a violation of this chapter;))~~ whose privilege to drive has been revoked pursuant to RCW 46.20.265, the court may notify the department of licensing that the juvenile's privilege to drive should be reinstated.

(3) (~~(The court shall not notify the department that the juvenile's driving privileges should be reinstated for a period of ninety days after the entry of the judgment if it is the first revocation with respect to the juvenile under this section or RCW 46.20.265, or for a period of one year after the issuance of the order if it is the second or subsequent such revocation issued with respect to the juvenile))~~ If the conviction is for the juvenile's first violation of this chapter or chapter 66.44, 69.50, or 69.52 RCW, the juvenile may not petition the court for reinstatement of the juvenile's privilege to drive revoked pursuant to RCW 46.20.265 until the later of ninety days after the date the juvenile turns sixteen or ninety days after the judgment was entered. If the conviction was for the juvenile's second or subsequent violation of this chapter or chapter 66.44, 69.50, or 69.52 RCW, the juvenile may not petition the court for reinstatement of the juvenile's privilege to drive revoked pursuant to RCW 46.20.265 until the later of the date the juvenile turns seventeen or one year after the date judgment was entered.

Sec. 120. Section 5, chapter 148, Laws of 1988 and RCW 69.50.420 are each amended to read as follows:

(1) If a juvenile (~~(under eighteen years of age, but thirteen or over;))~~ thirteen years of age or older and under the age of twenty-one is found by a court to have committed any offense that is a violation of this chapter, the court shall notify the department of licensing within twenty-four hours after entry of the judgment.

(2) Except as otherwise provided in subsection (3) of this section, (~~(the court;))~~ upon petition of a juvenile (~~(who has been found by the court to have committed an offense that is a violation of this chapter;))~~ whose privilege to drive has been revoked pursuant to RCW 46.20.265, the court may at any time the court deems appropriate notify the department of licensing to reinstate the juvenile's privilege to drive.

(3) ~~((The court shall not notify the department that the juvenile's privilege to drive should be reinstated for a period of ninety days after the entry of the judgment if it is the first revocation issued with respect to the juvenile under this section or RCW 46.20.265, or for a period of one year after the entry of the judgment if it is the second or subsequent such revocation issued with respect to the juvenile))~~ If the conviction is for the juvenile's first violation of this chapter or chapter 66.44, 69.41, or 69.52 RCW, the juvenile may not petition the court for reinstatement of the juvenile's privilege to drive revoked pursuant to RCW 46.20.265 until the later of ninety days after the date the juvenile turns sixteen or ninety days after the judgment was entered. If the conviction was for the juvenile's second or subsequent violation of this chapter or chapter 66.44, 69.41, or 69.52 RCW, the juvenile may not petition the court for reinstatement of the juvenile's privilege to drive revoked pursuant to RCW 46.20.265 until the later of the date the juvenile turns seventeen or one year after the date judgment was entered.

Sec. 121. Section 6, chapter 148, Laws of 1988 and RCW 69.52.070 are each amended to read as follows:

(1) ~~If a juvenile ((under eighteen years of age, but thirteen or over,)) thirteen years of age or older and under the age of twenty-one is found by a court to have committed any offense that is a violation of this chapter, the court shall notify the department of licensing within twenty-four hours after entry of the judgment.~~

(2) ~~Except as otherwise provided in subsection (3) of this section, ((the court,)) upon petition of a juvenile ((who has been found by the court to have committed an offense that is a violation of this chapter,)) whose privilege to drive has been revoked pursuant to RCW 46.20.265, the court may at any time the court deems appropriate notify the department of licensing to reinstate the juvenile's privilege to drive.~~

(3) ~~((The court shall not notify the department that the juvenile's privilege to drive should be reinstated for a period of ninety days after the entry of the judgment if it is the first revocation issued with respect to the juvenile under this section or RCW 46.20.265, or for a period of one year after the entry of the judgment if it is the second or subsequent such revocation issued with respect to the juvenile))~~ If the conviction is for the juvenile's first violation of this chapter or chapter 66.44, 69.41, or 69.50 RCW, the juvenile may not petition the court for reinstatement of the juvenile's privilege to drive revoked pursuant to RCW 46.20.265 until the later of ninety days after the date the juvenile turns sixteen or ninety days after the judgment was entered. If the conviction was for the juvenile's second or subsequent violation of this chapter or chapter 66.44, 69.41, or 69.50 RCW, the juvenile may not petition the court for reinstatement of the juvenile's privilege to drive revoked pursuant to RCW 46.20.265 until the later of the date the juvenile turns seventeen or one year after the date judgment was entered.

PART II
PREVENTION, INVESTIGATION, AND PROCEDURE
SUBPART A
ONE-PARTY CONSENT

NEW SECTION. Sec. 201. A new section is added to chapter 9.73 RCW to read as follows:

The legislature finds that the unlawful manufacturing, selling, and distributing of controlled substances is becoming increasingly prevalent and violent. Attempts by law enforcement officers to prevent the manufacture, sale, and distribution of drugs is resulting in numerous life-threatening situations since drug dealers are using sophisticated weapons and modern technological devices to deter the efforts of law enforcement officials to enforce the controlled substance statutes. Dealers of unlawful drugs are employing a wide variety of violent methods to realize the enormous profits of the drug trade.

Therefore, the legislature finds that conversations regarding illegal drug operations should be intercepted, transmitted, and recorded in certain circumstances without prior judicial approval in order to protect the life and safety of law enforcement personnel and to enhance prosecution of drug offenses, and that that interception and transmission can be done without violating the constitutional guarantees of privacy.

NEW SECTION. Sec. 202. A new section is added to chapter 9.73 RCW to read as follows:

(1) If a police commander or officer above the rank of first line supervisor has reasonable suspicion that the safety of the consenting party is in danger, law enforcement personnel may, for the sole purpose of protecting the safety of the consenting party, intercept, transmit, or record a private conversation or communication concerning the unlawful manufacture, delivery, sale, or possession with intent to manufacture, deliver, or sell, controlled substances as defined in chapter 69.50 RCW, or legend drugs as defined in chapter 69.41 RCW, or imitation controlled substances as defined in chapter 69.52 RCW.

(2) Before any interception, transmission, or recording of a private conversation or communication pursuant to this section, the police commander or officer making the determination required by subsection (1) of this section shall complete a written authorization which shall include (a) the date and time the authorization is given; (b) the persons, including the consenting party, expected to participate in the conversation or communication, to the extent known; (c) the expected date, location, and approximate time of the conversation or communication; and (d) the reasons for believing the consenting party's safety will be in danger.

(3) A monthly report shall be filed by the law enforcement agency with the administrator for the courts indicating the number of authorizations made under this section, the date and time of each authorization, and whether an interception, transmission, or recording was made with respect to each authorization.

(4) Any information obtained pursuant to this section is inadmissible in any civil or criminal case in all courts of general or limited jurisdiction in this state, except:

(a) With the permission of the person whose communication or conversation was intercepted, transmitted, or recorded without his or her knowledge;

(b) In a civil action for personal injury or wrongful death arising out of the same incident, where the cause of action is based upon an act of physical violence against the consenting party; or

(c) In a criminal prosecution, arising out of the same incident for a serious violent offense as defined in RCW 9.94A.030 in which a party who consented to the interception, transmission, or recording was a victim of the offense.

(5) Nothing in this section bars the admission of testimony of a participant in the communication or conversation unaided by information obtained pursuant to this section.

(6) The authorizing agency shall immediately destroy any written, transcribed, or recorded information obtained from an interception, transmission, or recording authorized under this section unless the agency determines there has been a personal injury or death or a serious violent offense which may give rise to a civil action or criminal prosecution in which the information may be admissible under subsection (4) (b) or (c) of this section.

(7) Nothing in this section authorizes the interception, recording, or transmission of a telephone communication or conversation.

NEW SECTION. Sec. 203. A new section is added to chapter 9.73 RCW to read as follows:

In each superior court judicial district in class AA and A counties there shall be available twenty-four hours a day at least one superior court or district court judge or magistrate designated to receive telephonic requests for authorizations that may be issued pursuant to this chapter. The presiding judge of each such superior court in conjunction with the district court judges in that superior court judicial district shall establish a coordinated schedule of rotation for all of the superior and district court judges and magistrates in the superior court judicial district for purposes of ensuring the availability of at least one judge or magistrate at all times. During the period that each judge or magistrate is designated, he or she shall be equipped with an electronic paging device when not present at his or her usual telephone. It shall be the designated judge's or magistrate's responsibility to ensure that all attempts to reach him or her for purposes of requesting authorization pursuant to this chapter are forwarded to the electronic page number when the judge or magistrate leaves the place where he or she would normally receive such calls.

NEW SECTION. Sec. 204. A new section is added to chapter 9.73 RCW to read as follows:

(1) As part of a bona fide criminal investigation, the chief law enforcement officer of a law enforcement agency or his or her designee above the rank of first line supervisor may authorize the interception, transmission, or recording of a conversation or communication by officers under the following circumstances:

(a) At least one party to the conversation or communication has consented to the interception, transmission, or recording;

(b) Probable cause exists to believe that the conversation or communication involves the unlawful manufacture, delivery, sale, or possession with intent to manufacture, deliver, or sell, controlled substances as defined in chapter 69.50 RCW, or legend drugs as defined in chapter 69.41 RCW, or imitation controlled substances as defined in chapter 69.52 RCW; and

(c) A written report has been completed as required by subsection (2) of this section.

(2) The agency's chief officer or designee authorizing an interception, transmission, or recording under subsection (1) of this section, shall prepare and sign a written report at the time of authorization indicating:

(a) The circumstances that meet the requirements of subsection (1) of this section;

(b) The names of the authorizing and consenting parties, except that in those cases where the consenting party is a confidential informant, the name of the confidential informant need not be divulged;

(c) The names of the officers authorized to intercept, transmit, and record the conversation or communication;

(d) The identity of the particular person or persons, if known, who may have committed or may commit the offense;

(e) The details of the particular offense or offenses that may have been or may be committed and the expected date, location, and approximate time of the conversation or communication; and

(f) Whether there was an attempt to obtain authorization pursuant to RCW 9.73.090(2) and, if there was such an attempt, the outcome of the attempt.

(3) An authorization under this section is valid in all jurisdictions within Washington state and for the interception of communications from additional persons if the persons are brought

into the conversation or transaction by the nonconsenting party or if the nonconsenting party or such additional persons cause or invite the consenting party to enter another jurisdiction.

(4) The recording of any conversation or communication under this section shall be done in such a manner that protects the recording from editing or other alterations.

(5) An authorization made under this section is valid for no more than twenty-four hours from the time it is signed by the authorizing officer, and each authorization shall independently meet all of the requirements of this section. The authorizing officer shall sign the written report required under subsection (2) of this section, certifying the exact date and time of his or her signature. An authorization under this section may be extended not more than twice for an additional consecutive twenty-four hour period based upon the same probable cause regarding the same suspected transaction. Each such extension shall be signed by the authorizing officer.

(6) Within fifteen days after the signing of an authorization that results in any interception, transmission, or recording of a conversation or communication pursuant to this section, the law enforcement agency which made the interception, transmission, or recording shall submit a report including the original authorization under subsection (2) of this section to a judge of a court having jurisdiction which report shall identify (a) the persons, including the consenting party, who participated in the conversation, and (b) the date, location, and approximate time of the conversation.

In those cases where the consenting party is a confidential informant, the name of the confidential informant need not be divulged.

A monthly report shall be filed by the law enforcement agency with the administrator for the courts indicating the number of authorizations granted, the date and time of each authorization, interceptions made, arrests resulting from an interception, and subsequent invalidations.

(7)(a) Within two judicial days of receipt of a report under subsection (6) of this section, the court shall make an ex parte review of the authorization, but not of the evidence, and shall make a determination whether the requirements of subsection (1) of this section were met. If the court determines that any of the requirements of subsection (1) of this section were not met, the court shall order that any recording and any copies or transcriptions of the conversation or communication be destroyed. Destruction of recordings, copies, or transcriptions shall be stayed pending any appeal of a finding that the requirements of subsection (1) of this section were not met.

(b) Absent a continuation under (c) of this subsection, six months following a determination under (a) of this subsection that probable cause did not exist, the court shall cause a notice to be mailed to the last known address of any nonconsenting party to the conversation or communication that was the subject of the authorization. The notice shall indicate the date, time, and place of any interception, transmission, or recording made pursuant to the authorization. The notice shall also identify the agency that sought the authorization and shall indicate that a review under (a) of this subsection resulted in a determination that the authorization was made in violation of this section.

(c) An authorizing agency may obtain six-month extensions to the notice requirement of (b) of this subsection in cases of active, ongoing criminal investigations that might be jeopardized by sending the notice.

(8) In any subsequent judicial proceeding, evidence obtained through the interception or recording of a conversation or communication pursuant to this section shall be admissible only if:

(a) The court finds that the requirements of subsection (1) of this section were met and the evidence is used in prosecuting an offense listed in subsection (1)(b) of this section; or

(b) The evidence is admitted with the permission of the person whose communication or conversation was intercepted, transmitted, or recorded; or

(c) The evidence is admitted in a prosecution for a "serious violent offense" as defined in RCW 9.94A.030 in which a party who consented to the interception, transmission, or recording was a victim of the offense; or

(d) The evidence is admitted in a civil suit for personal injury or wrongful death arising out of the same incident, in which a party who consented to the interception, transmission, or recording was a victim of a serious violent offense as defined in RCW 9.94A.030.

Nothing in this subsection bars the admission of testimony of a party or eyewitness to the intercepted, transmitted, or recorded conversation or communication when that testimony is unaided by information obtained solely by violation of RCW 9.73.030.

(9) Any determination of invalidity of an authorization under this section shall be reported by the court to the office of the administrator for the courts.

(10) Any person who intentionally intercepts, transmits, or records or who intentionally authorizes the interception, transmission, or recording of a conversation or communication in violation of this section, is guilty of a class C felony punishable according to chapter 9A.20 RCW.

(11) An authorizing agency is liable for twenty-five thousand dollars in exemplary damages, in addition to any other damages authorized by this chapter or by other law, to a person

whose conversation or communication was intercepted, transmitted, or recorded pursuant to an authorization under this section if:

(a) In a review under subsection (7) of this section, or in a suppression of evidence proceeding, it has been determined that the authorization was made without the probable cause required by subsection (1)(b) of this section; and

(b) The authorization was also made without a reasonable suspicion that the conversation or communication would involve the unlawful acts identified in subsection (1)(b) of this section.

Sec. 205. Section 1, chapter 48, Laws of 1970 ex. sess. as last amended by section 2, chapter 38, Laws of 1986 and RCW 9.73.090 are each amended to read as follows:

(1) The provisions of RCW 9.73.030 through 9.73.080 shall not apply to police, fire, emergency medical service, emergency communication center, and poison center personnel in the following instances:

(a) Recording incoming telephone calls to police and fire stations, licensed emergency medical service providers, emergency communication centers, and poison centers;

(b) Video and/or sound recordings may be made of arrested persons by police officers responsible for making arrests or holding persons in custody before their first appearance in court. Such video and/or sound recordings shall conform strictly to the following:

(i) The arrested person shall be informed that such recording is being made and the statement so informing him shall be included in the recording;

(ii) The recording shall commence with an indication of the time of the beginning thereof and terminate with an indication of the time thereof;

(iii) At the commencement of the recording the arrested person shall be fully informed of his constitutional rights, and such statements informing him shall be included in the recording;

(iv) The recordings shall only be used for valid police or court activities.

(2) It shall not be unlawful for a law enforcement officer acting in the performance of the officer's official duties to intercept, record, or disclose an oral communication or conversation where the officer is a party to the communication or conversation or one of the parties to the communication or conversation has given prior consent to the interception, recording, or disclosure: PROVIDED, That prior to the interception, transmission, or recording the officer shall obtain written or telephonic authorization from a judge or magistrate, who shall approve the interception, recording, or disclosure of communications or conversations with a nonconsenting party for a reasonable and specified period of time, if there is probable cause to believe that the nonconsenting party has committed, is engaged in, or is about to commit a felony: PROVIDED HOWEVER, That if such authorization is given by telephone the authorization and officer's statement justifying such authorization must be electronically recorded by the judge or magistrate on a recording device in the custody of the judge or magistrate at the time transmitted and the recording shall be retained in the court records and reduced to writing as soon as possible thereafter.

Any recording or interception of a communication or conversation incident to a lawfully recorded or intercepted communication or conversation pursuant to this subsection shall be lawful and may be divulged.

All recordings of communications or conversations made pursuant to this subsection shall be retained for as long as any crime may be charged based on the events or communications or conversations recorded.

(3) Communications or conversations authorized to be intercepted, recorded, or disclosed by this section shall not be inadmissible under RCW 9.73.050.

(4) Authorizations issued under subsection (2) of this section shall be effective for not more than seven days, after which period the issuing authority may (~~upon application of the officer who secured the original authorization~~) renew or continue the authorization for ~~((an))~~ additional periods not to exceed seven days.

(5) If the judge or magistrate determines that there is probable cause to believe that the communication or conversation concerns the unlawful manufacture, delivery, sale, or possession with intent to manufacture, deliver, or sell, controlled substances as defined in chapter 69.50 RCW, or legend drugs as defined in chapter 69.41 RCW, or imitation controlled substances as defined in chapter 69.52 RCW, the judge or magistrate may authorize the interception, transmission, recording, or disclosure of communications or conversations under subsection (2) of this section even though the true name of the nonconsenting party, or the particular time and place for the interception, transmission, recording, or disclosure, is not known at the time of the request, if the authorization describes the nonconsenting party and subject matter of the communication or conversation with reasonable certainty under the circumstances. Any such communication or conversation may be intercepted, transmitted, recorded, or disclosed as authorized notwithstanding a change in the time or location of the communication or conversation after the authorization has been obtained or the presence of or participation in the communication or conversation by any additional party not named in the authorization.

Authorizations issued under this subsection shall be effective for not more than fourteen days, after which period the issuing authority may renew or continue the authorization for an additional period not to exceed fourteen days.

NEW SECTION. Sec. 206. A new section is added to chapter 9.73 RCW to read as follows:

(1) The attorney general shall have concurrent authority and power with the prosecuting attorneys to investigate violations of sections 201 through 204 of this act or RCW 9.73.090 and initiate and conduct prosecutions of any violations upon request of any of the following:

(a) The person who was the nonconsenting party to the intercepted, transmitted, or recorded conversation or communication; or

(b) The county prosecuting attorney of the jurisdiction in which the offense has occurred.

(2) The request shall be communicated in writing to the attorney general.

Sec. 207. Section 5, chapter 363, Laws of 1977 ex. sess. and RCW 9.73.120 are each amended to read as follows:

(1) Within thirty days after the expiration of an authorization or an extension or renewal thereof issued pursuant to RCW 9.73.090(2) as now or hereafter amended, the issuing or denying judge shall make a report to the administrator for the courts stating that:

(a) An authorization, extension or renewal was applied for;

(b) The kind of authorization applied for;

(c) The authorization was granted as applied for, was modified, or was denied;

(d) The period of recording authorized by the authorization and the number and duration of any extensions or renewals of the authorization;

(e) The offense specified in the authorization or extension or renewal of authorization;

(f) The identity of the person authorizing the application and of the investigative or law enforcement officer and agency for whom it was made; ~~((and))~~

(g) Whether an arrest resulted from the communication which was the subject of the authorization; and

(h) The character of the facilities from which or the place where the communications were to be recorded.

(2) In addition to reports required to be made by applicants pursuant to federal law, all judges of the superior court authorized to issue authority pursuant to this chapter shall make annual reports on the operation of this chapter to the administrator for the courts. The reports by the judges shall contain (a) the number of applications made; (b) the number of authorizations issued; (c) the respective periods of such authorizations; (d) the number and duration of any renewals thereof; (e) the crimes in connection with which the conversations were sought; (f) the names of the applicants; and (g) such other and further particulars as the administrator for the courts may require.

The chief justice of the supreme court shall annually report to the governor and the legislature on such aspects of the operation of this chapter as he deems appropriate including any recommendations he may care to make as to legislative changes or improvements to effectuate the purposes of this chapter and to assure and protect individual rights.

NEW SECTION. Sec. 208. A new section is added to chapter 9.73 RCW to read as follows:

The administrator for the courts shall not later than January 2, 1991, report to the house of representatives judiciary committee and the senate law and justice committee on the number of authorizations made under sections 202 and 204 of this act and RCW 9.73.090, categorized according to whether the authorization was judicial or nonjudicial. The report shall also show the number of authorizations denied, the number of arrests resulting from the authorizations, the offenses charged, and the number of convictions resulting from the arrests. The administrator for the courts shall use the reports submitted pursuant to sections 202 and 204 of this act and RCW 9.73.090 together with inquiries to the appropriate law enforcement agencies and courts to prepare the report.

Sec. 209. Section 6, chapter 93, Laws of 1967 ex. sess and RCW 9.73.080 are each amended to read as follows:

Except as otherwise provided in this chapter, any person who ((shall)) violates RCW 9.73.030 ((shall be)) is guilty of a gross misdemeanor.

SUBPART B

MONITORING OF INMATE TELEPHONE CALLS

NEW SECTION. Sec. 210. A new section is added to chapter 9.73 RCW to read as follows:

(1) RCW 9.73.030 through 9.73.080 shall not apply to employees of the department of corrections in the following instances: Intercepting, recording, or divulging any telephone calls from an inmate or resident of a state correctional facility. For the purposes of this section, "state correctional facility" means a facility that is under the control and authority of the department of corrections, and used for the incarceration, treatment, or rehabilitation of convicted felons.

(2) All personal calls made by inmates shall be collect calls only. The calls will be "operator announcement" type calls. The operator shall notify the receiver of the call that the call is coming from a prison inmate, and that it will be recorded and may be monitored.

(3) The department of corrections shall adhere to the following procedures and restrictions when intercepting, recording, or divulging any telephone calls from an inmate or resident of a state correctional facility as provided for by this section:

(a) Before the implementation of this section, all inmates or residents of a state correctional facility shall be notified in writing that, as of the effective date of this section, their telephone conversations may be intercepted, recorded, and/or divulged.

(b) Unless otherwise provided for in this section, after intercepting or recording a telephone conversation, only the superintendent and his or her designee shall have access to that recording.

(c) The contents of an intercepted and recorded telephone conversation shall be divulged only as is necessary to safeguard the orderly operation of the correctional facility, in response to a court order, or in the prosecution or investigation of any crime.

(d) All telephone conversations that are recorded under this section, unless being used in the ongoing investigation or prosecution of a crime, or as is necessary to assure the orderly operation of the correctional facility, shall be destroyed one year after the intercepting and recording.

(4) So as to safeguard the sanctity of the attorney-client privilege, the department of corrections shall not intercept, record, or divulge any conversation between an inmate or resident and an attorney. The department shall develop policies and procedures to implement this section.

SUBPART C PROPERTY FORFEITURE

NEW SECTION. Sec. 211. The legislature finds that: Drug offenses and crimes resulting from illegal drug use are destructive to society; the nature of drug trafficking results in many property crimes and crimes of violence; state and local governmental agencies incur immense expenses in the investigation, prosecution, adjudication, incarceration, and treatment of drug-related offenders and the compensation of their victims; drug-related offenses are difficult to eradicate because of the profits derived from the criminal activities, which can be invested in legitimate assets and later used for further criminal activities; and the forfeiture of real assets where a substantial nexus exists between the commercial production or sale of the substances and the real property will provide a significant deterrent to crime by removing the profit incentive of drug trafficking, and will provide a revenue source that will partially defray the large costs incurred by government as a result of these crimes. The legislature recognizes that seizure of real property is a very powerful tool and should not be applied in cases in which a manifest injustice would occur as a result of forfeiture of an innocent spouse's community property interest.

Sec. 212. Section 15, chapter 2, Laws of 1983 as last amended by section 2, chapter 282, Laws of 1988 and RCW 69.50.505 are each amended to read as follows:

(a) The following are subject to seizure and forfeiture and no property right exists in them:

(1) All controlled substances which have been manufactured, distributed, dispensed, ~~((or))~~ acquired, or possessed in violation of this chapter or chapter 69.41 or 69.52 RCW;

(2) All raw materials, products, and equipment of any kind which are used, or intended for use, in manufacturing, compounding, processing, delivering, importing, or exporting any controlled substance in violation of this chapter or chapter 69.41 or 69.52 RCW;

(3) All property which is used, or intended for use, as a container for property described in paragraphs (1) or (2);

(4) All conveyances, including aircraft, vehicles, or vessels, which are used, or intended for use, in any manner to facilitate the sale of property described in paragraphs (1) or (2), ~~((but))~~ except that:

(i) No conveyance used by any person as a common carrier in the transaction of business as a common carrier is subject to forfeiture under this section unless it appears that the owner or other person in charge of the conveyance is a consenting party or privy to a violation of this chapter or chapter 69.41 or 69.52 RCW;

(ii) No conveyance is subject to forfeiture under this section by reason of any act or omission established by the owner thereof to have been committed or omitted without ~~((his))~~ the owner's knowledge or consent;

(iii) A forfeiture of a conveyance encumbered by a bona fide security interest is subject to the interest of the secured party if the secured party neither had knowledge of nor consented to the act or omission; and

(iv) When the owner of a conveyance has been arrested under this chapter or chapter 69.41 or 69.52 RCW the conveyance in which the person is arrested may not be subject to forfeiture unless it is seized or process is issued for its seizure within ten days of the owner's arrest;

(5) All books, records, and research products and materials, including formulas, microfilm, tapes, and data which are used, or intended for use, in violation of this chapter or chapter 69.41 or 69.52 RCW;

(6) All drug paraphernalia; ~~((and))~~

(7) All moneys, negotiable instruments, securities, or other tangible or intangible property of value furnished or intended to be furnished by any person in exchange for a controlled substance in violation of this chapter or chapter 69.41 or 69.52 RCW, all tangible or intangible personal property, proceeds, or assets acquired in whole or in part with proceeds traceable to ~~((such))~~ an exchange or series of exchanges in violation of this chapter or chapter 69.41 or 69.52 RCW, and all moneys, negotiable instruments, and securities used or intended to be used to facilitate any violation of this chapter or chapter 69.41 or 69.52 RCW; PROVIDED, That a forfeiture of money, negotiable instruments, securities, or other tangible or intangible property

encumbered by a bona fide security interest is subject to the interest of the secured party if, at the time the security interest was created, the secured party neither had knowledge of nor consented to the act or omission: PROVIDED FURTHER, That no personal property may be forfeited under this paragraph, to the extent of the interest of an owner, by reason of any act or omission which that owner establishes was committed or omitted without the owner's knowledge or consent; and

(8) All real property, including any right, title, and interest in the whole of any lot or tract of land, and any appurtenances or improvements which are being used with the knowledge of the owner for the manufacturing, compounding, processing, delivery, importing, or exporting of any controlled substance, or which have been acquired in whole or in part with proceeds traceable to an exchange or series of exchanges in violation of this chapter or chapter 69.41 or 69.52 RCW, if such activity is not less than a class C felony and a substantial nexus exists between the commercial production or sale of the controlled substance and the real property: PROVIDED, That:

(i) No property may be forfeited pursuant to this subsection, to the extent of the interest of an owner, by reason of any act or omission committed or omitted without the owner's knowledge or consent;

(ii) The bona fide gift of a controlled substance, legend drug, or imitation controlled substance shall not result in the forfeiture of real property;

(iii) The possession of marijuana shall not result in the forfeiture of real property unless the marijuana is possessed for commercial purposes, the amount possessed is five or more plants or one pound or more of marijuana, and a substantial nexus exists between the possession of marijuana and the real property. In such a case, the intent of the offender shall be determined by the preponderance of the evidence, including the offender's prior criminal history, the amount of marijuana possessed by the offender, the sophistication of the activity or equipment used by the offender, and other evidence which demonstrates the offender's intent to engage in commercial activity;

(iv) The unlawful sale of marijuana or a legend drug shall not result in the forfeiture of real property unless the sale was forty grams or more in the case of marijuana or one hundred dollars or more in the case of a legend drug, and a substantial nexus exists between the unlawful sale and the real property; and

(v) A forfeiture of real property encumbered by a bona fide security interest is subject to the interest of the secured party if the secured party, at the time the security interest was created, neither had knowledge of nor consented to the act or omission.

(b) Real or personal property subject to forfeiture under this chapter may be seized by any board inspector or law enforcement officer of this state upon process issued by any superior court having jurisdiction over the property. Seizure of real property shall include the filing of a lis pendens by the seizing agency. Real property seized under this section shall not be transferred or otherwise conveyed until ninety days after seizure or until a judgment of forfeiture is entered, whichever is later: PROVIDED, That real property seized under this section may be transferred or conveyed to any person or entity who acquires title by foreclosure or deed in lieu of foreclosure of a security interest. Seizure of personal property without process may be made if:

(1) The seizure is incident to an arrest or a search under a search warrant or an inspection under an administrative inspection warrant;

(2) The property subject to seizure has been the subject of a prior judgment in favor of the state in a criminal injunction or forfeiture proceeding based upon this chapter;

(3) A board inspector or law enforcement officer has probable cause to believe that the property is directly or indirectly dangerous to health or safety; or

(4) The board inspector or law enforcement officer has probable cause to believe that the property was used or is intended to be used in violation of this chapter.

(c) In the event of seizure pursuant to subsection (b), proceedings for forfeiture shall be deemed commenced by the seizure. The law enforcement agency under whose authority the seizure was made shall cause notice to be served within fifteen days following the seizure on the owner of the property seized and the person in charge thereof and any person having any known right or interest therein, including any community property interest, of the seizure and intended forfeiture of the seized property. Service of notice of seizure of real property shall be made according to the rules of civil procedure. However, the state may not obtain a default judgment with respect to real property against a party who is served by substituted service absent an affidavit stating that a good faith effort has been made to ascertain if the defaulted party is incarcerated within the state, and that there is no present basis to believe that the party is incarcerated within the state. The notice of seizure in other cases may be served by any method authorized by law or court rule including but not limited to service by certified mail with return receipt requested. Service by mail shall be deemed complete upon mailing within the fifteen day period following the seizure.

(d) If no person notifies the seizing law enforcement agency in writing of the person's claim of ownership or right to possession of items specified in subsection (a)(4) ((or)), (a)(7), or (a)(8) of this section within forty-five days of the seizure in the case of personal property and ninety

days in the case of real property, the item seized shall be deemed forfeited. The community property interest in real property of a person whose spouse committed a violation giving rise to seizure of the real property may not be forfeited if the person did not participate in the violation.

(e) If any person notifies the seizing law enforcement agency in writing of the person's claim of ownership or right to possession of items specified in subsection (a)(2), (a)(3), (a)(4) ((or)), (a)(5), (a)(6), (a)(7), or (a)(8) of this section within forty-five days of the seizure in the case of personal property and ninety days in the case of real property, the person or persons shall be afforded a reasonable opportunity to be heard as to the claim or right. The hearing shall be before the chief law enforcement officer of the seizing agency or the chief law enforcement officer's designee, except where the seizing agency is a state agency as defined in RCW 34.12.020(4), the hearing shall be before the chief law enforcement officer of the seizing agency or an administrative law judge appointed under chapter 34.12 RCW, except that any person asserting a claim or right may remove the matter to a court of competent jurisdiction if the aggregate value of the article or articles involved is more than five hundred dollars. The court to which the matter is to be removed shall be the district court when such aggregate value is ten thousand dollars or less of personal property. A hearing before the seizing agency and any appeal therefrom shall be under Title 34 RCW. In a court hearing between two or more claimants to the article or articles involved, the prevailing party shall be entitled to a judgment for costs and reasonable attorney's fees. In cases involving personal property, the burden of producing evidence shall be upon the person claiming to be the lawful owner or the person claiming to have the lawful right to possession of ((Items specified in subsection (a)(4) or (a)(7) of this section)) the property. In cases involving real property, the burden of producing evidence shall be upon the law enforcement agency. The burden of proof that the seized property is subject to forfeiture shall be upon the law enforcement agency. The seizing law enforcement agency shall promptly return the article or articles to the claimant upon a determination by the administrative law judge or court that the claimant is the present lawful owner or is lawfully entitled to possession thereof of items specified in subsection (a)(2), (a)(3), (a)(4) ((or)), (a)(5), (a)(6), (a)(7), or (a)(8) of this section.

(f) When property is forfeited under this chapter the board or seizing law enforcement agency may:

(1) Retain it for official use or upon application by any law enforcement agency of this state release such property to such agency for the exclusive use of enforcing the provisions of this chapter;

(2) (i) Sell that which is not required to be destroyed by law and which is not harmful to the public. The proceeds and all moneys forfeited under this title shall be used for payment of all proper expenses of the investigation leading to the seizure, including any money delivered to the subject of the investigation by the law enforcement agency, and of the proceedings for forfeiture and sale, including expenses of seizure, maintenance of custody, advertising, actual costs of the prosecuting or city attorney, and court costs. Money remaining after the payment of all expenses shall be distributed as follows:

(A) ((Seventy-five)) Twenty-five percent of the money derived from the forfeiture of real property and seventy-five percent of the money derived from the forfeiture of personal property shall be deposited in the general fund of the state, county, and/or city of the seizing law enforcement agency and shall be used exclusively for the expansion or improvement of law enforcement services. These services may include the creation of reward funds for the purpose of rewarding informants who supply information leading to the arrest, prosecution and conviction of persons who violate laws relating to controlled substances. Such moneys shall not supplant preexisting funding sources: ((and))

(B) Twenty-five percent of money derived from the forfeiture of real property and twenty-five percent of money derived from the forfeiture of personal property shall be remitted to the state treasurer for deposit in the public safety and education account established in RCW 43.08.250;

(C) Until July 1, 1995, fifty percent of money derived from the forfeiture of real property shall be remitted to the state treasurer for deposit in the drug enforcement and education account under section 401 of this 1989 act, on and after July 1, 1995, the fifty percent of the money shall be remitted in the same manner as the twenty-five percent of the money remitted under (2)(i)(A) of this subsection; and

(D) If an investigation involves a seizure of moneys and proceeds having an aggregate value of less than five thousand dollars, the moneys and proceeds may be deposited in total in the general fund of the governmental unit of the seizing law enforcement agency and shall be appropriated exclusively for the expansion of narcotics enforcement services. Such moneys shall not supplant preexisting funding sources.

(i) Money deposited according to this section must be deposited within ninety days of the date of final disposition of either the administrative seizure or the judicial seizure;

(3) Request the appropriate sheriff or director of public safety to take custody of the property and remove it for disposition in accordance with law; or

(4) Forward it to the drug enforcement administration for disposition.

(g) Controlled substances listed in Schedule I, II, III, IV, and V that are possessed, transferred, sold, or offered for sale in violation of this chapter are contraband and shall be seized and summarily forfeited to the state. Controlled substances listed in Schedule I, II, III, IV, and V, which are seized or come into the possession of the board, the owners of which are unknown, are contraband and shall be summarily forfeited to the board.

(h) Species of plants from which controlled substances in Schedules I and II may be derived which have been planted or cultivated in violation of this chapter, or of which the owners or cultivators are unknown, or which are wild growths, may be seized and summarily forfeited to the board.

(i) The failure, upon demand by a board inspector or law enforcement officer, of the person in occupancy or in control of land or premises upon which the species of plants are growing or being stored to produce an appropriate registration or proof that he is the holder thereof constitutes authority for the seizure and forfeiture of the plants.

(j) Upon the entry of an order of forfeiture of real property, the court shall forward a copy of the order to the assessor of the county in which the property is located. Orders for the forfeiture of real property shall be entered by the superior court, subject to court rules. Such an order shall be filed by the seizing agency in the county auditor's records in the county in which the real property is located.

SUBPART D OFF-LIMITS ORDERS

NEW SECTION. Sec. 213. The legislature finds that drug abuse is escalating at an alarming rate. New protections need to be established to address this drug crisis which is threatening every stratum of our society. Prohibiting known drug traffickers from frequenting areas for continuous drug activity is one means of addressing this pervasive problem.

NEW SECTION. Sec. 214. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter:

(1) "Applicant" means any person who owns, occupies, or has a substantial interest in property, or who is a neighbor to property which is adversely affected by drug trafficking, including:

(a) A "family or household member" as defined by RCW 10.99.020(1), who has a possessory interest in a residence as an owner or tenant, at least as great as a known drug trafficker's interest;

(b) An owner or lessor;

(c) An owner, tenant, or resident who lives or works in a designated PADT area; or

(d) A city or prosecuting attorney for any jurisdiction in this state where drug trafficking is occurring.

(2) "Drug" or "drugs" means a controlled substance as defined in chapter 69.50 RCW or an "imitation controlled substance" as defined in RCW 69.52.020.

(3) "Known drug trafficker" means any person who has been convicted of a drug offense in this state, another state, or federal court who subsequently has been arrested for a drug offense in this state. For purposes of this definition, "drug offense" means a felony violation of chapter 69.50 or 69.52 RCW or equivalent law in another jurisdiction that involves the manufacture, distribution, or possession with intent to manufacture or distribute, of a controlled substance or imitation controlled substance.

(4) "Off-limits orders" means an order issued by a superior or district court in the state of Washington that enjoins known drug traffickers from entering or remaining in a designated PADT area.

(5) "Protected against drug trafficking area" or "PADT area" means any specifically described area, public or private, contained in an off-limits order. The perimeters of a PADT area shall be defined using street names and numbers and shall include all real property contained therein, where drug sales, possession of drugs, pedestrian or vehicular traffic attendant to drug activity, or other activity associated with drug offenses confirms a pattern associated with drug trafficking. The area may include the full width of streets, alleys and sidewalks on the perimeter, common areas, planting strips, parks and parking areas within the area described using the streets as boundaries.

NEW SECTION. Sec. 215. A court may enter an off-limits order enjoining a known drug trafficker who has been associated with drug trafficking in an area that the court finds to be a PADT area, from entering or remaining in a designated PADT area for up to one year. This relief may be ordered pursuant to applications for injunctive relief or as part of a criminal proceeding as follows:

(1) In a civil action, including an action brought under this chapter;

(2) In a nuisance abatement action pursuant to chapter 7.43 RCW;

(3) In an eviction action to exclude known drug traffickers or tenants who were evicted for allowing drug trafficking to occur on the premises which were the subject of the eviction action;

(4) As a condition of pretrial release of a known drug trafficker awaiting trial on drug charges. The order shall be in effect until the time of sentencing or dismissal of the criminal charges; or

(5) As a condition of sentencing of any known drug trafficker convicted of a drug offense. The order may include all periods of community placement or community supervision.

NEW SECTION. Sec. 216. Upon the filing of an application for an off-limits order under section 215 (1), (2), or (3) of this act, the court shall set a hearing fourteen days from the filing of the application, or as soon thereafter as the hearing can be scheduled. If the respondent has not already been served with a summons, the application shall be served on the respondent not less than five court days before the hearing. If timely service cannot be made, the court may set a new hearing date.

NEW SECTION. Sec. 217. Upon filing an application for an off-limits order under this chapter, an applicant may obtain an ex parte temporary off-limits order, with or without notice, only upon a showing that serious or irreparable harm will result to the applicant if the temporary off-limits order is not granted. An ex parte temporary off-limits order shall be effective for a fixed period not to exceed fourteen days, but the court may reissue the order upon a showing of good cause. A hearing on a one-year off-limits order, as provided in this chapter, shall be set for fourteen days from the issuance of the temporary order. The respondent shall be personally served with a copy of the temporary off-limits order along with a copy of the application and notice of the date set for the full hearing. At the hearing, if the court finds that respondent is a known drug trafficker who has engaged in drug trafficking in a particular area, and that the area is associated with a pattern of drug activities, the court shall issue a one-year off-limits order prohibiting the respondent from having any contact with the PADT area. At any time within three months before the expiration of the order, the applicant may apply for a renewal of the order by filing a new petition under this chapter.

NEW SECTION. Sec. 218. In granting a temporary off-limits order or a one-year off-limits order, the court shall have discretion to grant additional relief as the court considers proper to achieve the purposes of this chapter. The PADT area defined in any off-limits order must be reasonably related to the area or areas impacted by the unlawful drug activity as described by the applicant in any civil action under section 215 (1), (2), or (3) of this act. The court in its discretion may allow a respondent, who is the subject of any order issued under section 214 of this act as part of a civil or criminal proceeding, to enter an off-limits area or areas for health or employment reasons, subject to conditions prescribed by the court. Upon request, a certified copy of the order shall be provided to the applicant by the clerk of the court.

NEW SECTION. Sec. 219. A temporary off-limits order or a one-year off-limits order may not issue under this chapter except upon the giving of a bond or security by the applicant. The court shall set the bond or security in the amount the court deems proper, but not less than one thousand dollars, for the payment of costs and damages that may be incurred by any party who is found to have been wrongfully restrained or enjoined. A bond or security shall not be required of the state of Washington, municipal corporations, or political subdivisions of the state of Washington.

NEW SECTION. Sec. 220. Nothing in this chapter shall preclude a party from appearing in person or by counsel.

NEW SECTION. Sec. 221. A copy of an off-limits order granted under this chapter shall be forwarded by the court to the local law enforcement agency with jurisdiction over the PADT area specified in the order on or before the next judicial day following issuance of the order. Upon receipt of the order, the law enforcement agency shall promptly enter it into an appropriate law enforcement information system.

NEW SECTION. Sec. 222. Any person who willfully disobeys an off-limits order issued under this chapter shall be subject to criminal penalties as provided in this chapter and may also be found in contempt of court and subject to penalties under chapter 7.20 RCW.

NEW SECTION. Sec. 223. (1) Any person who willfully disobeys an off-limits order issued under this chapter shall be guilty of a gross misdemeanor.

(2) Any person who willfully disobeys an off-limits order in violation of the terms of the order and who also either:

(a) Enters or remains in a PADT area that is within one thousand feet of any school; or

(b) Is convicted of a second or subsequent violation of this chapter, is guilty of a class C felony.

NEW SECTION. Sec. 224. The superior courts shall have jurisdiction of all civil actions and all felony criminal proceedings brought under this chapter. Courts of limited jurisdiction shall have jurisdiction of all misdemeanor and gross misdemeanor criminal actions brought under this chapter.

NEW SECTION. Sec. 225. For the purposes of this chapter, an action may be brought in any county in which any element of the alleged drug trafficking activities occurred.

NEW SECTION. Sec. 226. Upon application, notice to all parties, and a hearing, the court may modify the terms of an off-limits order. When an order is terminated, modified, or amended before its expiration date, the clerk of the court shall forward, on or before the next judicial day, a true copy of the amended order to the law enforcement agency specified in the order. Upon receipt of an order, the law enforcement agency shall promptly enter it into an appropriate law enforcement information system.

NEW SECTION. Sec. 227. Sections 213 through 226 of this act shall constitute a new chapter in Title 10 RCW.

SUBPART E
DRUG SITE CLEANUP

NEW SECTION. Sec. 228. A new section is added to chapter 69.50 RCW to read as follows:

Law enforcement agencies who during the official investigation or enforcement of any illegal drug manufacturing facility come in contact with or are aware of any substances suspected of being hazardous as defined in section 2(5), chapter 2, Laws of 1989 (Initiative Measure No. 97), shall notify the department of ecology for the purpose of securing a contractor to identify, clean-up, store, and dispose of suspected hazardous substances, except for those random and representative samples obtained for evidentiary purposes. The department of ecology shall make every effort to recover costs from the parties responsible for the suspected hazardous substance. All recoveries shall be deposited in the account or fund from which contractor payments are made.

The department of ecology may adopt rules to carry out its responsibilities under this section. The department of ecology shall consult with law enforcement agencies prior to adopting any rule or policy relating to this section.

SUBPART F
KEG REGISTRATION

NEW SECTION. Sec. 229. Only licensees holding a class A or B license in combination with a class E license may sell malt liquor in kegs or other containers capable of holding four gallons or more of liquid. Any person who sells or offers for sale the contents of kegs or other containers containing four gallons or more of malt liquor, or leases kegs or other containers that will hold four gallons of malt liquor, to consumers who are not licensed under chapter 66.24 RCW shall do the following for any transaction involving the container:

- (1) Require the purchaser of the malt liquor to sign a declaration and receipt for the keg or other container or beverage in substantially the form provided in section 231 of this act;
- (2) Require the purchaser to provide one piece of identification pursuant to RCW 66.16.040;
- (3) Require the purchaser to sign a sworn statement, under penalty of perjury, that:
 - (a) The purchaser is of legal age to purchase, possess, or use malt liquor;
 - (b) The purchaser will not allow any person under the age of twenty-one years to consume the beverage except as provided by RCW 66.44.270;
 - (c) The purchaser will not remove, obliterate, or allow to be removed or obliterated, the identification required under section 231 of this act to be affixed to the container;
- (4) Require the purchaser to state the particular address where the malt liquor will be consumed, or the particular address where the keg or other container will be physically located; and
- (5) Require the purchaser to maintain a copy of the declaration and receipt next to or adjacent to the keg or other container, in no event a distance greater than five feet, and visible without a physical barrier from the keg, during the time that the keg or other container is in the purchaser's possession or control.

NEW SECTION. Sec. 230. Any person who purchases the contents of kegs or other containers containing four gallons or more of malt liquor, or purchases or leases the container shall:

- (1) Sign a declaration and receipt for the keg or other container or beverage in substantially the form provided in section 231 of this act;
- (2) Provide one piece of identification pursuant to RCW 66.16.040;
- (3) Be of legal age to purchase, possess, or use malt liquor;
- (4) Not allow any person under the age of twenty-one to consume the beverage except as provided by RCW 66.44.270;
- (5) Not remove, obliterate, or allow to be removed or obliterated, the identification required under rules adopted by the board;
- (6) Not move, keep, or store the keg or its contents, except for transporting to and from the distributor, at any place other than that particular address declared on the receipt and declaration; and
- (7) Maintain a copy of the declaration and receipt next to or adjacent to the keg or other container, in no event a distance greater than five feet, and visible without a physical barrier from the keg, during the time that the keg or other container is in the purchaser's possession or control.

NEW SECTION. Sec. 231. The board shall adopt rules requiring retail licensees to affix appropriate identification on all containers of four gallons or more of malt liquor for the purpose of tracing the purchasers of such containers. The rules may provide for identification to be done on a state-wide basis or on the basis of smaller geographical areas.

The board shall develop and make available forms for the declaration and receipt required by section 229 of this act.

It is unlawful for any person to sell or offer for sale kegs or other containers containing four gallons or more of malt liquor to consumers who are not licensed under chapter 66.24 RCW if the kegs or containers are not identified in compliance with rules adopted by the board.

NEW SECTION. Sec. 232. (1) Except as provided in subsection (2) of this section, the violation of any provisions of sections 229 through 231 of this act is punishable by a fine of not more than five hundred dollars.

(2) Except as provided in RCW 66.44.270, a person who intentionally furnishes a keg or other container containing four or more gallons of malt liquor to a minor is liable, on conviction, for a first offense for a penalty of not more than five hundred dollars, or for imprisonment for not more than two months, or both; for a second offense for a penalty of not more than five hundred dollars or imprisonment for not more than six months, or both; and for a third or subsequent offense for a penalty of not more than five hundred dollars or imprisonment for more than one year, or both.

NEW SECTION. Sec. 233. (1) The state of Washington fully occupies and preempts the entire field of keg registration. Cities, towns, and counties or other municipalities may enact only those laws and ordinances relating to keg registration that are consistent with this chapter. Such local ordinances shall have the same or lesser penalties as provided for by state law. Local laws and ordinances that are inconsistent with, more restrictive than, or exceed the requirements of state law shall not be enacted and are preempted and repealed, regardless of the nature of the code, charter, or home rule status of the city, town, county, or municipality.

(2) A club holding a class H liquor license may sell club liquor to the following persons:

(a) Club members and the immediate family of the club members, as authorized by the club;

(b) Guests;

(c) Visitors;

(d) Persons other than club members who have privileges due to reciprocity between affiliated clubs;

(e) Persons specifically invited to attend a private party sponsored and paid for by a club member; and

(f) Persons attending a private luncheon or banquet sponsored by a club member, whether or not paid for by the club member. At least one-eighth of the persons attending shall be club members and the immediate family of the club members, as authorized by the club, or persons with club privileges due to reciprocity between affiliated clubs or the immediate family of persons with club privileges due to reciprocity between affiliated clubs, as authorized by the club.

NEW SECTION. Sec. 234. Sections 229 through 233 of this act are each added to chapter 66.28 RCW.

SUBPART G

SPECIAL NARCOTICS ENFORCEMENT UNIT

NEW SECTION. Sec. 235. A new section is added to chapter 9A.82 RCW to read as follows:

A special narcotics enforcement unit is established within the Washington state patrol drug control assistance unit. The unit shall be coordinated between the Washington state patrol, the attorney general, and the Washington association of sheriffs and police chiefs. The initial unit shall consist of attorneys, investigators, and the necessary accountants and support staff. It is the responsibility of the unit to: (1) Conduct criminal narcotic profiteering investigations and assist with prosecutions, (2) train local undercover narcotic agents, and (3) coordinate federal, state, and local interjurisdictional narcotic investigations.

SUBPART H

STATE-WIDE DRUG PROSECUTION ASSISTANCE PROGRAM

NEW SECTION. Sec. 236. A new section is added to chapter 36.27 RCW to read as follows:

The legislature recognizes that, due to the magnitude or volume of offenses in a given area of the state, there is a recurring need for supplemental assistance in the prosecuting of drug and drug-related offenses that can be directed to the area of the state with the greatest need for short-term assistance. A state-wide drug prosecution assistance program is created within the department of community development to assist county prosecuting attorneys in the prosecution of drug and drug-related offenses.

NEW SECTION. Sec. 237. A new section is added to chapter 36.27 RCW to read as follows:

There is established a state-wide advisory committee comprised of the attorney general, the chief of the Washington state patrol, both United States attorneys whose offices are located in Washington state, and three county prosecuting attorneys appointed by the Washington association of prosecuting attorneys, who will also act as supervising attorneys. The state-wide advisory committee shall select one of the supervising attorneys to act as project director of the drug prosecution assistance program.

NEW SECTION. Sec. 238. A new section is added to chapter 36.27 RCW to read as follows:

The project director of the drug prosecution assistance program shall employ up to five attorneys to act as special deputy prosecuting attorneys. A county or counties may request the assistance of one or more of the special deputy prosecuting attorneys. The project director after consultation with the advisory committee shall determine the assignment of the special deputy prosecutors. Within funds appropriated for this purpose, the project director may also employ necessary support staff and purchase necessary supplies and equipment.

The advisory committee shall regularly review the assignment of the special deputy prosecuting attorneys to ensure that the program's impact on the drug abuse problem is maximized.

During the time a special deputy prosecuting attorney is assigned to a county, the special deputy is under the direct supervision of the county prosecuting attorney for that county. The advisory committee may reassign a special deputy at any time: PROVIDED, That adequate notice must be given to the county prosecuting attorney if the special deputy is involved in a case scheduled for trial.

SUBPART I NEIGHBORHOOD BLIGHT

NEW SECTION. Sec. 239. Every county, city, and town may acquire by condemnation, in accordance with the notice requirements and other procedures for condemnation provided in Title 8 RCW, any property, dwelling, building, or structure which constitutes a blight on the surrounding neighborhood. A "blight on the surrounding neighborhood" is any property, dwelling, building, or structure that has not been lawfully occupied for a period of one year or more, constitutes a threat to the public health, safety, or welfare as determined by the county health department in the applicable county and which: (1) Does not comply with local fire, building, housing, zoning, or other health and safety codes; (2) contains an accumulation of debris, litter, or other material that is conducive to ill health or endangers life or property as determined by the county health department in the applicable county; or (3) is or has been associated with illegal drug activity or other crimes during the previous twelve months. Prior to such condemnation, the local governing body shall adopt a resolution declaring that the acquisition of the real property described therein is necessary to eliminate neighborhood blight. Condemnation of property, dwellings, buildings, and structures for the purposes described in this chapter is declared to be for a public use.

NEW SECTION. Sec. 240. Counties, cities, and towns may sell, lease, or otherwise transfer real property acquired pursuant to this chapter for residential, recreational, commercial, industrial, or other uses or for public use, subject to such covenants, conditions, and restrictions, including covenants running with the land, as the county, city, or town deems to be necessary or desirable to rehabilitate and preserve the dwelling, building, or structure in a habitable condition. The purchasers or lessees and their successors and assigns shall be obligated to comply with such other requirements as the county, city, or town may determine to be in the public interest, including the obligation to begin, within a reasonable time, any improvements on such property required to make the dwelling, building, or structure habitable. Such real property or interest shall be sold, leased, or otherwise transferred, at not less than its fair market value. In determining the fair market value of real property for uses in accordance with this section, a municipality shall take into account and give consideration to, the restrictions upon and the covenants, conditions, and obligations assumed by the purchaser or lessee.

NEW SECTION. Sec. 241. A county, city, or town may dispose of real property acquired pursuant to this section to private persons only under such reasonable, competitive procedures as it shall prescribe. The county, city, or town may accept such proposals as it deems to be in the public interest and in furtherance of the purposes of this chapter. Thereafter, the county, city, or town may execute and deliver contracts, deeds, leases, and other instruments of transfer.

NEW SECTION. Sec. 242. Every county, city, or town may, in addition to any other authority granted by this chapter: (1) Enter upon any building or property found to constitute a blight on the surrounding neighborhood in order to make surveys and appraisals, and to obtain an order for this purpose from a court of competent jurisdiction in the event entry is denied or resisted; and (2) borrow money, apply for, and accept, advances, loans, grants, contributions, and any other form of financial assistance from the federal government, the state, a county, or other public body, or from any sources, public or private, for the purposes of this chapter, and enter into and carry out contracts in connection herewith.

NEW SECTION. Sec. 243. Sections 239 through 242 of this act shall constitute a new chapter in Title 35 RCW.

SUBPART J SCHOOL OFFICIAL SEARCHES OF STUDENT LOCKERS

NEW SECTION. Sec. 244. A new section is added to chapter 28A.67 RCW to read as follows: The legislature finds that illegal drug activity and weapons in schools threaten the safety and welfare of school children and pose a severe threat to the state educational system. School officials need authority to maintain order and discipline in schools and to protect students from exposure to illegal drugs, weapons, and contraband. Searches of school-issued lockers and the contents of those lockers is a reasonable and necessary tool to protect the interests of the students of the state as a whole.

NEW SECTION. Sec. 245. A new section is added to chapter 28A.67 RCW to read as follows: No right nor expectation of privacy exists for any student as to the use of any locker issued or assigned to a student by a school and the locker shall be subject to search for illegal drugs, weapons, and contraband as provided in sections 244 through 247 of this act.

NEW SECTION. Sec. 246. A new section is added to chapter 28A.67 RCW to read as follows:

(1) A school principal, vice principal, or principal's designee may search a student, the student's possessions, and the student's locker, if the principal, vice principal, or principal's designee has reasonable grounds to suspect that the search will yield evidence of the student's violation of the law or school rules.

(2) Except as provided in subsection (3) of this section, the scope of the search is proper if the search is conducted as follows:

(a) The methods used are reasonably related to the objectives of the search; and

(b) Is not excessively intrusive in light of the age and sex of the student and the nature of the suspected infraction.

(3) A principal or vice principal or anyone acting under their direction may not subject a student to a strip search or body cavity search as those terms are defined in RCW 10.79.070.

NEW SECTION. Sec. 247. A new section is added to chapter 28A.67 RCW to read as follows:

(1) In addition to the provisions in section 246 of this act, the school principal, vice principal, or principal's designee may search all student lockers at any time without prior notice and without a reasonable suspicion that the search will yield evidence of any particular student's violation of the law or school rule.

(2) If the school principal, vice principal, or principal's designee, as a result of the search, develops a reasonable suspicion that a certain container or containers in any student locker contain evidence of a student's violation of the law or school rule, the principal, vice principal, or principal's designee may search the container or containers according to the provisions of section 246(2) of this act.

PART III
SOCIAL PROGRAMS AND EDUCATION
SUBPART A

INVOLUNTARY TREATMENT

Sec. 301. Section 294, page 187, Laws of 1854 as last amended by section 1501, chapter 212, Laws of 1987, section 11, chapter 439, Laws of 1987, and by section 1, chapter ____ (SSB 5034), Laws of 1989 and RCW 5.60.060 are each reenacted and amended to read as follows:

(1) A husband shall not be examined for or against his wife, without the consent of the wife, nor a wife for or against her husband without the consent of the husband; nor can either during marriage or afterward, be without the consent of the other, examined as to any communication made by one to the other during marriage. But this exception shall not apply to a civil action or proceeding by one against the other, nor to a criminal action or proceeding for a crime committed by one against the other, nor to a criminal action or proceeding against a spouse if the marriage occurred subsequent to the filing of formal charges against the defendant, nor to a criminal action or proceeding for a crime committed by said husband or wife against any child of whom said husband or wife is the parent or guardian, nor to a proceeding under chapter 70.96A or 71.05 RCW: PROVIDED, That the spouse of a person sought to be detained under chapter 70.96A or 71.05 RCW may not be compelled to testify and shall be so informed by the court prior to being called as a witness.

(2) An attorney or counselor shall not, without the consent of his or her client, be examined as to any communication made by the client to him or her, or his or her advice given thereon in the course of professional employment.

(3) A member of the clergy or a priest shall not, without the consent of a person making the confession, be examined as to any confession made to him or her in his or her professional character, in the course of discipline enjoined by the church to which he or she belongs.

(4) Subject to the limitations under RCW 70.96A.140 or 71.05.250, a physician or surgeon or osteopathic physician or surgeon shall not, without the consent of his or her patient, be examined in a civil action as to any information acquired in attending such patient, which was necessary to enable him or her to prescribe or act for the patient, except as follows:

(a) In any judicial proceedings regarding a child's injury, neglect, or sexual abuse or the cause thereof; and

(b) Ninety days after filing an action for personal injuries or wrongful death, the claimant shall be deemed to waive the physician-patient privilege. Waiver of the physician-patient privilege for any one physician or condition constitutes a waiver of the privilege as to all physicians or conditions, subject to such limitations as a court may impose pursuant to court rules.

(5) A public officer shall not be examined as a witness as to communications made to him or her in official confidence, when the public interest would suffer by the disclosure.

Sec. 302. Section 2, chapter 447, Laws of 1985 as amended by section 1, chapter 212, Laws of 1986 and RCW 5.62.020 are each amended to read as follows:

No registered nurse providing primary care or practicing under protocols, whether or not the physical presence or direct supervision of a physician is required, may be examined in a civil or criminal action as to any information acquired in attending a patient in the registered nurse's professional capacity, if the information was necessary to enable the registered nurse to act in that capacity for the patient, unless:

(1) The patient consents to disclosure or, in the event of death or disability of the patient, his or her personal representative, heir, beneficiary, or devisee consents to disclosure; or

(2) The information relates to the contemplation or execution of a crime in the future, or relates to the neglect or the sexual or physical abuse of a child, or of a vulnerable adult as defined in RCW 74.34.020, or to a person subject to proceedings under chapter 70.96A, 71.05, or 71.34 RCW.

Sec. 303. Section 11, chapter 305, Laws of 1955 as last amended by section 12, chapter 439, Laws of 1987 and RCW 18.83.110 are each amended to read as follows:

Confidential communications between a client and a psychologist shall be privileged against compulsory disclosure to the same extent and subject to the same conditions as confidential communications between attorney and client, but this exception is subject to the limitations under RCW 70.96A.140 and 71.05.250.

Sec. 304. Section 1, chapter 122, Laws of 1972 ex. sess. and RCW 70.96A.010 are each amended to read as follows:

It is the policy of this state that alcoholics and intoxicated persons may not be subjected to criminal prosecution solely because of their consumption of alcoholic beverages but rather should, within available funds, be afforded a continuum of treatment in order that they may lead normal lives as productive members of society. Within available funds, treatment should also be provided for drug addicts.

Sec. 305. Section 2, chapter 122, Laws of 1972 ex. sess. and RCW 70.96A.020 are each amended to read as follows:

For the purposes of this chapter the following words and phrases shall have the following meanings unless the context clearly requires otherwise:

(1) "Alcoholic" means a person who (~~habitually lacks self-control as to the use of alcoholic beverages, or uses alcoholic beverages to the extent that his health is substantially impaired or endangered or his social or economic function is substantially disrupted~~) suffers from the disease of alcoholism, characterized by a physiological dependency on alcoholic beverages, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological and/or psychological withdrawal if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning;

(2) "Drug addict" means a person who uses drugs other than alcohol in a chronic, compulsive, or uncontrollable manner, to the extent that it is seriously interfering with the individual's health, economic, or social functioning. Drug addiction is characterized by a compulsive desire for one or more drugs, loss of control when exposed to one or more drugs, and continued use in spite of adverse consequences;

(3) "Approved treatment facility" means a treatment agency operating under the direction and control of the department of social and health services or providing treatment under this chapter through a contract with the department under RCW 70.96A.080(6) and meeting the standards prescribed in RCW 70.96A.090(1) and approved under RCW 70.96A.090(3) or meeting the standards prescribed in and approved under RCW 69.54.030;

~~((3))~~ (4) "Secretary" means the secretary of the department of social and health services;

~~((4))~~ (5) "Department" means the department of social and health services;

~~((5))~~ "Director" means the director of the division of alcoholism;

(6) "Emergency service patrol" means a patrol established under RCW 70.96A.170;

(7) "Incapacitated by alcohol or other drugs" means that a person, as a result of the use of alcohol or other drugs, has his or her judgment so impaired that he or she is incapable of realizing and making a rational decision with respect to ~~(his) the~~ need for treatment or care and constitutes a danger to himself or herself, to any other person, or to property;

(8) "Gravely disabled by alcohol or other drugs" means that a person, as a result of the use of alcohol or other drugs: (a) is in danger of serious physical harm resulting from a failure to provide for his or her essential human needs of health or safety; or (b) manifests severe deterioration in routine functioning evidenced by a repeated and escalating loss of cognition or volitional control over his or her actions and is not receiving care as essential for his or her health or safety;

(9) "Incompetent person" means a person who has been adjudged incompetent by the superior court;

~~((9))~~ (10) "Intoxicated person" means a person whose mental or physical functioning is substantially impaired as a result of the use of alcohol or other drugs;

~~((10))~~ (11) "Treatment" means the broad range of emergency, outpatient, intermediate, and inpatient and emergency services and care, including diagnostic evaluation, medical, psychiatric, psychological, and social service care, vocational rehabilitation and career counseling, which may be extended to alcoholics, drug addicts, persons incapacitated by alcohol or other drugs, and intoxicated persons;

(12) "Peace officer" means a law enforcement official of a public agency or governmental unit, and includes persons specifically given peace officer powers by any state law, local ordinance, or judicial order of appointment;

(13) "Licensed physician" means a person licensed to practice medicine or osteopathy in the state of Washington.

Sec. 306. Section 12, chapter 122, Laws of 1972 ex. sess. as last amended by section 13, chapter 439, Laws of 1987 and RCW 70.96A.120 are each amended to read as follows:

(1) An intoxicated person may come voluntarily to an approved treatment facility for treatment. A person who appears to be intoxicated in a public place and to be in need of help, if he or she consents to the proffered help, may be assisted to his or her home, an approved treatment facility or other health facility.

(2) Except for a person who may be apprehended for possible violation of laws not relating to alcoholism, drug addiction, or intoxication and except for a person who may be apprehended for possible violation of laws relating to driving or being in physical control of a vehicle while intoxicated and except for a person who may wish to avail himself or herself of the provisions of RCW 46.20.308, a person who appears to be incapacitated or gravely disabled by alcohol or other drugs and who is in a public place or who has threatened, attempted, or inflicted physical harm on himself, herself, or another, shall be taken into protective custody by ~~((the police or the emergency service patrol))~~ a peace officer or staff designated by the county and as soon as practicable, but in no event beyond eight hours brought to an approved treatment facility for treatment. If no approved treatment facility is readily available he or she shall be taken to an emergency medical service customarily used for incapacitated persons. The ~~((police or the emergency service patrol))~~ peace officer or staff designated by the county, in detaining the person and in taking him or her to an approved treatment facility, is taking him or her into protective custody and shall make every reasonable effort to protect his or her health and safety. In taking the person into protective custody, the detaining peace officer or ((member of an emergency patrol)) staff designated by the county may take reasonable steps including reasonable force if necessary to protect himself or herself or effect the custody. A taking into protective custody under this section is not an arrest. No entry or other record shall be made to indicate that the person has been arrested or charged with a crime.

(3) A person who comes voluntarily or is brought to an approved treatment facility shall be examined by a qualified person. He or she may then be admitted as a patient or referred to another health facility, which provides emergency medical treatment, where it appears that such treatment may be necessary. The referring approved treatment facility shall arrange for his or her transportation.

(4) A person who is found to be incapacitated or gravely disabled by alcohol or other drugs at the time of his or her admission or to have become incapacitated or gravely disabled at any time after his or her admission, may not be detained at the facility for more than seventy-two hours after admission as a patient, unless a petition is filed under RCW 70.96A.140, as now or hereafter amended: PROVIDED, That the treatment personnel at ~~((the))~~ an approved treatment facility are authorized to use such reasonable physical restraint as may be necessary to retain an incapacitated or gravely disabled person ((incapacitated by alcohol at such facility)) for up to seventy-two hours from the time of admission. The seventy-two hour periods specified in this section shall be computed by excluding Saturdays, Sundays, and holidays. A person may consent to remain in the facility as long as the physician in charge believes appropriate.

(5) A person who is not admitted to an approved treatment facility, is not referred to another health facility, and has no funds, may be taken to his or her home, if any. If he or she has no home, the approved treatment facility shall ~~((assist))~~ provide him or her ~~((in obtaining shelter))~~ with information and assistance to access available community shelter resources.

(6) If a patient is admitted to an approved treatment facility, his or her family or next of kin shall be notified as promptly as possible by the treatment facility. If an adult patient who is not incapacitated requests that there be no notification, his or her request shall be respected.

(7) The ~~((police, members of the emergency service))~~ peace officer, staff designated by the county, or treatment facility personnel, who ~~((in good faith))~~ act in compliance with this chapter and are performing in the course of their official duty ~~((and))~~ are not criminally or civilly liable therefor.

(8) If the person in charge of the approved treatment facility determines ~~((it is for the patient's benefit))~~ that appropriate treatment is available, the patient shall be encouraged to agree to further diagnosis and appropriate voluntary treatment.

Sec. 307. Section 14, chapter 122, Laws of 1972 ex. sess. as last amended by section 14, chapter 439, Laws of 1987 and RCW 70.96A.140 are each amended to read as follows:

(1) When the person in charge of a treatment facility, or his or her designee, receives information alleging that a person is incapacitated as a result of alcoholism, the person in charge, or his or her designee, after investigation and evaluation of the specific facts alleged and of the reliability and credibility of the information, may file a petition for commitment of such person with the superior court or district court. If the person in charge, or his or her designee, finds that the initial needs of such person would be better served by placement within the mental health system, the person shall be referred to an evaluation and treatment facility as defined in RCW 71.05.020. If placement in an alcohol treatment facility is available and deemed appropriate, the petition shall allege that: The person is an alcoholic who is incapacitated by alcohol, or that the person has twice before in the preceding twelve months been admitted for ~~((the voluntary))~~ detoxification or treatment for alcoholism pursuant to RCW 70.96A.110 and is in need of a more sustained treatment program, or that the person is an

alcoholic who has threatened, attempted, or inflicted physical harm on another and is likely to inflict physical harm on another unless committed. A refusal to undergo treatment, by itself, does not constitute evidence of lack of judgment as to the need for treatment. The petition shall be accompanied by a certificate of a licensed physician who has examined the person within ~~((two))~~ five days before submission of the petition, unless the person whose commitment is sought has refused to submit to a medical examination, in which case the fact of refusal shall be alleged in the petition. The certificate shall set forth the licensed physician's findings in support of the allegations of the petition. A physician employed by the petitioning facility or the department is ~~((not))~~ eligible to be the certifying physician.

(2) Upon filing the petition, the court shall fix a date for a hearing no less than ~~((three))~~ two and no more than seven days after the date the petition was filed unless the person petitioned against is presently being detained ~~((by the))~~ in a facility, pursuant to RCW 70.96A.120 or 71.05.210, as now or hereafter amended, in which case the hearing shall be held within seventy-two hours of the filing of the petition: PROVIDED, HOWEVER, That the above specified seventy-two hours shall be computed by excluding Saturdays, Sundays, and holidays: PROVIDED FURTHER, That, the court may, upon motion of the person whose commitment is sought, or upon motion of petitioner with written permission of the person whose commitment is sought, or his or her counsel and, upon good cause shown, extend the date for the hearing. A copy of the petition and of the notice of the hearing, including the date fixed by the court, shall be served by the treatment facility on the person whose commitment is sought, his or her next of kin, a parent or his or her legal guardian if he or she is a minor, and any other person the court believes advisable. A copy of the petition and certificate shall be delivered to each person notified.

(3) At the hearing the court shall hear all relevant testimony, including, if possible, the testimony, which may be telephonic, of at least one licensed physician who has examined the person whose commitment is sought. Communications otherwise deemed privileged under the laws of this state are deemed to be waived in proceedings under this chapter when a court of competent jurisdiction in its discretion determines that the waiver is necessary to protect either the detained person or the public. The waiver of a privilege under this section is limited to records or testimony relevant to evaluation of the detained person for purposes of a proceeding under this chapter. Upon motion by the detained person, or on its own motion, the court shall examine a record or testimony sought by a petitioner to determine whether it is within the scope of the waiver.

The record maker shall not be required to testify in order to introduce medical, nursing, or psychological records of detained persons so long as the requirements of RCW 5.45.020 are met, except that portions of the record that contain opinions as to whether the detained person is an alcoholic must be deleted from the records unless the person offering the opinions is available for cross-examination. The person shall be present unless the court believes that his or her presence is likely to be injurious to him or her; in this event the court may deem it appropriate to appoint a guardian ad litem to represent him or her throughout the proceeding. If deemed advisable, the court may examine the person out of courtroom. If the person has refused to be examined by a licensed physician, he or she shall be given an opportunity to be examined by a court appointed licensed physician. If he or she refuses and there is sufficient evidence to believe that the allegations of the petition are true, or if the court believes that more medical evidence is necessary, the court may make a temporary order committing him or her to the department for a period of not more than five days for purposes of a diagnostic examination.

(4) If after hearing all relevant evidence, including the results of any diagnostic examination, the court finds that grounds for involuntary commitment have been established by clear, cogent, and convincing proof, it shall make an order of commitment to an approved treatment facility. It shall not order commitment of a person unless it determines that an approved treatment facility is available and able to provide adequate and appropriate treatment for him or her ~~((and the treatment is likely to be beneficial))~~.

(5) A person committed under this section shall remain in the facility for treatment for a period of ~~((thirty))~~ sixty days unless sooner discharged. At the end of the ~~((thirty))~~ sixty-day period, he or she shall be discharged automatically unless the facility, before expiration of the period, files a petition for his or her recommitment upon the grounds set forth in subsection (1) of this section for a further period of ninety days unless sooner discharged. If a person has been committed because he or she is an alcoholic likely to inflict physical harm on another, the facility shall apply for recommitment if after examination it is determined that the likelihood still exists.

(6) ~~((A person recommitted under subsection (5) of this section who has not been discharged by the facility before the end of the ninety day period shall be discharged at the expiration of that period unless the facility, before expiration of the period, obtains a court order on the grounds set forth in subsection (1) of this section for recommitment for a further period not to exceed ninety days. If a person has been committed because he or she is an alcoholic likely to inflict physical harm on another, the facility shall apply for recommitment if after examination it is determined that the likelihood still exists. Only two recommitment orders under subsections (5) and (6) of this section are permitted.~~

(7)) Upon the filing of a petition for recommitment under subsection((s)) (5) ((or (6))) of this section, the court shall fix a date for hearing no less than ((three)) two and no more than seven days after the date the petition was filed; PROVIDED, That, the court may, upon motion of the person whose commitment is sought and upon good cause shown, extend the date for the hearing. A copy of the petition and of the notice of hearing, including the date fixed by the court, shall be served by the treatment facility on the person whose commitment is sought, his or her next of kin, the original petitioner under subsection (1) of this section if different from the petitioner for recommitment, one of his or her parents or his or her legal guardian if he or she is a minor, and his or her attorney and any other person the court believes advisable. At the hearing the court shall proceed as provided in subsection (3) of this section.

((8)) (7) The approved treatment facility shall provide for adequate and appropriate treatment of a person committed to its custody. A person committed under this section may be transferred from one approved public treatment facility to another if transfer is medically advisable.

((9)) (8) A person committed to the custody of a facility for treatment shall be discharged at any time before the end of the period for which he or she has been committed and he or she shall be discharged by order of the court if either of the following conditions are met:

(a) In case of an alcoholic committed on the grounds of likelihood of infliction of physical harm upon himself, herself, or another, ((that he or she is no longer an alcoholic or)) the likelihood no longer exists; or further treatment will not be likely to bring about significant improvement in the person's condition, or treatment is no longer adequate or appropriate.

(b) In case of an alcoholic committed on the grounds of the need of treatment and incapacity, that the incapacity no longer exists.

((10)) (9) The court shall inform the person whose commitment or recommitment is sought of his or her right to contest the application, be represented by counsel at every stage of any proceedings relating to his or her commitment and recommitment, and have counsel appointed by the court or provided by the court, if he or she wants the assistance of counsel and is unable to obtain counsel. If the court believes that the person needs the assistance of counsel, the court shall require, by appointment if necessary, counsel for him or her regardless of his or her wishes. The person shall, if he or she is financially able, bear the costs of such legal service; otherwise such legal service shall be at public expense. The person whose commitment or recommitment is sought shall be informed of his or her right to be examined by a licensed physician of his or her choice. If the person is unable to obtain a licensed physician and requests examination by a physician, the court shall employ a licensed physician.

((11)) (10) A person committed under this chapter may at any time seek to be discharged from commitment by writ of habeas corpus in a court of competent jurisdiction.

((12)) (11) The venue for proceedings under this section is the county in which person to be committed resides or is present.

(12) When in the opinion of the professional person in charge of the facility providing involuntary treatment under this chapter, the committed patient can be appropriately served by less restrictive treatment before expiration of the period of commitment, then the less restrictive care may be required as a condition for early release for a period which, when added to the initial treatment period, does not exceed the period of commitment. If the facility designated to provide the less restrictive treatment is other than the facility providing the initial involuntary treatment, the facility so designated must agree in writing to assume such responsibility. A copy of the conditions for early release shall be given to the patient, the designated county alcoholism specialist, and the court of original commitment. The facility designated to provide less restrictive care may modify the conditions for continued release when the modifications are in the best interests of the patient. If the facility providing less restrictive care and the designated county alcoholism specialist determine that a conditionally released patient is failing to adhere to the terms and conditions of his or her release, or that substantial deterioration in the patient's functioning has occurred, then the designated county alcoholism specialist shall notify the court of original commitment and request a hearing to be held no less than two and no more than seven days after the date of the request to determine whether or not the person should be returned to more restrictive care. The designated alcoholism specialist shall file a petition with the court stating the facts substantiating the need for the hearing along with the treatment recommendations. The patient shall have the same rights with respect to notice, hearing, and counsel as for the original involuntary treatment proceedings. The issues to be determined at the hearing are whether the conditionally released patient did or did not adhere to the terms and conditions of his or her release to less restrictive care or that substantial deterioration of the patient's functioning has occurred and whether the conditions of release should be modified or the person should be returned to a more restrictive facility. The hearing may be waived by the patient and his or her counsel and his or her guardian or conservator, if any, but may not be waived unless all such persons agree to the waiver. Upon waiver, the person may be returned for involuntary treatment or continued on conditional release on the same or modified conditions.

Sec. 308. Section 15, chapter 85, Laws of 1959 and RCW 70.96.150 are each amended to read as follows:

The department shall not refuse admission for diagnosis, evaluation, guidance or treatment to any applicant because it is determined that the applicant is financially unable to contribute fully or in part to the cost of any services or facilities available under the program on alcoholism.

The department may limit admissions of such applicants or modify its programs in order to ensure that expenditures for services or programs do not exceed amounts appropriated by the legislature and are allocated by the department for such services or programs. The department may establish admission priorities in the event that the number of eligible applicants exceeds the limits set by the department.

NEW SECTION, Sec. 309. A new section is added to chapter 70.96A RCW to read as follows:

The department is authorized to allocate appropriated funds in the manner that it determines best meets the purposes of this chapter. Nothing in this chapter shall be construed to entitle any individual to services authorized in this chapter, or to require the department or its contractors to reallocate funds in order to ensure that services are available to any eligible person upon demand.

SUBPART B

DRUG AND ALCOHOL ABUSE PREVENTION AND EARLY INTERVENTION IN SCHOOLS

NEW SECTION, Sec. 310. (1) The legislature finds that the provision of drug and alcohol counseling and related prevention and intervention services in schools will enhance the classroom environment for students and teachers, and better enable students to realize their academic and personal potentials.

(2) The legislature finds that it is essential that resources be made available to school districts to provide early drug and alcohol prevention and intervention services to students and their families; to assist in referrals to treatment providers; and to strengthen the transition back to school for students who have had problems of drug and alcohol abuse.

(3) New and existing substance abuse awareness programs funded pursuant to RCW 28A.120.030 through 28A.120.050 do not fall within the definition of basic education for purposes of Article IX of the state Constitution and the state's funding duty thereunder.

(4) The legislature intends to provide grants for drug and alcohol abuse prevention and intervention in schools, targeted to those schools with the highest concentrations of students at risk.

NEW SECTION, Sec. 311. (1) Grants provided under section 312 of this act may be used solely for services provided by a substance abuse intervention specialist or for dedicated staff time for counseling and intervention services provided by any school district certificated employee who has been trained by and has access to consultation with a substance abuse intervention specialist. Services shall be directed at assisting students in kindergarten through twelfth grade in overcoming problems of drug and alcohol abuse, and in preventing abuse and addiction to such substances, including nicotine. The grants shall require local matching funds so that the grant amounts support a maximum of eighty percent of the costs of the services funded. The services of a substance abuse intervention specialist may be obtained by means of a contract with a state or community services agency or a drug treatment center. Services provided by a substance abuse intervention specialist may include:

- (a) Individual and family counseling, including preventive counseling;
- (b) Assessment and referral for treatment;
- (c) Referral to peer support groups;
- (d) Aftercare;
- (e) Development and supervision of student mentor programs;
- (f) Staff training, including training in the identification of high-risk children and effective interaction with those children in the classroom; and
- (g) Development and coordination of school drug and alcohol core teams, involving staff, students, parents, and community members.

(2) For the purposes of this section, "substance abuse intervention specialist" means any one of the following, except that diagnosis and assessment, counseling and aftercare specifically identified with treatment of chemical dependency shall be performed only by personnel who meet the same qualifications as are required of a qualified chemical dependency counselor employed by an alcoholism or drug treatment program approved by the department of social and health services.

(a) An educational staff associate employed by a school district or educational service district who holds certification as a school counselor, school psychologist, school nurse, or school social worker under state board of education rules adopted pursuant to RCW 28A.04.120;

(b) An individual who meets the definition of a qualified drug or alcohol counselor established by the bureau of alcohol and substance abuse;

(c) A counselor, social worker, or other qualified professional employed by the department of social and health services;

(d) A psychologist licensed under chapter 18.83 RCW; or

(e) A children's mental health specialist as defined in RCW 71.34.020.

NEW SECTION. Sec. 312. (1) The superintendent of public instruction shall select school districts and cooperatives of school districts to receive grants for drug and alcohol abuse prevention and intervention programs for students in kindergarten through twelfth grade, from funds appropriated by the legislature for this purpose. The minimum annual grant amount per district or cooperative of districts shall be twenty thousand dollars. Factors to be used in selecting proposals for funding and in determining grant awards shall be developed in consultation with the substance abuse advisory committee appointed under RCW 28A.120.038, with the intent of targeting funding to districts with high-risk populations. These factors may include:

(a) Characteristics of the school attendance areas to be served, such as the number of students from low-income families, truancy rates, juvenile justice referrals, and social services caseloads;

(b) The total number of students who would have access to services; and

(c) Participation of community groups and law enforcement agencies in drug and alcohol abuse prevention and intervention activities.

(2) The application procedures for grants under this section shall be consistent with the application procedures for other grants for substance abuse awareness programs under RCW 28A.120.032, including provisions for comprehensive planning, establishment of a school and community substance abuse advisory committee, and documentation of the district's needs assessment. Planning and application for grants under this section may be integrated with the development of other substance abuse awareness programs by school districts, and other grants under RCW 28A.120.030 through 28A.120.036 shall not require a separate application. School districts shall, to the maximum extent feasible, coordinate the use of grants provided under this section with other funding available for substance abuse awareness programs. School districts should allocate resources giving emphasis to drug and alcohol abuse intervention services for students in grades five through nine. Grants may be used to provide services for students who are enrolled in approved private schools.

(3) School districts receiving grants under this section shall be required to establish a means of accessing formal assessment services for determining treatment needs of students with drug and alcohol problems. The grant applications submitted by districts shall identify the districts' plan for meeting this requirement.

(4) School districts receiving grants under this section shall be required to perform biennial evaluations of their drug and alcohol abuse prevention and intervention programs, and to report on the results of these evaluations to the superintendent of public instruction.

(5) The superintendent of public instruction may adopt rules to implement sections 311 through 313 of this act.

NEW SECTION. Sec. 313. (1) School districts are encouraged to promote parent and community involvement in drug and alcohol abuse prevention and intervention programs, through parent visits under RCW 28A.58.053 and through any school involvement program established by the district under RCW 28A.58.640 through 28A.58.648.

(2) Districts are further encouraged to review drug and alcohol prevention and intervention programs as part of the self-study procedures required under RCW 28A.58.085 and as part of any annual goal-setting process the district may have established under RCW 28A.58.094.

NEW SECTION. Sec. 314. Sections 311 through 313 of this act are each added to chapter 28A.120 RCW.

SUBPART C COMMUNITY MOBILIZATION

NEW SECTION. Sec. 315. The legislature recognizes that state-wide efforts aimed at reducing the incidence of substance abuse must be increased. The legislature further recognizes that the most effective strategy for reducing the impact of alcohol and other drug abuse is through the collaborative efforts of educators, law enforcement, local government officials, local treatment providers, and concerned community and citizens' groups.

The legislature intends to support the development and activities of community mobilization strategies against substance abuse through the following efforts:

(1) Provide funding support for prevention, treatment, and enforcement activities identified by communities that have brought together education, treatment, local government, law enforcement, and other key elements of the community;

(2) Provide technical assistance and support to help communities develop and carry out effective activities; and

(3) Provide communities with opportunities to share suggestions for state program operations and budget priorities.

NEW SECTION. Sec. 316. There is established in the office of the governor a grant program to provide incentive for and support for communities to develop targeted and coordinated strategies to reduce the incidence and impact of substance abuse.

Activities which may be funded through this grant program include those which:

(1) Prevent substance abuse through educational and self-esteem efforts, development of positive alternatives, intervention with high-risk groups, and other prevention strategies;

(2) Support effective treatment by increasing access to and availability of treatment opportunities, particularly for underserved or highly impacted populations, developing after-care and support mechanisms, and other strategies to increase the availability and effectiveness of treatment;

(3) Provide meaningful consequences for participation in illegal activity and promote safe and healthy communities through support of law enforcement strategies;

(4) Create or build on efforts by existing community programs, coordinate their efforts, and develop cooperative efforts or other initiatives to make most effective use of resources to carry out the community's strategy against substance abuse; and

(5) Other activities which demonstrate both feasibility and a rationale for how the activity will achieve measurable results in the strategy against substance abuse.

NEW SECTION. Sec. 317. Applications for funding under this chapter must:

(1) Demonstrate that the community has developed and is committed to carrying out a coordinated strategy of prevention, treatment, and law enforcement activities; and

(2) Contain evidence of active participation of the community and specific commitments to implementing the community-wide agenda by leadership from at least education, law enforcement, local government, tribal government, and treatment entities in the community, and the opportunity for meaningful involvement from others such as neighborhood and citizen groups, businesses, human service, health and job training organizations, and other key elements of the community, particularly those whose responsibilities in law enforcement, treatment, prevention, or other community efforts provide direct, ongoing contact with substance abusers.

NEW SECTION. Sec. 318. This grant program will be available to communities of any geographic size but will encourage and reward communities which develop coordinated or complimentary strategies within geographic areas such as county areas or groups of county areas which correspond to units of government with significant responsibilities in the area of substance abuse, existing coalitions, or other entities important to the success of a community's strategy against substance abuse.

NEW SECTION. Sec. 319. At a minimum, grant applications must include the following:

(1) Definition of geographic area;

(2) A description of the extent and impact of substance abuse in the community, including an explanation of those who are most severely impacted and those most at risk of substance abuse;

(3) An explanation of the community-wide strategy for prevention, treatment, and law enforcement activities related to substance abuse with particular attention to those who are most severely impacted and those most at risk of substance abuse;

(4) Explanation of who was involved in development of the strategy and what specific commitments have been made to carrying it out;

(5) Identification of existing prevention, treatment, and law enforcement resources committed by the community, including financial and other support, and an explanation of how the community's strategy involves and builds on the efforts of existing organizations or coalitions that have been carrying out community efforts against substance abuse;

(6) Identification of activities that address specific objectives in the strategy for which additional resources are needed;

(7) Identification of additional local resources, including public or private funds, donated goods or services, and other measurable commitments, that have been committed to the activities identified in subsection (6) of this section;

(8) Identification of activities which address specific objectives in the strategy for which funding is requested. Activities should be presented in priority order;

(9) Each activity for which funding is requested must be explained in sufficient detail to demonstrate:

(a) Feasibility through deliberative design, specific objectives, and realistic plan for implementation;

(b) A rationale for how this activity will achieve measurable results and how it will be evaluated;

(c) That funds requested are necessary and appropriate to effectively carry out the activity; and

(10) Identification of a fiscal agent meeting state requirements for each activity proposed for funding.

NEW SECTION. Sec. 320. The governor shall make awards, subject to funds appropriated by the legislature, under the following terms:

(1) In order to be eligible for consideration, applications must demonstrate, at a minimum:

(a) That proposals submitted for funding are based on and address specific objectives contained in a coordinated strategy of prevention, treatment, and law enforcement against substance abuse;

(b) Evidence of active participation in preparation of the proposal and specific commitments to implementing the community-wide agenda by leadership from at least education,

law enforcement, local government, tribal government, and treatment entities in the community, and the opportunity for meaningful involvement from others such as neighborhood and citizen groups, businesses, human service, health and job training organizations, and other key elements of the community, particularly those whose responsibilities in law enforcement, treatment, prevention, or other community efforts provide direct, ongoing contact with substance abusers, or those at risk for substance abuse;

(c) That they have met the requirements listed in section 319 of this act;

(d) Evidence of additional local resources committed to its strategy totaling at least twenty-five percent of funds awarded under this section. These resources may consist of public or private funds, donated goods or services, and other measurable commitments, including in-kind contributions such as volunteer services, materials, supplies, physical facilities or a combination thereof; and

(e) That the funds applied for, if received, will not be used to replace funding for existing activities.

(2) In order to encourage and reward communities which develop coordinated or complementary strategies within geographic areas which correspond to units of government with significant responsibilities in the area of substance abuse, up to fifty percent of funds appropriated for the purposes of this chapter may be awarded on a per capita basis to eligible applications reflecting coordinated strategy from a county area or group of county areas. The governor may establish minimum allotments per eligible county areas up to fifteen thousand dollars; and

(3) No less than fifty percent of funds appropriated under this chapter shall be awarded on a competitive basis for activities by communities not participating in a county-wide strategy and activities identified by county-wide strategies but not funded through per capita grants. Eligible applications will be assessed and compared by a peer review committee whose members have experience in prevention, treatment, law enforcement, and other community efforts against substance abuse using the following criteria:

(a) The extent and impact of substance abuse;

(b) The extent to which key elements of the community are involved in and committed to the coordinated strategy;

(c) The extent of commitments of local resources to the coordinated strategy;

(d) The extent to which any activities in a community's strategy offer an innovative approach to a chronic, wide-spread problem.

The peer review committee will advise the governor on the extent to which each eligible applicant has met these criteria. The governor will distribute available funds based on this information.

(4) The governor shall distribute fifty percent of the initial appropriation for the purposes of this chapter no later than October 1, 1989, and the remainder no later than July 1, 1990.

(5) Activities funded under this section may be considered for funding in future years, but will be considered under the same terms and criteria of new activities. Funding under this section shall not constitute an obligation by the state of Washington to provide ongoing funding.

NEW SECTION. Sec. 321. The governor shall ask communities for suggestions on state practices, policies, and priorities that would help communities implement their strategies against substance abuse. The governor or appropriate agency officials shall review and respond to those suggestions making necessary changes where feasible, making recommendations to the legislature where appropriate, and providing an explanation as to why suggested changes cannot be accomplished, if the suggestions cannot be acted upon.

NEW SECTION. Sec. 322. The governor may receive such gifts, grants, and endowments from public or private sources as may be made from time to time, in trust or otherwise, for the use and benefit of the purposes of sections 315 through 322 of this act and expend the same or any income therefrom according to the terms of the gifts, grants, or endowments.

NEW SECTION. Sec. 323. Sections 315 through 322 of this act shall constitute a new chapter in Title 43 RCW.

NEW SECTION. Sec. 324. The governor shall report to the legislature by January 1, 1991, regarding the operations of the grant program authorized in section 316 of this act. At a minimum, the report shall include the following:

(1) Number of grants awarded and the amount of each grant;

(2) Recipients of grants, including the communities in which they are based;

(3) Purposes for which the grants were awarded;

(4) Success of the projects in achieving their stated goals and objectives;

(5) An assessment of the effect that the activities of this act had on encouraging and supporting coordinated community action against substance abuse;

(6) Recommendations for further funding by the state; and

(7) Recommendations regarding future operations of the program, including criteria for awarding grants.

PART IV
APPROPRIATIONS

NEW SECTION. Sec. 401. DRUG ENFORCEMENT AND EDUCATION ACCOUNT. The drug enforcement and education account is created in the state treasury. All designated receipts from RCW 66.24.210(4), 66.24.290(3), 69.50.505(f)(2)(i)(C), 82.08.150(5), 82.24.020(2), and section 506 of this act shall be deposited into the account. Expenditures from the account may be used only for funding services and programs under this act.

NEW SECTION. Sec. 402. CRIMES AND PENALTIES. The sum of twenty-one million three hundred five thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the drug enforcement and education account to the department of corrections. Of this amount, eight million eight hundred thousand dollars is for operational costs associated with the additional prison population due to the new crimes and increased penalties established by sections 101 through 112 of this act. The remaining twelve million five hundred five thousand dollars is for the purpose of renovating or constructing additional facilities needed as a result of the new crimes and penalties.

NEW SECTION. Sec. 403. JUVENILE OFFENDERS STRUCTURED RESIDENTIAL PROGRAM. The sum of one million eight hundred thirty-five thousand dollars, or as much thereof as may be necessary, is appropriated from the drug enforcement and education account to the department of social and health services for the biennium ending June 30, 1991, for the juvenile offenders structured residential program.

NEW SECTION. Sec. 404. MONITORING INMATE TELEPHONE CALLS. The sum of one hundred seventy-five thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the drug enforcement and education account to the department of corrections for the purpose of monitoring inmate telephone calls within state correctional facilities.

NEW SECTION. Sec. 405. SPECIAL NARCOTICS ENFORCEMENT UNIT. The sum of nine hundred forty thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the drug enforcement and education account to the Washington state patrol to be used solely for purposes of establishing the special narcotics enforcement unit within the state patrol drug control assistance unit.

NEW SECTION. Sec. 406. STATE-WIDE DRUG PROSECUTION ASSISTANCE UNIT. The sum of five hundred sixty thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the drug enforcement and education account to the department of community development for the state-wide drug prosecution assistance unit. None of this sum may be used by the department of community development for administrative expenses.

NEW SECTION. Sec. 407. INVOLUNTARY TREATMENT. The sum of four million nine hundred thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the drug enforcement and education account to the department of social and health services for the purposes of sections 301 through 309 of this act.

NEW SECTION. Sec. 408. PREVENTION AND EARLY INTERVENTION IN SCHOOLS. The sum of ten million dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the drug enforcement and education account to the superintendent of public instruction to support school district substance abuse awareness programs provided under sections 310 through 313 of this act.

It is the intent of the legislature that one-time grants provided to school districts from appropriations under this section do not meet the criteria for levy reduction funds under RCW 84.52.0531 and shall not be deemed to be levy reduction funds.

NEW SECTION. Sec. 409. ALCOHOL AND DRUG-ABUSING PREGNANT WOMEN. The sum of five million five hundred thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the drug enforcement and education account to the department of social and health services for maternity care support services for alcohol and drug-abusing pregnant women. Support services shall include substance abuse treatment programs specifically designed to serve pregnant women and postpartum women and their infants and children. A continuum of treatment shall be provided, to include one or more of the following components:

- (1) Inpatient treatment programs capable of serving pregnant women and postpartum women and infants;
- (2) An ambulatory treatment facility serving women and their infants who test positive for the human immunodeficiency virus (HIV) or the acquired immunodeficiency syndrome (AIDS);
- (3) Transition housing or safe living space for pregnant and postpartum women and infants;
- (4) Outpatient or follow-up treatment which includes a provision for child care.

The department shall maximize federal participation for support services provided under this section to eligible persons under the medical assistance program, Title XIX of the federal social security act.

NEW SECTION. Sec. 410. COMMUNITY MOBILIZATION. The sum of three million six hundred forty thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the drug enforcement and education account to the department of community development for the purposes of funding community mobilization strategies. Of this amount, forty thousand dollars is to provide technical assistance to communities in meeting the conditions of grant applications.

NEW SECTION. Sec. 411. SECURITY IN SCHOOLS. The sum of three million dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the drug enforcement and education account to the superintendent of public instruction for matching grants to enhance security in secondary schools. School districts which apply for such grants shall ensure that no more than seventy-five percent of the district's total expenditures for school security in any school year are supported by the grant amounts. The grants shall be expended solely for the costs of employing or contracting for building security monitors in secondary schools during school hours and school events. Of the amount appropriated in this section, a minimum of two million seven hundred fifty thousand dollars is provided for grants to districts that, during the 1988-89 school year, employed or contracted for security monitors in schools during school hours.

It is the intent of the legislature that grants provided to school districts from appropriations under this section do not meet the criteria for levy reduction funds under RCW 84.52.0531 and shall not be deemed to be levy reduction funds.

NEW SECTION. Sec. 412. CRIME LAB ENHANCEMENT. The sum of eight hundred thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the drug enforcement and education account to the Washington state patrol to be used solely for purposes of enhancing and expediting identification and analysis in drug cases.

NEW SECTION. Sec. 413. JUVENILE REHABILITATION--SUBSTANCE ABUSE. The sum of six hundred twenty-five thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the drug enforcement and education account to the department of social and health services to be used solely for the purposes of enhancing detection and treatment of the use of illegal drugs in the juvenile rehabilitation institutions.

NEW SECTION. Sec. 414. YOUTH ASSESSMENT AND TREATMENT. The sum of twelve million two hundred thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the drug enforcement and education account to the department of social and health services to provide inpatient youth assessment and treatment programs to serve youth and their families. At least forty percent of new inpatient treatment slots provided under this section shall be located east of the Cascade mountains. Up to fifteen of the treatment slots created under this section shall be staff-secure. Inpatient treatment programs shall incorporate appropriate outpatient and aftercare programs. In addition, within appropriated funds, the department shall develop intensive outpatient treatment services for children and youth for whom inpatient treatment is inappropriate or unavailable.

NEW SECTION. Sec. 415. ADULT CORRECTIONS--SUBSTANCE ABUSE PROGRAM. The sum of five hundred sixty-five thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the drug enforcement and education account to the department of corrections to develop and implement a model to deliver a continuum of care to substance-dependent offenders.

NEW SECTION. Sec. 416. WORK RELEASE DRUG TREATMENT. The sum of one hundred ten thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the drug enforcement and education account to the department of corrections to develop substance abuse treatment programs at the Reynolds work release facility and the eastern Washington prerelease facility.

NEW SECTION. Sec. 417. INTENSIVE DRUG SURVEILLANCE. The sum of one million one hundred twenty thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the drug enforcement and education account to the department of corrections for continued funding for the community corrections drug surveillance unit in King county and to initiate similar units in Pierce and Yakima counties.

NEW SECTION. Sec. 418. DRUG ABUSE RESISTANCE PROGRAM. The sum of two hundred thirty thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the drug enforcement and education account to the criminal justice training commission to support the drug abuse resistance education program.

NEW SECTION. Sec. 419. METHADONE TREATMENT. The sum of four hundred thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the drug enforcement and education account to the department of social and health services for distribution to counties for methadone treatment pursuant to chapter 69.54 RCW, subject to the following conditions and limitations: This sum is provided solely for the purpose of increasing the number of persons for whom methadone treatment is available, and the department shall distribute funds under this section to a county only for the establishment of new treatment centers and only if a county attempts to recover the cost of methadone treatment by charging user fees based on ability to pay.

NEW SECTION. Sec. 420. TREATMENT ALTERNATIVES TO STREET CRIME—DOMESTIC CASES. The sum of one million eight hundred thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the drug enforcement and education account to the office of the administrator for the courts for the treatment alternatives to street crime program. These funds shall be used for providing services in domestic cases under chapter 26.09, 26.10, or 26.50 RCW. These funds shall not be available for expenditure until January 1, 1990. The office of the administrator for the courts shall establish standards for the courts to recover the expenses of the program specified in this section from the participants, based upon the individual participant's ability to pay. All fees collected shall be remitted to the state treasurer for deposit in the drug enforcement and education account under section 401 of this act.

NEW SECTION. Sec. 421. ADULT CORRECTIONS—DRUG DETECTION AND TREATMENT. The sum of eight hundred seventy-five thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the drug enforcement and education account to the department of corrections for the purpose of enhancing detection and treatment of the use of illegal drugs in correctional facilities.

NEW SECTION. Sec. 422. ALCOHOL AND DRUG ABUSE TREATMENT AND SHELTER ACT. The sum of ten million dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the drug enforcement and education account to the department of social and health services, for the alcohol and drug abuse treatment and shelter act program.

NEW SECTION. Sec. 423. COMMUNITY-POLICE PARTNERSHIP. (1) The criminal justice training commission in cooperation with the United States department of justice department of community relations (region x) shall conduct an assessment of successful community-police partnerships throughout the United States. The commission shall develop training for local law enforcement agencies targeted toward those communities where there has been a substantial increase in drug crimes. The purpose of the training is to facilitate cooperative community-police efforts and enhanced community protection to reduce drug abuse and related crimes. The training shall include but not be limited to conflict management, ethnic sensitivity, cultural awareness, and effective community policing. The commission shall report its findings and progress to the legislature by January 1990.

(2) Local law enforcement agencies are encouraged to form community-police partnerships in areas of substantial drug crimes. These partnerships are encouraged to organize citizen-police task forces which meet on a regular basis to promote greater citizen involvement in combatting drug abuse and to reduce tension between police and citizens. Partnerships that are formed are encouraged to report to the criminal justice training commission of their formation and progress.

(3) The sum of one hundred fifty thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the drug enforcement and education account to the criminal justice training commission for the purposes of subsection (1) of this section.

PART V REVENUE PROVISIONS

Sec. 501. Section 3, chapter 158, Laws of 1935 as last amended by section 11, chapter 452, Laws of 1987 and RCW 66.24.210 are each amended to read as follows:

(1) There is hereby imposed upon all wines sold to wine wholesalers and the Washington state liquor control board, within the state a tax at the rate of twenty and one-fourth cents per liter: PROVIDED, HOWEVER, That wine sold or shipped in bulk from one winery to another winery shall not be subject to such tax. The tax provided for in this section may, if so prescribed by the board, be collected by means of stamps to be furnished by the board, or by direct payments based on wine purchased by wine wholesalers. Every person purchasing wine under the provisions of this section shall on or before the twentieth day of each month report to the board all purchases during the preceding calendar month in such manner and upon such forms as may be prescribed by the board, and with such report shall pay the tax due from the purchases covered by such report unless the same has previously been paid. Any such purchaser of wine whose applicable tax payment is not postmarked by the twentieth day following the month of purchase will be assessed a penalty at the rate of two percent a month or fraction thereof. If this tax be collected by means of stamps, every such person shall procure from the board revenue stamps representing the tax in such form as the board shall prescribe and shall affix the same to the package or container in such manner and in such denomination as required by the board and shall cancel the same prior to the delivery of the package or container containing the wine to the purchaser. If the tax is not collected by means of stamps, the board may require that every such person shall execute to and file with the board a bond to be approved by the board, in such amount as the board may fix, securing the payment of the tax. If any such person fails to pay the tax when due, the board may forthwith suspend or cancel the license until all taxes are paid.

(2) An additional tax is imposed equal to the rate specified in RCW 82.02.030 multiplied by the tax payable under subsection (1) of this section. All revenues collected during any month

from this additional tax shall be transferred to the state general fund by the twenty-fifth day of the following month.

(3) An additional tax is imposed on wines subject to tax under subsection (1) of this section, at the rate of one-fourth of one cent per liter for wine sold after June 30, 1987. Such additional tax shall cease to be imposed on July 1, 1993. All revenues collected under this subsection (3) shall be disbursed quarterly to the Washington wine commission for use in carrying out the purposes of chapter 15.88 RCW.

(4) Until July 1, 1995, an additional tax is imposed on all wine subject to tax under subsection (1) of this section. The additional tax is equal to twenty-three and forty-four one-hundredths cents per liter on wine containing alcohol in an amount equal to or more than fourteen percent by volume when bottled or packaged by the manufacturer and one cent per liter on all other wine. All revenues collected during any month from this additional tax shall be deposited in the drug enforcement and education account under section 401 of this 1989 act by the twenty-fifth day of the following month.

Sec. 502. Section 24, chapter 62, Laws of 1933 ex. sess. as last amended by section 11, chapter 3, Laws of 1983 2nd ex. sess. and RCW 66.24.290 are each amended to read as follows:

(1) Any brewer or beer wholesaler licensed under this title may sell and deliver beer to holders of authorized licenses direct, but to no other person, other than the board; and every such brewer or beer wholesaler shall report all sales to the board monthly, pursuant to the regulations, and shall pay to the board as an added tax for the privilege of manufacturing and selling the beer within the state a tax of two dollars and sixty cents per barrel of thirty-one gallons on sales to licensees within the state and on sales to licensees within the state of bottled and canned beer shall pay a tax computed in gallons at the rate of two dollars and sixty cents per barrel of thirty-one gallons. Any brewer or beer wholesaler whose applicable tax payment is not postmarked by the twentieth day following the month of sale will be assessed a penalty at the rate of two percent per month or fraction thereof. Each such brewer or wholesaler shall procure from the board revenue stamps representing such tax in form prescribed by the board and shall affix the same to the barrel or package in such manner and in such denominations as required by the board, and shall cancel the same prior to commencing delivery from his place of business or warehouse of such barrels or packages. Beer shall be sold by brewers and wholesalers in sealed barrels or packages. The revenue stamps herein provided for need not be affixed and canceled in the making of resales of barrels or packages already taxed by the affixation and cancellation of stamps as provided in this section.

(2) An additional tax is imposed equal to the rate specified in RCW 82.02.030 multiplied by the tax payable under subsection (1) of this section. All revenues collected during any month from this additional tax shall be transferred to the state general fund by the twenty-fifth day of the following month.

(3) Until July 1, 1995, an additional tax is imposed on all beer subject to tax under subsection (1) of this section. The additional tax is equal to two dollars per barrel of thirty-one gallons. All revenues collected during any month from this additional tax shall be deposited in the drug enforcement and education account under section 401 of this 1989 act by the twenty-fifth day of the following month.

(4) The tax imposed under this section shall not apply to "strong beer" as defined in this title.

Sec. 503. Section 82.08.150, chapter 15, Laws of 1961 as last amended by section 12, chapter 3, Laws of 1983 2nd ex. sess. and RCW 82.08.150 are each amended to read as follows:

(1) There is levied and shall be collected a tax upon each retail sale of spirits, or strong beer in the original package at the rate of fifteen percent of the selling price. The tax imposed in this subsection shall apply to all such sales including sales by the Washington state liquor stores and agencies, but excluding sales to class H licensees.

(2) There is levied and shall be collected a tax upon each sale of spirits, or strong beer in the original package at the rate of ten percent of the selling price on sales by Washington state liquor stores and agencies to class H licensees.

(3) There is levied and shall be collected an additional tax upon each retail sale of spirits in the original package at the rate of one dollar and seventy-two cents per liter. The additional tax imposed in this subsection shall apply to all such sales including sales by Washington state liquor stores and agencies, and including sales to class H licensees.

(4) An additional tax is imposed equal to the rate specified in RCW 82.02.030 multiplied by the taxes payable under subsections (1), (2), and (3) of this section.

(5) Until July 1, 1995, an additional tax is imposed upon each retail sale of spirits in the original package at the rate of seven cents per liter. The additional tax imposed in this subsection shall apply to all such sales including sales by Washington state liquor stores and agencies, and including sales to class H licensees. All revenues collected during any month from this additional tax shall be deposited in the drug enforcement and education account under section 401 of this 1989 act by the twenty-fifth day of the following month.

(6) The tax imposed in RCW 82.08.020, as now or hereafter amended, shall not apply to sales of spirits or strong beer in the original package.

((6)) (7) The taxes imposed in this section shall be paid by the buyer to the seller, and each seller shall collect from the buyer the full amount of the tax payable in respect to each taxable sale under this section. The taxes required by this section to be collected by the seller shall be stated separately from the selling price and for purposes of determining the tax due from the buyer to the seller, it shall be conclusively presumed that the selling price quoted in any price list does not include the taxes imposed by this section.

((7)) (8) As used in this section, the terms, "spirits," "strong beer," and "package" shall have the meaning ascribed to them in chapter 66.04 RCW.

Sec. 504. Section 82.24.020, chapter 15, Laws of 1961 as last amended by section 1, chapter 80, Laws of 1987 and RCW 82.24.020 are each amended to read as follows:

(1) There is levied and there shall be collected as hereinafter provided, a tax upon the sale, use, consumption, handling, possession or distribution of all cigarettes, in an amount equal to the rate of eleven and one-half mills per cigarette.

(2) Until July 1, 1995, an additional tax is imposed upon the sale, use, consumption, handling, possession, or distribution of all cigarettes, in an amount equal to the rate of one and one-half mills per cigarette. All revenues collected during any month from this additional tax shall be deposited in the drug enforcement and education account under section 401 of this 1989 act by the twenty-fifth day of the following month.

(3) Wholesalers and retailers subject to the payment of this tax may, if they wish, absorb one-half mill per cigarette of the tax and not pass it on to purchasers without being in violation of this section or any other act relating to the sale or taxation of cigarettes.

((8)) (4) For purposes of this chapter, "possession" shall mean both (a) physical possession by the purchaser and, (b) when cigarettes are being transported to or held for the purchaser or his designee by a person other than the purchaser, constructive possession by the purchaser or his designee, which constructive possession shall be deemed to occur at the location of the cigarettes being so transported or held.

NEW SECTION. Sec. 505. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Carbonated beverage" has its ordinary meaning and includes any nonalcoholic liquid intended for human consumption which contains carbon dioxide, whether carbonation is obtained by natural or artificial means.

(2) "Possession" means the control of a carbonated beverage or syrup located within this state and includes both actual and constructive possession. "Actual possession" occurs when the person with control has physical possession. "Constructive possession" occurs when the person with control does not have physical possession. "Control" means the power to sell or use a carbonated beverage or syrup or to authorize the sale or use by another.

(3) "Previously taxed carbonated beverage or syrup" means a carbonated beverage or syrup in respect to which a tax has been paid under this chapter. A "previously taxed carbonated beverage" includes carbonated beverages in respect to which a tax has been paid under this chapter on the carbonated beverage or on the syrup in the carbonated beverage.

(4) "Syrup" means a concentrated liquid which is added to carbonated water to produce a carbonated beverage.

(5) Except for terms defined in this section, the definitions in chapters 82.04, 82.08, and 82.12 RCW apply to this chapter.

NEW SECTION. Sec. 506. (1) A tax is imposed on the privilege of possession of a carbonated beverage or syrup in this state. The rate of the tax shall be equal to eighty-four one-thousandths of a cent per ounce for carbonated beverages and seventy-five cents per gallon for syrups. Fractional amounts shall be taxed proportionally.

(2) Moneys collected under this chapter shall be deposited in the drug enforcement and education account under section 401 of this act.

(3) Chapter 82.32 RCW applies to the tax imposed in this chapter. The tax due dates, reporting periods, and return requirements applicable to chapter 82.04 RCW apply equally to the tax imposed in this chapter.

NEW SECTION. Sec. 507. The following are exempt from the tax imposed in this chapter:

(1) Any successive possession of a previously taxed carbonated beverage or syrup. If tax due under this chapter has not been paid with respect to a carbonated beverage or syrup, the department may collect the tax from any person who has had possession of the carbonated beverage or syrup. If the tax is paid by any person other than the first person having taxable possession of a carbonated beverage or syrup, the amount of tax paid constitutes a debt owed by the first person having taxable possession to the person who paid the tax.

(2) Any carbonated beverage or syrup that is transferred to a point outside the state for use outside the state.

(3) Any possession of a carbonated beverage or syrup where the first possession occurred before the effective date of this section.

NEW SECTION. Sec. 508. (1) Credit shall be allowed, in accordance with rules of the department, against the taxes imposed in this chapter for any carbonated beverage or syrup tax paid to another state with respect to the same carbonated beverage or syrup. The amount

of the credit shall not exceed the tax liability arising under this chapter with respect to that carbonated beverage or syrup.

(2) For the purpose of this section:

(a) "Carbonated beverage or syrup tax" means a tax:

(i) That is imposed on the act or privilege of possessing carbonated beverages or syrup and that is not generally imposed on other activities or privileges; and

(ii) That is measured by the volume of the carbonated beverage or syrup.

(b) "State" means (i) a state of the United States other than Washington, or any political subdivision of such other state, (ii) the District of Columbia, and (iii) any foreign country or political subdivision thereof.

NEW SECTION, Sec. 509. This chapter shall expire July 1, 1995.

NEW SECTION, Sec. 510. Sections 505 through 509 of this act shall constitute a new chapter in Title 82 RCW.

PART VI MISCELLANEOUS

NEW SECTION, Sec. 601. A new section is added to chapter 69.50 RCW to read as follows:

The state of Washington fully occupies and preempts the entire field of setting penalties for violations of the controlled substances act. Cities, towns, and counties or other municipalities may enact only those laws and ordinances relating to controlled substances that are consistent with this chapter. Such local ordinances shall have the same penalties as provided for by state law. Local laws and ordinances that are inconsistent with the requirements of state law shall not be enacted and are preempted and repealed, regardless of the nature of the code, charter, or home rule status of the city, town, county, or municipality.

NEW SECTION, Sec. 602. The legislature ratifies the juvenile disposition standards commission guidelines submitted to the 1989 legislature and endorses the action to increase penalties for juvenile drug offenders.

NEW SECTION, Sec. 603. (1) In order to determine the effectiveness of this act, it is necessary to have an independent evaluation of those programs that have the most potential for useful program review.

(2) The legislative budget committee shall prepare a plan to conduct studies of the effectiveness of programs initiated in this act. A plan for study shall include:

(a) Institution-based drug testing;

(b) The juvenile offenders structured residential program;

(c) The state-wide drug prosecution assistance program;

(d) Community mobilization;

(e) Drug and alcohol abuse prevention and early intervention in schools; and

(f) Maternity care support services for alcohol and drug-abusing pregnant women.

(3) The plan for conducting studies, including start and completion dates, general research approaches, potential research problems, data requirements, necessary implementation authority, and cost estimates are to be provided to the appropriate policy and fiscal committees of the house and senate by December 1, 1989. The plan may include proposals to use contract evaluators and shall identify ways to measure program progress and outcomes.

(4) In order to establish a beginning point for any future studies of the effectiveness of programs initiated in this act, all programs proposed for analysis in this section shall submit a plan detailing expenditures related to goals and objectives of the program being initiated, to the legislative budget committee by October 1, 1989.

NEW SECTION, Sec. 604. A new section is added to chapter 44.28 RCW to read as follows:

The legislative budget committee shall cause to be conducted a review of the taxes and the dedication of revenues for drug enforcement and education purposes and a review of the programs as provided in section 603 of this act. The legislative budget committee shall report its findings to the legislature by January 1, 1995, and include in its report specific recommendations as to whether public policy would be best served by continuation of the programs, taxes, and dedication of revenues for the drug enforcement and education account.

NEW SECTION, Sec. 605. Part, subpart, and section headings and the index as used in this act do not constitute any part of the law.

NEW SECTION, Sec. 606. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION, Sec. 607. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately, except:

(1) Sections 502 and 504 of this act shall take effect June 1, 1989; and

(2) Sections 229 through 233, 501, 503, and 505 through 509 of this act shall take effect July 1, 1989."

On page 1, line 1 of the title, after "abuse;" strike the remainder of the title and insert "amending RCW 9.94A.310, 69.50.401, 9A.36.050, 9A.82.100, 28A.120.040, 13.40.265, 46.20.265, 66.44.365, 69.41.065, 69.50.420, 69.52.070, 9.73.090, 9.73.120, 9.73.080, 69.50.505, 5.62.020, 18.83.110, 70.96A.010, 70.96A.020, 70.96A.120, 70.96A.140, 70.96.150, 66.24.210, 66.24.290, 82.08.150, and

82.24.020; reenacting and amending RCW 9.94A.320, 9.94A.360, and 5.60.060; adding new sections to chapter 9.73 RCW; adding a new section to chapter 9A.36 RCW; adding a new section to chapter 9A.82 RCW; adding a new chapter to Title 10 RCW; adding a new section to chapter 13.40 RCW; adding new sections to chapter 28A.67 RCW; adding new sections to chapter 28A.120 RCW; adding a new chapter to Title 35 RCW; adding new sections to chapter 36.27 RCW; adding a new chapter to Title 43 RCW; adding a new section to chapter 44.28 RCW; adding new sections to chapter 66.28 RCW; adding new sections to chapter 69.50 RCW; adding a new section to chapter 70.96A RCW; adding a new chapter to Title 82 RCW; creating new sections; prescribing penalties; making appropriations; providing an expiration date; providing effective dates; and declaring an emergency."

Signed by Senators Newhouse, Niemi, Nelson; Representatives Appelwick, Wineberry, Patrick.

MOTION

On motion of Senator Newhouse, the Report of the Conference Committee on Engrossed Second Substitute House Bill No. 1793 was adopted and the committee was granted the powers of Free Conference.

There being no objection, the Senate resumed consideration of Engrossed House Bill No. 2131, deferred April 20, 1989, after the Report of the Conference Committee had been adopted.

MOTIONS

On motion of Anderson, Senator Saling was excused.

On motion of Senator Bender, Senators Owen and Rinehart were excused.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 2131, as recommended by the Conference Committee.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2131, as recommended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 37; absent, 1; excused, 11.

Voting yea: Senators Amondson, Anderson, Bailey, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Kreidler, Lee, Madsen, Matson, McCaslin, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Pullen, Rasmussen, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognlid, von Reichbauer, Warnke, West, Williams, Wojahn - 37.

Absent: Senator Fleming - 1.

Excused: Senators Barr, DeJarnatt, Gaspard, Hansen, Hayner, Johnson, McDonald, Owen, Patterson, Rinehart, Saling - 11.

ENGROSSED HOUSE BILL NO. 2131, as recommended by the Conference Committee, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 19, 1989

Mr. President:

The House refuses to concur in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 1457 and asks the Senate for a conference thereon. The Speaker has appointed the following members as Conferees:

Representatives R. Meyers, P. King and Padden.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Nelson, the Senate granted the request of the House for a conference on Substitute House Bill No. 1457 and the Senate amendments thereto.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Substitute House Bill No. 1457 and the Senate amendments thereto: Senators Pullen, Niemi and Nelson.

MOTION

On motion of Senator Nelson, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

April 20, 1989

Mr. President:

The House refuses to concur in the Senate amendments to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1968 and asks the Senate for a conference thereon. The Speaker has appointed the following members as Conferees:

Representatives Braddock, Morris and D. Sommers.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Newhouse, the Senate granted the request of the House for a conference on Engrossed Substitute House Bill No. 1968 and the Senate amendments thereto.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Substitute House Bill No. 1968 and the Senate amendments thereto: Senators Smith, Kreidler and Johnson.

MOTION

On motion of Senator Newhouse, the Conference Committee appointments were confirmed.

MOTION

On motion of Senator Craswell, Senator McCaslin was excused.

MESSAGE FROM THE HOUSE

April 20, 1989

Mr. President:

The House has adopted the Report of the Conference Committee on HOUSE BILL NO. 2060 and has granted said committee the powers of Free Conference.

ALAN THOMPSON, Chief Clerk

REPORT OF FREE CONFERENCE COMMITTEE

RE: HB 2060

Providing industrial insurance coverage for the horse racing industry.

April 19, 1989

Mr. President:

Mr. Speaker:

We of your Free Conference Committee, have had the same under consideration and we recommend that the measure be amended as proposed under the request for Free Conference and that the bill do pass as amended by the Free Conference Committee.

(See Report of Conference Committee on House Bill No. 2060 and the request for powers of Free Conference read in April 20, 1989.)

Signed by Senators Matson, Warnke, West; Representatives Leonard, Rector, Patrick.

MOTION

On motion of Senator Warnke, the Report of the Free Conference Committee on House Bill No. 2060 was adopted.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2060, as amended by the Free Conference Committee.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2060, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 40; absent, 1; excused, 8.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Johnson, Kreidler, Lee, Madsen, Matson, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 40.

Absent: Senator Smith - 1.

Excused: Senators DeJarnatt, Gaspard, Hansen, Hayner, McCaslin, McDonald, Owen, Paterson - 8.

HOUSE BILL NO. 2060, as amended by the Free Conference Committee, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 20, 1989

Mr. President:

The House concurred in the Senate amendment (s) to the following listed bills and passed said bills as amended by the Senate:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1086,
SECOND SUBSTITUTE HOUSE BILL NO. 1180,
SUBSTITUTE HOUSE BILL NO. 1208,
ENGROSSED HOUSE BILL NO. 1334,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1444,
SUBSTITUTE HOUSE BILL NO. 1569,
ENGROSSED HOUSE BILL NO. 1645,
SUBSTITUTE HOUSE BILL NO. 1711,
SUBSTITUTE HOUSE BILL NO. 2041.

ALAN THOMPSON, Chief Clerk

MESSAGE FROM THE HOUSE

April 20, 1989

Mr. President:

The House has adopted the Report of the Free Conference Committee on SUBSTITUTE HOUSE BILL NO. 1558 and has passed the bill as amended by the Free Conference Committee.

ALAN THOMPSON, Chief Clerk

MOTION

At 10:23 a.m., on motion of Senator Newhouse, the Senate was declared to be at ease.

The Senate was called to order at 11:40 a.m. by President Pritchard.

MESSAGE FROM THE HOUSE

April 20, 1989

Mr. President:

The House has adopted the Report of the Conference Committee on HOUSE BILL NO. 2167 and has granted said committee the powers of Free Conference.

ALAN THOMPSON, Chief Clerk

REPORT OF FREE CONFERENCE COMMITTEE

RE: HB 2167

Regarding mobile home parks.

April 19, 1989

Mr. President:

Mr. Speaker:

We of your Free Conference Committee, have had the same under consideration and we recommend that the measure be amended as proposed under the

request for Free Conference and that the bill do pass as amended by the Free Conference Committee.

(See Report of Conference Committee on House Bill No. 2167 and the request for powers of Free Conference read in April 20, 1989.)

Signed by Senators Smith, Murray, Bluechel; Representatives Nutley, Leonard, Winsley.

MOTION

Senator Newhouse moved that the Senate adopt the Report of the Free Conference Committee on House Bill No. 2167.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Newhouse that the Senate adopt the Report of the Free Conference Committee on House Bill No. 2167.

The motion by Senator Newhouse carried and the Senate adopted the Report of the Free Conference Committee on House Bill No. 2167.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2167, as amended by the Free Conference Committee.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2167, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 41; absent, 4; excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Hansen, Johnson, Kreidler, Lee, Madsen, McCaslin, McMullen, Melcalif, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams - 41.

Absent: Senators Barr, Matson, Sellar, Wojahn - 4.

Excused: Senators DeJarnatt, Gaspard, Hayner, McDonald - 4.

HOUSE BILL NO. 2167, as amended by the Free Conference Committee, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

WITHDRAWAL OF MOTION FOR RECONSIDERATION

On motion of Senator Talmadge, the notice to reconsider the vote by which Engrossed House Bill No. 2155, without the amendment on page 28, line 20, passed the Senate, was withdrawn.

REPORT OF CONFERENCE COMMITTEE

RE: SHB 2011

Changing provisions regulating commercial fishing licenses.

April 20, 1989

Mr. President:

Mr. Speaker:

We of your Conference Committee to whom the above measure was referred, have had the same under consideration and we report that we are unable to agree and we respectfully request the powers of Free Conference in order to amend the measure as follows:

(1) That the Senate Environment and Natural Resources Committee amendments adopted on April 14, 1989, be rejected, and

(2) Adopt the following Free Conference Committee amendments:

Strike everything after the enacting clause and insert the following:

*Sec. 1. Section 75.28.100, chapter 12, Laws of 1955 as last amended by section 107, chapter 46, Laws of 1983 1st ex. sess. and RCW 75.28.035 are each amended to read as follows:

An application for issuance or renewal of a commercial fishing license ((or permit)) shall contain the name and address of the vessel owner, the name and address of the vessel operator, the name and number of the vessel, a description of the vessel and fishing gear to be carried on the vessel, and other information required by the department.

At the time of issuance of a commercial fishing license ((or permit)) the director shall furnish the licensee with a vessel registration and two license decals.

Vessel registrations and license ~~(and permit)~~ decals issued by the director shall be displayed as provided by rule of the director.

A commercial fishing license ~~(or permit)~~ is not valid if the vessel is operated by a person other than the operator listed on the license ~~(or permit)~~. The director may authorize additional operators for the license ~~(or permit)~~. Unless adjusted by the director pursuant to the director's authority granted in section 19 of this 1989 act, the fee for an additional operator is ~~(ten)~~ twenty dollars.

The vessel owner shall notify the director on forms provided by the department of changes of ownership or operator and a new license ~~(or permit)~~ shall be issued upon payment of a fee of ~~(ten)~~ twenty dollars.

A defaced, mutilated, or lost license or license decal shall be replaced immediately. Unless adjusted by the director pursuant to the director's authority granted in section 19 of this 1989 act, the replacement fee is ~~(two)~~ ten dollars.

Sec. 2. Section 1, chapter 90, Laws of 1969 as last amended by section 1, chapter 9, Laws of 1988 and RCW 75.28.095 are each amended to read as follows:

(1) A charter boat license is required for a vessel to be operated as a charter boat from which food fish are taken for personal use. Unless adjusted by the director pursuant to the director's authority granted in section 19 of this 1989 act, the annual license fees are:

Species	Resident Fee	Nonresident Fee
(a) Food fish other than salmon	\$(100) 135	\$(200) 270
(b) Salmon and other food fish	\$(200) 275	\$(200) 550

(2) "Charter boat" means a vessel from which persons may, for a fee, fish for food fish, and which delivers food fish into state ports or delivers food fish taken from state waters into United States ports. "Charter boat" does not mean:

(a) Vessels not generally engaged in charter boat fishing which are under private lease or charter and operated by the lessee for the lessee's personal recreational enjoyment; or

(b) Vessels used by guides for clients fishing for food fish for personal use in freshwater rivers, streams, and lakes, other than Lake Washington or that part of the Columbia River below the bridge at Longview.

(3) A vessel shall not engage in both charter or sports fishing and commercial fishing on the same day. A vessel may be licensed for both charter boat fishing and for commercial fishing at the same time. ~~(The license or delivery permit allowing the activity not being engaged in shall be deposited with the fisheries patrol officer for that area or an agent designated by the director.)~~

Sec. 3. Section 75.28.110, chapter 12, Laws of 1955 as last amended by section 1, chapter 107, Laws of 1985 and RCW 75.28.110 are each amended to read as follows:

(1) The following commercial salmon fishing licenses are required for the licensee to use the specified gear to fish for salmon and other food fish in state waters. Unless adjusted by the director pursuant to the director's authority granted in section 19 of this 1989 act, the annual license fees are:

Gear	Resident Fee	Nonresident Fee
(a) Purse seine	\$(300) 410	\$(600) 820
(b) Gill net	\$(200) 275	\$(400) 550
(c) Troll	\$(200) 275	\$(400) 550
(d) Reef net	\$(200) 275	\$(400) 550

(2) Holders of commercial salmon fishing licenses may retain incidentally caught food fish other than salmon, subject to rules of the director.

(3) A salmon troll license allows fishing in all licensing districts and includes a salmon delivery ~~(permit)~~ license.

(4) A separate gill net license is required to fish for salmon in each of the licensing districts established in RCW 75.28.012.

Sec. 4. Section 75.18.080, chapter 12, Laws of 1955 as last amended by section 115, chapter 46, Laws of 1983 1st ex. sess. and RCW 75.28.113 are each amended to read as follows:

(1) A person operating a commercial fishing vessel used in taking salmon in offshore waters and delivering the salmon to a place or port in the state shall obtain a salmon delivery ~~(permit)~~ license from the director. Unless adjusted by the director pursuant to the director's authority granted in section 19 of this 1989 act, the annual fee for a salmon delivery ~~(permit)~~ license is two hundred seventy-five dollars for residents and five hundred fifty dollars for non-residents. Persons operating fishing vessels licensed under RCW 75.28.125 may apply the delivery ~~(permit)~~ license fee of ~~(ten)~~ fifty dollars against the salmon delivery ~~(permit)~~ license fee.

(2) If the director determines that the operation of a vessel under a salmon delivery ~~(permit)~~ license results in the depletion or destruction of the state's salmon resource or the delivery into this state of salmon products prohibited by law, the director may revoke the ~~(permit)~~ license.

Sec. 5. Section 1, chapter 80, Laws of 1984 and RCW 75.28.116 are each amended to read as follows:

The owner of a commercial salmon fishing vessel which is not qualified for a license ((or permit)) under RCW 75.30.120 is required to obtain a salmon single delivery ((permit)) license in order to make one landing of salmon taken in offshore waters. The director shall not issue a salmon single delivery ((permit)) license unless, as determined by the director, a bona fide emergency exists. Unless adjusted by the director pursuant to the director's authority granted in section 19 of this 1989 act, the ((permit)) license fee is one hundred thirty-five dollars for residents and two hundred seventy dollars for nonresidents.

Sec. 6. Section 75.28.120, chapter 12, Laws of 1955 as last amended by section 117, chapter 46, Laws of 1983 1st ex. sess. and RCW 75.28.120 are each amended to read as follows:

The following commercial fishing licenses are required for the licensee to use the specified gear to fish for food fish other than salmon in state waters. Unless adjusted by the director pursuant to the director's authority granted in section 19 of this 1989 act, the annual license fees are:

Gear	Resident Fee	Nonresident Fee
(1) Jig	\$((27-50)) 50	\$((55)) 100
(2) Set line	\$((35)) 50	\$((70)) 100
(3) Set net	\$((35)) 50	\$((70)) 100
(4) Drag seine	\$((45)) 50	\$((70)) 100
(5) Gill net	\$((200)) 275	\$((400)) 550
(6) Purse seine	\$((300)) 410	\$((600)) 820
(7) Troll	\$((27-50)) 50	\$((55)) 100
(8) Bottom fish pots	\$((35)) 50	\$((60)) 100
((Each pot over 100	\$0-25	\$0-50))
(9) Lampara	\$((57-50)) 100	\$((+15)) 200
(10) Dip bag net	\$((27-50)) 50	\$((55)) 100
(11) Brush weir	\$((85)) 100	\$((+60)) 200
(12) Other gear	\$100	\$200

Sec. 7. Section 5, chapter 309, Laws of 1959 as last amended by section 119, chapter 46, Laws of 1983 1st ex. sess. and RCW 75.28.125 are each amended to read as follows:

A delivery ((permit)) license is required to deliver shellfish or food fish other than salmon taken in offshore waters to a port in the state. Unless adjusted by the director pursuant to the director's authority granted in section 19 of this 1989 act, the annual ((permit)) license fee is ((ten)) fifty dollars for residents and ((twenty)) one hundred dollars for nonresidents. ((A permit-fee)) Licenses issued under RCW 75.28.113 (salmon delivery ((permit) is not required to obtain)) license, RCW 75.28.130(4) (crab pot, other than Puget Sound), or RCW 75.28.140(2) (trawl, other than Puget Sound) shall include a delivery ((permit under this section)) license.

Sec. 8. Section 75.28.130, chapter 12, Laws of 1955 as last amended by section 120, chapter 46, Laws of 1983 1st ex. sess. and RCW 75.28.130 are each amended to read as follows:

The following commercial fishing licenses are required for the licensee to use the specified gear to fish for shellfish in state waters. Unless adjusted by the director pursuant to the director's authority granted in section 19 of this 1989 act, the annual license fees are:

Gear	Resident Fee	Nonresident Fee
(1) Ring net	\$((27-50)) 50	\$((45)) 100
(2) Shellfish pots (excluding crab)	\$((35)) 50	\$((60)) 100
((Each pot over 100	\$0-25	\$0-50))
(3) Crab pots (Puget Sound)	\$((35)) 50	\$((60)) 100
((Each pot over 100	\$0-25	\$0-50))
(4) Crab pots (other than Puget Sound)	\$200	\$400
(5) Shellfish diver (excluding clams)	\$((27-50)) 50	\$((55)) 100
(6) Squid gear, all types	\$100	\$200
(7) Ghost shrimp gear	\$100	\$200
(8) Commercial razor clam license	\$50	\$100
(9) Geoduck diver license	\$100	\$200
(10) Other shellfish gear	\$100	\$200

Sec. 9. Section 2, chapter 31, Laws of 1983 1st ex. sess. and RCW 75.28.134 are each amended to read as follows:

(1) In addition to a shellfish pot license, a Hood Canal shrimp endorsement is required to take shrimp commercially in that portion of Hood Canal lying south of the Hood Canal floating bridge. Unless adjusted by the director pursuant to the director's authority granted in section 19

of this 1989 act, the annual endorsement fee is ~~((one))~~ two hundred ~~((sixty-five))~~ twenty-five dollars for a resident and ~~((three))~~ four hundred ~~((forty))~~ fifty dollars for a nonresident.

(2) Not more than fifty shrimp pots may be used while commercially fishing for shrimp in that portion of Hood Canal lying south of the Hood Canal floating bridge.

Sec. 10. Section 75.28.140, chapter 12, Laws of 1955 as last amended by section 121, chapter 46, Laws of 1983 1st ex. sess. and RCW 75.28.140 are each amended to read as follows:

The following commercial fishing licenses are required for the licensee to use the specified gear to fish for shellfish and food fish other than salmon in state waters. Unless adjusted by the director pursuant to the director's authority granted in section 19 of this 1989 act, the annual license fees are:

Gear	Resident Fee	Nonresident Fee
(1) Trawl (Puget Sound)	\$(87-50)) <u>100</u>	\$(135-00)) <u>200</u>
(2) Trawl (other than Puget Sound)	<u>\$150</u>	<u>\$300</u>

Sec. 11. Section 5, chapter 212, Laws of 1955 as amended by section 122, chapter 46, Laws of 1983 1st ex. sess. and RCW 75.28.255 are each amended to read as follows:

The following commercial fishing licenses are required for the licensee to fish for the specified species in state waters with gear authorized by rule of the director. Unless adjusted by the director pursuant to the director's authority granted in section 19 of this 1989 act, the annual license fees are:

Species	Resident Fee	Nonresident Fee
(1) Columbia River smelt	\$(200)) <u>275</u>	\$(200)) <u>550</u>
(2) Carp	\$(5)) <u>50</u>	\$(5)) <u>100</u>

Sec. 12. Section 75.28.280, chapter 12, Laws of 1955 as last amended by section 19, chapter 457, Laws of 1985 and RCW 75.28.280 are each amended to read as follows:

A mechanical harvester license is required to operate a mechanical or hydraulic device for commercially harvesting clams, other than geoduck clams, on a clam farm unless the requirements of RCW 75.20.100 are fulfilled for the proposed activity. Unless adjusted by the director pursuant to the director's authority granted in section 19 of this 1989 act, the annual license fee is ~~((three))~~ four hundred ten dollars for residents and eight hundred twenty dollars for nonresidents.

Sec. 13. Section 4, chapter 253, Laws of 1969 ex. sess. as last amended by section 130, chapter 46, Laws of 1983 1st ex. sess. and RCW 75.28.287 are each amended to read as follows:

(1) A geoduck tract license is required for the commercial harvest of geoducks from each subtidal tract for which harvest rights have been granted by the department of natural resources. Unless adjusted by the director pursuant to the director's authority granted in section 19 of this 1989 act, the annual license fee is one hundred thirty-five dollars for residents and two hundred seventy dollars for nonresidents.

(2) Every diver engaged in the commercial harvest of geoduck or other clams shall obtain a nontransferable geoduck diver license. ~~((The annual license fee is fifty dollars for residents and nonresidents:))~~

Sec. 14. Section 75.28.290, chapter 12, Laws of 1955 as last amended by section 131, chapter 46, Laws of 1983 1st ex. sess. and RCW 75.28.290 are each amended to read as follows:

An oyster reserve license is required for the commercial taking of shellfish from state oyster reserves. Unless adjusted by the director pursuant to the director's authority granted in section 19 of this 1989 act, the annual license fee is ~~((fifteen))~~ fifty dollars for residents and one hundred dollars for nonresidents.

NEW SECTION. Sec. 15. A new section is added to chapter 75.28 RCW to read as follows:

An oyster cultch permit is required for commercial cultching of oysters on state oyster reserves. The director shall require that ten percent of the cultch bags or other collecting materials be provided to the state after the oysters have set, for the purposes of increasing the supply of oysters on state oyster reserves and enhancing oyster supplies on public beaches.

Sec. 16. Section 75.28.300, chapter 12, Laws of 1955 as last amended by section 1, chapter 248, Laws of 1985 and by section 20, chapter 457, Laws of 1985 and RCW 75.28.300 are each reenacted and amended to read as follows:

A wholesale fish dealer's license is required for:

(1) A business in the state to engage in the commercial processing of food fish or shellfish, including custom canning or processing of personal use food fish or shellfish.

(2) A business in the state to engage in the wholesale selling, buying, or brokering of food fish or shellfish. A wholesale fish dealer's license is not required of those businesses which buy exclusively from Washington licensed wholesale dealers and sell solely at retail.

(3) Fishermen who land and sell their catch or harvest in the state to anyone other than a licensed wholesale dealer within or outside the state.

(4) A business to engage in the commercial manufacture or preparation of fertilizer, oil, meal, caviar, fish bait, or other byproducts from food fish or shellfish.

(5) A business employing a fish buyer as defined under RCW 75.28.340.

Unless adjusted by the director pursuant to the director's authority granted in section 19 of this 1989 act, the annual license fee is ((thirty-seven)) one hundred dollars ((and fifty cents)). A wholesale fish dealer's license is not required for persons engaged in the processing, wholesale selling, buying, or brokering of private sector cultured aquatic products as defined in RCW 15.85.020. However, if a means of identifying such products is required by rules adopted under RCW 15.85.060, the exemption from licensing requirements established by this subsection applies only if the aquatic products are identified in conformance with those rules.

Sec. 17. Section 2, chapter 248, Laws of 1985 and RCW 75.28.340 are each amended to read as follows:

(1) A fish buyer's ((permit)) license is required of and shall be carried by each individual engaged by a wholesale fish dealer ((as a fish buyer)) to purchase food fish or shellfish from a licensed commercial fisherman. A fish buyer may represent only one wholesale fish dealer.

(2) Unless adjusted by the director pursuant to the director's authority granted in section 19 of this 1989 act, the annual fee for a fish buyer's ((permit)) license is ((seven)) twenty dollars ((and fifty cents)).

((3) As used in this chapter, "fish buyer" means an individual who purchases food fish or shellfish and is a permit holder under this section:))

Sec. 18. Section 2, chapter 227, Laws of 1981 as amended by section 137, chapter 46, Laws of 1983 1st ex. sess. and RCW 75.28.690 are each amended to read as follows:

(1) A deckhand license is required for a crew member on a licensed salmon charter boat to sell salmon roe as provided in subsection (2) of this section. Unless adjusted by the director pursuant to the director's authority granted in section 19 of this 1989 act, the annual license fee is ((ten)) twenty dollars.

(2) A deckhand on a licensed salmon charter boat may sell salmon roe taken from fish caught for personal use, subject to rules of the director and the following conditions:

(a) The salmon is taken while fishing on the charter boat;

(b) The roe is the property of the angler until the roe is given to the deckhand. The charter boat's passengers are notified of this fact by the deckhand;

(c) The roe is sold to a licensed wholesale dealer; and

(d) The deckhand is licensed as provided in subsection (1) of this section and has the license in possession whenever salmon roe is sold.

NEW SECTION. Sec. 19. A new section is added to chapter 75.28 RCW to read as follows:

On January 1, 1993, the director shall adjust all fees under this chapter in accordance with the implicit price deflator published by the United States department of commerce. This section shall cease to exist on January 1, 1994, unless extended by law for an additional fixed period of time.

NEW SECTION. Sec. 20. A new section is added to chapter 75.28 RCW to read as follows:

All revenues generated from the license fee increases in sections 1 through 14 and 16 through 19 of this act shall be deposited in the general fund and shall be appropriated for the food fish and shellfish enhancement programs.

NEW SECTION. Sec. 21. The following acts or parts of acts are each repealed:

(1) Section 14, chapter 283, Laws of 1971 ex. sess., section 2, chapter 40, Laws of 1975-76 2nd ex. sess., section 111, chapter 46, Laws of 1983 1st ex. sess. and RCW 75.28.081;

(2) Section 2, chapter 300, Laws of 1983 and RCW 75.28.123;

(3) Section 75.28.285, chapter 12, Laws of 1955, section 1, chapter 27, Laws of 1965 ex. sess., section 3, chapter 31, Laws of 1983 1st ex. sess., section 127, chapter 46, Laws of 1983 1st ex. sess. and RCW 75.28.285; and

(4) Section 75.28.370, chapter 12, Laws of 1955, section 2, chapter 66, Laws of 1979, section 134, chapter 46, Laws of 1983 1st ex. sess. and RCW 75.28.370.

NEW SECTION. Sec. 22. A new section is added to chapter 75.30 RCW to read as follows:

The director of the department of fisheries may issue permits for commercial harvests in emerging fisheries. The director shall determine by rule the number and qualification of participants. The director may allow expansion of the fishery but shall limit the fishery to ensure conservation of the resource and prevent overharvesting.

NEW SECTION. Sec. 23. A new section is added to chapter 75.30 RCW to read as follows:

(1) In cooperation with the Washington commercial crab fishing industry, the department shall conduct a study of the management of the coastal crab fishery, including the potential for depletion, the number of crab fishers in the area, the need for limiting gear per vessel, the desirability of establishing a moratorium on the issuance of new coastal commercial crab fishing licenses and moratorium reciprocity with the states of Oregon and California. The study shall include the coastal shellfish management and catch reporting areas 58B, 59A, 59B, 60A, 60B, 60C, and 60D. The results and recommendations of the study shall be submitted to the governor and the appropriate committees of the legislature no later than January 1, 1991.

(2) The director may impose a moratorium on the issuance of new licenses for coastal crab fishing if the director determines it to be in the best interests of the management of the coastal crab fishery. Such a moratorium shall be implemented in the manner provided in this subsection.

(a) The moratorium may be imposed only as a result of, or during the course of, the study conducted under subsection (1) of this section and pursuant to rules adopted after public hearings and consultation with the commercial coastal crab fishing industry.

(b) The director shall implement the moratorium by requiring a license or licensing endorsement for commercial crab fishing in coastal areas. The endorsement may be issued to only those vessels:

(i) From which three thousand pounds of dungeness crab were caught in coastal catch reporting areas and landed in Washington state in either 1984-85, 1985-86, or 1986-87 coastal commercial crab fishing seasons, or a total of six thousand pounds were caught and landed during the three seasons, as documented by valid fish or shellfish receiving tickets; and

(ii) That fished for dungeness crab and held a Washington commercial crab pot license, vessel delivery permit, or delivery permit for the 1987-88 season, or had transferred to the vessel such a license from a vessel qualifying under the license eligibility criteria of this section. Transfer of a Puget Sound crab license endorsement shall not affect license eligibility. No licensee shall receive more than one license under this subsection unless the vessels were simultaneously employed in the fishery.

(c) In a manner consistent with RCW 75.30.050 and 75.30.130, the director shall establish an advisory review board. The director, after receiving recommendations from the advisory board, may waive or reduce the landing requirement under this subsection if extenuating circumstances have prevented an individual from meeting the license eligibility requirements provided by (b) of this subsection.

(d) The issuance of commercial crab licenses for the Puget Sound licensing district is not restricted by this section. If a coastal commercial crab license moratorium is implemented, the department may require separate licenses to be issued for the coastal and Puget Sound districts, if deemed necessary to facilitate administration of the moratorium.

NEW SECTION. Sec. 24. There is appropriated from the general fund to the department of fisheries for the biennium ending June 30, 1991, the sum of twenty-five thousand dollars, or so much thereof as may be necessary, for the purposes of section 23 of this act.

NEW SECTION. Sec. 25. Sections 1 through 21 of this act shall take effect on January 1, 1990. The director of fisheries may immediately take such steps as are necessary to ensure that sections 1 through 21 of this act are implemented on their effective date."

On page 1, line 1 of the title, after "licenses;" strike the remainder of the title and insert "amending RCW 75.28.035, 75.28.095, 75.28.110, 75.28.113, 75.28.116, 75.28.120, 75.28.125, 75.28.130, 75.28.134, 75.28.140, 75.28.255, 75.28.280, 75.28.287, 75.28.290, 75.28.340, and 75.28.690; reenacting and amending RCW 75.28.300; adding new sections to chapter 75.28 RCW; adding new sections to chapter 75.30 RCW; repealing RCW 75.28.081, 75.28.123, 75.28.285, and 75.28.370; making an appropriation; and providing an effective date."

Signed by Senators Metcalf, Owen; Representatives R. King, Morris, S. Wilson.

MOTION

Senator Newhouse moved that the Report of the Conference Committee on Substitute House Bill No. 2011 be adopted and the committee be granted the powers of Free Conference.

MOTION

On motion of Senator Newhouse further consideration of Substitute House Bill No. 2011 was deferred.

MESSAGE FROM THE HOUSE

April 14, 1989

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 5315 with the following amendments:

On page 3, strike everything after line 1, and insert the following:

"NEW SECTION. Sec. 9. LEGISLATIVE FINDINGS. (1) Washington's coastal waters, seabed, and shorelines are among the most valuable and fragile of its natural resources.

(2) Ocean and marine-based industries and activities, such as fishing, aquaculture, tourism, and marine transportation have played a major role in the history of the state and will continue to be important in the future. Other industries and activities, such as those based on the development and extraction of minerals and other nonrenewable resources, can provide social and economic benefits as well.

(3) Washington's coastal waters, seabed, and shorelines are faced with conflicting use demands. Some uses may pose unacceptable environmental or social risks at certain times.

(4) At present, there is not enough information available to adequately assess the potential adverse effects of oil and gas exploration and production off Washington's coast.

(5) The state of Washington has primary jurisdiction over the management of coastal and ocean natural resources within three miles of its coastline. From three miles seaward to the boundary of the two hundred mile exclusive economic zone, the United States federal government has primary jurisdiction. Since protection, conservation, and development of the natural resources in the exclusive economic zone directly affect Washington's economy and environment, the state has an inherent interest in how these resources are managed.

NEW SECTION, Sec. 10. LEGISLATIVE POLICY AND INTENT. (1) The purpose of this chapter is to articulate policies and establish guidelines for the exercise of state and local management authority over Washington's coastal waters, seabed, and shorelines.

(2) There shall be no leasing of Washington's tidal or submerged lands extending from mean high tide seaward three miles along the Washington coast from Cape Flattery south to Cape Disappointment, nor in Grays Harbor, Willapa Bay, and the Columbia river downstream from the Longview bridge, for purposes of oil or gas exploration, development, or production until at least July 1, 1995. During the 1995 legislative session, the legislature shall determine whether the moratorium on leasing should be extended past July 1, 1995. This determination shall be based on the information available at that time, including the analysis described in section 13 of this act. If the legislature does not extend the moratorium on leasing, the moratorium will end on July 1, 1995. At any time that oil or gas leasing, exploration, and development are allowed to occur, these activities shall be required to meet or exceed the standards and criteria contained in section 12 of this act.

(3) When conflicts arise among uses and activities, priority shall be given to resource uses and activities that will not adversely impact renewable resources over uses which are likely to have an adverse impact on renewable resources.

(4) It is the policy of the state of Washington to actively encourage the conservation of liquid fossil fuels, and to explore available methods of encouraging such conservation.

(5) It is not currently the intent of the legislature to include recreational uses or currently existing commercial uses involving fishing or other renewable marine or ocean resources within the uses and activities which must meet the planning and review criteria set forth in section 12 of this act. It is not the intent of the legislature, however, to permanently exclude these uses from the requirements of section 12 of this act. If information becomes available which indicates that such uses should reasonably be covered by the requirements of section 12 of this act, the permitting government or agency may require compliance with those requirements, and appeals of that decision shall be handled through the established appeals procedure for that permit or approval.

(6) The state shall participate in federal ocean and marine resource decisions to the fullest extent possible to ensure that the decisions are consistent with the state's policy concerning the use of those resources.

NEW SECTION, Sec. 11. DEFINITIONS. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter:

(1) "Coastal counties" means Clallam, Jefferson, Grays Harbor, and Pacific counties.

(2) "Coastal waters" means the waters of the Pacific Ocean seaward from Cape Flattery south to Cape Disappointment, from mean high tide seaward two hundred miles.

NEW SECTION, Sec. 12. PLANNING AND PROJECT REVIEW CRITERIA. (1) When the state of Washington and local governments develop plans for the management, conservation, use, or development of natural resources in Washington's coastal waters, the policies in section 10 of this act shall guide the decision-making process.

(2) Uses or activities that require federal, state, or local government permits or other approvals and that will adversely impact renewable resources, marine life, fishing, aquaculture, recreation, navigation, air or water quality, or other existing ocean or coastal uses, may be permitted only if the criteria below are met or exceeded:

(a) There is a demonstrated significant local, state, or national need for the proposed use or activity;

(b) There is no reasonable alternative to meet the public need for the proposed use or activity;

(c) There will be no likely long-term significant adverse impacts to coastal or marine resources or uses;

(d) All reasonable steps are taken to avoid and minimize adverse environmental impacts, with special protection provided for the marine life and resources of the Columbia river, Willapa Bay and Grays Harbor estuaries, and Olympic national park;

(e) All reasonable steps are taken to avoid and minimize adverse social and economic impacts, including impacts on aquaculture, recreation, tourism, navigation, air quality, and recreational, commercial, and tribal fishing;

(f) Compensation is provided to mitigate adverse impacts to coastal resources or uses;

(g) Plans and sufficient performance bonding are provided to ensure that the site will be rehabilitated after the use or activity is completed; and

(h) The use or activity complies with all applicable local, state, and federal laws and regulations.

NEW SECTION. Sec. 13. OIL AND GAS LEASING ANALYSIS. Prior to September 1, 1994, the department of natural resources and the department of ecology, working together and at the direction of the joint select committee on marine and ocean resources, shall complete an analysis of the potential positive and negative impacts of the leasing of state-owned lands which is described in section 10(2) of this act. The department shall consult with the departments of fisheries, wildlife, community development, and trade and economic development, and with the public, when preparing this analysis. The analysis shall be presented to the legislature no later than September 1, 1994. This analysis shall be used by the legislature in determining whether the oil and gas leasing moratorium contained in section 10 of this act should be extended.

NEW SECTION. Sec. 14. A new section is added to chapter 90.58 RCW to read as follows:
SHORELINE MASTER PLAN REVIEW. (1) The department of ecology, in cooperation with other state agencies and coastal local governments, shall prepare and adopt ocean use guidelines and policies to be used in reviewing, and where appropriate, amending, shoreline master programs of local governments with coastal waters or coastal shorelines within their boundaries. These guidelines shall be finalized by April 1, 1990.

(2) After the department of ecology has adopted the guidelines required in subsection (1) of this section, counties, cities, and towns with coastal waters or coastal shorelines shall review their shoreline master programs to ensure that the programs conform with sections 10 and 12 of this act and with the department of ecology's ocean use guidelines. Amended master programs shall be submitted to the department of ecology for its approval under RCW 90.58.090 by June 30, 1991.

NEW SECTION. Sec. 15. The energy office shall prepare and transmit to the governor and the appropriate legislative committees of the legislature no later than September 1, 1994, a report on liquid fossil fuel supply and demand and on strategies which exist or which can be developed for conserving liquid fossil fuels. This report shall include information on how the conservation of liquid fossil fuels might affect the need for new supplies of liquid fossil fuels, and how conservation might affect the need for oil or gas leasing, exploration, or development off the coast of Washington. This report shall also contain suggestions for implementing the identified conservation strategies. This report shall be used by the legislature in determining whether the oil and gas leasing moratorium contained in section 10 of this act should be extended.

NEW SECTION. Sec. 16. A new section is added to chapter 90.58 RCW to read as follows:
 The department of ecology shall consult with affected state agencies, local governments, Indian tribes, and the public prior to responding to federal coastal zone management consistency certifications for uses and activities occurring on the federal outer continental shelf.

NEW SECTION. Sec. 17. The authority for the joint select committee on marine and ocean resources is extended until June 30, 1994. During this time, the committee shall perform the following tasks:

(1) Analyze how the state can maximize the potential positive impacts and minimize the potential negative impacts associated with proposed federal outer continental shelf lands act oil and gas lease sales of Washington's coastal waters.

(2) Analyze the advantages and disadvantages of using the energy facilities—site locations act for making decisions on onshore energy facilities. The committee shall also explore alternative approaches for making these decisions.

(3) Work in coordination with, and provide direction to, the department of natural resources in preparing the analysis described in section 13 of this act.

(4) Complete those tasks assigned to it during the 1987 legislative session in SHCR 4407.

NEW SECTION. Sec. 18. (1) The sum of one hundred eighty thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the general fund to the department of ecology for the purposes of section 14 of this act. One hundred twenty thousand dollars of this amount, or as much thereof as may be necessary, shall be distributed by the department of ecology to local governments for the purpose of reviewing and amending their shoreline master programs.

(2) The sum of one hundred thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the general fund to the joint select committee on marine and ocean resources to be used to contract with the departments of ecology and natural resources for purposes of the analysis in section 13 of this act.

(3) To the maximum extent possible, the department of ecology and the department of natural resources shall use federal grant funds instead of the appropriations under this section.

NEW SECTION. Sec. 19. Section captions as used in this act do not constitute any part of the law.

NEW SECTION. Sec. 20. Sections 9 through 13 of this act shall constitute a new chapter in Title 43 RCW and may be known and cited as the ocean resources management act.

NEW SECTION. Sec. 21. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 22. Sections 1 through 8 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

Correct any internal references accordingly.

On page 1, line 3 of the title, strike everything after "RCW:" and insert "adding a new chapter to Title 43 RCW; adding new sections to chapter 90.58 RCW; creating new sections; prescribing penalties; making appropriations; and declaring an emergency."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Metcalf, the Senate concurred in the House amendments to Substitute Senate Bill No. 5315.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5315, as amended by the House.

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator Bender, this moratorium extends only to the three mile limit. If the federal government determines to lease beyond the three mile limit, are there any prohibitions?"

Senator Bender: "Senator Rasmussen, I understand the answer to that is 'no.'"

Senator Rasmussen: "So, they then can lease and they can slant drill inside the three mile limit if they want to?"

Senator Bender: "I'm not the expert on that particular issue."

Senator Rasmussen: "Senator Vognild said--"

REMARKS BY SENATOR VOGNILD

Senator Vognild: "Mr. President, in responding to Senator Rasmussen's question, I have been in contact with a couple members of our delegation in Washington, D.C. They are proposing, in Washington, D.C., that a moratorium somewhat similar to this be enacted at the federal level. They felt it was vital that we pass this legislation here showing that the state of Washington is taking a position that we believe that there are some dangers in the present operation and until such time as we know that we have the facilities to control an accident, we don't want the drilling. With the passage of this bill, they believe that they will then be able to affect the same type of moratorium at the federal level and will give us that type of protection."

Further debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5315, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 42; absent, 3; excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Hansen, Johnson, Kreidler, Lee, Madsen, McCaslin, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 42.

Absent: Senators Barr, Matson, McMullen - 3.

Excused: Senators DeJarnatt, Gaspard, Hayner, McDonald - 4.

SUBSTITUTE SENATE BILL NO. 5315, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

REQUEST BY SENATOR VOGNILD

Senator Vognild: "Thank you, Mr. President. I would like the record to show that the collective leadership on both sides were aware that there were sufficient votes on Substitute Senate Bill No. 5315 and, therefore, did not bring in those members who are on Conference Committees and that is why there are excused and absent members."

MOTIONS

On motion of Senator Smith, Senator Amondson was excused.

On motion of Senator Vognild, Senator Fleming was excused.

MESSAGE FROM THE HOUSE

April 20, 1989

Mr. President:

The House has adopted the Report of the Conference Committee on ENGROSSED HOUSE BILL NO. 1917 and has granted said committee the powers of Free Conference.

ALAN THOMPSON, Chief Clerk

REPORT OF FREE CONFERENCE COMMITTEE

RE: EHB 1917

Establishing a certified real estate appraiser law.

April 18, 1989

Mr. President:

Mr. Speaker:

We of your Free Conference Committee, have had the same under consideration and we recommend that the measure be amended as proposed under the request for Free Conference and that the bill do pass as amended by the Free Conference Committee.

(See Report of Conference Committee on Engrossed House Bill No. 1917 and the request for powers of Free Conference read in April 20, 1989.)

Signed by Senators von Reichbauer, Williams, Sellar; Representatives O'Brien, Vekich, May.

MOTION

Senator Newhouse moved that the Report of the Free Conference Committee on Engrossed House Bill No. 1917 be adopted.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Newhouse to adopt the Report of the Free Conference Committee on Engrossed House Bill No. 1917.

The motion by Senator Newhouse carried and the Senate adopted the Report of the Free Conference Committee on Engrossed House Bill No. 1917.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 1917, as amended by the Free Conference Committee.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1917, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 40; absent, 3; excused, 6.

Voting yea: Senators Anderson, Bailey, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Hansen, Kreidler, Lee, Madsen, McCaslin, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 40.

Absent: Senators Barr, Johnson, Matson - 3.

Excused: Senators Amondson, DeJarnatt, Fleming, Gaspard, Hayner, McDonald - 6.

ENGROSSED HOUSE BILL NO. 1917, as amended by the Free Conference Committee, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the President returned the Senate to the third order of business.

MESSAGE FROM THE GOVERNOR

April 20, 1989

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to advise you that on April 20, 1989, Governor Gardner approved the following Senate Bills entitled:

Substitute Senate Bill No. 5009

Relating to vessel registration.

Senate Bill No. 5022

Relating to utilities and transportation commission reporting requirements.

Senate Bill No. 5040

Relating to controlled substances within correctional facilities.

Senate Bill No. 5054

Relating to teacher recruitment.

Substitute Senate Bill No. 5066

Relating to defense of persons or property.

Senate Bill No. 5090

Relating to seriousness levels for unranked felonies.

Substitute Senate Bill No. 5098

Relating to regulation of telecommunications companies.

Second Substitute Senate Bill No. 5111

Relating to work training release.

Substitute Senate Bill No. 5126

Relating to a surveillance fee for low-level radioactive waste disposal.

Senate Bill No. 5137

Relating to portability of pension benefits for school nurses.

Substitute Senate Bill No. 5138

Relating to vehicle inspection fees when a physical examination is required.

Senate Bill No. 5150

Relating to a former prisoner of war recognition day.

Substitute Senate Bill No. 5151

Relating to senior citizen state park passes.

Substitute Senate Bill No. 5168

Relating to the operation of an automated bibliographic service by the state library commission.

Senate Bill No. 5231

Relating to antique firearms.

Substitute Senate Bill No. 5234

Relating to child and adult abuse information.

Substitute Senate Bill No. 5252

Relating to unfit buildings, dwellings, structures and premises.

Substitute Senate Bill No. 5275

Relating to high voltage electric and magnetic fields.

Senate Bill No. 5301

Relating to codes for factory built housing.

Senate Bill No. 5353

Relating to continued service credit for disabled law enforcement officers and fire fighters.

Substitute Senate Bill No. 5362

Relating to administration of antipsychotic medications.

Senate Bill No. 5393

Relating to educational assistance for nurses.

Senate Bill No. 5403

Relating to surplus property.

Substitute Senate Bill No. 5419

Relating to charter boats.

Senate Bill No. 5440

Relating to tow trucks.

Senate Bill No. 5464

Relating to professional wrestling and boxing.

Senate Bill No. 5480

Relating to malicious harassment.

Substitute Senate Bill No. 5481

Relating to the impaired physician program.

Senate Bill No. 5488

- Relating to theft of livestock.
Senate Bill No. 5502
 Relating to the sale of valuable materials.
Senate Bill No. 5579
 Relating to reporting past due accounts to credit reporting agencies.
Senate Bill No. 5590
 Relating to firefighters.
Substitute Senate Bill No. 5614
 Relating to implementation of voluntary substance abuse monitoring programs for regulated health professions.
Senate Bill No. 5636
 Relating to unemployment compensation benefits, claims, recovery, appeals and confidentiality.
Senate Bill No. 5641
 Relating to service charges on vessel retail installment contracts.
Substitute Senate Bill No. 5644
 Relating to the Milwaukee Road.
Second Substitute Senate Bill No. 5660
 Relating to child care resource and referral.
Senate Bill No. 5680
 Relating to the auditor of public accounts.
Senate Bill No. 5715
 Relating to immigration assistants.
Senate Bill No. 5731
 Relating to forms of investments in obligations of the United States government.
Substitute Senate Bill No. 5746
 Relating to overtime for interstate truck drivers.
Senate Bill No. 5756
 Relating to sureties for public works bonds.
Substitute Senate Bill No. 5782
 Relating to defrauding a public utility.
Substitute Senate Bill No. 5790
 Relating to residential mortgage loans.
Senate Bill No. 5824
 Relating to payments by health care service contractors.
Senate Bill No. 5871
 Relating to wine retailer's licenses.
Substitute Senate Bill No. 5886
 Relating to modifying confidentiality standards for information regarding sexually transmitted diseases.
Senate Bill No. 5887
 Relating to allowing boards of county commissioners to appoint representatives to air pollution control authorities.
Substitute Senate Bill No. 5933
 Relating to an annual leave sharing program for state employees.
Senate Bill No. 5987
 Relating to use of alternative fuels.
Senate Bill No. 5990
 Relating to limiting the authority of cities to impose license fees or taxes on the resale of network telephone services.
Senate Bill No. 6057
 Relating to the education of homeless children.

Sincerely,
 TERRY SEBRING, Legal Counsel to the Governor

MOTION

At 12:14 p.m., on motion of Senator Newhouse, the Senate recessed until 2:30 p.m.

The Senate was called to order at 2:32 p.m. by President Pritchard.

SIGNED BY THE PRESIDENT

The President signed:
HOUSE BILL NO. 1385.

SIGNED BY THE PRESIDENT

The President signed:
HOUSE BILL NO. 1241,
SUBSTITUTE HOUSE BILL NO. 1504.

SIGNED BY THE PRESIDENT

The President signed:
SUBSTITUTE HOUSE BILL NO. 1007,
HOUSE BILL NO. 1019,
HOUSE BILL NO. 1042,
HOUSE BILL NO. 1060,
HOUSE BILL NO. 1072,
HOUSE BILL NO. 1085,
SUBSTITUTE HOUSE BILL NO. 1104,
SUBSTITUTE HOUSE BILL NO. 1115,
SUBSTITUTE HOUSE BILL NO. 1173,
SUBSTITUTE HOUSE BILL NO. 1183,
HOUSE BILL NO. 1253,
SUBSTITUTE HOUSE BILL NO. 1337,
SUBSTITUTE HOUSE BILL NO. 1370,
SUBSTITUTE HOUSE BILL NO. 1388,
SUBSTITUTE HOUSE BILL NO. 1414,
HOUSE BILL NO. 1467,
SUBSTITUTE HOUSE BILL NO. 1547.

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

There being no objection, the Senate resumed consideration of Substitute House Bill No. 2011 and the motion by Senator Newhouse to adopt the Report of the Conference Committee and to grant the committee the powers of Free Conference, deferred earlier today.

The President declared the question before the Senate to be the adoption of the Report of the Conference Committee on Substitute House Bill No. 2011 and to grant the committee the powers of Free Conference.

The motion by Senator Newhouse carried and the Report of the Conference Committee on Substitute House Bill No. 2011 was adopted and the committee was granted the powers of Free Conference.

PARLIAMENTARY INQUIRY

Senator Rasmussen: "Mr. President, a parliamentary inquiry, does the twenty-four hours extend from the time that this body grants the powers of Free Conference? For instance, it is 2:35 p.m. that we've granted the powers of Free Conference. Does the twenty-four hours start running from that time?"

REPLY BY THE PRESIDENT

President Pritchard: "It's from the time the Secretary received the report."

Senator Rasmussen: "Asking for the powers of free conference?"

President Pritchard: "From the time we received the Report of the Conference Committee."

Senator Rasmussen: "Yes, but my question, they're asking for the powers of Free Conference and the rules require twenty-four hours from the time the Free Conference Committee Report is laid on our desk."

REMARKS BY SENATOR NEWHOUSE

Senator Newhouse: "Mr. President, may I? Senator Rasmussen, in the case of this bill, Substitute House Bill No. 2011, you'll note on it the time this morning of 10:12

a.m. That's when this version was laid on the desk and that's the time we are referring to."

Senator Rasmussen: "Well, I'm not particularly relating to this bill, but let me ask, we may or may not grant the powers of Free Conference, so obviously, from the time we grant the powers of Free Conference, it would be the twenty-four hours we'd have to look it over?"

REPLY BY THE PRESIDENT

President Pritchard: "That's not what the rules say, Senator. It is the time the Senate receives it here, not by the time it gets to your desk, but by the time they request Free Conference."

Senator Rasmussen: "Mr. President, I understand. The Conference Committee has met and they have requested the powers of Free Conference. The Senate may or may not grant the powers of Free Conference, so the fact that it's laid on the desk--the Conference Committee asking the powers, we may not grant that for two or three days. The purpose of the rule is the time to study when a Free Conference Committee reports the bill."

"Mr. President, I point out in the old days when you were here we used to get the bills on our desk and act on them a minute before they arrived. We changed that so we would have time to study the Report of the Free Conference Committee. Thank you, Mr. President, and I'll grant you time to study that if you wish."

President Pritchard: "Well, we'll take your statement under advisement and I will talk to the learned advisors that I have here and see what better answer we can give you."

MESSAGE FROM THE HOUSE

April 21, 1989

Mr. President:

The House has adopted the Report of the Conference Committee on ENGROSSED SENATE BILL NO. 5833 and has granted said committee the powers of Free Conference.

ALAN THOMPSON, Chief Clerk

REPORT OF CONFERENCE COMMITTEE

RE: ES5 5833

Relating to legislative control and enactment of juvenile disposition standards.

April 17, 1989

Mr. President:

Mr. Speaker:

We of your Conference Committee to whom the above measure was referred, have had the same under consideration and we report that we are unable to agree and we respectfully request the powers of Free Conference in order to amend the measure as follows:

Adopt the House Judiciary striking amendment which follows and further amend the committee striking amendment as follows:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 56, chapter 291, Laws of 1977 ex. sess. as last amended by section 17, chapter 145, Laws of 1988 and RCW 13.40.020 are each amended to read as follows:

For the purposes of this chapter:

(1) "Serious offender" means a person fifteen years of age or older who has committed an offense which if committed by an adult would be:

(a) A class A felony, or an attempt to commit a class A felony;

(b) Manslaughter in the first degree or rape in the second degree; or

(c) Assault in the second degree, extortion in the first degree, child molestation in the first or second degree, rape of a child in the second degree, kidnapping in the second degree, robbery in the second degree, or burglary in the second degree, where such offenses include the infliction of bodily harm upon another or where during the commission of or immediate withdrawal from such an offense the perpetrator is armed with a deadly weapon or firearm as defined in RCW 9A.04.110;

(2) "Community service" means compulsory service, without compensation, performed for the benefit of the community by the offender as punishment for committing an offense;

(3) "Community supervision" means an order of disposition by the court of an adjudicated youth. A community supervision order for a single offense may be for a period of up to one year and include one or more of the following:

- (a) A fine, not to exceed one hundred dollars;
- (b) Community service not to exceed one hundred fifty hours of service;
- (c) Attendance of information classes;
- (d) Counseling; or

(e) Such other services to the extent funds are available for such services, conditions, or limitations as the court may require which may not include confinement;

(4) "Confinement" means physical custody by the department of social and health services in a facility operated by or pursuant to a contract with the state, or physical custody in a facility operated by or pursuant to a contract with any county. Confinement of less than thirty-one days imposed as part of a disposition or modification order may be served consecutively or intermittently, in the discretion of the court;

(5) "Court", when used without further qualification, means the juvenile court judge(s) or commissioner(s);

(6) "Criminal history" includes all criminal complaints against the respondent for which, prior to the commission of a current offense:

(a) The allegations were found correct by a court. If a respondent is convicted of two or more charges arising out of the same course of conduct, only the highest charge from among these shall count as an offense for the purposes of this chapter; or

(b) The criminal complaint was diverted by a prosecutor pursuant to the provisions of this chapter on agreement of the respondent and after an advisement to the respondent that the criminal complaint would be considered as part of the respondent's criminal history;

(7) "Department" means the department of social and health services;

(8) "Diversion unit" means any probation counselor who enters into a diversion agreement with an alleged youthful offender or any other person or entity with whom the juvenile court administrator has contracted to arrange and supervise such agreements pursuant to RCW 13.04.040, as now or hereafter amended, or any person or entity specially funded by the legislature to arrange and supervise diversion agreements in accordance with the requirements of this chapter;

(9) "Institution" means a juvenile facility established pursuant to chapters 72.05 and 72.16 through 72.20 RCW;

(10) "Juvenile," "youth," and "child" mean any individual who is under the chronological age of eighteen years and who has not been previously transferred to adult court;

(11) "Juvenile offender" means any juvenile who has been found by the juvenile court to have committed an offense, including a person eighteen years of age or older over whom jurisdiction has been extended under RCW 13.40.300;

(12) "Manifest injustice" means a disposition that would either impose an excessive penalty on the juvenile or would impose a serious, and clear danger to society in light of the purposes of this chapter;

(13) "Middle offender" means a person who has committed an offense and who is neither a minor or first offender nor a serious offender;

(14) "Minor or first offender" means a person sixteen years of age or younger whose current offense(s) and criminal history fall entirely within one of the following categories:

(a) Four misdemeanors;

(b) Two misdemeanors and one gross misdemeanor;

(c) One misdemeanor and two gross misdemeanors;

(d) Three gross misdemeanors;

(e) One class C felony except manslaughter in the second degree and one misdemeanor or gross misdemeanor;

(f) One class B felony except: Any felony which constitutes an attempt to commit a class A felony; manslaughter in the first degree; rape in the second degree; assault in the second degree; extortion in the first degree; indecent liberties; kidnapping in the second degree; robbery in the second degree; burglary in the second degree; rape of a child in the second degree; vehicular homicide; child molestation in the first degree; or arson in the second degree.

For purposes of this definition, current violations shall be counted as misdemeanors:

(15) "Offense" means an act designated a violation or a crime if committed by an adult under the law of this state, under any ordinance of any city or county of this state, under any federal law, or under the law of another state if the act occurred in that state;

(16) "Respondent" means a juvenile who is alleged or proven to have committed an offense;

(17) "Restitution" means financial reimbursement by the offender to the victim, and shall be limited to easily ascertainable damages for injury to or loss of property, actual expenses incurred for medical treatment for physical injury to persons, and lost wages resulting from physical injury. Restitution shall not include reimbursement for damages for mental anguish.

pain and suffering, or other intangible losses. Nothing in this chapter shall limit or replace civil remedies or defenses available to the victim or offender:

(18) "Secretary" means the secretary of the department of social and health services;

(19) "Services" mean services which provide alternatives to incarceration for those juveniles who have pleaded or been adjudicated guilty of an offense or have signed a diversion agreement pursuant to this chapter;

(20) "Foster care" means temporary physical care in a foster family home or group care facility as defined in RCW 74.15.020 and licensed by the department, or other legally authorized care;

(21) "Violation" means an act or omission, which if committed by an adult, must be proven beyond a reasonable doubt, and is punishable by sanctions which do not include incarceration.

Sec. 2. Section 4, chapter 299, Laws of 1981 as amended by section 9, chapter 288, Laws of 1986 and RCW 13.40.027 are each amended to read as follows:

(1) It is the responsibility of the commission to: (a) (i) Evaluate the effectiveness of existing disposition standards and related statutes in implementing policies set forth in RCW 13.40.010 generally and (ii) specifically review the guidelines relating to the confinement of minor and first offenders as well as the use of diversion (~~The committee shall propose modifications to the legislature regarding subsection (1)(a)(ii) of this section by January 1, 1987~~); (b) solicit the comments and suggestions of the juvenile justice community concerning disposition standards; and (c) (~~develop and propose~~) make recommendations to the legislature regarding revisions or modifications of the disposition standards in accordance with RCW 13.40.030.

(2) It is the responsibility of the department to: (a) Provide the commission with available data concerning the implementation of the disposition standards and related statutes and their effect on the performance of the department's responsibilities relating to juvenile offenders; (b) at the request of the commission, provide technical and administrative assistance to the commission in the performance of its responsibilities; and (c) provide the commission and legislature with recommendations for modification of the disposition standards.

Sec. 3. Section 57, chapter 291, Laws of 1977 ex. sess. as last amended by section 1, chapter 73, Laws of 1985 and RCW 13.40.030 are each amended to read as follows:

(1) (a) The juvenile disposition standards commission shall (~~propose~~) recommend to the legislature no later than November 1st of each (~~even-numbered~~) year disposition standards for all offenses. The standards shall establish, in accordance with the purposes of this chapter, ranges which may include terms of confinement and/or community supervision established on the basis of a youth's age, the instant offense, and the history and seriousness of previous offenses, but in no case may the period of confinement and supervision exceed that to which an adult may be subjected for the same offense(s). Standards (~~proposed~~) recommended for offenders listed in RCW 13.40.020(1) shall include a range of confinement which may not be less than thirty days. No standard range may include a period of confinement which includes both more than thirty, and thirty or less, days. Disposition standards (~~proposed~~) recommended by the commission shall provide that in all cases where a youth is sentenced to a term of confinement in excess of thirty days the department may impose an additional period of parole not to exceed eighteen months. Standards of confinement which may be proposed may relate only to the length of the proposed terms and not to the nature of the security to be imposed. In developing (~~proposed~~) recommended disposition standards, the commission shall consider the capacity of the state juvenile facilities and the projected impact of the proposed standards on that capacity.

(b) The secretary shall submit guidelines pertaining to the nature of the security to be imposed on youth placed in his or her custody based on the age, offense(s), and criminal history of the juvenile offender. Such guidelines shall be submitted to the legislature for its review no later than November 1st of each (~~even-numbered~~) year. At the same time the secretary shall submit a report on security at juvenile facilities during the preceding (~~two-year period~~) year. The report shall include the number of escapes from each juvenile facility, the most serious offense for which each escapee had been confined, the number and nature of offenses found to have been committed by juveniles while on escape status, the number of authorized leaves granted, the number of failures to comply with leave requirements, the number and nature of offenses committed while on leave, and the number and nature of offenses committed by juveniles while in the community on minimum security status; to the extent this information is available to the secretary. The department shall include security status definitions in the security guidelines it submits to the legislature pursuant to this section.

(2) (~~If the commission fails to propose disposition standards as provided in this section, the existing standards shall remain in effect and may be adopted by the legislature or referred to the commission for modification as provided in subsection (3) of this section. If the standards are referred for modification, the provisions of subsection (4) shall be applicable.~~

(3) ~~The legislature may adopt the proposed standards or refer the proposed standards to the commission for modification. If the legislature fails to adopt or refer the proposed standards to the commission by February 15th of the following year, the proposed standards shall take effect without legislative approval on July 1st of that year.~~

(4) ~~If the legislature refers the proposed standards to the commission for modification on or before February 15th, the commission shall resubmit the proposed modifications to the legislature no later than March 1st. The legislature may adopt or modify the resubmitted proposed standards. If the legislature fails to adopt or modify the resubmitted proposed standards by April 1st, the resubmitted proposed standards shall take effect without legislative approval on July 1st of that year.~~

(5)) In developing ~~((and promulgating))~~ recommendations for the permissible ranges of confinement under this section the commission shall be subject to the following limitations:

(a) Where the maximum term in the range is ninety days or less, the minimum term in the range may be no less than fifty percent of the maximum term in the range;

(b) Where the maximum term in the range is greater than ninety days but not greater than one year, the minimum term in the range may be no less than seventy-five percent of the maximum term in the range; and

(c) Where the maximum term in the range is more than one year, the minimum term in the range may be no less than eighty percent of the maximum term in the range.

Sec. 4. Section 70, chapter 291, Laws of 1977 ex. sess. as last amended by section 8, chapter 191, Laws of 1983 and RCW 13.40.160 are each amended to read as follows:

(1) When the respondent is found to be a serious offender, the court shall commit the offender to the department for the standard range of disposition for the offense, as indicated in option A of schedule D-3, section 7 of this act.

If the court concludes, and enters reasons for its conclusion, that disposition within the standard range would effectuate a manifest injustice the court shall impose a disposition outside the standard range, as indicated in option B of schedule D-3, section 7 of this act. The court's finding of manifest injustice shall be supported by clear and convincing evidence.

A disposition outside the standard range shall be determinate and shall be comprised of confinement or community supervision, or a combination thereof. When a judge finds a manifest injustice and imposes a sentence of confinement exceeding thirty days, the court shall sentence the juvenile to a maximum term, and the provisions of RCW 13.40.030(5), as now or hereafter amended, shall be used to determine the range. A disposition outside the standard range is appealable under RCW 13.40.230, as now or hereafter amended, by the state or the respondent. A disposition within the standard range is not appealable under RCW 13.40.230 as now or hereafter amended.

(2) Where the respondent is found to be a minor or first offender, the court shall order that the respondent serve a term of community supervision as indicated in option A or option B of schedule D-1, section 7 of this act. If the court determines that a disposition of community supervision would effectuate a manifest injustice the court may impose another disposition under option C of schedule D-1, section 7 of this act. A disposition other than a community supervision may be imposed only after the court enters reasons upon which it bases its conclusions that imposition of community supervision would effectuate a manifest injustice. When a judge finds a manifest injustice and imposes a sentence of confinement exceeding thirty days, the court shall sentence the juvenile to a maximum term, and the provisions of RCW 13.40.030(5), as now or hereafter amended, shall be used to determine the range. The court's finding of manifest injustice shall be supported by clear and convincing evidence.

Any disposition other than community supervision may be appealed as provided in RCW 13.40.230, as now or hereafter amended, by the state or the respondent. A disposition of community supervision may not be appealed under RCW 13.40.230 as now or hereafter amended.

(3) Where a respondent is found to have committed an offense for which the respondent declined to enter into a diversion agreement, the court shall impose a term of community supervision limited to the conditions allowed in a diversion agreement as provided in RCW 13.40.080(2) as now or hereafter amended.

(4) If a respondent is found to be a middle offender:

(a) The court shall impose a determinate disposition within the standard range(s) for such offense, as indicated in option A of schedule D-2, section 7 of this act; PROVIDED, That if the standard range includes a term of confinement exceeding thirty days, commitment shall be to the department for the standard range of confinement; or

(b) The court shall impose a determinate disposition of community supervision and/or up to thirty days confinement, as indicated in option B of schedule D-2, section 7 of this act in which case, if confinement has been imposed, the court shall state either aggravating or mitigating factors as set forth in RCW 13.40.150 as now or hereafter amended.

(c) Only if the court concludes, and enters reasons for its conclusions, that disposition as provided in subsection (4) (a) or (b) of this section would effectuate a manifest injustice, the court shall sentence the juvenile to a maximum term, and the provisions of RCW 13.40.030(5), as now or hereafter amended, shall be used to determine the range. The court's finding of manifest injustice shall be supported by clear and convincing evidence.

(d) A disposition pursuant to subsection (4)(c) of this section is appealable under RCW 13.40.230, as now or hereafter amended, by the state or the respondent. A disposition pursuant to subsection (4) (a) or (b) of this section is not appealable under RCW 13.40.230 as now or hereafter amended.

(5) Whenever a juvenile offender is entitled to credit for time spent in detention prior to a dispositional order, the dispositional order shall specifically state the number of days of credit for time served.

(6) In its dispositional order, the court shall not suspend or defer the imposition or the execution of the disposition.

(7) In no case shall the term of confinement imposed by the court at disposition exceed that to which an adult could be subjected for the same offense.

NEW SECTION, Sec. 5. A new section is added to chapter 13.40 RCW to read as follows:

The sentencing guidelines and prosecuting standards apply equally to juvenile offenders in all parts of the state, without discrimination as to any element that does not relate to the crime or the previous record of the offender.

NEW SECTION, Sec. 6. A new section is added to chapter 13.40 RCW to read as follows:

The total current offense points for use in the standards range matrix of schedules D-1, D-2, and D-3 are computed as follows:

(1) The disposition offense category is determined by the offense of conviction. Offenses are divided into ten levels of seriousness, ranging from low (seriousness level E) to high (seriousness level A+), see schedule A, section 7 of this act.

(2) The prior offense increase factor is summarized in schedule B, section 7 of this act. The increase factor is determined for each prior offense by using the time span and the offense category in the prior offense increase factor grid. Time span is computed from the date of the prior offense to the date of the current offense. The total increase factor is determined by totaling the increase factors for each prior offense and adding a constant factor of 1.0.

(3) The current offense points are summarized in schedule C, section 7 of this act. The current offense points are determined for each current offense by locating the juvenile's age on the horizontal axis and using the offense category on the vertical axis. The juvenile's age is determined as of the time of the current offense and is rounded down to the nearest whole number.

(4) The total current offense points are determined for each current offense by multiplying the total increase factor by the current offense points. The total current offense points are rounded down to the nearest whole number.

NEW SECTION, Sec. 7. A new section is added to chapter 13.40 RCW to read as follows:

SCHEDULE A

DESCRIPTION AND OFFENSE CATEGORY

JUVENILE DISPOSITION OFFENSE CATEGORY	DESCRIPTION (RCW CITATION)	JUVENILE DISPOSITION CATEGORY FOR ATTEMPT, BAILJUMP, CONSPIRACY, OR SOLICITATION
	<u>Arson and Malicious Mischief</u>	
A	Arson 1 (9A.48.020)	B+
B	Arson 2 (9A.48.030)	C
C	Reckless Burning 1 (9A.48.040)	D
D	Reckless Burning 2 (9A.48.050)	E
B	Malicious Mischief 1 (9A.48.070)	C
C	Malicious Mischief 2 (9A.48.080)	D
D	Malicious Mischief 3 (<\$50 is E class) (9A.48.090)	E
E	Tampering with Fire Alarm Apparatus (9.40.100)	E
A	Possession of Incendiary Device (9.40.120)	B+
	<u>Assault and Other Crimes</u>	
	<u>Involving Physical Harm</u>	
A	Assault 1 (9A.36.011)	B+
B+	Assault 2 (9A.36.021)	C+
C+	Assault 3 (9A.36.031)	D+
D+	Assault 4 (9A.36.041)	E
D+	Reckless Endangerment (9A.36.050)	E
C+	Promoting Suicide Attempt (9A.36.060)	D+
D+	Coercion (9A.36.070)	E
C+	Custodial Assault (9A.36.100)	D+
	<u>Burglary and Trespass</u>	
B+	Burglary 1 (9A.52.020)	C+
B	Burglary 2 (9A.52.030)	C
D	Burglary Tools (Possession of) (9A.52.060)	E
D	Criminal Trespass 1 (9A.52.070)	E

SCHEDULE A
DESCRIPTION AND OFFENSE CATEGORY

JUVENILE
DISPOSITION
CATEGORY FOR ATTEMPT,
BAILJUMP, CONSPIRACY,
OR SOLICITATION

JUVENILE DISPOSITION OFFENSE CATEGORY	DESCRIPTION (RCW CITATION)	JUVENILE DISPOSITION CATEGORY FOR ATTEMPT, BAILJUMP, CONSPIRACY, OR SOLICITATION
E	Criminal Trespass 2 (9A.52.080)	E
D	Vehicle Prowling (9A.52.100)	E
	<u>Drugs</u>	
E	Possession/Consumption of Alcohol (66.44.270)	E
C	Illegally Obtaining Legend Drug (69.41.020)	D
C+	Sale, Delivery, Possession or Legend Drug with Intent to Sell (69.41.030)	D+
E	Possession of Legend Drug (69.41.030)	E
B+	Violation of Uniform Controlled Substances Act - Narcotic Sale (69.50.401(a)(1)(i))	B+
C	Violation of Uniform Controlled Substances Act - Nonnarcotic Sale (69.50.401(a)(1)(ii))	C
E	Possession of Marihuana <40 grams (69.50.401(e))	E
C	Fraudulently Obtaining Controlled Substance (69.50.403)	C
C+	Sale of Controlled Substance for Profit (69.50.410)	C+
E	Glue Sniffing (9.47A.050)	E
B	Violation of Uniform Controlled Substances Act - Narcotic Counterfeit Substances (69.50.401(b)(1)(i))	B
C	Violation of Uniform Controlled Substances Act - Nonnarcotic Counterfeit Substances (69.50.401(b)(1) (ii), (iii), (iv))	C
C	Violation of Uniform Controlled Substances Act - Possession of a Controlled Substance (69.50.401(d))	C
C	Violation of Uniform Controlled Substances Act - Possession of a Controlled Substance (69.50.401(c))	C
	<u>Firearms and Weapons</u>	
C+	Committing Crime When Armed (9.41.025)	D+
E	Carrying Loaded Pistol Without Permit (9.41.050)	E
E	Use of Firearms by Minor (<14) (9.41.240)	E
D+	Possession of Dangerous Weapon (9.41.250)	E
D	Intimidating Another Person by use of Weapon (9.41.270)	E
	<u>Homicide</u>	
A+	Murder 1 (9A.32.030)	A
A+	Murder 2 (9A.32.050)	B+
B+	Manslaughter 1 (9A.32.060)	C+
C+	Manslaughter 2 (9A.32.070)	D+
B+	Vehicle Homicide (46.61.520)	C+
	<u>Kidnapping</u>	
A	Kidnap 1 (9A.40.020)	B+
B+	Kidnap 2 (9A.40.030)	C+
C+	Unlawful Imprisonment (9A.40.040)	D+
D	Custodial Interference (9A.40.050)	E
	<u>Obstructing Governmental Operation</u>	

SCHEDULE A
DESCRIPTION AND OFFENSE CATEGORY

JUVENILE
DISPOSITION
CATEGORY FOR ATTEMPT.
BAILJUMP, CONSPIRACY,
OR SOLICITATION

JUVENILE
DISPOSITION
OFFENSE
CATEGORY

DESCRIPTION (RCW CITATION)

E	Obstructing a Public Servant (9A.76.020)	E
E	Resisting Arrest (9A.76.040)	E
B	Introducing Contraband 1 (9A.76.140)	C
C	Introducing Contraband 2 (9A.76.150)	D
E	Introducing Contraband 3 (9A.76.160)	E
B+	Intimidating a Public Servant (9A.76.180)	C+
B+	Intimidating a Witness (9A.72.110)	C+
E	Criminal Contempt (9.23.010) <u>Public Disturbance</u>	E
C+	Riot with Weapon (9A.84.010)	D+
D+	Riot Without Weapon (9A.84.010)	E
E	Failure to Disperse (9A.84.020)	E
E	Disorderly Conduct (9A.84.030)	E
	<u>Sex Crimes</u>	
A	Rape 1 (9A.44.040)	B+
A-	Rape 2 (9A.44.050)	B+
C+	Rape 3 (9A.44.060)	D+
A-	Rape of a Child 1 (9A.44.073)	B+
B	Rape of a Child 2 (9A.44.076)	C+
B	Incest 1 (9A.64.020(1))	C
C	Incest 2 (9A.64.020(2))	D
D+	Public Indecency (Victim <14) (9A.88.010)	E
E	Public Indecency (Victim 14 or over) (9A.88.010)	E
B+	Promoting Prostitution 1 (9A.88.070)	C+
C+	Promoting Prostitution 2 (9A.88.080)	D+
E	O & A (Prostitution) (9A.88.030)	E
B+	Indecent Liberties (9A.44.100)	C+
B+	Child Molestation 1 (9A.44.083)	C+
C+	Child Molestation 2 (9A.44.086)	C
	<u>Theft, Robbery, Extortion, and Forgery</u>	
B	Theft 1 (9A.56.030)	C
C	Theft 2 (9A.56.040)	D
D	Theft 3 (9A.56.050)	E
B	Theft of Livestock (9A.56.080)	C
C	Forgery (9A.56.020)	D
A	Robbery 1 (9A.56.200)	B+
B+	Robbery 2 (9A.56.210)	C+
B+	Extortion 1 (9A.56.120)	C+
C+	Extortion 2 (9A.56.130)	D+
B	Possession of Stolen Property 1 (9A.56.150)	C
C	Possession of Stolen Property 2 (9A.56.160)	D
D	Possession of Stolen Property 3 (9A.56.170)	E
C	Taking Motor Vehicle Without Owner's Permission (9A.56.070)	D
	<u>Motor Vehicle Related Crimes</u>	
E	Driving Without a License (46.20.021)	E
C	Hit and Run - Injury (46.52.020(4))	D
D	Hit and Run-Attended (46.52.020(5))	E
E	Hit and Run-Unattended (46.52.010)	E
C	Vehicular Assault (46.61.522)	D
C	Attempting to Elude Pursuing Police Vehicle (46.61.024)	D
E	Reckless Driving (46.61.500)	E

SCHEDULE A
DESCRIPTION AND OFFENSE CATEGORY

JUVENILE DISPOSITION OFFENSE CATEGORY	DESCRIPTION (RCW CITATION)	JUVENILE DISPOSITION CATEGORY FOR ATTEMPT, BAILJUMP, CONSPIRACY, OR SOLICITATION
D	Driving While Under the Influence (46.61.515)	E
B+	Negligent Homicide by Motor Vehicle (46.61.520)	C+
D	Vehicle Prowling (9A.52.100)	E
C	Taking Motor Vehicle Without Owner's Permission (9A.56.070)	D
	<u>Other</u>	
B	Bomb Threat (9.61.160)	C
C	Escape 1* (9A.76.110)	C
C	Escape 2* (9A.76.120)	C
D	Escape 3 (9A.76.130)	E
C	Failure to Appear in Court (10.19.130)	D
E	Tampering with Fire Alarm Apparatus (9.40.100)	E
E	Obscene, Harassing, Etc., Phone Calls (9.61.230)	E
A	Other Offense Equivalent to an Adult Class A Felony	B+
B	Other Offense Equivalent to an Adult Class B Felony	C
C	Other Offense Equivalent to an Adult Class C Felony	D
D	Other Offense Equivalent to an Adult Gross Misdemeanor	E
E	Other Offense Equivalent to an Adult Misdemeanor	E
V	Violation of Order of Restitution, Community Supervision, or Confinement (13.40.200)**	V

*Escape 1 and 2 and Attempted Escape 1 and 2 are classed as C offenses and the standard range is established as follows:

1st escape or attempted escape during 12-month period - 4 weeks confinement

2nd escape or attempted escape during 12-month period - 8 weeks confinement

3rd and subsequent escape or attempted escape during 12-month period - 12 weeks confinement

**If the court finds that a respondent has violated terms of an order, it may impose a penalty of up to 30 days of confinement.

SCHEDULE B
PRIOR OFFENSE INCREASE FACTOR

For use with all CURRENT OFFENSES occurring on or after July 1, 1989.

OFFENSE CATEGORY	<u>TIME SPAN</u>		
	0-12 Months	13-24 Months	25 Months or More
A+	.9	.9	.9
A	.9	.8	.6
A-	.9	.8	.5
B+	.9	.7	.4
B	.9	.6	.3
C+	.6	.3	.2
C	.5	.2	.2
D+	.3	.2	.1
D	.2	.1	.1
E	.1	.1	.1

Prior history - Any offense in which a diversion agreement or counsel and release form was signed, or any offense which has been adjudicated by court to be correct prior to the commission of the current offense(s).

SCHEDULE C
CURRENT OFFENSE POINTS

For use with all CURRENT OFFENSES occurring on or after July 1, 1989.

OFFENSE CATEGORY	<u>AGE</u>					
	12 & Under	13	14	15	16	17
A+	STANDARD RANGE 180-224 WEEKS					
A	250	300	350	375	375	375
A-	150	150	150	200	200	200
B+	110	110	120	130	140	150
B	45	45	50	50	57	57
C+	44	44	49	49	55	55
C	40	40	45	45	50	50
D+	16	18	20	22	24	26
D	14	16	18	20	22	24
E	4	4	4	6	8	10

JUVENILE SENTENCING STANDARDS

SCHEDULE D-1

This schedule may only be used for minor/first offenders. After the determination is made that a youth is a minor/first offender, the court has the discretion to select sentencing option A, B, or C.

MINOR/FIRST OFFENDER

OPTION A

STANDARD RANGE

<u>Points</u>	<u>Community Supervision</u>		<u>Community Service Hours</u>		<u>Fine</u>	
	1-9	0-3 months		and/or 0-8		and/or 0-\$10
10-19	0-3 months		and/or 0-8		and/or 0-\$10	
20-29	0-3 months		and/or 0-16		and/or 0-\$10	
30-39	0-3 months		and/or 8-24		and/or 0-\$25	
40-49	3-6 months		and/or 16-32		and/or 0-\$25	
50-59	3-6 months		and/or 24-40		and/or 0-\$25	
60-69	6-9 months		and/or 32-48		and/or 0-\$50	
70-79	6-9 months		and/or 40-56		and/or 0-\$50	
80-89	9-12 months		and/or 48-64		and/or 0-\$100	
90-109	9-12 months		and/or 56-72		and/or 0-\$100	

OR

OPTION B

STATUTORY OPTION

0-12 Months Community Supervision
0-150 Hours Community Service
0-100 Fine

A term of community supervision with a maximum of 150 hours, \$100.00 fine, and 12 months supervision.

OR

OPTION C

MANIFEST INJUSTICE

When a term of community supervision would effectuate a manifest injustice, another disposition may be imposed. When a judge imposes a sentence of confinement exceeding 30 days, the court shall sentence the juvenile to a maximum term and the provisions of RCW 13.40.030(5), as now or hereafter amended, shall be used to determine the range.

JUVENILE SENTENCING STANDARDS

SCHEDULE D-2

SCHEDULE D-2

This schedule may only be used for middle offenders. After the determination is made that a youth is a middle offender, the court has the discretion to select sentencing option A, B, or C.

MIDDLE OFFENDER

OPTION A

STANDARD RANGE

<u>Points</u>	<u>Community Supervision</u>		<u>Community Service Hours</u>		<u>Fine</u>		<u>Confinement Days Weeks</u>	
	1-9	0-3 months		and/or 0-8		and/or 0-\$10		and/or 0
10-19	0-3 months		and/or 0-8		and/or 0-\$10		and/or 0	
20-29	0-3 months		and/or 0-16		and/or 0-\$10		and/or 0	
30-39	0-3 months		and/or 8-24		and/or 0-\$25		and/or 2-4	

Points	OPTION A <u>STANDARD RANGE</u>			
	Community Supervision	Community Service Hours	Fine	Confinement Days Weeks
40-49	3-6 months	and/or 16-32	and/or 0-\$25	and/or 2-4
50-59	3-6 months	and/or 24-40	and/or 0-\$25	and/or 5-10
60-69	6-9 months	and/or 32-48	and/or 0-\$50	and/or 5-10
70-79	6-9 months	and/or 40-56	and/or 0-\$50	and/or 10-20
80-89	9-12 months	and/or 48-64	and/or 0-\$100	and/or 10-20
90-109	9-12 months	and/or 56-72	and/or 0-\$100	and/or 15-30
110-129				8-12
130-149				13-16
150-199				21-28
200-249				30-40
250-299				52-65
300-374				80-100
375+				103-129

Middle offenders with more than 110 points do not have to be committed. They may be assigned community supervision under option B.

All A+ offenses 180-224 weeks

OR
OPTION B
STATUTORY OPTION

0-12 Months Community Supervision

0-150 Hours Community Service

0-100 Fine

The court may impose a determinate disposition of community supervision and/or up to 30 days confinement; in which case, if confinement has been imposed, the court shall state either aggravating or mitigating factors as set forth in RCW 13.40.150, as now or hereafter amended.

OR
OPTION C
MANIFEST INJUSTICE

If the court determines that a disposition under A or B would effectuate a manifest injustice, the court shall sentence the juvenile to a maximum term and the provisions of RCW 13.40.030(5), as now or hereafter amended, shall be used to determine range.

JUVENILE SENTENCING STANDARDS
SCHEDULE D-3

This schedule may only be used for serious offenders. After the determination is made that a youth is a serious offender, the court has the discretion to select sentencing option A or B.

SERIOUS OFFENDER
OPTION A
STANDARD RANGE

Points	Institution Time
0-129	8-12 weeks
130-149	13-16 weeks
150-199	21-28 weeks
200-249	30-40 weeks
250-299	52-65 weeks
300-374	80-100 weeks
375+	103-129 weeks
All A+ Offenses	180-224 weeks

OR
OPTION B
MANIFEST INJUSTICE

A disposition outside the standard range shall be determined and shall be comprised of confinement or community supervision or a combination thereof. When a judge finds a manifest injustice and imposes a sentence of confinement exceeding 30 days, the court shall sentence the juvenile to a maximum term, and the provisions of RCW 13.40.030(5), as now or hereafter amended, shall be used to determine the range.

Sec. 8, Section 22, chapter 191, Laws of 1983 and RCW 13.40.280 are each amended to read as follows:

(1) (~~Notwithstanding the provisions of RCW 13.04.115;~~) The secretary, with the consent of the secretary of the department of corrections, has the authority to transfer a juvenile presently or hereafter committed to the department of social and health services to the department of corrections for appropriate institutional placement in accordance with this section.

(2) The secretary of the department of social and health services may, with the consent of the secretary of the department of corrections, transfer a juvenile offender to the department of corrections if it is established at a hearing before a review board that continued placement of the juvenile offender in an institution for juvenile offenders presents a continuing and serious threat to the safety of others in the institution. The department of social and health services shall establish rules for the conduct of the hearing, including provision of counsel for the juvenile offender.

(3) A juvenile offender transferred to an institution operated by the department of corrections shall not remain in such an institution beyond the maximum term of confinement imposed by the juvenile court.

(4) A juvenile offender who has been transferred to the department of corrections under this section may, in the discretion of the secretary of the department of social and health services and with the consent of the secretary of the department of corrections, be transferred from an institution operated by the department of corrections to a facility for juvenile offenders deemed appropriate by the secretary.

NEW SECTION. Sec. 9. The following acts or parts of acts are each repealed:

(1) Section 56, chapter 155, Laws of 1979 and RCW 13.40.035; and

(2) Section 10, chapter 288, Laws of 1986 and RCW 13.40.036."

On page 1, line 2 of the title, after "offenders," strike the remainder of the title and insert "and amending RCW 13.40.020, 13.40.027, 13.40.030, 13.40.160, and 13.40.280; adding new sections to chapter 13.40 RCW; repealing RCW 13.40.035 and 13.40.036; and prescribing penalties."

On page 22, after line 9 of the amendment, insert the following:

"Sec. 9. Section 61, chapter 291, Laws of 1977 ex. sess. as last amended by section 18, chapter 191, Laws of 1983 and RCW 13.40.070 are each amended to read as follows:

(1) Complaints referred to the juvenile court alleging the commission of an offense shall be referred directly to the prosecutor. The prosecutor, upon receipt of a complaint, shall screen the complaint to determine whether:

(a) The alleged facts bring the case within the jurisdiction of the court; and

(b) On a basis of available evidence there is probable cause to believe that the juvenile did commit the offense.

(2) If the identical alleged acts constitute an offense under both the law of this state and an ordinance of any city or county of this state, state law shall govern the prosecutor's screening and charging decision for both filed and diverted cases.

(3) If the requirements of subsections (1) (a) and (b) of this section are met, the prosecutor shall either file an information in juvenile court or divert the case, as set forth in subsections (5), (6), and (7) of this section. If the prosecutor (~~neither files nor diverts the case, he~~) finds that the requirements of subsection (1) (a) and (b) of this section are not met, the prosecutor shall maintain a record, for one year, of such decision and the reasons therefor. In lieu of filing an information or diverting an offense a prosecutor may file a motion to modify community supervision where such offense constitutes a violation of community supervision.

(4) An information shall be a plain, concise, and definite written statement of the essential facts constituting the offense charged. It shall be signed by the prosecuting attorney and conform to chapter 10.37 RCW.

(5) Where a case is legally sufficient, the prosecutor shall file an information with the juvenile court if:

(a) An alleged offender is accused of a class A felony, a class B felony, an attempt to commit a class B felony, assault in the third degree, rape in the third degree, or any other offense listed in RCW 13.40.020(1) (b) or (c); or

(b) An alleged offender is accused of a felony and has a criminal history of at least one class A or class B felony, or two class C felonies, or at least two gross misdemeanors, or at least two misdemeanors and one additional misdemeanor or gross misdemeanor, or at least one class C felony and one misdemeanor or gross misdemeanor; or

(c) An alleged offender has been referred by a diversion unit for prosecution or desires prosecution instead of diversion; or

(d) An alleged offender has three or more diversions on the alleged offender's criminal history within eighteen months of the current alleged offense.

(6) Where a case is legally sufficient the prosecutor shall divert the case if the alleged offense is a misdemeanor or gross misdemeanor or violation and the alleged offense(s) in combination with the alleged offender's criminal history do not exceed (~~three~~) two offenses or violations and do not include any felonies: PROVIDED, That if the alleged offender is charged with a related offense that must or may be filed under subsections (5) and (7) of this section, a case under this subsection may also be filed.

(7) Where a case is legally sufficient and falls into neither subsection (5) nor (6) of this section, it may be filed or diverted. In deciding whether to file or divert an offense under this section the prosecutor shall be guided only by the length, seriousness, and recency of the alleged offender's criminal history and the circumstances surrounding the commission of the alleged offense.

(8) Whenever a juvenile is placed in custody or, where not placed in custody, referred to a diversionary interview, the parent or legal guardian of the juvenile shall be notified as soon as possible concerning the allegation made against the juvenile and the current status of the juvenile.

(9) The responsibilities of the prosecutor under subsections (1) through (8) of this section may be performed by a juvenile court probation counselor for any complaint referred to the court alleging the commission of an offense which would not be a felony if committed by an adult, if the prosecutor has given sufficient written notice to the juvenile court that the prosecutor will not review such complaints."

Re-number remaining section consecutively and correct any internal references accordingly

On page 22, line 19 of the title amendment, after "13.40.160," strike "and 13.40.280" and insert "13.40.280, and 13.40.070"

Signed by Senators Pullen, Talmadge; Representatives Appelwick, H. Myers, Tate.

MOTION

On motion of Senator Newhouse, the Report of the Conference Committee on Engrossed Senate Bill No. 5833 was adopted and the committee was granted the powers of Free Conference.

MESSAGE FROM THE HOUSE

April 21, 1989

Mr. President:

The House has adopted the Report of the Conference Committee on SECOND SUBSTITUTE SENATE BILL NO. 5375 and has granted said committee the powers of Free Conference.

ALAN THOMPSON, Chief Clerk

REPORT OF CONFERENCE COMMITTEE

RE: 2SSB 5375

Relating to a DNA identification data base.

April 19, 1989

Mr. President:

Mr. Speaker:

We of your Conference Committee to whom the above measure was referred, have had the same under consideration and we report that we are unable to agree and we respectfully request the powers of Free Conference in order to amend the measure as follows:

Reject the House Appropriations Committee striking amendment and adopt the following striking amendment:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds that recent developments in molecular biology and genetics have important applications for forensic science. It has been scientifically established that there is a unique pattern to the chemical structure of the deoxyribonucleic acid (DNA) contained in each cell of the human body. The process for identifying this pattern is called "DNA identification."

The legislature further finds that the accuracy of identification provided by this method is superior to that of any presently existing technique and recognizes the importance of this scientific breakthrough in providing a reliable and accurate tool for the investigation and prosecution of sex offenses as defined in RCW 9.94A.030(26) and violent offenses as defined in RCW 9.94A.030(29).

NEW SECTION. Sec. 2. (1) To support criminal justice services in the local communities throughout this state, the state patrol in consultation with the University of Washington school of medicine shall develop a plan for and establish a DNA identification system. In implementing the plan, the state patrol shall purchase the appropriate equipment and supplies. The state patrol shall procure the most efficient equipment available.

(2) The DNA identification system as established shall be compatible with that utilized by the federal bureau of investigation.

(3) The state patrol and the University of Washington school of medicine shall report on the DNA identification system to the legislature no later than November 1, 1989. The report shall include a time line for implementing each stage, a local agency financial participation analysis, a system analysis, a full cost/purchase analysis, a vendor bid evaluation, and a space location analysis that includes a site determination. The state patrol shall coordinate the preparation of this report with the office of financial management.

NEW SECTION. Sec. 3. (1) An oversight committee shall recommend to the legislature by November 1, 1989, specific rules and procedures for the collection, analysis, storage, expungement, and use of DNA identification data. The rules and procedures shall be designed to protect the privacy interests of affected parties. The chief of the Washington state patrol or the chief's designee shall chair the committee which shall consist of forensic evidence, biomedical ethics, and civil liberties experts and eight legislators. The speaker of the house of representatives shall appoint four legislators from the judiciary committee and the president of the senate shall appoint four senators from the law and justice committee. The proposed rules and procedures shall be included in the November 1, 1989, report to the legislature.

(2) The Washington state patrol in cooperation with the University of Washington school of medicine shall also develop a program for the proper administration and collection of blood samples. This program shall include requirements that the blood samples be taken under sanitary conditions in a medically approved manner by a physician, registered nurse, or licensed phlebotomist.

NEW SECTION. Sec. 4. After July 1, 1990, every individual convicted in a Washington superior court of a felony defined as a sex offense under RCW 9.94A.030(26)(a) or a violent offense as defined in RCW 9.94A.030(29) shall have a blood sample drawn for purposes of DNA identification analysis before release from or transfer to a state correctional institution or county jail or detention facility. Any blood sample taken pursuant to sections 2 through 6 of this act shall be used solely for the purpose of providing DNA or other blood grouping tests for identification analysis and prosecution of a sex offense or a violent offense.

NEW SECTION. Sec. 5. The state patrol in consultation with the University of Washington school of medicine may:

(1) Provide DNA analysis services to law enforcement agencies throughout the state after July 1, 1990;

(2) Provide assistance to law enforcement officials and prosecutors in the preparation and utilization of DNA evidence for presentation in court; and

(3) Provide expert testimony in court on DNA evidentiary issues.

NEW SECTION. Sec. 6. (1) Except as provided in subsection (3) of this section, no local law enforcement agency may establish or operate a DNA identification system before July 1, 1990, and unless:

(a) The equipment of the local system is compatible with that of the state system under section 2 of this act;

(b) The local system is equipped to receive and answer inquiries from the Washington state patrol DNA identification system and transmit data to the Washington state patrol DNA identification system; and

(c) The procedure and rules for the collection, analysis, storage, expungement, and use of DNA identification data do not conflict with procedures and rules applicable to the state patrol DNA identification system.

(2) The Washington state patrol shall adopt rules to implement this section.

(3) Nothing in subsections (1) and (2) of this section shall prohibit a local law enforcement agency from performing DNA identification analysis in individual cases to assist law enforcement officials and prosecutors in the preparation and use of DNA evidence for presentation in court.

NEW SECTION. Sec. 7. Sections 1 through 6 of this act are each added to chapter 43.43 RCW.

NEW SECTION. Sec. 8. Any moneys received by the state from the federal bureau of justice assistance shall be used to conserve state funds if not inconsistent with the terms of the grant. To the extent that federal funds are available for the purposes of this act, state funds appropriated in this section shall lapse and revert to the general fund.

NEW SECTION. Sec. 9. The sum of six hundred ten thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the general fund to the state patrol for the purposes of this act."

On page 1, line 1 of the title, after "identification;" strike the remainder of the title and insert "adding new sections to chapter 43.43 RCW; creating a new section; and making an appropriation."

Signed by Senators Pullen, Talmadge; Representatives Appelwick, Inslee, Patrick.

MOTION

On motion of Senator Newhouse, the Report of the Conference Committee on Second Substitute Senate Bill No. 5375 was adopted and the committee was granted the powers of Free Conference.

MESSAGE FROM THE HOUSE

April 21, 1989

Mr. President:

The House has adopted the Report of the Conference Committee on ENGROSSED HOUSE BILL NO. 1070 and has granted said committee the powers of Free Conference.

ALAN THOMPSON, Chief Clerk

REPORT OF FREE CONFERENCE COMMITTEE

RE: EHB 1070

Revising provisions on Criminal procedure.

April 19, 1989

Mr. President:

Mr. Speaker:

We of your Free Conference Committee, have had the same under consideration and we recommend that the measure be amended as proposed under the request for Free Conference and that the bill do pass as amended by the Free Conference Committee.

(See Report of Conference Committee on Engrossed House Bill No. 1070 and the request for powers of Free Conference read in April 19, 1989.)

Signed by Senators Pullen, Talmadge, Thorsness; Representatives Appelwick, Rector, Padden.

MOTION

On motion of Senator Newhouse, the Report of the Free Conference Committee on Engrossed House Bill No. 1070 was adopted.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 1070, as amended by the Free Conference Committee.

Debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1070, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 42; absent, 3; excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Craswell, Fleming, Hansen, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 42.

Absent: Senators Conner, Niemi, Smith - 3.

Excused: Senators DeJarnatt, Gaspard, Hayner, McDonald - 4.

ENGROSSED HOUSE BILL NO. 1070, as amended by the Free Conference Committee, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SIGNED BY THE PRESIDENT

The President signed:

HOUSE JOINT RESOLUTION NO. 4001.

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE HOUSE BILL NO. 1065,

HOUSE BILL NO. 1342,

HOUSE BILL NO. 1395,

HOUSE BILL NO. 1729.

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE SENATE BILL NO. 5085,

SUBSTITUTE SENATE BILL NO. 5108,

SUBSTITUTE SENATE BILL NO. 5184,

SUBSTITUTE SENATE BILL NO. 5443,

SENATE BILL NO. 5536,

SUBSTITUTE SENATE BILL NO. 5566.

SUBSTITUTE SENATE BILL NO. 5663.
 SUBSTITUTE SENATE BILL NO. 6009.
 SENATE CONCURRENT RESOLUTION NO. 8415.

There being no objection, the Senate resumed consideration of Senate Bill No. 5966 and the pending House amendment on page 1, after the enacting clause, deferred April 20, 1989.

RULING BY THE PRESIDENT

President Pritchard: "In ruling upon the point of order raised by Senator Lee, the President finds that Senate Bill No. 5966 is a measure which directs employers who have a leave policy for the biological parents of a newborn child to make the same leave policy available to an adoptive parent, stepparent or legal guardian.

"The House amendment on page 1, after the enacting clause would, among other things, mandate a medical leave plan for up to thirteen weeks for permanent employees of state government and for local governments and private employers with a minimum number of employees.

"The President, therefore, finds that the House amendment on page 1, after the enacting clause does change the scope and object of the bill and that the point of order is well taken."

The House amendment on page 1, after the enacting clause to Senate Bill No. 5966, was ruled out of order.

MOTION

On motion of Senator Lee, the Senate concurred in the House amendments on page 1, lines 6, 10, 21 and 25, refuses to concur in the House amendments on page 1, after the enacting clause and on page 2, following line 14, to Senate Bill No. 5966, and asks the House to recede therefrom.

REPORT OF CONFERENCE COMMITTEE

RE: SHB 1457

Regarding the indeterminate sentencing review board.

April 21, 1989

Mr. President:

Mr. Speaker:

We of your Conference Committee to whom the above measure was referred, have had the same under consideration and we report that we are unable to agree and we respectfully request the powers of Free Conference in order to amend the measure as follows:

(1) That the Senate Committee on Ways and Means amendments adopted on April 6, 1989, be rejected, and

(2) Adopt the Free Conference Committee amendments as follows:

On page 4, after line 24, insert a new section to read as follows:

NEW SECTION, Sec. 5. A new section is added to chapter 9.95 RCW to read as follows:

The board shall apply all of the statutory requirements of RCW 9.95.009(2), requiring decisions of the board to be reasonably consistent with the ranges, standards, and purposes of the sentencing reform act, chapter 9.94A RCW, and the minimum term recommendations of the sentencing judge and the prosecuting attorney, to every person who, on the effective date of this act, is incarcerated and has been adjudged under the provisions of RCW 9.92.090."

On page 1, line 2, of the title, after "adding" strike "a new section" and insert "new sections"

Signed by Senators Pullen, Niemi, Nelson: Representatives R. Meyers, P. King, Padden.

MOTION

On motion of Senator Newhouse, the Report of the Conference Committee on Substitute House Bill No. 1457 was adopted and the committee was granted the powers of Free Conference.

MESSAGE FROM THE HOUSE

April 21, 1989

Mr. President:

The House refuses to concur in the Senate amendments to HOUSE BILL NO. 1354 and asks the Senate for a conference thereon. The Speaker has appointed the following members as Conferees:

Representatives Fraser, Anderson and McLean.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Newhouse the Senate granted the request of the House for a conference on House Bill No. 1354 and the Senate amendments thereto.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on House Bill No. 1354 and the Senate amendments thereto: Senators Metcalf, Kreidler and Sellar.

MOTION

On motion of Senator Newhouse, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

April 20, 1989

Mr. President:

The House adheres to its position regarding the House amendments to ENGROSSED SENATE BILL NO. 5185 and once again asks the Senate to concur therein, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Newhouse, the Senate refuses to concur in the House amendments to Engrossed Senate Bill No. 5185 and once again requests of the House a conference thereon.

Senators Smith, Wojahn and Bailey were appointed as members of the Conference Committee to Engrossed Senate Bill No. 5185 on April 20, 1989.

There being no objection, the Senate resumed consideration of Engrossed Substitute House Bill No. 1864 and the pending amendment on page 2, beginning on line 14, by Senator McDonald to the Committee on Ways and Means amendment, deferred April 19, 1989.

RULING BY THE PRESIDENT

President Pritchard: "In ruling upon the point of order raised by Senator Madsen, the President finds that Engrossed Substitute House Bill No. 1864 is a measure concerning the quality of care in Washington nursing homes and providing for, among other things, adjustments in certain reimbursement rates.

"The amendment on page 2, beginning on line 14 to the Committee on Ways and Means amendment proposed by Senator McDonald also relates to care in Washington nursing homes and specifically prohibits nursing home reimbursement for institutions which may now receive DSHS contracts to provide care for the mentally diseased.

"The President, therefore, finds that the proposed amendment to the Committee on Ways and Means amendment does not change the scope and object of the bill and that the point of order is not well taken."

The amendment on page 2, beginning on line 14, by Senator McDonald to the Committee on Ways and Means amendment was ruled in order.

The President declared the question before the Senate to be the adoption of the amendment on page 2, beginning on line 14, by Senator McDonald to the Committee on Ways and Means amendment.

The amendment to the committee amendment was adopted.

The President declared the question before the Senate to be the adoption of the Committee on Ways and Means amendment, as amended, to Engrossed Substitute House Bill No. 1864.

The Committee on Ways and Means amendment, as amended, to Engrossed Substitute House Bill No. 1864 was adopted.

MOTIONS

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

On page 1, line 1 of the title, after "homes;" strike the remainder of the title and insert "and amending RCW 18.51.050, 74.46.410, 18.51.430, 18.51.500, 74.42.240, 74.42.380, 18.51.054, 18.51.060, 18.51.065, 18.51.410, 18.51.440, 18.51.460, 74.42.580, 74.09.120, 74.46.440, and 74.46.020; reenacting and amending RCW 74.46.360; creating a new section; providing an effective date; and declaring an emergency."

On motion of Senator Smith, the rules were suspended, Engrossed Substitute House Bill No. 1864, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1864, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1864, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 43; nays, 4; absent, 1; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Patterson, Pullen, Rasmussen, Rinehart, Saling, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, Warnke, West, Williams - 43.

Voting nay: Senators Kreidler, Sellar, Vogtild, Wojahn - 4.

Absent: Senator Owen - 1.

Excused: Senator DeJarnatt - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1864, as amended by the Senate, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Murray: "Mr. President, I rise to a point of personal privilege. Would Senator Moore yield to a question? Senator Moore, as you know, information flows very slowly to the back row, but I just heard a rumor a few minutes ago that it was your birthday a few days ago. Is that correct?"

Senator Moore: "I think there's been some mistake here. I really, at my age, I don't remember too well, but thank you for raising the question."

Senator Murray: "That was a very political response, but I did want you to know that I am honored to wish you a Happy Birthday, Senator Moore. You have been an inspiration to me and I want you to know that I have learned a very important lesson from you that underneath that gruff exterior, there is a teddy bear who cares a lot about the people of the state of Washington. Happy Birthday."

MOTION

At 3:24 p.m., on motion of Senator Newhouse, the Senate was declared to be at ease.

The Senate was called to order at 4:58 p.m. by President Pritchard.

There being no objection, the President returned the Senate to the third order of business.

MESSAGES FROM THE GOVERNOR GUBERNATORIAL APPOINTMENTS

April 10, 1989

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Patrick F. Donohue, appointed April 10, 1989, for a term ending September 30, 1993 as a member of the Board of Trustees for Walla Walla Community College District No. 20.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

April 19, 1989

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Ronald Dotzauer, appointed April 19, 1989, for a term ending September 30, 1991, as a member of the Board of Trustees for Central Washington University.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

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

INTRODUCTION AND FIRST READING

SCR 8417 by Senator Metcalf

Establishing a joint select committee on natural resources enforcement.

Referred to Committee on Environment and Natural Resources.

SCR 8418 by Senator Metcalf

Establishing a joint select committee on fish and wildlife licenses.

Referred to Committee on Environment and Natural Resources.

SCR 8419 by Senator Metcalf

Establishing a joint select committee on fishery management.

Referred to Committee on Environment and Natural Resources.

SCR 8420 by Senator Metcalf

Resolving to establish a committee on wildlife and fish stamps and art.

Referred to Committee on Environment and Natural Resources.

INTRODUCTION AND FIRST READING OF HOUSE BILL

ESHB 1737 by Committee on Appropriations (originally sponsored by Representatives H. Sommers, Locke and Appelwick) (by request of Department of Labor and Industries)

Revising provisions for crime victims' compensation.

MOTION

On motion of Senator Nelson, the rules were suspended and Engrossed Substitute House Bill No. 1737 was advanced to second reading and placed on the second reading calendar.

There being no objection, the President returned the Senate to the fourth order of business.

REPORT OF CONFERENCE COMMITTEE

RE: 2SHB 1476

Establishing the Washington marketplace program.

April 21, 1989

Mr. President:

Mr. Speaker:

We of your Conference Committee to whom the above measure was referred, have had the same under consideration and we report that we are unable to

agree and we respectfully request the powers of Free Conference in order to amend the measure as follows:

(1) That the amendments by Senators Bender and Lee adopted on April 6, 1989, be rejected, and

(2) The following amendment be adopted:

On page 1, line 25, after "services" and before the period, insert ", and in addition to identify new markets for Washington firms to provide goods and services"

On page 4, beginning on line 3, strike all of section 5 and insert the following:

NEW SECTION. Sec. 5. (1) "Capital project" means a major urban or rural economic development project including, but not limited to, highways, ports, public facilities, power plants, irrigation systems, resorts, and sewage systems.

(2) "Consortium" means a partnership, copartnership, joint venture, joint stock company, business trust, corporation, association, or any group of businesses acting as a unit for the purpose of securing a capital project.

NEW SECTION. Sec. 6. There is established, as a project within the department of trade and economic development, the office of capital projects. The office shall:

(1) Assist Washington state businesses in obtaining international and domestic capital projects;

(2) Assist Washington state businesses in the formation of consortiums, when appropriate, which have the range of services and technical skills to compete for capital projects. Consortiums shall include at least one business with its principal place of business within Washington state.

(3) Assist consortiums and businesses in Washington state to market their services and products in international markets;

(4) Compile information on capital project opportunities for Washington state businesses including:

(a) Identifying those types of Washington businesses with the type and level of expertise to participate in various capital projects; and

(b) Identifying the type of capital projects and international markets which have the greatest potential for Washington state businesses to provide products and services;

(5) Provide information to Washington state businesses on the purpose and services of the office of capital projects;

(6) Provide initial assistance to consortiums in securing capital project contracts, including such intergovernmental contacts as considered appropriate with countries or regions where capital projects are proposed; and

(7) Provide information to businesses on trade tariffs, quotas, government regulations or other trade restrictions which may affect Washington state businesses.

NEW SECTION. Sec. 7. The department, through the office of capital projects:

(1) May receive funds, coordinate with other governmental agencies, and carry out such other duties as are deemed necessary to implement the provisions of section 6 of this act;

(2) May receive such gifts, grants, and endowments from private or public sources as may be made available in trust or otherwise for the use and benefit of the office of capital projects, and expend the same, or any income therefrom, according to the terms of gifts, grants, or endowments;

(3) May charge reasonable fees or other appropriate charges for using the services of the office of capital projects, for attendance at workshops and conferences sponsored by the office, and for various publications, materials, and services of the office. These fees shall be charged to defray the costs of operation of the office of capital projects; and

(4) May actively seek cooperation and funding from the private sector.

NEW SECTION. Sec. 8. Contracts entered into by consortiums do not constitute a contract with the state of Washington, and do not incur a liability, obligation, pledge of faith, or credit of the state of Washington.

NEW SECTION. Sec. 9. The office of capital projects is prohibited from entering into any legal or otherwise binding contract with foreign governmental units or consortiums in relation to a capital project.

NEW SECTION. Sec. 10. The legislative budget committee shall, by January 1, 1992, conduct analyses of the operations of the capital projects program. The analyses shall provide information on any costs to the state resulting from the operation of the program as well as any employment growth, firm growth, and increased revenue attributable directly or indirectly to the program.

The analysis shall include a review of: The number of firms assisted; the dollar amount and type of assistance provided to each firm; the types of businesses assisted as classified by the standard industrial classification manual; the size and the age of each firm assisted; the number of minority and women-owned businesses assisted; the number of assisted firms in distressed areas of the state; the number of jobs created or retained in each firm as a result of the programs assistance; the wage rates of jobs retained or new jobs created as a result of the program; the results of client satisfaction surveys completed by firms assisted by the program; and sales volume trends for each firm assisted by the program.

NEW SECTION, Sec. 11. The department of trade and economic development shall actively promote and support the efforts of the office of capital projects to achieve the goals of section 6 of this act.

NEW SECTION, Sec. 12. Sections 1 through 11 of this act are each added to chapter 43.31 RCW.

NEW SECTION, Sec. 13. A new section is added to chapter 43.131 RCW to read as follows: The office of capital projects and its powers and duties shall be terminated on June 30, 1994, as provided in section 14 of this act.

NEW SECTION, Sec. 14. A new section is added to chapter 43.131 RCW to read as follows: The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 1995:

- (1) Section 5 of this act and RCW 43.31.----;
- (2) Section 6 of this act and RCW 43.31.---;
- (3) Section 7 of this act and RCW 43.31.---;
- (4) Section 8 of this act and RCW 43.31.----;
- (5) Section 9 of this act and RCW 43.31.---; and
- (6) Section 10 of this act and RCW 43.31.---."

Re-number the remaining section consecutively.

On page 1, line 1 of the title, after "programs;" strike the remainder of the title and insert "adding new sections to chapter 43.31 RCW; and adding new sections to chapter 43.131 RCW."

Signed by Senators Lee, McMullen, Bluechel; Representatives Cantwell, Basich, Doty.

MOTION

On motion of Senator Newhouse, the Report of the Conference Committee on Second Substitute House Bill No. 1476 was adopted and the committee was granted the powers of Free Conference.

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

SECOND READING

SENATE BILL NO. 5373, by Senators Patterson, Bender, Nelson and Conner (by request of Governor Gardner)

Making transportation appropriations for the 1989-91 biennium.

MOTIONS

On motion of Senator Patterson, the rules were suspended, Substitute Senate Bill No. 5373 was substituted for Senate Bill No. 5373 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Nelson, the following Committee on Transportation amendment was adopted:

On page 14, line 29, strike "173,189,000" and insert "172,888,570"

On motion of Senator Nelson, the following Committee on Transportation amendment was adopted:

On page 16, line 14, strike "1,300,000" and insert "1,000,000"

On motion of Senator Nelson, the following Committee on Transportation amendments were considered simultaneously and were adopted:

On page 17, after line 11, strike "3,456,591" and insert "6,456,591"

Adjust total accordingly.

On page 17, after line 22, insert the following:

"(3) \$3,000,000 of the motor vehicle fund—state appropriation, or so much thereof as may be required, is provided for studies that are mutually beneficial to cities, counties and the state department of transportation, including the continuation of the road jurisdiction study and the project cost evaluation methodology study."

On motion of Senator Nelson, the following Committee on Transportation amendment was adopted:

On page 17, after line 31, insert the following:

"For expenditures relating to transportation improvements on the Blair waterway as negotiated in the Puyallup Tribal Claim settlement:
Motor Vehicle Fund—State \$ 6,658,000"

On motion of Senator Nelson, the following Committee on Transportation amendment was adopted:

On page 19, after line 4, insert the following:

*Sec. 39, Section 46.68.110, chapter 12, Laws of 1961 as last amended by section 37, chapter 10, Laws of 1987 1st ex. sess. and RCW 46.68.110 are each amended to read as follows:

Funds credited to the incorporated cities and towns of the state as set forth in subdivision (1) of RCW 46.68.100 shall be subject to deduction and distribution as follows:

(1) One and one-half percent of such sums shall be deducted monthly as such sums are credited and set aside for the use of the department of transportation for the supervision of work and expenditures of such incorporated cities and towns on the city and town streets thereof, including the supervision and administration of federal-aid programs for which the department of transportation has responsibility: PROVIDED, That any moneys so retained and not expended shall be credited in the succeeding biennium to the incorporated cities and towns in proportion to deductions herein made;

~~(2) (From July 1, 1985, through June 30, 1987, twenty-four one-hundredths of one percent of such funds shall be deducted monthly, as such funds accrue, and set aside for the use of the department of transportation for the purpose of funding the cities' share of the costs of highway jurisdiction studies and other studies. Any funds so retained and not expended shall be credited in the succeeding biennium to the cities in proportion to the deductions made;~~

~~(3) From July 1, 1987, through June 30, 1989, thirty-three one-hundredths of one percent of such funds shall be deducted monthly, as such funds accrue, and set aside for the use of the department of transportation for the purpose of funding the cities' share of the costs of highway jurisdiction studies and other studies. Any funds so retained and not expended shall be credited in the succeeding biennium to the cities in proportion to the deductions made;~~

~~(3) From July 1, 1989, through June 30, 1991, thirty-three one-hundredths of one percent of such funds shall be deducted monthly, as such funds accrue, and set aside for the use of the department of transportation for the purpose of funding the cities' share of the costs of highway jurisdiction studies and other studies. Any funds so retained and not expended shall be credited in the succeeding biennium to the cities in proportion to the deductions made;~~

(4) The balance remaining to the credit of incorporated cities and towns after such deduction shall be apportioned monthly as such funds accrue among the several cities and towns within the state ratably on the basis of the population last determined by the office of financial management.

Sec. 40, Section 46.68.120, chapter 12, Laws of 1961 as last amended by section 38, chapter 10, Laws of 1988 1st ex. sess. and RCW 46.68.120 are each amended to read as follows:

Funds to be paid to the counties of the state shall be subject to deduction and distribution as follows:

(1) One and one-half percent of such funds shall be deducted monthly as such funds accrue and set aside for the use of the department of transportation and the county road administration board for the supervision of work and expenditures of such counties on the county roads thereof, including the supervision and administration of federal-aid programs for which the department of transportation has responsibility: PROVIDED, That any funds so retained and not expended shall be credited in the succeeding biennium to the counties in proportion to deductions herein made;

(2) All sums required to be repaid to counties composed entirely of islands shall be deducted;

~~(3) (From July 1, 1985, through June 30, 1987, twenty-four one-hundredths of one percent of such funds shall be deducted monthly, as such funds accrue, and set aside for the use of the department of transportation for the purpose of funding the counties' share of the costs of highway jurisdiction studies and other studies. Any funds so retained and not expended shall be credited in the succeeding biennium to the counties in proportion to the deductions made;~~

~~(4) From July 1, 1987, through June 30, 1989, thirty-three one-hundredths of one percent of such funds shall be deducted monthly, as such funds accrue, and set aside for the use of the department of transportation for the purpose of funding the counties' share of the costs of highway jurisdiction studies and other studies. Any funds so retained and not expended shall be credited in the succeeding biennium to the counties in proportion to the deductions made;~~

~~(4) From July 1, 1989, through June 30, 1991, thirty-three one-hundredths of one percent of such funds shall be deducted monthly, as such funds accrue, and set aside for the use of the department of transportation for the purpose of funding the counties' share of the costs of highway jurisdiction studies and other studies. Any funds so retained and not expended shall be credited in the succeeding biennium to the counties in proportion to the deductions made;~~

(5) The balance of such funds remaining to the credit of counties after such deductions shall be paid to the several counties monthly, as such funds accrue, in accordance with RCW 46.68.122 and 46.68.124."

Renumber the remaining sections consecutively.

Senator Nelson moved that the following Committee on Transportation amendment be adopted:

On page 26, after line 26, add a new section as follows:

*NEW SECTION. Sec. 64. By July 1, 1990, the department of transportation shall take actions necessary to ensure that the safety requirements for work places in the state ferry system,

whether within the navigable waters subject to the jurisdiction of the state of Washington or the United States, conform, at a minimum, with the employee safety and health regulations adopted by the department of labor and industries pursuant to chapter 49.17 RCW."

Renumber the remaining sections consecutively.

Debate ensued.

The President declared the question before the Senate to be the adoption of the Committee on Transportation amendment on page 26, after line 26 to Substitute Senate Bill No. 5373.

The motion by Senator Nelson failed and the Committee amendment on page 26, after line 26, was not adopted.

MOTIONS

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

On page 9, beginning on line 19, strike "ECONOMIC TRAFFIC OPERATION IMPROVEMENTS AND SUPPORT" and insert "COMMUNITY ECONOMIC REVITALIZATION"

On page 9, beginning on line 27, strike "BRIDGE REPLACEMENT AND REHABILITATION" and insert "NONINTERSTATE BRIDGES"

On page 10, line 22 after "OTHERS" strike " - COUNTY-CITY PROGRAM"

On page 11, beginning on line 6, strike "EXECUTIVE MANAGEMENT AND MANAGEMENT SERVICES" and insert "TRANSPORTATION MANAGEMENT AND SUPPORT"

On page 13, line 5, after "MARINE" insert "CONSTRUCTION"

On page 14, line 28, after "MARINE" insert "MAINTENANCE AND OPERATIONS"

On page 13, section 28, strike all references to SB 5327 and insert SSB 5338

On page 14, section 29, strike all references to SB 5327 and insert SSB 5338

On page 17, line 8, after "by" strike "\$8,757,700" and insert "\$1,921,539"

On page 12, line 17, after "expended" strike all material through "enhancement" and insert "to determine ways of improving amtrack service including coordination and planning efforts"

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

On page 2, line 22, strike "24,155,072" and insert "34,155,072"

Increase the total appropriation accordingly.

On page 2, following line 23, insert:

*Motor Vehicle Fund—County Arterial Preservation Account—	
State	\$ 25,000,000*
Increase the total appropriation accordingly.	

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

On page 2, following line 27, insert:

*Motor Vehicle Fund—Transportation Improvement Account—	
State	\$ 60,000,000*
On page 2, following line 27, insert:	
Total Appropriation	\$ 110,976,000

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

On page 7, line 35, strike "34,000,000" and insert "93,000,000"

On page 8, following line 1, insert:

Transportation Fund—State	\$ 66,000,000
On page 8, line 2, strike "35,000,000" and insert "160,000,000"	

On page 8, line 6, after "(2)" strike the remainder of the subsection and insert "The appropriations in this section are provided for the location, design, right of way, and construction of state highway projects designated as category C under RCW 47.05.030."

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

On page 9, following line 33, insert a new section as follows:

*NEW SECTION, Sec. 23. FOR THE DEPARTMENT OF TRANSPORTATION—SPECIAL CATEGORY C HIGHWAY CONSTRUCTION—PROGRAM J

Motor Vehicle Fund—Special Category C Account Appropriation	\$ 8,000,000
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(1) The appropriation in this section is provided for the location, design, right of way, and construction of state highway projects designated as special category C under RCW 47.05.030 and chapter 46.68 RCW.

(2) \$4,600,000 of this appropriation is provided solely for preliminary engineering, design, and right of way acquisition for Seattle's first avenue south bridge."

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

On page 11, line 29, strike "8,416,458" and insert "11,416,458"

On page 12, following line 10 insert:

"(3) If Senate Bill 5338 and Substitute House Bill 2152 are not both enacted by July 1, 1989, the motor vehicle fund—state appropriation shall be reduced by \$3,000,000."

Renumber the remaining subsections.

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

On page 17, line 11, strike "3,456,591" and insert "4,156,591"

On page 17, line 14, strike "128,629,284" and insert "129,329,284"

Senator Nelson moved that the following amendment be adopted:

On page 27, after line 16, insert a new section as follows:

"NEW SECTION. Sec. 65. If \$339,000,000 in new revenues are not made available in the 1989-91 biennium for transportation programs, the following appropriations are reduced by the following amounts:

(1) Section 4: \$10,000,000 of the motor vehicle fund—rural arterial program trust account appropriation;

(2) Section 4: \$25,000,000 of the motor vehicle fund—county arterial preservation account—state appropriation;

(3) Section 5: \$60,000,000 of the motor vehicle fund—transportation improvement account appropriation;

(4) Section 17: \$125,000,000 of the motor vehicle fund—state appropriation;

(5) Section 21: \$8,000,000 of the motor vehicle fund appropriation;

(6) Section 26: \$3,000,000 of the motor vehicle fund—state appropriation;

(7) Section 30: \$700,000 of the motor vehicle fund—state appropriation;

(8) Section 32: \$6,658,000 of the motor vehicle fund—state appropriation—Puyallup tribal claim settlement."

Renumber remaining sections consecutively and adjust totals accordingly.

Senator Madsen moved that the following amendment by Senators Madsen, von Reichbauer, Johnson, Wojahn, Gaspard and Rasmussen to the amendment by Senator Nelson be adopted:

On page 1 of the amendment, beginning on line 27, strike all material through "settlement" on line 29

Debate ensued.

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

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senators Madsen, von Reichbauer, Johnson, Wojahn, Gaspard and Rasmussen on page 1, line 27, to the amendment by Senator Nelson to Substitute Senate Bill No. 5373.

ROLL CALL

The Secretary called the roll and the amendment to the amendment was not adopted by the following vote: Yeas, 22; nays, 23; absent, 3; excused, 1.

Voting yea: Senators Bender, Conner, Fleming, Gaspard, Johnson, Madsen, McMullen, Moore, Murray, Niemi, Owen, Rasmussen, Rinehart, Smitherman, Stratton, Sutherland, Talmadge, Vognlid, von Reichbauer, Warnke, Williams, Wojahn - 22.

Voting nay: Senators Amondson, Anderson, Bailey, Benitz, Bluechel, Cantu, Craswell, Hansen, Hayner, Lee, Matson, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Patterson, Pullen, Saling, Sellar, Smith, Thorsness, West - 23.

Absent: Senators Barr, Bauer, Kreidler - 3.

Excused: Senator DeJarnatt - 1.

The President declared the question before the Senate to be the adoption of the amendment by Senator Nelson on page 27, after line 16, to Substitute Senate Bill No. 5373.

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

MOTION

Senator Nelson moved that the following amendment by Senator Barr be adopted:

On page 26, after line 26, add a new section to read as follows:

"NEW SECTION, Sec. 64. Notwithstanding the appropriation authority and any limitations that are contained in sections 15, 16, 17 and 22 of this act for programs A, B, C, and H respectively, the number of FTE's employed by the department to implement such programs shall be reduced by fifteen percent by July 1, 1990.

Notwithstanding the appropriation authority and any limitations contained in sections 18, 23, 25 and 26 of this act for programs D, M, S, and T respectively, the appropriation shall be reduced by fifteen percent by July 1, 1990."

Debate ensued.

MOTION

On motion of Senator Rasmussen, further consideration of the amendment by Senator Barr on page 26, after line 26, to Substitute Senate Bill No. 5373 was deferred.

MOTIONS

On motion of Senator Murray, the following amendment by Senators Murray, Sutherland, McMullen, Patterson, Nelson, Conner, Bender, Thorsness, von Reichbauer, Niemi, Kreidler, Rasmussen, Stratton, Talmadge, Williams, Vognild, Smitherman, Moore, Metcalf, Owen, Wojahn, Fleming, Rinehart, Bauer, Benitz, Lee, Smith and Bailey was adopted:

On page 27, after line 16, insert the following:

"NEW SECTION, Sec. 65. The attorney general shall, by July 1, 1989, begin an investigation into the causes behind the substantial increase in the price of gasoline and other petroleum products since March 24, 1989, to determine whether any state laws have been violated by manufacturers, distributors, or sellers of gasoline or other petroleum products. The attorney general shall consult with the utilities and transportation commission, the state energy office, and other state agencies for any technical assistance the attorney general may need.

The attorney general shall have concurrent authority and power with the prosecuting attorneys to conduct such investigation and to initiate and conduct on behalf of the citizens of the state of Washington the prosecution of any offense relating to the price of gasoline or other petroleum products.

The attorney general shall report by December 1, 1989, to the senate and house of representatives energy and utilities committees and the legislative transportation committee on the findings of the investigation and the status of any prosecutions."

Renumber the remaining sections consecutively.

MOTIONS

On motion of Senator Murray, the following amendments by Senators Murray and Patterson were considered simultaneously and were adopted:

On page 6, line 3, after "\$" strike "2,400,000" and insert "2,450,000" and adjust the total accordingly

On page 6, after line 6, insert the following: "The appropriation contained in this section is subject to the following conditions and limitations: \$50,000 of the motor vehicle fund appropriation, or so much thereof as is needed, is provided for a study of the gasoline price increases since March 24, 1989, to be conducted in conjunction with the Washington state energy office.

The motor vehicle fund—state appropriation provided for in this section shall be reduced by \$50,000 if senate bill 5338 is not enacted by July 1, 1989."

Senator Talmadge moved that the following amendment by Senators Talmadge, Lee, Fleming and Thorsness be adopted:

On page 29, line 30, delete everything after "study" and insert "."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Talmadge, Lee, Fleming and Thorsness on page 29, line 30, to Substitute Senate Bill No. 5373.

The motion by Senator Talmadge failed and the amendment was not adopted.

There being no objection, the Senate resumed consideration of the amendment by Senator Barr on page 26, line 26, to Substitute Senate Bill No. 5373, deferred earlier today.

MOTION

On motion of Senator Barr, and there being no objection, the amendment on page 26, line 26, was withdrawn.

MOTIONS

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

On page 1, line 1 of the title after "appropriations;" insert "amending RCW 46.68.110 and 46.68.120."

On motion of Senator Nelson, the rules were suspended, Engrossed Substitute Senate Bill No. 5373 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5373.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5373 and the bill passed the Senate by the following vote: Yeas, 41; nays, 5; absent, 2; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Saling, Sellar, Smitherman, Sutherland, Taimadge, Thorsness, Vognild, von Reichbauer, Warnke, West - 41.

Voting nay: Senators Rasmussen, Rinehart, Stratton, Williams, Wojahn - 5.

Absent: Senators Barr, Smith - 2.

Excused: Senator DeJarnatt - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5373, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTIONS

On motion of Senator Newhouse, the Committee on Rules was relieved of further consideration of Engrossed Substitute House Bill No. 1542 and House Bill No. 1656.

On motion of Senator Newhouse, the rules were suspended and Engrossed Substitute House Bill No. 1542 and House Bill No. 1656 were advanced to second reading and placed on the second reading calendar.

There being no objection, the President returned the Senate to the fourth order of business.

MESSAGE FROM THE HOUSE

April 19, 1989

Mr. President:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5897 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature recognizes that alcoholism and drug addiction are treatable, primary diseases and that most persons with this illness can recover. The legislature further recognizes that distinguishing alcoholics and drug addicts from persons incapacitated due to physical disability or mental illness is necessary in order to provide an incentive for them to seek treatment and rehabilitation focused on alcoholism and/or drug addiction. However, the legislature recognizes that when this disease has progressed to the stage where a person's alcoholism or drug addiction has resulted in cognitive impairment, it is appropriate to provide general assistance benefits.

Sec. 2. Section 1, chapter 6, Laws of 1981 1st ex. sess. as last amended by section 31, chapter 75, Laws of 1987 and by section 9, chapter 406, Laws of 1987 and RCW 74.04.005 are each reenacted and amended to read as follows:

For the purposes of this title, unless the context indicates otherwise, the following definitions shall apply:

(1) "Public assistance" or "assistance"—Public aid to persons in need thereof for any cause, including services, medical care, assistance grants, disbursing orders, work relief, general assistance and federal-aid assistance.

(2) "Department"—The department of social and health services.

(3) "County or local office"—The administrative office for one or more counties or designated service areas.

(4) "Director" or "secretary" means the secretary of social and health services.

(5) "Federal-aid assistance"—The specific categories of assistance for which provision is made in any federal law existing or hereafter passed by which payments are made from the

federal government to the state in aid or in respect to payment by the state for public assistance rendered to any category of needy persons for which provision for federal funds or aid may from time to time be made, or a federally administered needs-based program.

(6)(a) "General assistance"—Aid to persons in need who:

(i) Are not eligible to receive federal-aid assistance, other than food stamps and medical assistance; however, an individual who refuses or fails to cooperate in obtaining federal-aid assistance, without good cause, is not eligible for general assistance;

(ii) Are either:

(A) Pregnant: PROVIDED, That need is based on the current income and resource requirements of the federal aid to families with dependent children program: PROVIDED FURTHER, That during any period in which an aid for dependent children employable program is not in operation, only those pregnant women who are categorically eligible for medicaid are eligible for general assistance; or

(B) (~~Incapacitated from gainful employment by reason of bodily or mental infirmity that will likely continue for a minimum of sixty days as determined by the department. Persons who are unemployable due to alcohol or drug addiction are not eligible for general assistance. Persons receiving general assistance on July 26, 1987, or becoming eligible for such assistance thereafter, due to an alcohol or drug-related incapacity, shall be referred to appropriate assessment, treatment, shelter, or supplemental security income referral services as authorized under chapter 74.50 RCW.~~) As determined by the department, incapacitated from gainful employment when such incapacity is expected to continue for a minimum of sixty days, because of:

(I) Physical or mental infirmity other than alcoholism or drug addiction where the finding is based on documented evidence from a physician or psychologist; or

(II) Alcoholism or drug addiction to the extent that the impairment of the applicant's cognitive ability will not dissipate with sobriety, based on documented evidence from a physician, psychologist, or alcohol or drug treatment professional who is determined by the department to be qualified to make this finding. If it is found that an applicant needs detoxification services before his or her incapacity can be determined, the applicant shall accept and complete such detoxification services, if available. Services to individuals eligible under subsection 6(a)(ii)(B)(II) of this section shall constitute a separate program subject to separate appropriation by the legislature.

Each recipient of assistance based on a primary or secondary incapacity of alcoholism or drug addiction shall receive assistance through a protective payee or an intensive protective payee. The department shall develop a protective payee system that includes defined maximum weekly cash disbursements to recipients, procedures for direct payment of recipients' basic needs, such as rent and utilities, and safeguards to prevent the diversion of assistance to purchase alcohol or drugs. The intensive protective payee system also shall include a case management function. The department may require that a recipient receive assistance through the intensive protective payee system. The department may contract with qualified persons or entities to provide protective payee or intensive protective payee services for a fixed amount per recipient per month. Persons who apply for assistance under this section based upon alcoholism or drug addiction, whether or not they are determined eligible for assistance under this section, shall be referred to appropriate assessment, treatment, or program services that may be available to them under chapters 69.54, 70.96, and 70.96A RCW. Referrals shall be made at the time of application or at the time of eligibility review (~~Alcoholic and drug addicted clients who are receiving general assistance on July 26, 1987, may remain on general assistance if they otherwise retain their eligibility until they are assessed for services under chapter 74.50 RCW. This subsection 6(a)(ii)(B) shall not be construed to prohibit the department from granting general assistance benefits to alcoholics and drug addicts who are incapacitated due to other physical or mental conditions that meet the eligibility criteria for the general assistance program.~~);

(iii) Are citizens or aliens lawfully admitted for permanent residence or otherwise residing in the United States under color of law; and

(iv) Have furnished the department their social security account number. If the social security account number cannot be furnished because it has not been issued or is not known, an application for a number shall be made prior to authorization of assistance, and the social security number shall be provided to the department upon receipt.

(b) Notwithstanding the provisions of subsection 6(a)(i), (ii), and (c) of this section, general assistance shall be provided to the following recipients of federal-aid assistance:

(i) Recipients of supplemental security income whose need, as defined in this section, is not met by such supplemental security income grant because of separation from a spouse; or

(ii) To the extent authorized by the legislature in the biennial appropriations act, to recipients of aid to families with dependent children whose needs are not being met because of a temporary reduction in monthly income below the entitled benefit payment level caused by loss or reduction of wages or unemployment compensation benefits or some other unforeseen circumstances. The amount of general assistance authorized shall not exceed the difference between the entitled benefit payment level and the amount of income actually received.

(c) General assistance shall be provided only to persons who are not members of assistance units receiving federal aid assistance, except as provided in subsection (6)(a)(ii)(A) and (b) of this section, and will accept available services which can reasonably be expected to enable the person to work or reduce the need for assistance unless there is good cause to refuse; PROVIDED, That persons receiving general assistance based upon an incapacity of alcoholism or drug addiction shall not be required to accept treatment services for their addiction. Failure to accept such services shall result in termination until the person agrees to cooperate in accepting such services and subject to the following maximum periods of ineligibility after reapplcation:

(i) First failure: One week;

(ii) Second failure within six months: One month;

(iii) Third and subsequent failure within one year: Two months.

(d) The department shall adopt by rule medical criteria for general assistance eligibility to ensure that eligibility decisions are consistent with statutory requirements and are based on clear, objective medical information.

(e) The process implementing the medical criteria shall involve consideration of opinions of the treating or consulting physicians or health care professionals regarding incapacity, and any eligibility decision which rejects uncontroverted medical opinion must set forth clear and convincing reasons for doing so.

(f) Recipients of general assistance who remain otherwise eligible shall not have their benefits terminated absent a clear showing of material improvement in their medical or mental condition or specific error in the prior determination that found the recipient eligible by reason of incapacitation.

(7) "Applicant"—Any person who has made a request, or on behalf of whom a request has been made, to any county or local office for assistance.

(8) "Recipient"—Any person receiving assistance and in addition those dependents whose needs are included in the recipient's assistance.

(9) "Standards of assistance"—The level of income required by an applicant or recipient to maintain a level of living specified by the department.

(10) "Resource"—Any asset, tangible or intangible, owned by or available to the applicant at the time of application, which can be applied toward meeting the applicant's need, either directly or by conversion into money or its equivalent: PROVIDED, That an applicant may retain the following described resources and not be ineligible for public assistance because of such resources.

(a) A home, which is defined as real property owned and used by an applicant or recipient as a place of residence, together with a reasonable amount of property surrounding and contiguous thereto, which is used by and useful to the applicant. Whenever a recipient shall cease to use such property for residential purposes, either for himself or his dependents, the property shall be considered as a resource which can be made available to meet need, and if the recipient or his dependents absent themselves from the home for a period of ninety consecutive days such absence, unless due to hospitalization or health reasons or a natural disaster, shall raise a rebuttable presumption of abandonment: PROVIDED, That if in the opinion of three physicians the recipient will be unable to return to the home during his lifetime, and the home is not occupied by a spouse or dependent children or disabled sons or daughters, such property shall be considered as a resource which can be made available to meet need.

(b) Household furnishings and personal effects and other personal property having great sentimental value to the applicant or recipient, as limited by the department consistent with limitations on resources and exemptions for federal aid assistance.

(c) A motor vehicle, other than a motor home, used and useful having an equity value not to exceed one thousand five hundred dollars.

(d) All other resources, including any excess of values exempted, not to exceed one thousand dollars or other limit as set by the department, to be consistent with limitations on resources and exemptions necessary for federal aid assistance.

(e) Applicants for or recipients of general assistance may retain the following described resources in addition to exemption for a motor vehicle or home and not be ineligible for public assistance because of such resources:

(i) Household furnishings, personal effects, and other personal property having great sentimental value to the applicant or recipient;

(ii) Term and burial insurance for use of the applicant or recipient;

(iii) Life insurance having a cash surrender value not exceeding one thousand five hundred dollars; and

(iv) Cash, marketable securities, and any excess of values above one thousand five hundred dollars equity in a vehicle and above one thousand five hundred dollars in cash surrender value of life insurance, not exceeding one thousand five hundred dollars for a single person or two thousand two hundred fifty dollars for a family unit of two or more. The one thousand dollar limit in subsection (10)(d) of this section does not apply to recipients of or applicants for general assistance.

(f) If an applicant for or recipient of public assistance possesses property and belongings in excess of the ceiling value, such value shall be used in determining the need of the applicant or recipient, except that: (i) The department may exempt resources or income when the income and resources are determined necessary to the applicant's or recipient's restoration to independence, to decrease the need for public assistance, or to aid in rehabilitating the applicant or recipient or a dependent of the applicant or recipient; and (ii) the department may provide grant assistance to persons who are otherwise ineligible because of excess real property owned by such persons when they are making a good faith effort to dispose of that property, but the recipient must sign an agreement to dispose of the property and repay assistance payments made to the date of disposition of the property which would not have been made had the disposal occurred at the beginning of the period for which the payments of such assistance were made. In no event shall such amount due the state exceed the net proceeds otherwise available to the recipient from the disposition, unless after nine months from the date of the agreement the property has not been sold, or if the recipient's eligibility for financial assistance ceases for any other reason. In these two instances the entire amount of assistance paid during this period will be treated as an overpayment and a debt due the state, and may be recovered pursuant to RCW 43.20B.630.

(11) "Income"—(a) All appreciable gains in real or personal property (cash or kind) or other assets, which are received by or become available for use and enjoyment by an applicant or recipient during the month of application or after applying for or receiving public assistance: PROVIDED, That the department may by rule and regulation exempt income received by an applicant for or recipient of public assistance which can be used by him to decrease his need for public assistance or to aid in rehabilitating him or his dependents, but such exemption shall not, unless otherwise provided in this title, exceed the exemptions of resources granted under this chapter to an applicant for public assistance: PROVIDED FURTHER, That in determining the amount of assistance to which an applicant or recipient of aid to families with dependent children is entitled, the department is hereby authorized to disregard as a resource or income the earned income exemptions consistent with federal requirements: PROVIDED FURTHER, The department may permit the above exemption of earnings of a child to be retained by such child to cover the cost of special future identifiable needs even though the total exceeds the exemptions or resources granted to applicants and recipients of public assistance, but consistent with federal requirements. In formulating rules and regulations pursuant to this chapter, the department shall define income and resources and the availability thereof, consistent with federal requirements. All resources and income not specifically exempted, and any income or other economic benefit derived from the use of, or appreciation in value of, exempt resources, shall be considered in determining the need of an applicant or recipient of public assistance.

(b) If, under applicable federal requirements, the state has the option of considering property in the form of lump sum compensatory awards or related settlements received by an applicant or recipient as income or as a resource, the department shall consider such property to be a resource.

(12) "Need"—The difference between the applicant's or recipient's standards of assistance for himself and the dependent members of his family, as measured by the standards of the department, and value of all nonexempt resources and nonexempt income received by or available to the applicant or recipient and the dependent members of his family.

(13) In the construction of words and phrases used in this title, the singular number shall include the plural, the masculine gender shall include both the feminine and neuter genders and the present tense shall include the past and future tenses, unless the context thereof shall clearly indicate to the contrary.

NEW SECTION. Sec. 3. A new section is added to chapter 69.54 RCW to read as follows:

(1) The department shall provide, within available funds, client assessment and treatment services to persons suffering problems related to narcotic and other dangerous drugs through contracts with approved drug treatment providers or counties. The treatment services may include, but are not limited to:

(a) Intensive inpatient treatment services;

(b) Recovery house treatment;

(c) Outpatient treatment and counseling, which may include assistance in obtaining employment and a living allowance while undergoing outpatient treatment. The living allowance may not be used to provide shelter to clients in a dormitory setting that does not require sobriety as a condition of residence. The living allowance shall be administered on the clients' behalf by the outpatient treatment facility or other social service agency designated by the department. The department is authorized to pay the facility a fee for administering this allowance.

(2) Where treatment includes either residential care or a living stipend, the assessment service shall include a diagnostic evaluation for the purpose of determining who may receive treatment services and what treatment is appropriate. The department may require an applicant to complete a residential evaluation for the purpose of clarifying individualized treatment

needs when the department is not capable of making an accurate assessment of that individual's needs within the ordinary assessment process.

(3) The department may require an applicant or recipient selecting treatment to complete inpatient and recovery house treatment when, in the judgment of a designated assessment center, such treatment is necessary prior to providing the outpatient program.

(4) The department shall give priority in providing client assessment and treatment services to recipients of public assistance whose treatment needs cannot be met through Title XIX of the federal social security act, and to persons with household income at or below one hundred fifty percent of the federal poverty level as determined annually by the federal department of health and human services. In establishing priorities, the department also shall consider the following:

(a) The need for treatment in conjunction with maternity care services for drug abusing pregnant women to assure healthy births; and

(b) The potential impact on families and children if treatment is unavailable for drug abusing parents or household members.

The department shall strive to serve all of those requesting treatment. If a waiting list develops, the department may limit treatment under this chapter to pregnant women, parents of young children, and indigent persons.

Treatment programs under this chapter for special populations such as pregnant women and single parents with children shall be designed to coordinate with programs providing maternity care services, including case management and support services, and child care, or to incorporate such services as necessary.

(5) With the exception of those treatment services funded through alcohol and drug grants to counties, no individual may receive a combination of inpatient or outpatient treatment services for a total of more than six months in any two-year period. The department may approve an additional treatment or living allowance in an exceptional case.

(6) The department may provide medical care services to indigent persons receiving treatment services under this chapter within available treatment funds, when (a) such medical care services are necessary for successful completion of the treatment program; and (b) no other medical services are available.

NEW SECTION. Sec. 4. A new section is added to chapter 70.96A RCW to read as follows:

(1) The department shall provide, within available funds, client assessment and treatment services to persons addicted to alcohol, through contracts with approved alcohol treatment providers or counties. The treatment services may include, but are not limited to:

(a) Intensive inpatient treatment services;

(b) Recovery house treatment;

(c) Outpatient treatment and counseling, including assistance in obtaining employment, and including a living allowance while undergoing outpatient treatment. The living allowance may not be used to provide shelter to clients in a dormitory setting that does not require sobriety as a condition of residence. The living allowance shall be administered on the clients' behalf by the outpatient treatment facility or other social service agency designated by the department. The department is authorized to pay the facility a fee for administering this allowance.

(2) Where treatment includes either residential care or a living stipend, the assessment service shall include a diagnostic evaluation for the purpose of determining who may receive treatment services and what treatment is appropriate. The department may require an applicant to complete a residential evaluation for the purpose of clarifying individualized treatment needs when the department is not capable of making an accurate assessment of that individual's needs within the ordinary assessment process.

(3) The department may require an applicant or recipient selecting treatment to complete inpatient and recovery house treatment when, in the judgment of a designated assessment center, such treatment is necessary prior to providing the outpatient program.

(4) The department shall give priority in providing client assessment and treatment services to recipients of public assistance whose treatment needs cannot be met through Title XIX of the federal social security act and to persons who are indigent. In establishing priorities, the department also shall consider the following:

(a) The need for treatment in conjunction with maternity care services for alcohol abusing pregnant women to assure healthy births; and

(b) The potential impact on families and children if treatment is unavailable for alcohol abusing parents or household members.

The department shall strive to serve all of those requesting treatment. If a waiting list develops, the department may limit treatment under this chapter to pregnant women and parents of young children.

Treatment programs under this chapter for special populations such as pregnant women and single parents with children shall be designed to coordinate with programs providing maternity care services, including case management and support services, and child care, or to incorporate such services as necessary.

(5) With the exception of those treatment services funded through alcohol and drug grants to counties, no individual may receive a combination of inpatient or outpatient treatment services for a total of more than six months in any two-year period. The department may approve an additional treatment or living allowance in an exceptional case.

(6) The department may provide medical care services to indigent persons receiving treatment services under this chapter within available treatment funds, when (a) such medical care services are necessary for successful completion of the treatment program; and (b) no other medical services are available.

NEW SECTION. Sec. 5. A new section is added to chapter 70.96A RCW to read as follows:

(1) The department shall provide, within available funds, client assessment and treatment services to persons addicted to drugs or alcohol, through contracts with approved drug or alcohol treatment providers or counties. The treatment services may include, but are not limited to:

(a) Intensive inpatient treatment services;

(b) Recovery house treatment;

(c) Outpatient treatment and counseling, including assistance in obtaining employment, and including a living allowance while undergoing outpatient treatment. The living allowance may not be used to provide shelter to clients in a dormitory setting that does not require sobriety as a condition of residence. The living allowance shall be administered on the clients' behalf by the outpatient treatment facility or other social service agency designated by the department. The department is authorized to pay the facility a fee for administering this allowance.

(2) Where treatment includes either residential care or a living stipend, the assessment service shall include a diagnostic evaluation for the purpose of determining who may receive treatment services and what treatment is appropriate. The department may require an applicant to complete a residential evaluation for the purpose of clarifying individualized treatment needs when the department is not capable of making an accurate assessment of that individual's needs within the ordinary assessment process.

(3) The department may require an applicant or recipient selecting treatment to complete inpatient and recovery house treatment when, in the judgment of a designated assessment center, such treatment is necessary prior to providing the outpatient program.

(4) The department shall give priority in providing client assessment and treatment services to recipients of public assistance whose treatment needs cannot be met through Title XIX of the federal social security act and to persons who are indigent. In establishing priorities, the department also shall consider the following:

(a) The need for treatment in conjunction with maternity care services for drug or alcohol abusing pregnant women to assure healthy births; and

(b) The potential impact on families and children if treatment is unavailable for drug or alcohol abusing parents or household members.

The department shall strive to serve all of those requesting treatment. If a waiting list develops, the department may limit treatment under this chapter to pregnant women and parents of young children.

Treatment programs under this chapter for special populations such as pregnant women and single parents with children shall be designed to coordinate with programs providing maternity care services, including case management and support services, and child care, or to incorporate such services as necessary.

(5) With the exception of those treatment services funded through alcohol and drug grants to counties, no individual may receive a combination of inpatient or outpatient treatment services for a total of more than six months in any two-year period. The department may approve an additional treatment or living allowance in an exceptional case.

(6) The department may provide medical care services to indigent persons receiving treatment services under this chapter within available treatment funds, when (a) such medical care services are necessary for successful completion of the treatment program; and (b) no other medical services are available.

Sec. 6. Section 12, chapter 122, Laws of 1972 ex. sess. as last amended by section 13, chapter 439, Laws of 1987 and RCW 70.96A.120 are each amended to read as follows:

(1) An intoxicated person may come voluntarily to an approved treatment facility for treatment. A person who appears to be intoxicated in a public place and to be in need of help, if he or she consents to the proffered help, may be assisted to his or her home, an approved treatment facility or other health facility.

(2) Except for a person who may be apprehended for possible violation of laws not relating to alcoholism or intoxication and except for a person who may be apprehended for possible violation of laws relating to driving or being in physical control of a vehicle while intoxicated and except for a person who may wish to avail himself or herself of the provisions of RCW 46.20.308, a person who appears to be incapacitated by alcohol and who is in a public place or who has threatened, attempted, or inflicted physical harm on another, shall be taken

into protective custody by the police or the emergency service patrol and as soon as practicable, but in no event beyond eight hours brought to an approved treatment facility for treatment. If no approved treatment facility is readily available he or she shall be taken to an emergency medical service customarily used for incapacitated persons. The police or the emergency service patrol, in detaining the person and in taking him or her to an approved treatment facility, is taking him or her into protective custody and shall make every reasonable effort to protect his or her health and safety. In taking the person into protective custody, the detaining officer or member of an emergency patrol may take reasonable steps including reasonable force if necessary to protect himself or herself or effect the custody. A taking into protective custody under this section is not an arrest. No entry or other record shall be made to indicate that the person has been arrested or charged with a crime.

(3) A person who comes voluntarily or is brought to an approved treatment facility shall be examined by a qualified person. He or she may then be admitted as a patient or referred to another health facility, which provides emergency medical treatment, where it appears that such treatment may be necessary. The referring approved treatment facility shall arrange for his or her transportation.

(4) A person who is found to be incapacitated by alcohol at the time of his or her admission or to have become incapacitated at any time after his or her admission, may not be detained at the facility for more than seventy-two hours after admission as a patient, unless a petition is filed under RCW 70.96A.140, as now or hereafter amended: PROVIDED, That the treatment personnel at the facility are authorized to use such reasonable physical restraint as may be necessary to retain a person incapacitated by alcohol at such facility for up to seventy-two hours from the time of admission. The seventy-two hour periods specified in this section shall be computed by excluding Saturdays, Sundays, and holidays. A person may consent to remain in the facility as long as the physician in charge believes appropriate.

(5) A person who is not admitted to an approved treatment facility, is not referred to another health facility, and has no funds, may be taken to his or her home, if any. If he or she has no home, the approved treatment facility shall ~~(assist)~~ provide him or her ~~(in obtaining shelter)~~ with information and assistance to access available community resources.

(6) If a patient is admitted to an approved treatment facility, his or her family or next of kin shall be notified as promptly as possible. If an adult patient who is not incapacitated requests that there be no notification, his or her request shall be respected.

(7) The police, members of the emergency service, or treatment facility personnel, who in good faith act in compliance with this chapter are performing in the course of their official duty and are not criminally or civilly liable therefor.

(8) If the person in charge of the approved treatment facility determines it is for the patient's benefit, the patient shall be encouraged to agree to further diagnosis and appropriate voluntary treatment.

Sec. 7. Section 74.09.010, chapter 26, Laws of 1959 as last amended by section 11, chapter 406, Laws of 1987 and RCW 74.09.010 are each amended to read as follows:

As used in this chapter:

(1) "Department" means the department of social and health services.

(2) "Secretary" means the secretary of social and health services.

(3) "Internal management" means the administration of medical assistance, medical care services, and the limited casualty program.

(4) "Medical assistance" means the federal aid medical care program provided to categorically needy persons as defined under Title XIX of the federal social security act.

(5) "Medical care services" means the limited scope of care financed by state funds and provided to general assistance recipients ~~(- and recipients of alcohol and drug addiction services provided under chapter 74.50 RCW-)~~.

(6) "Limited casualty program" means the medical care program provided to medically needy persons as defined under Title XIX of the federal social security act, and to medically indigent persons who are without income or resources sufficient to secure necessary medical services.

(7) "Nursing home" means nursing home as defined in RCW 18.51.010.

Sec. 8. Section 19, chapter 6, Laws of 1981 1st ex. sess. as last amended by section 12, chapter 406, Laws of 1987 and RCW 74.09.035 are each amended to read as follows:

(1) To the extent of available funds, medical care services may be provided to recipients of general assistance ~~(- and recipients of alcohol and drug addiction services provided under chapter 74.50 RCW-)~~ in accordance with medical eligibility requirements established by the department.

(2) Determination of the amount, scope, and duration of medical care services shall be limited to coverage as defined by the department, except that adult dental, and routine foot care shall not be included unless there is a specific appropriation for these services.

(3) The department shall establish standards of assistance and resource and income exemptions, which may include deductibles and co-insurance provisions. In addition, the department may include a prohibition against the voluntary assignment of property or cash for the purpose of qualifying for assistance.

(4) Residents of skilled nursing homes, intermediate care facilities, and intermediate care facilities for the mentally retarded who are eligible for medical care services shall be provided medical services to the same extent as provided to those persons eligible under the medical assistance program.

(5) Payments made by the department under this program shall be the limit of expenditures for medical care services solely from state funds.

(6) Eligibility for medical care services shall commence with the date of certification for general assistance (~~or the date of eligibility for alcohol and drug addiction services provided under chapter 74.50 RCW~~).

NEW SECTION, Sec. 9. (1) The department of social and health services shall monitor the treatment programs provided under chapters 69.54, 70.96, and 70.96A RCW and shall collect and maintain relevant demographic data regarding persons receiving treatment services under chapters 69.54, 70.96, and 70.96A RCW and persons receiving general assistance - unemployable benefits based on an incapacity of alcoholism and drug addiction. The department also shall monitor contracted service providers to ensure conformance with the statutory priorities of this act.

(2) The department shall report the results of the data collection and monitoring provided for in subsection (1) of this section to appropriate committees of the legislature on or before December 1, 1989, and December 1, 1990.

(3) The department shall contract with the University of Washington alcoholism and drug abuse institute to evaluate the outcomes of the treatment programs provided under chapters 69.54, 70.96, and 70.96A RCW. The evaluation shall include assessments of treatment outcomes for a sample number of participants selected at random and monitored over at least a one-year period. The results of the evaluation shall be reported to appropriate committees of the legislature on or before December 1, 1990.

NEW SECTION, Sec. 10. (1) The department of social and health services shall monitor the treatment programs provided under chapter 70.96A RCW and shall collect and maintain relevant demographic data regarding persons receiving treatment services under chapter 70.96A RCW and persons receiving general assistance - unemployable benefits based on an incapacity of alcoholism and drug addiction. The department also shall monitor contracted service providers to ensure conformance with the statutory priorities of this act.

(2) The department shall report the results of the data collection and monitoring provided for in subsection (1) of this section to appropriate committees of the legislature on or before December 1, 1989, and December 1, 1990.

(3) The department shall contract with the University of Washington alcoholism and drug abuse institute to evaluate the outcomes of the treatment programs provided under chapter 70.96A RCW. The evaluation shall include assessments of treatment outcomes for a sample number of participants selected at random and monitored over at least a one-year period. The results of the evaluation shall be reported to appropriate committees of the legislature on or before December 1, 1990.

NEW SECTION, Sec. 11. The following acts or parts of acts are each repealed:

(1) Section 2, chapter 406, Laws of 1987, section 1, chapter 163, Laws of 1988 and RCW 74.50.010;

(2) Section 3, chapter 406, Laws of 1987 and RCW 74.50.020;

(3) Section 4, chapter 406, Laws of 1987, section 2, chapter 163, Laws of 1988 and RCW 74.50.030;

(4) Section 5, chapter 406, Laws of 1987 and RCW 74.50.040;

(5) Section 6, chapter 406, Laws of 1987, section 3, chapter 163, Laws of 1988 and RCW 74.50.050;

(6) Section 7, chapter 406, Laws of 1987, section 4, chapter 163, Laws of 1988 and RCW 74.50.060;

(7) Section 8, chapter 406, Laws of 1987 and RCW 74.50.070; and

(8) Section 1, chapter 406, Laws of 1987 and RCW 74.50.900.

NEW SECTION, Sec. 12. (1) Sections 3, 4, and 9 of this act shall expire July 23, 1989, if Engrossed Substitute House Bill No. 1619 is enacted into law on or before July 23, 1989.

(2) If Engrossed Substitute House Bill No. 1619 is not enacted into law on or before July 23, 1989, sections 5 and 10 of this act shall be null and void.

NEW SECTION, Sec. 13. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION, Sec. 14. Sections 2 through 4, 6 through 9, 11, and 12 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 1 of the title, after "treatment;" strike the remainder of the title and insert "amending RCW 70.96A.120, 74.09.010, and 74.09.035; reenacting and amending RCW 74.04.005; adding a new section to chapter 69.54 RCW; adding new sections to chapter 70.96A RCW; creating new sections; repealing RCW 74.50.010, 74.50.020, 74.50.030, 74.50.040, 74.50.050, 74.50.060, 74.50.070, and 74.50.900; and declaring an emergency."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Newhouse, the Senate refuses to concur in the House amendments to Engrossed Substitute Senate Bill No. 5897 and requests of the House a conference thereon.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Substitute Senate Bill No. 5897 and the House amendments thereto: Senators West, Kreidler and McDonald.

MOTION

On motion of Senator Newhouse, the Conference Committee appointments were confirmed.

MESSAGES FROM THE HOUSE

April 21, 1989

Mr. President:

The House has adopted the Report of the Conference Committee on ENGROSSED HOUSE BILL NO. 2131 and has passed the bill as recommended by the Conference Committee.

ALAN THOMPSON, Chief Clerk

April 21, 1989

Mr. President:

The House has adopted the Report of the Free Conference Committee on ENGROSSED HOUSE BILL NO. 1917 and has passed the bill as amended by the Free Conference Committee.

ALAN THOMPSON, Chief Clerk

April 21, 1989

Mr. President:

The House receded from its amendments to SUBSTITUTE SENATE BILL NO. 5071 and passed the bill without the House amendments, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

April 21, 1989

Mr. President:

The House has adopted the Report of the Free Conference Committee on HOUSE BILL NO. 2060 and has passed the bill as amended by the Free Conference Committee.

ALAN THOMPSON, Chief Clerk

MESSAGE FROM THE HOUSE

April 21, 1989

Mr. President:

The House has adopted the Report of the Conference Committee on ENGROSSED SUBSTITUTE HOUSE BILL NO. 2020 and has granted said committee the powers of Free Conference.

ALAN THOMPSON, Chief Clerk

REPORT OF FREE CONFERENCE COMMITTEE

RE: ESHB 2020

Providing tuition and fee waivers for intercollegiate athletes to achieve gender equity.

April 20, 1989

Mr. President:

Mr. Speaker:

We of your Free Conference Committee, have had the same under consideration and we recommend that the measure be amended as proposed under the

request for Free Conference and that the bill do pass as amended by the Free Conference Committee.

(See Second Report of Conference Committee on House Bill No. 2020 and the request for powers of Free Conference read in earlier today.)

Signed by Senators Saling, Stratton, Patterson; Representatives Jacobsen, Bristow, Miller.

MOTION

On motion of Senator Saling, the Report of the Free Conference Committee on Engrossed Substitute House Bill No. 2020 was adopted.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 2020, as amended by the Free Conference Committee.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2020, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 46; absent, 2; excused, 1.

Voting yeas: Senators Amondson, Anderson, Bailey, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Melcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Absent: Senators Barr, Lee - 2.

Excused: Senator DeJarnatt - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2020, as amended by the Free Conference Committee, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 21, 1989

Mr. President:

The House has adopted the Report of the Conference Committee on ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1793 and has granted said committee the powers of Free Conference.

ALAN THOMPSON, Chief Clerk

REPORT OF FREE CONFERENCE COMMITTEE

RE: E2SHB 1793

Creating the Omnibus Alcohol and Controlled Substance Act of 1989.

April 20, 1989

Mr. President:

Mr. Speaker:

We of your Free Conference Committee, have had the same under consideration and we recommend that the measure be amended as proposed under the request for Free Conference and that the bill do pass as amended by the Free Conference Committee.

(See Report of Conference Committee on Engrossed Second Substitute House Bill No. 1793 and the request for powers of Free Conference read in earlier today.)

Signed by Senators Newhouse, Niemi, Nelson; Representatives Appelwick, Wineberry, Patrick.

MOTION

Senator Newhouse moved that the Senate adopt the Report of the Free Conference Committee on Engrossed Second Substitute House Bill No. 1793.

POINT OF ORDER

Senator Williams: "A point of order, Mr. President. I'd like to raise the scope and object on a segment of this bill. It is on page 55, subsection 2 of New Section 233. The particular language here deals with new language that has not been in

the bill before. It deals with granting clubs holding Class H liquor licenses—additional categories of people that they may serve in their establishments. It is, in my mind, totally unrelated to the Omnibus Drug Bill. It is language that was contained in a House Bill that did not pass out of the Economic Development and Commerce and Labor Committees. It was House Bill No. 1127. This is language which I think is not appropriate and outside of the scope and object of the bill."

Debate ensued.

PARLIAMENTARY INQUIRY

Senator Newhouse: "It has long been the custom of the Senate that on points of order which are not debatable in either Reed's Rules, which you fall back on or even Roberts Rules, that we have allowed by custom, one short speech on each side of the issue and those have already been allowed. I suggest there should be no more debate."

REPLY BY THE PRESIDENT

President Pritchard: "That's true, it is the custom. It's the discretion of the Chair and I think I'll allow a little more discussion."

POINT OF ORDER

Senator Sutherland: "Thank you, Mr. President. Actually I rise to a separate point of order, if I could please. I'd also like to ask you to rule on the scope and object dealing with Sections 507 and 508. Those sections deal with a method of taxation that are included in this piece of legislation. Understanding, that in the past or previous days of this legislative session, you've ruled very closely and very carefully on what can be included as far as opening the scope. No where during the legislative process, until it went to a Free Conference Committee, was there any discussion about taxation dealing with soda pop. In the Conference Committee Report in Sections 506, 507 and 508, the committee entertained a new topic that has not been discussed anywhere. New sections are being amended and I think it's clearly outside the scope and object and I'd ask for a ruling on Sections 506, 507 and 508."

Further debate ensued.

FURTHER POINT OF ORDER

Senator Williams: "Mr. President, I have one other point of order or one other scope and object I'd like to refer you to. However, if I might just comment about the previous one briefly. Senator Talmadge has indicated that the Omnibus Drug Bill basically deals with substance abuse, programs, and penalties, and that sort of thing. The language that has been added in that section I've identified has nothing whatsoever to do with substance abuse. It's simply creates new criteria for the people that clubs may service in terms of their Class H license.

"Mr. President, if I might. The other area where I'd like to raise a point of order on scope and object is on page 58, lines 2 through 8. The section that we're dealing with is identified as neighborhood blight and it sets up a process where every county, city and town may acquire by condemnation, etc. certain properties which constitute blight. Then it goes on to define blight.

"In all the previous sections of this bill that have defined blight, blight has been defined as those properties associated with illegal drug activity or other crimes during the previous twelve months, etc. The language here allows the condemnation of property when they do not comply with local fire, building, housing, zoning, or other health and safety codes, as well as condemnation when there is an accumulation of debris, litter, and other material that is conducive to ill health or endangers life or property, etc. This, I believe, goes beyond the definition of blight as has been carried through this bill all along and I think goes beyond the scope and object of the bill."

MOTION

At 6:43 p.m., on motion of Senator Newhouse, the Senate adjourned until 9:00 a.m., Saturday, April 22, 1989.

JOEL PRITCHARD, President of the Senate.
GORDON A. GOLOB, Secretary of the Senate.

ONE HUNDRED-FOURTH DAY

MORNING SESSION

Senate Chamber, Olympia, Saturday, April 22, 1989

The Senate was called to order at 9:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators DeJarnatt, Fleming, Johnson, McDonald, McMullen, Niemi, Smitherman and von Reichbauer. On motion of Senator Anderson, Senator von Reichbauer was excused. On motion of Senator Warnke, Senators DeJarnatt, Fleming and Smitherman were excused.

The Sergeant at Arms Color Guard, consisting of Pages Aimee Sutter and April Bryson, presented the Colors. Major Wesley Sullivan, chaplain, United States Army of Fort Lewis, offered the prayer.

MOTION

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

REPORT OF SELECT COMMITTEE

STATE OF WASHINGTON
DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Olympia, Washington

April 19, 1989

Gordon A. Golob
Secretary of the Senate
306 Legislative Building
Olympia, Washington 98504

Dear Mr. Golob:

Enclosed is the department's Report to the Legislature on the Victims of Domestic Violence Program as required by RCW 70.123.060. If you have any questions about the report or wish to discuss it, please feel free to call Nancy Kerr (586-2380) or Lois Loontjens (586-8254) in the Division of Children and Family Services.

Sincerely,
RICHARD J. THOMPSON, Secretary

The Report of the Select Committee is on file in the office of the Secretary of the Senate.

MESSAGES FROM THE HOUSE

April 21, 1989

Mr. President:

The House has adopted the Report of the Free Conference Committee on ENGROSSED HOUSE BILL NO. 1070 and has passed the bill as amended by the Free Conference Committee.

ALAN THOMPSON, Chief Clerk

April 21, 1989

Mr. President:

The House has adopted the Report of the Free Conference Committee on HOUSE BILL NO. 2167 and has passed the bill as amended by the Free Conference Committee.

ALAN THOMPSON, Chief Clerk

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Nelson, Gubernatorial Appointment No. 9054, Denise Read, as a member of the Child Support Schedule Commission, was confirmed.

APPOINTMENT OF DENISE READ

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 41; absent, 4; excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Kreidler, Lee, Madsen, Matson, McCaslin, Metcalf, Moore, Murray, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Stratton, Sutherland, Talmadge, Thorsness, Vognild, Warnke, West, Williams, Wojahn - 41.

Absent: Senators Johnson, McDonald, McMullen, Niemi - 4.

Excused: Senators DeJarnatt, Fleming, Smitherman, von Reichbauer - 4.

MOTIONS

On motion of Senator Anderson, Senator McDonald was excused.

On motion of Senator Bender, Senators Warnke and McMullen were excused.

MOTION

On motion of Senator Pullen, Gubernatorial Appointment No. 9073, Eugene K. Struthers, as a member of the Public Disclosure Commission, was confirmed.

Senator Hayner spoke to the confirmation of Eugene K. Struthers as a member of the Public Disclosure Commission.

APPOINTMENT OF EUGENE K. STRUTHERS

The Secretary call the roll. The appointment was confirmed by the following vote: Yeas, 41; absent, 1; excused, 7.

Voting yea: Senators Amondson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Stratton, Sutherland, Talmadge, Thorsness, Vognild, West, Williams, Wojahn - 41.

Absent: Senator Anderson - 1.

Excused: Senators DeJarnatt, Fleming, McDonald, McMullen, Smitherman, von Reichbauer, Warnke - 7.

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE SENATE BILL NO. 5071.

SENATE BILL NO. 5172.

SUBSTITUTE SENATE BILL NO. 5315.

There being no objection, the President returned the Senate to the fourth order of business.

REPORT OF CONFERENCE COMMITTEE

RE: HB 1478

Regulating the board of pharmacy.

April 20, 1989

Mr. President:

Mr. Speaker:

We of your Conference Committee to whom the above measure was referred, have had the same under consideration and we recommend the following:

That the Senate Committee on Health Care and Corrections amendments adopted on April 14, 1989, be rejected, and the bill pass without said amendments.

Signed by Senators West, Wojahn, Amondson; Representatives Braddock, Sprenkle, Sommers.

MOTION

On motion of Senator Newhouse, the Report of the Conference Committee on House Bill No. 1478 was adopted.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1478, as recommended by the Conference Committee.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1478, as recommended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 47.

Excused: Senators DeJarnatt, Fleming - 2.

HOUSE BILL NO. 1478, as recommended by the Conference Committee, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Engrossed Second Substitute House Bill No. 1793 and the pending Report of the Free Conference Committee, deferred April 21, 1989.

RULING BY THE PRESIDENT

President Pritchard: "In ruling upon the point of order raised by Senator Williams, the President finds that Engrossed Second Substitute House Bill No. 1793 is an omnibus measure designed to combat alcohol and controlled substance abuse. The bill would, among other things, increase penalties; create new offenses; allow the recording of drug transactions in certain situations; provide for property forfeitures; off limit areas and drug site cleanup; create a preemptive keg registration program; allow for government condemnation of unoccupied properties associated with illegal drug activity; provide for grants; make changes in the involuntary treatment program; provide for early school intervention programs and provide for funding for the act through a variety of taxes.

"Section 233 of the Free Conference Report adds a new subsection which allows clubs holding a Class H liquor license to sell club liquor to a variety of non-members.

"The President, therefore, finds that Section 233 does change the scope and object of the bill and that the point of order is well taken."

Section 233 of the Free Conference Committee Report to Engrossed Second Substitute House Bill No. 1793 was ruled out of order.

RULING BY THE PRESIDENT

President Pritchard: "In ruling upon the point of order raised by Senator Sutherland, the President finds that Sections 505-508 of the Free Conference Report provide for a tax for funding the act.

"The President, therefore, find that Sections 505-508 do not change the scope and object of the bill and that the point of order is not well taken."

Sections 505-508 of the Free Conference Committee Report to Engrossed Second Substitute House Bill No. 1793 were ruled in order.

RULING BY THE PRESIDENT

President Pritchard: "In ruling upon the point of order raised by Senator Williams, the President finds that Section 239 of the Free Conference Report expands the definition of 'neighborhood blight' and increases government condemnation authority by including unoccupied properties which do not comply with applicable codes or zoning, or are deemed conducive to ill health or dangerous to life or property as determined by a county health department regardless of whether the property has any connection with illegal drug activity.

"The President, therefore, finds that Section 239 does change the scope and object of the bill and that the point of order is well taken."

Section 239 of the Free Conference Committee Report to Engrossed Second Substitute House Bill No. 1793 was ruled out of order.

FURTHER RULING BY THE PRESIDENT

President Pritchard: "Because the points of order regarding Sections 233 and 239 are well taken, the President finds that the Report of the Free Conference Committee on Engrossed Second Substitute House Bill No. 1793 is beyond the scope and object of the bill."

MOTION

Senator Newhouse moved that the Report of the Free Conference Committee on Engrossed Second Substitute House Bill No. 1793 be not adopted and that the committee be instructed to propose a report consistent with the President's Ruling. Debate ensued.

MOTION

Senator Sutherland moved that the new report not include Sections 506-508.

The President declared the question before the Senate to be the motion by Senator Sutherland that the new report not include Sections 506-508.

The motion by Senator Sutherland failed.

The President declared the question before the Senate to be the motion by Senator Newhouse that the Senate do not adopt the Report of the Free Conference Committee on Engrossed Second Substitute House Bill No. 1793 and that the committee be instructed to propose a report consistent with the President's Ruling.

The motion by Senator Newhouse carried and the Report of the Free Conference Committee on Engrossed Second Substitute House Bill No. 1793 was not adopted and the committee be instructed to propose a report consistent with the President's Ruling.

REPORT OF CONFERENCE COMMITTEE

RE: ESHB 2137

Establishing targeted sectors for economic development.

April 21, 1989

Mr. President:

Mr. Speaker:

We of your Conference Committee to whom the above measure was referred, have had the same under consideration and we report that we are unable to agree and we respectfully request the powers of Free Conference in order to amend the measure as follows:

(1) That the Senate Committee on Economic Development and Labor committee amendments adopted on April 10, 1989, be rejected; and

(2) Adopt the following amendments:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature finds that the future health of certain sectors of Washington state's economy is at risk in the face of increasing global competition. The service and aerospace industries have responded well to this increasing global competition. However, certain traditional industries, such as forest products and agriculture, have experienced some decline. Significant public and private resources are being directed toward restoring the vitality of these industries.

(2) The legislature finds that, in addition to these industries, there are a number of emerging sectors in the state economy which offer real promise. These include biotechnology and food processing. In the next decade, these emerging sectors can be among the state's strongest, most stable sectors able to successfully compete in the global market. It is the purpose of sections 1 through 6 of this act to help these emerging sectors by encouraging a broader base and support for their development. It is also the purpose of this act to ensure that more specific direction is given to the department in developing its programs and that the impact of resources the department directs toward targeted sectors is better measured.

(3) The legislature also finds that the state must work in partnership with the private sector to enhance economic development, whether restoring the vitality of declining industries or developing new industries with good economic potential. In order for the public and private efforts to be most successful, the state, particularly the department, must clearly articulate: (a)

Its goals and objectives; (b) its appraisal of the sector that led to the goals and objectives; (c) its choice of strategy for achieving the goals and objectives; (d) its implementation plans and timetables; and (e) its evaluation criteria and process. The department must work with the private sector and the legislature in the analysis, the setting of goals, the choice of strategy, and the evaluation process so that all parties have input into and understand how the problem is being defined and how the problem is being solved.

NEW SECTION. Sec. 2. (1) The department shall establish targeted sector programs in the areas of biotechnology and food processing. The purpose of these programs shall be to analyze the current state of the targeted sector and develop an action plan and program for each targeted sector to increase the sales of products from these sectors nationally and internationally. The department shall also develop an evaluation process to measure the effectiveness of the targeted sector programs. The targeted sector programs are intended to significantly increase the jobs and capital investment in these sectors through a well-conceived and implemented marketing plan.

(2) A targeted sector program within the department shall:

(a) Administer the targeted sector programs established in subsection (1) of this section;

(b) Work with the advisory committee and subcommittees created in section 4 of this act to appraise each targeted sector, develop alternatives to assist in the development of the sector, choose a strategy for assisting the targeted sector, and evaluate the strategy and its implementation for effectiveness; and

(c) Work with other state agencies, local governments, and the private sector.

NEW SECTION. Sec. 3. (1) The department may contract with public or private organizations, such as the international marketing program for agricultural products and trade or the northwest policy center, to appraise the targeted sector to determine the current state of the sector prior to the department undertaking program development or marketing under section 2 of this act. In making this appraisal, the department shall consider, but shall not be limited to, the following: (a) The strengths and weaknesses of the sector; (b) the opportunities and risks in the sector; (c) any emerging products, processes and market niches in the sector; (d) the commercialization of technology related to the sector; (e) the availability of capital in the sector; (f) the education and training needs in the sector; (g) the infrastructure development in the sector; (h) the number of employees and businesses in the sector; and (i) the role the state should play in the long-term development of the sector.

(2) The department shall base its marketing strategy and action plan for each targeted sector on the appraisal of the sector under subsection (1) of this section. Where needs are identified in the appraisal of the sector but are beyond the scope of the department's program or ability to accomplish without additional resources, the department shall provide clear recommendations to the legislature regarding an action plan the state should implement to address these identified needs.

NEW SECTION. Sec. 4. (1) The department shall establish an advisory committee for its targeted sector program. The advisory committee shall provide policy direction regarding:

(a) The appraisal process;

(b) Program development;

(c) Program implementation; and

(d) The evaluation criteria and process for the target sector programs.

(2) The advisory committee shall include:

(a) At the discretion of the house of representatives and the senate, four legislators, one from each caucus in the house of representatives appointed by the speaker of the house, and one from each caucus in the senate appointed by the president of the senate;

(b) Three members of the department of agriculture food products processing advisory committee appointed by the chairperson of this advisory committee;

(c) Three members of the Washington state biotechnology association appointed by the chairperson of this association; and

(d) Other members appointed by the director, such as industry experts, financing experts, venture capitalists, patent attorneys, and marketing experts, representing a variety of interests and geographic areas.

The chairperson of the advisory committee shall be appointed by the director and shall serve as chairperson at the discretion of the director.

(3) The advisory committee shall create a subcommittee for each targeted sector. The members of each subcommittee, except as provided otherwise in this subsection, shall be appointed by the chairperson of the advisory committee in consultation with the advisory committee; the subcommittees may include persons who are not members of the advisory committee. The subcommittee for each targeted sector shall include persons with expertise in that sector. Each of the members appointed to the advisory committee under subsection (2)(b) of this section shall also serve on the subcommittee for the food processing targeted sector; each of the members appointed to the advisory committee under subsection (2)(c) of this section shall also serve on the subcommittee for the biotechnology targeted sector.

(4) The advisory committee and subcommittees shall provide policy and program direction to the targeted sector program created under section 2(2) of this act, and shall consider the role of other state agencies and the private sector in advising the department.

(5) The members of the advisory committee and the subcommittees shall serve two-year terms. The legislative members may be reimbursed for travel expenses under RCW 44.04.120. Other members may be reimbursed for their travel expenses under RCW 43.03.050 and 43.03.060.

NEW SECTION. Sec. 5. The department shall also establish a targeted sector program in manufactured forest products. This program shall be part of the targeted sector program established under section 2(2) of this act, and the department shall conduct an appraisal, as described in section 3 of this act, for the manufactured forest products targeted sector. Three members of the evergreen partnership appointed by the director of the evergreen partnership shall be included in the advisory committee established under section 4 of this act, and these persons shall also be part of the subcommittee on the manufactured forest products targeted sector. The department shall also report on the manufactured forest products targeted sector as part of its reporting duties under section 9 of this act.

NEW SECTION. Sec. 6. The business assistance center of the department of trade and economic development, in consultation with the Washington state institute for public policy and the northwest policy center shall review the establishment of an industrial extension grant program in targeted sectors. The department shall conduct this review to the extent existing resources permit.

NEW SECTION. Sec. 7. The department, in reviewing the establishment of the industrial extension program, shall identify:

- (1) The manner in which the program should be structured and funded;
- (2) The scope of services that should be provided; and
- (3) The availability of possible grant recipients that could provide services under the program.

NEW SECTION. Sec. 8. The business assistance center shall examine mechanisms for the establishment of flexible manufacturing networks or consortia in targeted sectors through which small firms cooperatively access modernization, marketing, training and other services. The department shall conduct this study to the extent existing resources permit.

NEW SECTION. Sec. 9. By January 10th of each year the department shall report in writing on its targeted sector programs to the trade and economic development committee in the house of representatives and the economic development and labor committee in the senate. The department shall report on each element of the targeted sector program, including: (1) Appraisal of the sector; (2) alternatives for assisting in the growth and development of the sector; (3) the choice of the strategy and the rationale behind that choice; (4) the implementation of the strategy; and (5) the evaluation of the targeted sector program. The department shall also make current information available on a regular basis to the legislature and the private sector regarding its targeted sector programs.

The business assistance center shall report by January 1, 1990, to the senate economic development and labor committee and house of representatives trade and economic development committee on its findings and recommendations on the establishment of an industrial extension program and flexible manufacturing networks or consortia program.

NEW SECTION. Sec. 10. The department shall work with industry trade groups, local governments and local economic development organizations in implementing the target sector programs. The department shall seek and utilize nonstate funds to help carry out these programs.

NEW SECTION. Sec. 11. Sections 1 through 10 of this act are each added to chapter 43.31 RCW."

On page 1, line 1 of the title, after "development;" strike the remainder of the title and insert "and adding new sections to chapter 43.31 RCW."

Signed by Senators Lee, McMullen, Amondson; Representatives Cantwell, Fisher, Doty.

MOTION

On motion of Senator Newhouse, the Report of the Conference Committee on Engrossed Substitute House Bill No. 2137 was adopted and the committee was granted the powers of Free Conference.

MESSAGE FROM THE HOUSE

April 21, 1989

Mr. President:

The House has adopted the Report of the Conference Committee on ENGROSSED SUBSTITUTED SENATE BILL NO. 5186 and has granted said committee the powers of Free Conference.

ALAN THOMPSON, Chief Clerk

REPORT OF CONFERENCE COMMITTEE

RE: ESSB 5186

Relating to the Judicial Conduct Commission.

April 20, 1989

Mr. President:

Mr. Speaker:

We of your Conference Committee to whom the above measure was referred, have had the same under consideration and we report that we are unable to agree and we respectfully request the powers of Free Conference in order to amend the measure as follows:

Adopt the following House Judiciary Committee striking amendment, as amended, as follows:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 2, chapter 268, Laws of 1981 as amended by section 1, chapter 186, Laws of 1987 and RCW 2.64.010 are each amended to read as follows:

~~((For purposes of this chapter,))~~ Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Admonishment" means a written disposition of an advisory nature that cautions a judge or justice not to engage in certain proscribed behavior. An admonishment may include a requirement that the judge or justice follow a specified corrective course of action.

(2) "Censure" means a written action of the commission that requires a judge or justice to appear personally before the commission, and that finds that conduct of the judge or justice violates a rule of judicial conduct, detrimentally affects the integrity of the judiciary, undermines public confidence in the administration of justice, and may or may not require a recommendation to the supreme court that the judge or justice be suspended or removed. A censure shall include a requirement that the judge or justice follow a specified corrective course of action.

(3) "Commission" means the commission on judicial conduct provided for in Article IV, section 31 of the state Constitution, which is authorized to recommend to the supreme court, after notice and hearing, the ~~((censure,))~~ suspension or removal of a judge or justice for violating a rule of judicial conduct, or the retirement of a judge or justice for disability ~~((which is permanent, or likely to become permanent, and which seriously interferes with the performance of judicial duties. For purposes of this chapter, the term)),~~

(4) "Judge or justice" includes justices of the supreme court, judges of the court of appeals, judges of the superior courts, judges of any court organized under Titles 3 or 35 RCW, judges pro tempore, court commissioners, and magistrates.

(5) "Removal" means a written recommendation by the commission and a finding by the supreme court that the conduct of a judge or justice is a violation of a rule of judicial conduct and seriously impairs the integrity of the judiciary and substantially undermines the public confidence in the administration of justice to such a degree that the judge or justice should be relieved of all duties of his or her office.

(6) "Reprimand" means a written action of the commission that requires a judge or justice to appear personally before the commission, and that finds that the conduct of the judge or justice is a minor violation of the code of judicial conduct and does not require censure or a formal recommendation to the supreme court that the judge or justice be suspended or removed. A reprimand shall include a requirement that the judge or justice follow a specified corrective course of action.

(7) "Retirement" means a written recommendation by the commission and a finding by the supreme court that a judge or justice has a disability which is permanent, or likely to become permanent, and that seriously interferes with the performance of judicial duties.

(8) "Suspension" means a written recommendation by the commission and a finding by the supreme court that the conduct of a judge or justice is a violation of a rule of judicial conduct and seriously impairs the integrity of the judiciary and substantially undermines the public confidence in the administration of justice to such a degree that the judge or justice should be relieved of the duties of his or her office by the court for a specified period of time, as determined by the court.

This chapter shall apply to any judge or justice, regardless of whether the judge or justice serves full time or part time, and regardless of whether the judge or justice is admitted to practice law in this state.

Sec. 2. Section 3, chapter 268, Laws of 1981 as amended by section 2, chapter 186, Laws of 1987 and RCW 2.64.020 are each amended to read as follows:

The commission shall consist of ~~((nine))~~ eleven members. One member shall be a judge selected by and from the court of appeals judges; one member shall be a judge selected by and from the superior court judges; one member shall be a judge selected by and from the district court judges; two members shall be selected by the state bar association and be admitted to the practice of law in this state; and ~~((four))~~ six members shall be nonlawyers appointed by the governor ~~((and confirmed by the senate))~~. The term of each member of the commission shall be four years.

Sec. 3. Section 6, chapter 268, Laws of 1981 and RCW 2.64.050 are each amended to read as follows:

The commission may employ ~~((any))~~ personnel, including ~~((lawyers))~~ attorneys, and make any other expenditures necessary for the effective performance of its duties and the exercise of its powers. The commission may hire attorneys or others by personal service contract to conduct initial proceedings regarding a complaint against a judge or justice. Commission employees shall be exempt from the civil service law, chapter 41.06 RCW.

NEW SECTION. Sec. 4. A new section is added to chapter 2.64 RCW to read as follows:

The commission is authorized to impose the following disciplinary actions, in increasing order of severity: (a) Admonishment; (b) reprimand; or (c) censure. If the conduct of the judge or justice warrants more severe disciplinary action, the commission may recommend to the supreme court the suspension or removal of the judge or justice.

NEW SECTION. Sec. 5. A new section is added to chapter 2.64 RCW to read as follows:

The commission is authorized to investigate and consider for probative value any conduct that may have occurred prior to, on, or after December 4, 1980, by a person who was, or is now, a judge or justice when such conduct relates to a complaint filed with the commission against the same judge or justice.

NEW SECTION. Sec. 6. A new section is added to chapter 2.64 RCW to read as follows:

All pleadings, papers, evidence records, and files of the commission, including complaints and the identity of complainants, compiled or obtained during the course of an investigation or initial proceeding involving the discipline or retirement of a judge or justice, are exempt from the public disclosure requirements of chapter 42.17 RCW during such investigation or initial proceeding. As of the date of a public hearing, all those records of the initial proceeding that were the basis of a finding of probable cause are subject to the public disclosure requirements of chapter 42.17 RCW.

NEW SECTION. Sec. 7. A new section is added to chapter 2.64 RCW to read as follows:

The adjudicative proceedings, judicial review, and civil enforcement provisions of chapter 34.05 RCW, the administrative procedure act, do not apply to any investigations, initial proceedings, public hearings, or executive sessions involving the discipline or retirement of a judge or justice.

NEW SECTION. Sec. 8. A new section is added to chapter 2.64 RCW to read as follows:

The commission is subject to the open public meetings act, chapter 42.30 RCW. However, investigations, initial proceedings, public hearings, and executive sessions involving the discipline or retirement of a judge or justice are governed by this chapter and Article IV, section 31 of the state Constitution and are exempt from the provisions of chapter 42.30 RCW.

NEW SECTION. Sec. 9. A new section is added to chapter 2.64 RCW to read as follows:

The commission shall provide by rule for confidentiality of its investigations and initial proceedings in accordance with Article IV, section 31 of the state Constitution.

Any person violating a rule on confidentiality is subject to a proceeding for contempt in superior court.

NEW SECTION. Sec. 10. The following acts or parts of act are each repealed:

(1) Section 4, chapter 186, Laws of 1987 and RCW 2.64.091; and

(2) Section 12, chapter 268, Laws of 1981, section 5, chapter 186, Laws of 1987 and RCW 2.64.110.

NEW SECTION. Sec. 11. This act shall take effect upon the effective date of an amendment to Article IV, section 31 of the state Constitution making changes to the commission on judicial conduct. If such amendment is not validly submitted to and approved and ratified by the voters at a general election held in November 1989, this act shall be null and void in its entirety."

On page 1, line 1 of the title, after "conduct;" strike the remainder of the title and insert "amending RCW 2.64.010, 2.64.020, and 2.64.050; adding new sections to chapter 2.64 RCW; repealing RCW 2.64.091 and 2.64.110; and providing a contingent effective date."

Further amend the committee striking amendment as follows:

On page 7, after line 22 of the Judiciary Committee striking amendment read:

NEW SECTION. Sec. 10. A new section is added to chapter 2.64 RCW to read as follows:

Whenever the commission determines that there is probable cause to believe that a judge or justice has violated a rule of judicial conduct or that the judge or justice suffers from a disability which is permanent or likely to become permanent and which seriously interferes with the performance of judicial duties, the commission shall disclose to the judge or justice any material or information within the commission's knowledge which tends to negate the determination of the commission, except as otherwise provided by a protective order."

Renumber the remaining sections accordingly

Signed by Senators Pullen, Talmadge: Representatives Appelwick, Padden.

MOTION

On motion of Senator Newhouse, the Report of the Conference Committee on Engrossed Substitute Senate Bill No. 5186 was adopted and the committee was granted the powers of Free Conference.

MESSAGE FROM THE HOUSE

April 21, 1989

Mr. President:

The House has adopted the Report of the Conference Committee on SUBSTITUTE SENATE BILL NO. 5221 and has granted said committee the powers of Free Conference.

ALAN THOMPSON, Chief Clerk

REPORT OF CONFERENCE COMMITTEE

RE: SSB 5221

Relating to advance college payment program.

April 20, 1989

Mr. President:

Mr. Speaker:

We of your Conference Committee to whom the above measure was referred, have had the same under consideration and we report that we are unable to agree and we respectfully request the powers of Free Conference in order to amend the measure as follows:

Reject the House amendments and adopt the following striking amendment:

Strike everything after the enacting clause and insert the following:

***NEW SECTION, Sec. 1.** The higher education coordinating board shall study the feasibility of instituting an advance college payment program and submit a report, including recommendations, to the legislature by January 1, 1990. This study shall include, but not be limited to:

(1) An examination of potential income tax and unrelated business income tax consequences of establishing a program;

(2) Consideration of the impact of federal and state securities, insurance, and annuity laws on the sale of advance college payment contracts;

(3) An examination of state constitutional issues raised by the establishment of an advance college payment program, including limitations on state debt and prohibitions on gifts and loans of the state's credit;

(4) A review of state and federal financial aid policies and a determination of how such a program would impact present financial aid programs and how the plan matches the state's present and projected needs;

(5) An examination of the effect such a program would have on tuition, enrollment, residency, and admission policies;

(6) An actuarial analysis examining program risks and potential yields, computed over at least an eighteen-year horizon. This should include consideration of investment policy and participation rates necessary for maintaining an actuarially sound program;

(7) An examination of alternative approaches to saving for college, including bonds, investment, and insurance programs, along with the ability of private sector financial institutions and others to provide such a program. This shall include an examination of whether or not private investment opportunities will do as well or better for purchasers as state programs and consideration of state restrictions on commercial activities;

(8) Consideration of who should bear the risk and pay the difference if tuition costs increase faster than interest earnings or interest earnings are lower than expected and cannot cover tuition. This shall include an examination of how purchasers can be protected from investment shortfalls and the means by which the state can reduce its liability and risk in case the program proves to be actuarially unsound;

(9) A determination of how much it would cost to start up and maintain an adequate program, including but not limited to staff, equipment, travel, and advertising needs;

(10) Consideration of whether the plans should cover more than undergraduate tuition costs, such as room and board, mandatory fees, graduate tuition, books, materials, and fees. This shall include consideration of potential state tax incentives and whether the program should be limited to full-time or include part-time attendance;

(11) An examination of ways to involve independent institutions in the program;

(12) An examination of the portability of benefits across state lines, including the effect on reciprocity and other agreements; and

(13) An examination of policy issues such as those raised by the education commission of the states and the college board.

NEW SECTION. Sec. 2. The higher education coordinating board may seek the assistance of the state investment board, the state treasurer, the state actuary, the office of financial management, private financial institutions and any other qualified party with experience in the areas of accounting, actuary, risk management, or investment management to assist with the study required in section 1 of this act. Within existing appropriations, the state investment board, the state treasurer, the state actuary, the office of financial management, and any other state agency, including legislative staff, shall fully cooperate with the higher education coordinating board in matters relating to the study.

NEW SECTION. Sec. 3. The sum of thirty thousand dollars, or as much thereof as may be necessary, is appropriated from the general fund to the higher education coordinating board for the biennium ending June 30, 1991, to carry out the purposes of this act."

On page 1, line 1 of the title, after "program;" strike the remainder of the title and insert "creating new sections; and making an appropriation."

Signed by Senators Rinehart, Saling, Patterson: Representatives Spanel, Van Luven, H. Myers.

MOTION

On motion of Senator Newhouse, the Report of the Conference Committee on Substitute Senate Bill No. 5221 was adopted and the committee was granted the powers of Free Conference.

MESSAGE FROM THE HOUSE

April 21, 1989

Mr. President:

The House has adopted the Report of the Conference Committee on SECOND SUBSTITUTE SENATE BILL NO. 6051 and has granted said committee the powers of Free Conference.

ALAN THOMPSON, Chief Clerk

REPORT OF CONFERENCE COMMITTEE

RE: 2SSB 6051

Relating to employer child care.

April 20, 1989

Mr. President:

Mr. Speaker:

We of your Conference Committee to whom the above measure was referred, have had the same under consideration and we report that we are unable to agree and we respectfully request the powers of Free Conference in order to amend the measure as follows:

Reject all amendments except the following House Trade and Economic Development Committee striking amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that increasing the availability and affordability of quality child care will enhance the stability of the family and facilitate expanded economic prosperity in the state. The legislature finds that balancing work and family life is a critical concern for employers and employees. The dramatic increase in participation of women in the work force has resulted in a demand for affordable child care exceeding the supply. The future of the state's work force depends in part upon the availability of quality affordable child care. There are not enough child care services and facilities to meet the needs of working parents, the costs of care are often beyond the resources of working parents, and facilities are not located conveniently to work places and neighborhoods. The prospect for labor shortages resulting from the aging of the population and the importance of the quality of the work force to the competitiveness of Washington businesses make the availability of quality child care an important concern for the state's businesses.

The legislature further finds that a partnership between business and child care providers can help the market for child care adjust to the needs of businesses and working families and improve productivity, reduce absenteeism, improve recruitment, and improve morale among Washington's labor force. The legislature further finds that private and public partnerships and investments are necessary to increase the supply, affordability, and quality of child care in the state.

Sec. 2, Section 11, chapter 466, Laws of 1985 as amended by section 3, chapter 348, Laws of 1987 and RCW 43.31.085 are each amended to read as follows:

The business assistance center shall:

(1) Serve as the state's lead agency and advocate for the development and conservation of businesses.

(2) Coordinate the delivery of state programs to assist businesses.

(3) Provide comprehensive referral services to businesses requiring government assistance.

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

(5) Aggressively promote business awareness of the state's business programs and distribute information on the services available to businesses.

(6) Develop, in concert with local economic development and business assistance organizations, coordinated processes that complement both state and local activities and services.

(7) The business assistance center shall work with other federal, state, and local agencies and organizations to ensure that business assistance services including small business, trade services, and distressed area programs are provided in a coordinated and cost-effective manner.

(8) In collaboration with the child care coordinating committee in the department of social and health services, prepare and disseminate information on child care options for employers and the existence of the program. As much as possible, and through interagency agreements where necessary, such information should be included in the routine communications to employers from (a) the department of revenue, (b) the department of labor and industries, (c) the department of community development, (d) the employment security department, (e) the department of trade and economic development, (f) the small business development center, and (g) the department of social and health services.

(9) In collaboration with the child care coordinating committee in the department of social and health services, compile information on and facilitate employer access to individuals, firms, organizations, and agencies that provide technical assistance to employers to enable them to develop and support child care services or facilities.

(10) Actively seek public and private money to support the child care facility fund described in section 3 of this act, staff and assist the child care facility fund committee as described in section 4 of this act, and work to promote applications to the committee for loan guarantees, loans, and grants.

NEW SECTION. Sec. 3. A child care facility fund is created. Money in the fund shall be used solely for the purpose of starting or improving a child care facility pursuant to sections 2 through 8 of this act. Money may be deposited from private and public sources into this fund.

NEW SECTION. Sec. 4. The child care facility fund committee is established within the business assistance center of the department of trade and economic development. The committee shall administer the child care facility fund, with review by the director of the department of trade and economic development.

(1) The committee shall have five members. The director of the department of trade and economic development shall appoint the members, who shall include:

(a) Two persons experienced in investment finance and having skills in providing capital to new businesses, in starting and operating businesses, and providing professional services to small or expanding businesses;

(b) One person representing a philanthropic organization with experience in evaluating funding requests;

(c) One child care services expert; and

(d) One early childhood development expert.

In making these appointments, the director shall give careful consideration to ensure that the various geographic regions of the state are represented and that members will be available for meetings and are committed to working cooperatively to address child care needs in Washington state.

(2) The committee shall elect officers from among its membership and shall adopt policies and procedures specifying the lengths of terms, methods for filling vacancies, and other matters necessary to the ongoing functioning of the committee.

(3) Committee members shall serve without compensation, but may request reimbursement for travel expenses as provided in RCW 43.03.050 and 43.03.060.

(4) Committee members shall not be liable to the state, to the child care facility fund, or to any other person as a result of their activities, whether ministerial or discretionary, as members except for willful dishonesty or intentional violation of the law. The department of trade and economic development may purchase liability insurance for members and may indemnify these persons against the claims of others.

NEW SECTION. Sec. 5. The child care facility fund committee is authorized to solicit applications for and award grants and loans from the child care facility fund to assist persons, businesses, or organizations to start a licensed child care facility, or to make capital improvements in an existing licensed child care facility. Grants and loans shall be awarded on a one-time only basis, shall not be awarded to cover operating expenses beyond the first three months of business, and no grant or loan shall exceed twenty-five thousand dollars.

NEW SECTION. Sec. 6. The child care facility fund committee is authorized, upon application, to use the child care facility fund to guarantee loans made to persons, businesses, or organizations to start a licensed child care facility, or to make capital improvements in an existing licensed child care facility.

(1) Loan guarantees shall be awarded on a one-time only basis, and shall not be awarded for loans to cover operating expenses beyond the first three months of business.

(2) The total aggregate amount of the loan guarantee awarded to any applicant may not exceed twenty-five thousand dollars and may not exceed eighty percent of the loan.

(3) The total aggregate amount of guarantee from the child care facility fund, with respect to the guaranteed portions of loans, may not exceed at any time an amount equal to five times the balance in the child care facility fund.

NEW SECTION. Sec. 7. The child care facility fund committee shall award loan guarantees, loans or grants to those persons, businesses, or organizations meeting the minimum standards set forth in this chapter who will best serve the intent of the chapter to increase the availability of high quality, affordable child care in Washington state. The committee shall promulgate rules regarding the application for and disbursement of loan guarantees, loans, or grants from the fund, including loan terms and repayment procedures. At a minimum, such rules shall require an applicant to submit a plan which includes a detailed description of:

(1) The need for a new or improved child care facility in the area served by the applicant, including the needs of any special populations such as handicapped children, sick children, children requiring night or weekend care, or children whose costs of care are subsidized by government;

(2) Why financial assistance from the state is needed to start or improve the child care facility;

(3) How the guaranteed loan, loan, or grant will be used, and how such uses will meet the described need;

(4) The child care services to be available at the facility and the capacity of the applicant to provide those services; and

(5) The financial status of the applicant, including other resources available to the applicant which will ensure the continued viability of the facility and the availability of its described services.

Recipients shall annually for two years following the receipt of the loan guarantee, loan, or grant, submit to the child care facility fund committee a report on the facility and how it is meeting the child care needs for which it was intended.

NEW SECTION. Sec. 8. Where the child care facility fund committee makes a grant to a person, organization, or business, the grant shall be repaid to the child care facility fund if the child care facility using the grant to start or expand ceases to provide child care earlier than the following time periods from the date the grant is made: (1) Twelve months for a grant up to five thousand dollars; (2) twenty-four months for a grant over five thousand dollars up to ten thousand dollars; (3) thirty-six months for a grant over ten thousand dollars up to fifteen thousand dollars; (4) forty-eight months for a grant over fifteen thousand dollars up to twenty thousand dollars; and (5) sixty months for a grant over twenty thousand dollars up to twenty-five thousand dollars.

Sec. 9. Section 5, chapter 164, Laws of 1985 as last amended by section 4, chapter 461, Laws of 1987 and RCW 43.168.050 are each amended to read as follows:

(1) The committee may only approve an application providing a loan for a project which the committee finds:

(a) Will result in the creation of employment opportunities or the maintenance of threatened employment;

(b) Has been approved by the director as conforming to federal rules and regulations governing the spending of federal community development block grant funds;

(c) Will be of public benefit and for a public purpose, and that the benefits, including increased or maintained employment, improved standard of living, and the employment of disadvantaged workers, will primarily accrue to residents of the area;

(d) Will probably be successful;

(e) Would probably not be completed without the loan because other capital or financing at feasible terms is unavailable or the return on investment is inadequate.

(2) The committee shall, subject to federal block grant criteria, give higher priority to economic development projects that contain provisions for child care.

(3) The committee may not approve an application if it fails to provide for adequate reporting or disclosure of financial data to the committee. The committee may require an annual or other periodic audit of the project books.

~~((3))~~ (4) The committee may require that the project be managed in whole or in part by a local development organization and may prescribe a management fee to be paid to such organization by the recipient of the loan or grant.

~~((4))~~ (5) (a) Except as provided in (b) of this subsection, the committee shall not approve any application which would result in a loan or grant in excess of three hundred fifty thousand dollars.

(b) The committee may approve an application which results in a loan or grant of up to seven hundred thousand dollars if the application has been approved by the director.

~~((5))~~ (6) The committee shall fix the terms and rates pertaining to its loans.

~~((6))~~ (7) Should there be more demand for loans than funds available for lending, the committee shall provide loans for those projects which will lead to the greatest amount of employment or benefit to a community. In determining the "greatest amount of employment or benefit" the committee shall also consider the employment which would be saved by its loan.

~~((7))~~ (8) To the extent permitted under federal law the committee shall require applicants to provide for the transfer of all payments of principal and interest on loans to the Washington state development loan fund created under this chapter. Under circumstances where the federal law does not permit the committee to require such transfer, the committee shall give priority to applications where the applicants on their own volition make commitments to provide for the transfer.

~~((8))~~ (9) The committee shall not approve any application to finance or help finance a shopping mall.

~~((9))~~ (10) The committee shall make at least eighty percent of the appropriated funds available to projects located in distressed areas, and may make up to twenty percent available to projects located in areas not designated as distressed. The committee shall not make funds available to projects located in areas not designated as distressed if the fund's net worth is less than seven million one hundred thousand dollars.

~~((10))~~ (11) If an objection is raised to a project on the basis of unfair business competition, the committee shall evaluate the potential impact of a project on similar businesses located in the local market area. A grant may be denied by the committee if a project is not likely to result in a net increase in employment within a local market area.

NEW SECTION. Sec. 10. Sections 3 through 8 of this act are each added to chapter 43.31 RCW.

NEW SECTION. Sec. 11. If specific funding for the purposes of this act, referencing this act by bill number, is not provided by June 30, 1989, in the omnibus appropriations act, this act shall be null and void.

NEW SECTION. Sec. 12. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 13. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 2 of the title, after "services;" strike the remainder of the title and insert "amending RCW 43.31.085 and 43.168.050; adding new sections to chapter 43.31 RCW; creating new sections; and declaring an emergency."

Further amend the committee striking amendment as follows:

On page 4, after line 32, strike lines 33 and 34 and insert "Only moneys from private or federal sources may be deposited into this fund."

On page 8, line 14, after "applicant" strike all material through "government" on page 8, line 20, and insert ":

(2) The steps the applicant will take to serve a reasonable number of handicapped children as defined in RCW 72.40, sick children, infants, children requiring night time or weekend care, or children whose costs of care are subsidized by government"

Re-number remaining subsections consecutively and correct internal references accordingly.

Signed by Senators Anderson, Cantu; Representatives Moyer, Wineberry, Cantwell.

MOTION

On motion of Senator Newhouse, the Report of the Conference Committee on Second Substitute Senate Bill No. 6051 was adopted and the committee was granted the powers of Free Conference.

MESSAGE FROM THE HOUSE

April 21, 1989

Mr. President:

The House has adopted the Report of the Conference Committee on SUBSTITUTE SENATE BILL NO. 5289 and has granted said committee the powers of Free Conference.

ALAN THOMPSON, Chief Clerk

REPORT OF CONFERENCE COMMITTEE

RE: SSB 5289

Relating to regional fishing groups.

April 20, 1989

Mr. President:

Mr. Speaker:

We of your Conference Committee to whom the above measure was referred, have had the same under consideration and we report that we are unable to agree and we respectfully request the powers of Free Conference in order to amend the measure as follows:

Reject all previous amendments, and adopt the following striking amendment:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds that it is in the best interest of the salmon resource of the state to encourage the development of regional fisheries enhancement groups. The accomplishments of one existing group, the Grays Harbor fisheries enhancement task force, have been widely recognized as being exemplary. The legislature recognizes the potential benefits to the state that would occur if each region of the state had a similar group of dedicated citizens working to enhance the salmon resource.

The legislature authorizes the formation of regional fisheries enhancement groups. These groups shall be eligible for state financial support and shall be actively supported by the department of fisheries. The regional groups shall be operated on a strictly nonprofit basis, and shall seek to maximize the efforts of volunteer and private donations to improve the salmon resource for all citizens of the state.

NEW SECTION. Sec. 2. Any interested person may become a member of a regional fisheries enhancement group. To obtain funding from the regional fisheries enhancement group account, the membership of each group shall select its board members and chair by a democratic process. It is desirable for the group to have representation from all categories of fishermen that have interest in salmon within the region, as well as the general public.

The director shall appoint a department employee to serve as a liaison between the department and the group. The department liaison shall actively participate in the activities of the group and facilitate its operation in any way possible.

NEW SECTION. Sec. 3. Eight regional fisheries enhancement groups are authorized:

- (1) Columbia river, and its tributaries, above Bonneville dam;
- (2) Columbia river, and its tributaries, below Bonneville dam;
- (3) Grays Harbor;
- (4) Willapa Bay;
- (5) North Coast and the Straits of Juan de Fuca;
- (6) Puget Sound, and adjacent rivers and lakes, north of Everett;
- (7) Central Puget Sound between Everett and Tacoma; and
- (8) South Puget Sound, and adjacent rivers and lakes, south of Tacoma.

NEW SECTION. Sec. 4. Regional fisheries enhancement groups, consistent with the long-term regional policy statements developed under RCW 75.50.020, shall seek to:

- (1) Enhance the salmon resource of the state;
- (2) Maximize volunteer efforts and private donations to improve the salmon resource for all citizens;
- (3) Assist the department in achieving the goal to double the state-wide salmon catch by the year 2000 under chapter 214, Laws of 1988; and
- (4) Develop projects designed to supplement the fishery enhancement capability of the department of fisheries.

NEW SECTION. Sec. 5. The director shall cooperate fully with the regional fisheries enhancement groups authorized by this chapter. The director shall supply salmon eggs, technical information, surplus equipment, professional consultation, and any other assistance that can be provided to the group.

NEW SECTION. Sec. 6. The chair of each regional fisheries enhancement group shall coordinate with the department to assure that the department and the group are working in harmony toward mutually agreeable goals.

NEW SECTION. Sec. 7. (1) The legislature finds that the wise management and economic health of the state's recreational and commercial fishing industries are of paramount importance to the people of the state and to the economy of the state as a whole. The legislature finds that it is in the best social, economic, and cultural interest of the state to provide, maintain, and enhance recreational fishing opportunities in the state and offshore waters while maintaining and encouraging a healthy commercial fishing industry.

(2) Funding for regional fisheries enhancement groups shall be from a variety of funding sources.

(a) Start up grant - Each group is authorized to apply for a one time grant of eight thousand dollars per group. The grant will be administered by the director and shall be utilized for initial organizational and planning expenses.

(b) State loan - Each group may apply for state-funded enhancement loans. Loan applications shall be submitted to the salmon advisory council for initial recommendations. The director shall further review loan applications and then submit the applications to the legislature for approval. Payback of said loans shall be structured to coincide with probable income generated from the group's cost recovery program. Funds for enhancement loans shall be appropriated from the regional fisheries enhancement group account.

(c) Cost recovery - Sale of salmon carcasses and eggs under RCW 75.52.035 that return to group facilities.

(d) Operational grants - A surcharge of one dollar shall be collected annually on every recreational salmon license sold in the state. The revenues derived from this surcharge shall be placed in the regional fisheries enhancement group account hereby created in the state treasury. A surcharge of fifty dollars shall be collected annually on every commercial salmon fishing license and charter boat license sold in the state. The revenue from this surcharge shall be placed in the regional fisheries enhancement group account.

The director shall administer the regional fisheries enhancement group account. Operational grants are to be made to regional groups of up to ninety percent of the project costs to match direct and in-kind contributions secured by the regional group. The director may utilize up to ten percent of the account for department expenses.

(e) Private contributions - The groups are encouraged to conduct periodic fundraising activities.

NEW SECTION, Sec. 8. A new section is added to chapter 75.08 RCW to read as follows:

The director shall report annually to the senate environment and natural resources committee and the house fisheries and wildlife committee or their successor committees on the catch by commercial and sport fishers of the fishery resource resulting from enhancement efforts both by the department and volunteer cooperative projects. The first report shall be submitted by January 1, 1990.

NEW SECTION, Sec. 9. (1) The president of the senate shall appoint four senate members, two from each caucus, and the speaker of the house of representatives shall appoint four house members, two from each caucus, to form the fishery management study committee. The committee shall include representatives of interested groups not to exceed six members, three appointed by the secretary of the senate and three to be appointed by the speaker of the house of representatives, and a representative each from the department of fisheries and the department of wildlife.

(2) The committee shall develop specific recommendations on how state policy may be modified to promote both the commercial and recreational fishing industries within the state in order to realize the full potential of the state's fishery resource. Along with its recommendations, the committee shall:

(a) Review and evaluate the existing food fish enhancement programs within the state, both public and private, and determine the additional resources and policies necessary to successfully implement them;

(b) Evaluate methods to promote Washington state as a sport fishing area for residents and nonresidents, including the ability of the state to develop trophy quality fisheries in selected marine areas, rivers, and streams;

(c) Evaluate methods to integrate enhancement efforts of the state and the Indian tribes including dedicated funding for state efforts;

(d) Identify issues that impact other states, particularly Oregon and Idaho, and evaluate mechanisms that will ensure a cooperative relationship among the states to develop management policy to conserve and enhance the resource;

(e) Evaluate commercial fishing licenses including rate structure and rate-setting criteria, termination of licenses, and transferability of license ownership to ensure the adequate livelihood of commercial fishers; and

(f) Evaluate the feasibility of the sale of salmon carcasses and eggs that return to regional fisheries enhancement group facilities for the purpose of cost recovery.

(3) The committee shall choose a chair from among its membership.

(4) The committee shall report to the appropriate standing committees of the legislature by January 1, 1990.

(5) This section shall expire on May 1, 1990.

NEW SECTION, Sec. 10. The sum of sixty-four thousand dollars, or as much thereof as may be necessary, is appropriated from the general fund to the department of fisheries for the biennium ending June 30, 1991, to carry out the purposes of start up grants to regional fisheries enhancement groups.

NEW SECTION, Sec. 11. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 12. Sections 1 through 7 of this act shall constitute a new chapter in Title 75 RCW."

On page 1, line 1 of the title, after "enhancement;" strike the remainder of the title and insert "adding a new chapter to Title 75 RCW; adding a new section to chapter 75.08 RCW; creating a new section; and making an appropriation."

Signed by Senators Metcalf, Owen, Anderson: Representatives R. King, Basich, S. Wilson.

MOTION

On motion of Senator Newhouse, the Report of the Conference Committee on Substitute Senate Bill No. 5289 was adopted and the committee was granted the powers of Free Conference.

MESSAGE FROM THE HOUSE

April 21, 1989

Mr. President:

The House has adopted the Report of the Conference Committee on ENGROSSED SUBSTITUTE HOUSE BILL NO. 1028 and has granted said committee the powers of Free Conference.

ALAN THOMPSON, Chief Clerk

REPORT OF FREE CONFERENCE COMMITTEE

RE: ESHB 1028

Changing requirements for fishing licenses.

April 20, 1989

Mr. President:

Mr. Speaker:

We of your Free Conference Committee, have had the same under consideration and we recommend that the measure be amended as proposed under the request for Free Conference and that the bill do pass as amended by the Free Conference Committee.

(See Report of Conference Committee on Engrossed Substitute House Bill No. 1028 and the request for powers of Free Conference read in April 21, 1989.)

Signed by Senators Metcalf, Owen, Anderson: Representatives R. King, Morris, S. Wilson.

MOTION

On motion of Senator Newhouse, the Report of the Free Conference Committee on Engrossed Substitute House Bill No. 1028 was adopted.

MOTION

On motion of Senator Bender, Senators Kreidler and Moore were excused.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1028, as amended by the Free Conference Committee.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1028, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thornness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Excused: Senators DeJarnatt, Kreidler, Moore - 3.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1028, as amended by the Free Conference Committee, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 21, 1989

Mr. President:

The House has adopted the Report of the Conference Committee on SUBSTITUTE HOUSE BILL NO. 1254 and has granted said committee the powers of Free Conference.

ALAN THOMPSON, Chief Clerk

REPORT OF FREE CONFERENCE COMMITTEE

RE: SHB 1254

Providing immunity from civil liability.

April 20, 1989

Mr. President:

Mr. Speaker:

We of your Free Conference Committee, have had the same under consideration and we recommend that the measure be amended as proposed under the request for Free Conference and that the bill do pass as amended by the Free Conference Committee.

(See Report of Conference Committee on Substitute House Bill No. 1254 and the request for powers of Free Conference read in April 21, 1989.)

Signed by Senators Pullen, Sutherland; Representatives Appelwick, H. Myers, Padden.

MOTION

On motion of Senator Pullen, the Report of the Free Conference Committee on Substitute House Bill No. 1254 was adopted.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1254, as amended by the Free Conference Committee.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1254, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 48.

Excused: Senator DeJarnatt - 1.

SUBSTITUTE HOUSE BILL NO. 1254, as amended by the Free Conference Committee, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 21, 1989

Mr. President:

The House has adopted the Report of the Conference Committee on ENGROSSED SUBSTITUTE SENATE BILL NO. 5288 and has passed the bill as recommended by the Conference Committee.

ALAN THOMPSON, Chief Clerk

REPORT OF CONFERENCE COMMITTEE

RE: ESSB 5288

Relating to Salmon smolt production.

April 20, 1989

Mr. President:

Mr. Speaker:

We of your Conference Committee to whom the above measure was referred, have had the same under consideration and we recommend the following:

That the following House Fisheries and Wildlife Committee striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. The legislature finds that:

(1) The fishery resources of Washington are critical to the social and economic needs of the citizens of the state;

(2) Salmon production is dependent on both wild and artificial production;

(3) The department of fisheries is directed to enhance Washington's salmon runs; and

(4) Full utilization of the state's salmon rearing facilities is necessary to enhance commercial and recreational fisheries.

NEW SECTION, Sec. 2. A new section is added to chapter 75.08 RCW to read as follows:

The director shall determine the cost of operating all state-funded salmon production facilities at full capacity and shall provide this information with the department's biennial budget request.

NEW SECTION, Sec. 3. A new section is added to chapter 75.08 RCW to read as follows:

The director may contract with cooperatives or private aquaculturists for the purchase of quality salmon smolts for release into public waters if all department fish rearing facilities are operating at full capacity. The intent of cooperative and private sector contracting is to explore the opportunities of cooperatively producing more salmon for the public fisheries without incurring additional capital expense for the department.

NEW SECTION, Sec. 4. A new section is added to chapter 75.08 RCW to read as follows:

If the director elects to contract with cooperatives or private aquaculturists for the purpose of purchasing quality salmon smolts, contracting shall be done by a competitive bid process. In awarding contracts to private contractors, the director shall give preference to nonprofit corporations. The director shall establish the criteria for the contract, which shall include but not be limited to species, size of smolt, stock composition, quantity, quality, rearing location, release location, and other pertinent factors.

NEW SECTION, Sec. 5. A new section is added to chapter 75.08 RCW to read as follows:

Nothing in this act shall authorize the practice of private ocean ranching. Privately contracted smolts become the property of the state at the time of release.

NEW SECTION, Sec. 6. A new section is added to chapter 75.08 RCW to read as follows:

The department may make available to private contractors salmon eggs in excess of department hatchery needs for the purpose of contract rearing to release the smolts into public waters. The priority of providing eggs to contract rearing shall be higher than providing eggs to aquaculture purposes which are not destined for release into Washington public waters.

NEW SECTION, Sec. 7. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 1 of the title, after "salmon;" strike the remainder of the title and insert "adding new sections to chapter 75.08 RCW; and creating a new section."

Signed by Senators Metcalf, Stratton, Anderson; Representatives R. King, Basich, S. Wilson.

MOTION

On motion of Senator Nelson, the Report of the Conference Committee on Engrossed Substitute Senate Bill No. 5288 was adopted.

MOTION

On motion of Senator Bender, Senator Vognild was excused.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5288, as recommended by the Conference Committee.

Debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5288, as recommended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, Warnke, West, Williams, Wojahn - 47.

Excused: Senators DeJarnatt, Vognild - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5288, as recommended by the Conference Committee, having received the constitutional majority was declared

passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 21, 1989

Mr. President:

The House has adopted the Report of the Free Conference Committee on SECOND SUBSTITUTE SENATE BILL NO. 5375 and has passed the bill as amended by the Free Conference Committee.

ALAN THOMPSON, Chief Clerk

REPORT OF FREE CONFERENCE COMMITTEE

RE: 2SSB 5375

Relating to a DNA identification data base.

April 19, 1989

Mr. President:

Mr. Speaker:

We of your Free Conference Committee, have had the same under consideration and we recommend that the measure be amended as proposed under the request for Free Conference and that the bill do pass as amended by the Free Conference Committee.

(See Report of Conference Committee on Second Substitute Senate Bill No. 5375 and the request for powers of Free Conference read in April 21, 1989.)

Signed by Senators Pullen, Talmadge; Representatives Appelwick, Inslee, Patrick.

MOTION

On motion of Senator Pullen, the Report of the Free Conference Committee on Second Substitute Senate Bill No. 5375 was adopted.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 5375, as amended by the Free Conference Committee.

Debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5375, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 47; absent, 1; excused, 1.

Voting yeas: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 47.

Absent: Senator Smitherman - 1.

Excused: Senator DeJarnatt - 1.

SECOND SUBSTITUTE SENATE BILL NO. 5375, as amended by the Free Conference Committee, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 21, 1989

Mr. President:

The House has adopted the Report of the Free Conference Committee on ENGROSSED SUBSTITUTE SENATE BILL NO. 5759 and has passed the bill as amended by the Free Conference Committee.

ALAN THOMPSON, Chief Clerk

REPORT OF FREE CONFERENCE COMMITTEE

RE: ESSB 5759

Relating to school breakfast program.

April 19, 1989

Mr. President:

Mr. Speaker:

We of your Free Conference Committee, have had the same under consideration and we recommend that the measure be amended as proposed under the request for Free Conference and that the bill do pass as amended by the Free Conference Committee.

(See Report of Conference Committee on Engrossed Substitute Senate Bill No. 5759 and the request for powers of Free Conference read in April 21, 1989.)

Signed by Senators Bailey, Rinehart, Lee; Representatives Peery, G. Fisher, Betzoff.

MOTION

On motion of Senator Nelson, the Report of the Free Conference Committee on Engrossed Substitute Senate Bill No. 5759 was adopted.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5759, as amended by the Free Conference Committee.

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator Bailey, as I read this bill, it is full of good intent of course, but I don't know how the breakfast will be. It has a section in there that says once these schools get geared up serving breakfast and the federal funds are cut off, that's the only guarantee they have."

Senator Bailey: "That's correct."

Senator Rasmussen: "So, you get all these kids started eating breakfast in school because their mothers won't get up and provide breakfast for them, then the federal funds are cut off and they all go hungry. What do you do then?"

Senator Bailey: "I hope that we revisit that issue if that happens and I hope that it doesn't happen."

Senator Rasmussen: "Then we will pick it up at the state level?"

Senator Bailey: "We might. As it stands now, we will not."

Senator Rasmussen: "I think I will still be serving my grandchildren breakfast rather than depending on that program."

Senator Bailey: "I might say, Senator Rasmussen, in many cases these breakfasts will be served to those that are in the poverty level and it will be served to those schools that serve lunches to forty percent of their school children, because they are in the poverty level. Many of those children, in visiting at schools, we found that their lunch was perhaps the only meal they received that day and if we give them a breakfast, they will be able to start school off with--not a full belly--but something in their stomach. We think that adds to the learning children will have."

Senator Rasmussen: "Thank you. I'm glad we've got a reserve yet of a hundred and thirteen million. We can pick the program up when the feds drop it. Thank you."

Senator Bailey: "I think again, Senator Rasmussen, that this is a good program. This provides breakfast for school children that are on the poverty level and I think we need to begin to deal with these children that are at risk in our schools."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5759, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 47; nays, 1; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vogtild, von Reichbauer, Warnke, West, Williams, Wojahn - 47.

Voting nay: Senator Craswell - 1.

Excused: Senator DeJarnatt - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5759, as amended by the Free Conference Committee, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 21, 1989

Mr. President:

The House has adopted the Report of the Free Conference Committee on SUBSTITUTE SENATE BILL NO. 5827 and has passed the bill as amended by the Free Conference Committee.

ALAN THOMPSON, Chief Clerk

REPORT OF FREE CONFERENCE COMMITTEE

RE: SSB 5827

Providing pet identification and certification procedures to minimize theft.

April 19, 1989

Mr. President:

Mr. Speaker:

We of your Free Conference Committee, have had the same under consideration and we recommend that the measure be amended as proposed under the request for Free Conference and that the bill do pass as amended by the Free Conference Committee.

(See Report of Conference Committee on Substitute Senate Bill No. 5827 and the request for powers of Free Conference read in April 19, 1989.)

Signed by Senators Barr, Bailey, Moore; Representatives Rayburn, Appelwick, Nealey.

MOTION

On motion of Senator Nelson, the Report of the Free Conference Committee on Substitute Senate Bill No. 5827 was adopted.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5827, as amended by the Free Conference Committee.

POINT OF INQUIRY

Senator Moore: "Senator Barr, this bill clearly creates new criminal offenses and imposes new obligations on research institutions, and violations of the act are made violations of the Consumer Protection Act. Aside from these provisions, is it the intent of this bill to expand or increase the tort liability of a research institution beyond its liability under existing law?"

Senator Barr: "No, it is not."

Senator Moore: "Will the Senator yield for a further question?"

Senator Barr: "Yes."

Senator Moore: "This bill requires research institutions to return pet animals to their legal owner. If the return of the animal to the owner may cause future health problems for the animal because of what may have happened to it while it was in the custody of the research institution, may the research institution fully disclose in writing such potential health problems to the owner and in such circumstances require the owner to sign a release of liability of the research institution for such potential future health problems?"

Senator Barr: "Yes, this bill requires the return of the pet animal to its legal owner, and does not permit a research institution to condition the return of the animal on the owner's signing of a general release of the research institution from all liability whatsoever. However, the bill does not prohibit the use of a liability release in limited circumstances as to future health problems, including those that the animal may have, and it is good public policy to have such disclosure to the owner."

Further debate ensued.

MOTION

On motion of Senator Anderson, Senator Johnson was excused.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5827, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 45; absent, 2; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, Williams, Wojahn - 45.

Absent: Senators Niemi, West - 2.

Excused: Senators DeJarnatt, Johnson - 2.

SUBSTITUTE SENATE BILL NO. 5827, as amended by the Free Conference Committee, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 21, 1989

Mr. President:

The House has adopted the Report of the Free Conference Committee on ENGROSSED SENATE BILL NO. 5833 and has passed the bill as amended by the Free Conference Committee.

DENNIS KARRAS, Deputy Chief Clerk

REPORT OF FREE CONFERENCE COMMITTEE

RE: ESB 5833

Relating to legislative control and enactment of juvenile disposition standards.

April 17, 1989

Mr. President:

Mr. Speaker:

We of your Free Conference Committee, have had the same under consideration and we recommend that the measure be amended as proposed under the request for Free Conference and that the bill do pass as amended by the Free Conference Committee.

(See Report of Conference Committee on Engrossed Senate Bill No. 5833 and the request for powers of Free Conference read in April 21, 1989.)

Signed by Senators Pullen, Talmadge: Representatives Appelwick, H. Myers, Tate.

MOTION

On motion of Senator Pullen, the Report of the Free Conference Committee on Engrossed Senate Bill No. 5833 was adopted.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5833, as amended by the Free Conference Committee.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5833, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 46; absent, 2; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Absent: Senators Amondson, Moore - 2.

Excused: Senator DeJarnatt - 1.

ENGROSSED SENATE BILL NO. 5833, as amended by the Free Conference Committee, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 21, 1989

Mr. President:

The House has adopted the Report of the Conference Committee on ENGROSSED SUBSTITUTE HOUSE BILL NO. 1133 and has granted said committee the powers of Free Conference.

ALAN THOMPSON, Chief Clerk

REPORT OF FREE CONFERENCE COMMITTEE

RE: ESHB 1133

Regarding employer involvement in child care.

April 20, 1989

Mr. President:

Mr. Speaker:

We of your Free Conference Committee, have had the same under consideration and we recommend that the measure be amended as proposed under the request for Free Conference and that the bill do pass as amended by the Free Conference Committee.

(See Report of Conference Committee on Engrossed Substitute House Bill No. 1133 and the request for powers of Free Conference read in April 21, 1989.)

Signed by Senators Cantu, Niemi, Anderson; Representatives Cantwell, Wineberry, Moyer.

MOTION

On motion of Senator Nelson, the Report of the Free Conference Committee on Engrossed Substitute House Bill No. 1133 was adopted.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1133, as amended by the Free Conference Committee.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1133, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 46; absent, 2; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vogtild, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Absent: Senators Amondson, Moore - 2.

Excused: Senator DeJarnatt - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1133, as amended by the Free Conference Committee, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

REPORT OF CONFERENCE COMMITTEE

RE: ESHB 1635

Making changes to support enforcement provisions.

April 21, 1989

Mr. President:

Mr. Speaker:

We of your Conference Committee to whom the above measure was referred, have had the same under consideration and we report that we are unable to agree and we respectfully request the powers of Free Conference in order to amend the measure as follows:

That the Senate Committee on Law and Justice striking amendment adopted, as amended, on April 6, 1989, be adopted with the following changes and additions:

On page 1, line 21, after "States" strike "except for actions to collect past due child support"

On page 19, line 22, after "entered" strike "by the court"

On page 20, line 20, after "children;" strike "and" and insert "((and))"

On page 20, line 22, after "address" strike "." and insert "((:));"

On page 20, after line 22, insert the following:

"(j) That any parent owing a duty of child support shall be obligated to provide health insurance coverage for his or her child if coverage that can be extended to cover the child is or becomes available to that parent through employment or is union-related as provided under RCW 26.09.105;

(k) That if proof of health insurance coverage is not provided within twenty days, the obligee or the department may seek direct enforcement of the coverage through the obligor's employer or union without further notice to the obligor as provided under chapter 26.18 RCW; and

(l) The reasons for not ordering health insurance coverage if the order fails to require such coverage."

On page 26, line 21, after "court," strike "the custody and guardianship of the child, visitation privileges with the child," and insert "((the custody and guardianship of the child, visitation privileges with the child:))"

On page 27, line 17, after "parties" insert ", except that a parenting plan shall not be required unless requested by a party"

On page 47, line 20, after "court" strike "may" and insert "((may)) shall"

On page 47, line 22, after "pay" strike "an amount determined pursuant to the schedule adopted under RCW 26.19.040" and insert "((an amount determined pursuant to the schedule adopted under RCW 26.19.040)) child support. If child support is ordered, the court shall determine each parent's child support obligation pursuant to RCW 26.19.020"

On page 47, after line 26, strike all material through "parent" on page 48, line 16 and insert the following:

"(2) A parent obligated to pay child support may file a motion for an accounting of how the support is being spent by the receiving parent. The parent filing the motion must meet the following conditions prior to filing the motion:

(a) The parent filing the motion must be obligated to pay at least fifty percent of the basic child support obligation for both parents;

(b) If support is owed for one child, the parent must be obligated to pay at least three hundred dollars per month in child support; for two children, the parent must be obligated to pay at least five hundred twenty-five dollars per month in child support; for three or more children, the parent must be obligated to pay at least six hundred sixty dollars per month in child support; and

(c) The parent must be current in all child support payments.

(3)(a) The motion for an accounting must be accompanied by an affidavit setting forth facts demonstrating that the parent receiving support is not spending a substantial portion of the child support for the direct or indirect benefit of the child. The motion, affidavit, and notice of hearing shall be served on the parent receiving support. The only issue at the preliminary hearing on the motion shall be whether there is reasonable cause to believe that the support is directly or indirectly benefiting the child.

(b) If the court determines at the preliminary hearing that the motion and affidavit establish reasonable cause to believe that a substantial portion of the support is not directly or indirectly benefiting the child the court may: (i) Set a show cause hearing on the motion and affidavit; or (ii) order the parents to mediate the issue with a court commissioner, family court commissioner, or other appropriate person. The court's order shall be in writing and shall set forth the facts which establish reasonable cause. The parent receiving support may be required to produce at the show cause hearing such documentation as the court determines is necessary to resolve the issue and which is reasonably available to the parent. The parent receiving support shall not be required to provide documentation for expenditures for more than six months prior to the time of the filing of the motion.

(c) If the court determines at the preliminary hearing that the motion and affidavit do not establish reasonable cause to believe that a substantial portion of the support is directly or indirectly benefiting the child, the court shall order the parent filing the motion and affidavit to pay costs and statutory attorneys' fees to the parent receiving the support.

The court may award reasonable attorneys' fees to the parent receiving support if the court determines that:

(i) The motion was brought in bad faith, for harassment, or frivolously; or

(ii) The motion was based on material statements of fact which were false.

(4) If at the show cause hearing on the motion and affidavit the parent obligated to pay support demonstrates by a preponderance of the evidence that a substantial portion of the support is not directly or indirectly benefiting the child, the court shall enter an appropriate order directing the parent receiving the support to spend the child support to benefit the child. The court may order the child support payments to be paid to a protective payee for the benefit of the child. The only issue at the hearing on the motion shall be whether the parent receiving support is spending support to directly or indirectly benefit the child.

(5) A motion and affidavit for an accounting of child support expenditures may not be filed more than once every twelve months.

On page 51, line 2, beginning with "reporting" strike all material through "violation" and insert "month for each subsequent violation after the warning has been given. All violations within a single month shall be considered a single violation for purposes of assessing the penalty"

On page 51, line 35, after "reimburse" strike "the legislative budget committee and"

Signed by Senators Pullen, Owen, Nelson; Representatives Appelwick, Belcher, Padden.

MOTION

On motion of Senator Newhouse, the Report of the Conference Committee on Engrossed Substitute House Bill No. 1635 was adopted and the committee was granted the powers of Free Conference.

MESSAGE FROM THE HOUSE

April 21, 1989

Mr. President:

The House concurred in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 1097 and passed the bill as amended by the Senate.

ALAN THOMPSON, Chief Clerk

MOTION

At 10:51 a.m., on motion of Senator Newhouse, the Senate recessed until 2:00 p.m.

The Senate was called to order at 2:03 p.m. by President Pritchard.

MESSAGES FROM THE HOUSE

April 22, 1989

Mr. President:

The House has adopted the Report of the Free Conference Committee on ENGROSSED SUBSTITUTE HOUSE BILL NO. 2020 and has passed the bill as amended by the Free Conference Committee.

ALAN THOMPSON, Chief Clerk

April 22, 1989

Mr. President:

The House has adopted the Report of the Conference Committee on HOUSE BILL NO. 1478 and has passed the bill as recommended by the Conference Committee.

ALAN THOMPSON, Chief Clerk

April 22, 1989

Mr. President:

The House has passed ENGROSSED HOUSE BILL NO. 2155, with the Senate striking amendment, in which the House concurred, but without the amendment to page 28, line 20, from which the Senate receded.

ALAN THOMPSON, Chief Clerk

April 22, 1989

Mr. President:

On motion, the House relieved the Conference Committee of further consideration of ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1793. For the Second Conference Committee, the Speaker has appointed the following members as conferees: Representatives Ebersole, Hine and Patrick.

ALAN THOMPSON, Chief Clerk

April 22, 1989

Mr. President:

The House grants the request of the Senate for a conference on ENGROSSED SUBSTITUTE SENATE BILL NO. 5897. The Speaker has appointed the following members as conferees: Representatives Bristow, Rust and Silver.

ALAN THOMPSON, Chief Clerk

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

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Saling, Gubernatorial Appointment No. 9126, Myrna J. Emerick, as a member of the Board of Trustees for Lower Columbia Community College District No. 13, was confirmed.

APPOINTMENT OF MYRNA J. EMERICK

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 44; absent, 4; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hayner, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, Williams, Wojahn - 44.

Absent: Senators Hansen, Johnson, Sellar, West - 4.

Excused: Senator DeJarnatt - 1.

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

MOTION

On motion of Senator Hayner, the following resolution was adopted:

SENATE RESOLUTION 1989-8689

by Senators Hayner, Vognild, Benitz, Sutherland, Amondson, Anderson, Bailey, Barr, Bauer, Bender, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Thorsness, von Reichbauer, Warnke, West, Williams and Wojahn

WHEREAS, The staff of the Senate dining room consistently provides excellent meals and service for the members of the Washington State Senate; and

WHEREAS, The staff has successfully integrated low calorie and Pritikin entrees into the menu to serve special dietary needs; and

WHEREAS, The staff continues to display their creativity in preparing entrees which are tasty, healthful, and appealing to the eye; and

WHEREAS, The staff, through their hospitality, has helped to create an atmosphere where members can relax and reflect on the decisions before them;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate hereby commends, congratulates, and thanks Chef Willie "Tee" Little, Sous Chef Randy Nylund, Rebecca Lowe, Jackie Owens, Jana Dean, Wendy Wilson, Susan Lasiter, and Rex Stewart for their continued commitment to culinary excellence and customer service; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate immediately transmit copies of this resolution to the above named members of the Senate dining room staff.

Senators Vognild and Benitz spoke to Senate Resolution 1989-8689.

INTRODUCTION OF SPECIAL GUESTS

The President introduced the staff of the Senate dining room who were seated on the Senate Rostrum. Gifts of appreciation were presented to each member of the staff.

MOTION

On motion of Senator McMullen, the following resolution was adopted:

SENATE RESOLUTION 1989-8674

by Senators McMullen, von Reichbauer and Madsen

WHEREAS, Ice hockey has come to be regarded in the Puget Sound area as an entertaining and exciting sport through the thrilling play of the semiprofessional Seattle Thunderbirds; and

WHEREAS, The Thunderbirds have shown that ice hockey has popular support in the King and Pierce County areas; and

WHEREAS, Every major professional sport, except ice hockey, is represented in the Seattle-Tacoma area; and

WHEREAS, The public in this region has convincingly shown that it can and will enthusiastically and financially support professional sports; and

WHEREAS, Metropolitan areas both larger and smaller than Seattle and Tacoma successfully support thriving National Hockey League franchises across America; and

WHEREAS, A National Hockey League expansion team in the Seattle-Tacoma area would bolster the region's economy, increase tourism, and enhance the area's prestige;

NOW, THEREFORE, BE IT RESOLVED, That the Senate hopes that, through the efforts of business and community leaders, a National Hockey League expansion franchise can be brought to the Puget Sound area in the near future.

MOTION

On motion of Senator Saling, the following resolution was adopted:

SENATE RESOLUTION 1989-8681

by Senator Saling

WHEREAS, Faculty productivity and the amount of time in which faculty, especially at a research university, spend in contact with students continues to be an issue in the delivery of higher education to the citizens of this state; and

WHEREAS, The methods proposed for assessing the performance of the institutions of higher education in educating its students have been controversial, and the issue of how to assess such performance has not been resolved; and

WHEREAS, The creation of the master's degree requirement for teachers has raised many issues for the state's institutions of higher education, the common school system, members of the teaching profession, and students preparing to become teachers; and

WHEREAS, There has been continuing conflict between student government associations and college and university administrations over the control of student services and activities fees, and there have been concerns raised over how services and activities fees revenues are expended at institutions of higher education; and

WHEREAS, The issue of prepaid tuition programs requires further careful study and legal analysis prior to the commitment to or implementation of any such program in this state; and

WHEREAS, The well-documented need for capital renewal and construction at campuses of institutions of higher education begs for new and innovative approaches to funding capital projects at our colleges and universities; and

WHEREAS, Students are experiencing persistent difficulties transferring between public institutions of higher education in this state, both from two-year institutions to four-year institutions and between four-year institutions; and

WHEREAS, Many students are graduating from high school unprepared for college curriculum and the use of remediation courses at institutions of higher education, especially in community colleges, is increasing; and

WHEREAS, The ever-increasing need of students for financial aid in order to attend colleges and universities in this state calls for innovative means to be utilized in making available financial aid to students, and requires a full evaluation of present financial aid allocations; and

WHEREAS, There have been increasing reports of a serious and growing crime and drug abuse problem on the campuses of institutions of higher education; and

WHEREAS, The growing use of telecommunications for the delivery of higher education services to areas of the state which are not adequately served by our institutions, and the methods of telecommunications employed in this effort, require further coordination and study in order to fully develop the tremendous potential of this tool; and

WHEREAS, The opening of two community college branch campuses in Japan, and ongoing educational discussions and plans between our state's institutions and institutions in other Pacific Rim countries, is providing tremendous new opportunities in the area of international education for the citizens of this state; and

WHEREAS, Over sixteen hundred students, from all areas of the state, were denied admission to state colleges and universities, even though they met all admission requirements; and

WHEREAS, Certain community college districts in this state are chronically below the community college system average enrollment per capita, creating areas which are persistently underserved by the community college system; and

WHEREAS, There has been growth in the ratio of employees per student at our state institutions of higher education; and

WHEREAS, The structure, governance and purposes of the Washington Technology Center are under continuing review and analysis by legislative committees, the small business community, the high-technology industries in this state, and the state research universities; and

WHEREAS, The Higher Education Coordinating Board will be making its first revision of the Master Plan for Higher Education, studying such issues as the development of branch campuses, tuition and fees, financial aid, assessment, funding of institutions, and the provision of higher education to underserved rural and urban areas of this state;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the state of Washington, That the Senate Higher Education Committee shall monitor, review and study the issues presented in this resolution, in conjunction with the Higher Education Coordinating Board, other appropriate legislative committees, the State Board for Community College Education, and the institutions of higher education as applicable, and prepare legislation as the committee sees fit, for introduction in the 1990 Regular Legislative Session; and

BE IT FURTHER RESOLVED, That copies of this resolution be transmitted to the Higher Education Coordinating Board, the State Board for Community College Education, the various institutions of higher education, and appropriate legislative committees.

There being no objection, the President returned the Senate to the fourth order of business.

MESSAGE FROM THE HOUSE

April 22, 1989

Mr. President:

The House has adopted the Report of the Conference Committee on SUBSTITUTE SENATE BILL NO. 5686 and has granted said committee the powers of Free Conference.

ALAN THOMPSON, Chief Clerk

REPORT OF CONFERENCE COMMITTEE

RE: SSB 5686

Making major changes to agriculture statutes.

April 21, 1989

Mr. President:

Mr. Speaker:

We of your Conference Committee to whom the above measure was referred, have had the same under consideration and we report that we are unable to agree and we respectfully request the powers of Free Conference in order to amend the measure as follows:

Adopt the following Committee on Agriculture and Rural Development striking amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 15.32.010, chapter 11, Laws of 1961 and RCW 15.32.010 are each amended to read as follows:

For the purpose of chapter 15.32 RCW:

"Supervisor" means the supervisor of the dairy and ((livestock)) food division;

"Dairy" means a place where milk from one or more cows or goats is produced for sale;

"Creamery" means a structure wherein milk or cream is manufactured into butter for sale;

"Milk plant" means a structure wherein milk is bottled, pasteurized, clarified, or otherwise processed;

"Cheese factory" means a structure where milk is manufactured into cheese;

"Factory of milk products" means a structure, other than a creamery, milk plant, cheese factory, milk condensing plant or ice cream factory, where milk or any of its products is manufactured, changed, or compounded into another article, or where butter is cut or wrapped; except freezing of ice cream from a mix compounded in a licensed creamery, milk plant, cheese factory, milk condensing plant or ice cream factory;

"Milk condensing plant" means a structure where milk is condensed or evaporated;

"Ice cream factory" means a structure which complies with the sanitary requirements of RCW 15.32.080, where ice cream mix is produced for sale or distribution, and may include freezing such mix into ice cream;

"Counter ice cream freezer" means counter type freezing machines usually operated in retail establishments;

"Sterilized milk" means milk that has been heated under six pounds of steam pressure and maintained thereat for not less than twenty minutes;

"Modified milk" means milk that has been altered in composition to conform to special nutritional requirements;

"Milk product" means an article manufactured or compounded from milk, whether or not the milk conforms to the standards and definitions herein;

"Milk byproduct" means a product of milk derived or made therefrom after the removal of the milk fat or milk solids in the process of making butter or cheese, and includes skimmed milk, buttermilk, whey, casein, and milk powder;

"Butter" means the product made by gathering the fat of pasteurized milk or cream into a mass containing not less than eighty percent of milk fat, and which also contains a small portion of other milk constituents, with or without harmless coloring matter;

"Renovated butter" means butter that has been reduced to a liquid state by melting and drawing off the liquid or butter oil, and has thereafter been churned or manipulated in connection with milk, cream, or other product of milk;

"Reworked butter" means the product obtained by mixing or rechurning butter made on different dates or at different places: PROVIDED, That the mixing of remnants from one day's churning or cutting with butter from the churning of the same creamery on the next day shall not make the product reworked butter;

"Butter substitute" means a compound of vegetable oils with milk fats or milk solids and all compounds of milk fats or milk solids with butter when the compound contains less than eighty percent of milk fat;

"Oleomargarine" means all manufactured substances, extracts, mixtures, or compounds, including mixtures or compounds with butter, known as oleomargarine, oleo, oleomargarine oil, butterine, lardine, suine, and neutral, and includes all lard and tallow extracts and mixtures and compounds of tallow, beef fat, suet, lard, lard oil, intestinal fat and offal fat made in imitation or semblance of butter or calculated or intended to be sold as butter;

"Cheese" means any of the cheeses as described in Title 21 of the code of federal regulations part 133;

"Imitation cheese" means any article, substance, or compound, other than that produced from pure milk or from the cream from pure milk, which is made in the semblance of cheese and designed to be sold or used as a substitute for cheese. The use of salt, lactic acid, or pepsin, and harmless coloring matter in cheese shall not render the true product an imitation. Nothing herein shall prevent the use of pure skimmed milk in the manufacture of cheese;

"Milk vendor" or "milk dealer" means any person who sells, furnishes or delivers milk, skimmed milk, buttermilk, or cream in any manner.

All dairy products mentioned in this chapter mean those fit or used for human consumption.

Sec. 2. Section 2, chapter 58, Laws of 1963 and RCW 15.32.051 are each amended to read as follows:

The director may, by rule, establish and/or amend definitions and standards for dairy products. Such definitions and standards established by the director shall conform, insofar as practicable, with the definitions and standards for dairy products promulgated by the secretary of the United States department of health, education and welfare: PROVIDED, That the director shall at all times provide reasonable standards for ice milk.

The director may adopt any other rules necessary to carry out the purposes of this chapter. The adoption of all rules provided for in this section shall be subject to the provisions of chapter

~~((34.04))~~ 34.05 RCW as enacted or hereafter amended concerning the adoption of rules, except as otherwise provided in this section.

~~((The definitions constituting sections 15.32.020, 15.32.030, 15.32.040 and 15.32.050, chapter 11, Laws of 1961 and RCW 15.32.020, 15.32.030, 15.32.040 and 15.32.050 hereinabove repeated as statutes are hereby constituted and declared to be operative and to remain in force as the rules of the department of agriculture until such time as amended, modified, or revoked by the director of agriculture.))~~

Sec. 3. Section 15.32.080, chapter 11, Laws of 1961 and RCW 15.32.080 are each amended to read as follows:

A structure or place where milk or cream is processed or manufactured into other products, or where handled, stored, or kept for sale shall be deemed insanitary in the following circumstances:

(1) If milk or cream is received or kept which has ~~((reached a stage of putrefactive fermentation))~~ deteriorated in quality;

(2) ~~((If milk or cream is received or kept in containers that have not been sterilized with boiling water or live steam after each delivery;~~

~~((3))~~ If utensils and apparatus that come in contact with milk or its products in the process of manufacture are not thoroughly washed and ~~((sterilized by means of boiling water or live steam))~~ sanitized after each using;

~~((4))~~ (3) If the floor is such as to permit liquids to soak into the floor's interstices ~~((thereof in such manner as to permit fermentation and decay)),~~ or such as may not be readily kept free from dirt and filth;

~~((5))~~ (4) If drains are not provided that will convey refuse milk ~~((;))~~ and water ~~((- and sewage))~~ to a point at least fifty yards distant;

~~((6))~~ (5) If a cesspool, privy vault, hog yard, slaughterhouse, henhouse, manure, or decaying vegetable or animal matter that will produce foul odors is permitted to exist within such distance as will permit the odors therefrom to reach such place;

~~((7))~~ (6) If it lacks sufficient light and air to secure good ventilation;

~~((8))~~ (7) If in a building used in connection therewith any insects, vermin, or other species of animal life are permitted;

~~((9))~~ (8) If upon the floor or walls thereof, any milk or its products or any other filth is allowed to accumulate ~~((- ferment or decay));~~

~~((10))~~ (9) If the person or clothing of a person coming in contact with milk or milk products therein is unclean;

~~((11))~~ (10) If there is permitted to exist any other cause or thing tending to render the milk or its products produced, kept, handled, or manufactured therein unclean, impure, and unhealthy.

Sec. 4. Section 15.32.100, chapter 11, Laws of 1961 as last amended by section 20, chapter 3, Laws of 1983 and RCW 15.32.100 are each amended to read as follows:

Every person who sells, offers or exposes for sale, barter, or exchanges any milk or milk product as defined by rule under chapter 15.36 RCW must have a milk vendor's license to do so: PROVIDED, That such license shall not include retail stores or restaurants which purchase milk prepackaged or bottled elsewhere for sale at retail or establishments which sell milk only for consumption in such establishment. Such license, issued by the director on application and payment of a fee of ~~((two))~~ ten dollars, shall contain the license number, and name, residence and place of business, if any, of the licensee. It shall be nontransferable, shall expire June 30th subsequent to issue, and may be revoked by the director, upon reasonable notice to the licensee, for any violation of or failure to comply with any provision of this chapter or any rule or regulation, or order of the department, or any officer or inspector thereof.

Sec. 5. Section 15.32.140, chapter 11, Laws of 1961 and RCW 15.32.140 are each amended to read as follows:

Milk or sweet cream which is not free from foreign substances, coloring matter, or preservatives, ~~((pus cells or blood cells, or which contains more than one hundred thousand bacteria or germs of all kinds to the cubic centimeter or))~~ which has been infected by or exposed to any contagious or infectious disease ~~((- or which has not cooled to a temperature of fifty-five degrees Fahrenheit within thirty minutes after being drawn or separated, or any pasteurized milk that contains in excess of twenty-five thousand bacteria per cubic centimeter))~~ in the finished product, shall be deemed impure, unwholesome, and adulterated.

Sec. 6. Section 15.32.220, chapter 11, Laws of 1961 and RCW 15.32.220 are each amended to read as follows:

~~((Any person who sells or offers for sale milk or cream in bottles with caps which fail to have the name of the owner inscribed thereon, or which indicate a quality that cannot be determined by laboratory, chemical or bacteriological examination, or in any other way wrongfully or fraudulently brands the same as to name or otherwise, for the purpose of inducing a sale, shall be guilty of a misdemeanor.))~~ All milk container labeling shall conform with the federal fair packaging and labeling act.

Sec. 7. Section 15.32.420, chapter 11, Laws of 1961 and RCW 15.32.420 are each amended to read as follows:

No person shall use the word "pasteurized" in connection with the sale, designation, advertising, labeling, or billing of milk, cream, or any milk product unless the same and all milk products used in the manufacture thereof consist exclusively of milk, skimmed milk, or cream that has been pasteurized in its final form.

Sec. 8. Section 15.32.500, chapter 11, Laws of 1961 and RCW 15.32.500 are each amended to read as follows:

Failure to brand products as required in RCW (~~(15.32.400 and)~~) 15.32.490, and the offering for sale, selling, or otherwise disposing of such products when unbranded, shall constitute violations of this chapter. Selling such unbranded products constitutes knowledge on the part of the seller that the same is not full cream cheese.

Sec. 9. Section 15.32.510, chapter 11, Laws of 1961 and RCW 15.32.510 are each amended to read as follows:

The director (~~(or a county or city or town)~~) may appoint one or more inspectors of milk, dairies, and dairy products, who are graduates of a recognized dairy school, or have completed a college course in dairying. In the absence of completion of a dairy course, the director may review a candidate's qualifications and determine eligibility.

The inspectors may enter any place where milk and its products are stored and kept for sale and any conveyance used to transport milk or cream, and take samples for analysis (~~(PROVIDED, That this shall not apply to samples of milk or cream taken for bacteriological examination)~~).

Sec. 10. Section 15.32.520, chapter 11, Laws of 1961 and RCW 15.32.520 are each amended to read as follows:

~~(The chemist of any state institution shall correctly analyze samples of milk or cream sent him by a city milk inspector and report to the inspector promptly the result of the analysis, without extra compensation, or charge to the city.)~~

A bacteriologist or chemist employed by a ~~(city)~~ certified laboratory may analyze milk for standard of quality, adulteration, contamination, and unwholesomeness, and his analysis shall have the same effect as one made by a chemist of a state institution.

Sec. 11. Section 15.32.530, chapter 11, Laws of 1961 and RCW 15.32.530 are each amended to read as follows:

An inspector (~~(or any state or city officer)~~) who obtains a sample of milk for analysis, shall within ten days after obtaining the result of the analysis, send the result to the person from whom the sample was taken or to the person responsible for the condition of the milk.

Sec. 12. Section 15.32.570, chapter 11, Laws of 1961 and RCW 15.32.570 are each amended to read as follows:

No person shall remove from a place under quarantine a container which has been or is to be used to contain milk, skimmed milk, buttermilk, cream, ice cream, or ice milk, without permission of the ~~(health officer in charge)~~ director.

Sec. 13. Section 1, chapter 102, Laws of 1969 ex. sess. and RCW 15.36.011 are each amended to read as follows:

The director of agriculture, by rule, may establish and/or amend definitions and standards for milk and milk products. Such definitions and standards established by the director shall conform, insofar as practicable, with the definitions and standards for milk and milk products promulgated by the ~~(secretary of the United States department of health, education and welfare)~~ federal food and drug administration. The director of agriculture, by rule, may likewise establish and/or amend definitions and standards for products whether fluid, powdered or frozen, compounded or manufactured to resemble or in semblance or imitation of genuine dairy products as defined under the provisions of RCW 15.32.120, 15.36.011, 15.36.075, 15.36.540 and 15.36.600 or chapter 15.32 RCW as enacted or hereafter amended. Such products made to resemble or in semblance or imitation of genuine dairy products shall conform with all the provisions of chapter 15.38 RCW and be made wholly of nondairy products.

All such products compounded or manufactured to resemble or in semblance or imitation of a genuine dairy product shall set forth on the container or labels the specific generic name of each ingredient used.

In the event any product compounded or manufactured to resemble or in semblance or imitation of a genuine dairy product contains vegetable fat or oil, the generic name of such fat or oil shall be set forth on the label. If a blend or variety of oils is used, the ingredient statement shall contain the term "vegetable oil" in the appropriate place in the ingredient statement, with the qualifying phrase following the ingredient statement, such as "vegetable oils are soybean, cottonseed and coconut oils" or "vegetable oil, may be cottonseed, coconut or soybean oil."

The labels or containers of such products compounded or manufactured to resemble or in semblance or imitation of genuine dairy products shall not use dairy terms or words or designs commonly associated with dairying or genuine dairy products, except as to the extent that such words or terms are necessary to meet legal requirements for labeling: PROVIDED, That the term "nondairy" may be used as an informative statement.

The director may adopt any other rules necessary to carry out the purposes of chapters 15.36 and 15.38 RCW: PROVIDED, That these rules shall not restrict the display or promotion of products covered under this section. The adoption of all rules provided for in this section shall

be subject to the provisions of chapter ~~((34.04))~~ 34.05 RCW as enacted or hereafter amended concerning the adoption of rules.

Sec. 14. Section 15.36.020, chapter 11, Laws of 1961 and RCW 15.36.020 are each amended to read as follows:

The terms "pasteurization," "pasteurize" and similar terms, ((refer to the process of heating every particle of milk or milk products to at least one hundred forty-three degrees Fahrenheit; and holding at such temperature for at least thirty minutes, or to at least one hundred sixty-one degrees Fahrenheit, and holding at such temperature for at least fifteen seconds in approved and properly operated equipment under the provisions of this chapter. PROVIDED, That nothing contained in this definition shall be construed as disbaring any other process which has been demonstrated to be equally efficient and which is approved by the director)) shall mean the process of heating every particle of milk or milk product in properly designed and operated equipment, to one of the temperatures given in the following table, and held continuously at or above that temperature for at least the corresponding specified time:

<u>Temperature</u>	<u>Time</u>
<u>145°F (63°C)</u>	<u>30 minutes</u>
<u>161°F (72°C)</u>	<u>15 seconds</u>
<u>191°F (89°C)</u>	<u>1.0 second</u>
<u>194°F (90°C)</u>	<u>0.5 second</u>
<u>201°F (94°C)</u>	<u>0.1 second</u>
<u>204°F (96°C)</u>	<u>0.05 second</u>
<u>212°F (100°C)</u>	<u>0.01 second</u>

If the fat content of the milk product is ten percent or more, or if it contains added sweeteners, the specified temperature shall be increased by 5°F (3°C). Eggnog shall be heated to at least the following temperature and time specifications:

<u>Temperature</u>	<u>Time</u>
<u>155°F (69°C)</u>	<u>30 minutes</u>
<u>175°F (80°C)</u>	<u>25 seconds</u>
<u>180°F (83°C)</u>	<u>15 seconds</u>

Nothing in this definition shall be construed as barring any other pasteurization process which has been recognized by the federal food and drug administration to be equally efficient and which is approved by the director.

Sec. 15. Section 15.36.060, chapter 11, Laws of 1961 as amended by section 2, chapter 226, Laws of 1984 and RCW 15.36.060 are each amended to read as follows:

The word "person" means any individual, partnership, firm, corporation, company, trustee, or association.

"Director" means the director of agriculture of the state of Washington or his duly authorized representative.

"Department" means the state department of agriculture.

~~(("Health officer" means the county or city health officer as defined in Title 70 RCW, or his authorized representatives:~~

~~Where the term "and/or" is used "and" shall apply where possible, otherwise "or" shall apply:))~~

Sec. 16. Section 15.36.080, chapter 11, Laws of 1961 and RCW 15.36.080 are each amended to read as follows:

It shall be unlawful for any person to transport, or to sell, or offer for sale, or to have in storage where milk or milk products are sold or served, any milk or milk product defined in this chapter, who does not possess an appropriate permit from the director ~~((or an authorized inspection service as defined in this chapter)).~~

Every milk producer, milk distributor, milk hauler, and operator of a milk plant shall secure a permit to conduct such operation as defined in this chapter. Only a person who complies with the requirements of this chapter shall be entitled to receive and retain such a permit. Permits shall not be transferable with respect to persons and/or locations.

Such a permit may be temporarily suspended by the director ~~((or health officer of a milk inspection unit))~~ upon violation by the holder of any of the terms of this chapter, or for interference with the director ~~((or health officer of a milk inspection unit))~~ in the performance of his duties, or revoked after an opportunity for a hearing by the director upon serious or repeated violations.

Sec. 17. Section 15.36.110, chapter 11, Laws of 1961 as amended by section 1, chapter 297, Laws of 1981 and RCW 15.36.110 are each amended to read as follows:

During each six months period at least four samples of milk and cream from each dairy farm and each milk plant shall be taken on separate days and examined by the director: PROVIDED, That in the case of raw milk for pasteurization the director may accept the results of nonofficial laboratories which have been officially checked periodically and found satisfactory. Samples of other milk products may be taken and examined by the director as often as he deems necessary. Samples of milk and milk products from stores, cafes, soda fountains, restaurants, and other places where milk or milk products are sold shall be examined as often as

the director may require. Bacterial plate counts, direct microscopic counts, coliform determinations, phosphatase tests and other laboratory tests shall conform to the procedures in the current edition of "Standard Methods For The Examination Of Dairy Products," recommended by the American public health association. Examinations may include such other chemical and physical determinations as the director may deem necessary for the detection of adulteration. Samples may be taken by the director at any time prior to the final delivery of the milk or milk products. All proprietors of cafes, stores, restaurants, soda fountains, and other similar places shall furnish the director, upon his request, with the name of all distributors from whom their milk and milk products are obtained. Bio-assays of the vitamin D content of vitamin D milk shall be made when required by the director in a laboratory approved by him for such examinations.

If two of the last four consecutive bacterial counts, somatic cell counts, coliform determinations, or cooling temperatures, taken on separate days, exceed the standard for milk or milk products, the director shall send written notice thereof to the person concerned. This notice shall remain in effect so long as two of the last four consecutive samples exceed the limit of the standard. An additional sample shall be taken within twenty-one days of the sending of the notice, but not before the lapse of three days, except sixty days must lapse before an official somatic cell count can be taken. The director shall degrade or suspend the grade A permit whenever the standard is again violated ((by more than one of the last four consecutive samples)) so that three of the last five consecutive samples exceed the limit of the standard. A grade A permit shall subsequently be reinstated in notice status upon receipt of sample results that are within the standard for which the suspension occurred.

In case of violation of the phosphatase test requirements, the cause of underpasteurization shall be determined and removed before milk or milk products from this plant can again be sold as pasteurized milk or milk products.

Sec. 18. Section 1, chapter 226, Laws of 1984 and RCW 15.36.115 are each amended to read as follows:

(1) If the results of an antibiotic ((or)), pesticide, or other drug residue test are above the actionable level ((as determined by)) established in the pasteurized milk ordinance published by the United States public health service and determined using procedures set forth in the current edition of "Standard Methods for the Examination of Dairy Products," a producer holding a grade A permit is subject to a civil penalty. The penalty shall be in an amount equal to one-half the value of the sum of the volumes of milk equivalent produced under the permit on the day prior to and the day of the adulteration. The value of the milk shall be computed by the weighted average price for the federal market order under which the milk is delivered.

(2) The penalty is imposed by the department giving a written notice which is either personally served upon or transmitted by certified mail, return receipt requested, to the person incurring the penalty. The notice of the civil penalty shall be a final order of the department unless, within fifteen days after the notice is received, the person incurring the penalty appeals the penalty by filing a notice of appeal with the department. If a notice of appeal is filed in a timely manner, a contested case hearing shall be conducted on behalf of the department by the office of administrative hearings in accordance with chapters ((34-04)) 34.05 and 34.12 RCW and, to the extent they are not inconsistent with this subsection, the provisions of RCW 15.36.580. At the conclusion of the hearing, the department shall determine whether the penalty should be affirmed, ((reduced, or not imposed)) and, if so, shall issue a final order setting forth the civil penalty assessed, if any. The order may be appealed to superior court in accordance with chapter ((34-04)) 34.05 RCW. Tests performed for antibiotic ((or)), pesticide, or other drug residues by a state or certified industry laboratory of a milk sample drawn by a department official or a licensed dairy technician shall be admitted as prima facie evidence of the presence or absence of an antibiotic ((or)), pesticide, or other drug residue.

(3) Any penalty imposed under this section is due and payable upon the issuance of the final order by the department. The penalty shall be deducted by the violator's marketing organization from the violator's final payment for the month following the issuance of the final order. The department shall promptly notify the violator's marketing organization of any penalties contained in the final order.

(4) All penalties received or recovered from violations of this section shall be remitted monthly by the violator's marketing organization to the Washington state dairy products commission and deposited in a revolving fund to be used solely for the purposes of education and research. No appropriation is required for disbursements from this fund.

(5) In case of a violation of the antibiotic ((or)), pesticide, or other drug residue test requirements, an investigation shall be made to determine the cause of the residue which shall be corrected. Additional samples shall be taken as soon as possible and tested as soon as feasible for antibiotic ((or)), pesticide, or other drug residue by the department or a certified laboratory. After the notice has been received by the producer and the results of a test of such an additional sample indicate that residues are above the actionable level or levels referred to in subsection (1) of this section, the producer's milk may not be sold until a sample is shown to be below the actionable levels established for the residues.

Sec. 19. Section 15.36.300, chapter 11, Laws of 1961 and RCW 15.36.300 are each amended to read as follows:

Grade C raw milk is raw milk ~~((of a producer distributor which violates any of the requirements for grade B))~~ which violates any of the requirements of grade A raw milk.

Sec. 20. Section 15.36.425, chapter 11, Laws of 1961 as amended by section 22, chapter 141, Laws of 1979 and RCW 15.36.425 are each amended to read as follows:

The health ~~((officer))~~ authority or a physician authorized by him shall examine and take careful morbidity history of every person connected with a pasteurization plant, or about to be employed, whose work brings him in contact with the production, handling, storage, or transportation of milk, milk products, containers, or equipment. If such examination or history suggests that such person may be a carrier of or infected with the organisms of typhoid or paratyphoid fever or any other communicable diseases likely to be transmitted through milk, he shall secure appropriate specimens of body discharges and cause them to be examined in a laboratory approved by him or by the state department of social and health services for such examinations, and if the results justify such persons shall be barred from such employment.

Such persons shall furnish such information, submit to such physical examinations, and submit such laboratory specimens as the health ~~((officer))~~ official may require for the purpose of determining freedom from infection.

Sec. 21. Section 15.36.460, chapter 11, Laws of 1961 and RCW 15.36.460 are each amended to read as follows:

Grade C pasteurized milk is pasteurized milk which violates any of the requirements for grade ~~((B))~~ A pasteurized milk.

Sec. 22. Section 15.36.470, chapter 11, Laws of 1961 and RCW 15.36.470 are each amended to read as follows:

No milk or milk products shall be sold to the final consumer or to restaurants, soda fountains, grocery stores, or similar establishments except ~~((certified milk pasteurized, certified raw milk;))~~ grade A milk pasteurized, or grade A milk-raw, and the director may revoke the permit of any milk distributor failing to qualify for one of the above grades, or in lieu thereof may degrade his product and permit its sale during a period not exceeding thirty days or in emergencies during such longer period as he may deem necessary.

Sec. 23. Section 15.36.520, chapter 11, Laws of 1961 and RCW 15.36.520 are each amended to read as follows:

No person who is affected with any disease in a communicable form or is a carrier of such disease shall work at any dairy farm or milk plant in any capacity which brings him in contact with the production, handling, storage, or transportation of milk, milk products, containers, or equipment; and no dairy farm or milk plant shall employ in any such capacity any such person or any person suspected of being affected with any disease in a communicable form or of being a carrier of such disease. Any producer or distributor of milk or milk products upon whose dairy farm or in whose milk plant any communicable disease occurs, or who suspects that any employee has contracted any disease shall notify the health ~~((officer))~~ authority immediately.

Sec. 24. Section 15.36.540, chapter 11, Laws of 1961 as amended by section 6, chapter 102, Laws of 1969 ex. sess. and RCW 15.36.540 are each amended to read as follows:

~~((Save as in this chapter provided))~~ Except as otherwise provided in this chapter, this law shall be enforced by the director in accordance with the interpretation contained in the ~~((1965 edition of the United States public health service))~~ food and drug administration pasteurized milk ~~((code))~~ ordinance: PROVIDED, That the director may ~~((by rule adopt any subsequent amendments to such code as interpretations))~~ promulgate rules covering any standard set forth in the pasteurized milk ordinance if the rules are consistent with the pasteurized milk ordinance except the standards may be more stringent based upon current industry or public health information for the enforcement of this chapter whenever he determines that any such ~~((amendments))~~ rules are necessary to carry out the purposes of RCW 15.32.120, 15.36.011, 15.36.075, 15.36.540 and 15.36.600.

Sec. 25. Section 15.36.550, chapter 11, Laws of 1961 as amended by section 23, chapter 141, Laws of 1979 and RCW 15.36.550 are each amended to read as follows:

The director shall have the power and duty ~~((to))~~ to adopt, issue and promulgate from time to time necessary rules, regulations and orders for the enforcement of this chapter ~~((to))~~ with the approval of the secretary of social and health services to adopt standards of requirements necessary for approval of local milk inspection service units hereinafter provided for, the basic standards in this connection being a sufficient force of qualified personnel under the general direction of a health officer, and sufficient laboratory facilities to insure compliance with the provisions of this chapter and the rules and regulations promulgated thereunder; and ~~((3))~~ to cancel, and with the consent of the secretary of social and health services, to approve the issuance of certificates of approval for such local milk inspection service units).

Sec. 26. Section 15.36.580, chapter 11, Laws of 1961 as last amended by section 175, chapter 202, Laws of 1987 and RCW 15.36.580 are each amended to read as follows:

In case of a written protest from any fluid milk producer~~(:)~~ or fluid milk distributor~~(-or health officer:)~~ concerning the enforcement of any provisions of this chapter or of any rules and regulations thereunder, the director, or an administrative law judge within ten days after receipt of such protest and after five days written notice thereof to the party against whom the protest is made, shall hold a summary hearing in the county where either the party protesting or protested against resides, upon the completion of which the director or an administrative law judge shall make such written findings of fact and order as the circumstances may warrant: PROVIDED, That if the protest originates with a producer, the hearings shall be held in the county where the protesting producer resides. Such findings and order shall be final and conclusive upon all parties from and after their effective date, which date shall be five days after being signed and deposited postage prepaid in the United States mails addressed to the last known address of all said parties. An appeal from such findings or order may be taken in the manner provided under chapter ~~(34.04)~~ 34.05 RCW.

Sec. 27. Section 15.28.010, chapter 11, Laws of 1961 as last amended by section 1, chapter 11, Laws of 1973 and RCW 15.28.010 are each amended to read as follows:

As used in this chapter:

- (1) "Commission" means the Washington state fruit commission.
- (2) "Shipment" or "shipped" includes loading in a conveyance to be transported to market for resale, and includes delivery to a processor or processing plant, but does not include movement from the orchard where grown to a packing or storage plant within this state for fresh shipment;
- (3) "Handler" means any person who ships or initiates the shipping operation, whether as owner, agent or otherwise;
- (4) "Dealer" means any person who handles, ships, buys, or sells soft tree fruits other than those grown by him, or who acts as sales or purchasing agent, broker, or factor of soft tree fruits;
- (5) "Processor" or "processing plant" includes every person or plant receiving soft tree fruits for the purpose of drying, dehydrating, canning, pressing, powdering, extracting, cooking, quick-freezing, brining, or for use in manufacturing a product;
- (6) "Soft tree fruits" mean Bartlett pears and all varieties of cherries, apricots, prunes, plums, and peaches, which includes all varieties of nectarines. "Bartlett pears" means and includes all standard Bartlett pears and all varieties, strains, subvarieties, and sport varieties of Bartlett pears including Red Bartlett pears, that are harvested and utilized at approximately the same time and approximately in the same manner.
- (7) "Commercial fruit" or "commercial grade" means soft tree fruits meeting the requirements of any established or recognized fresh fruit or processing grade. Fruit bought or sold on orchard run basis and not subject to cull weighback shall be deemed to be "commercial fruit."
- (8) "Cull grade" means fruit of lower than commercial grade except when such fruit included with commercial fruit does not exceed the permissible tolerance permitted in a commercial grade;
- (9) "Producer" means any person who is a grower of any soft tree fruit;
- (10) "District No. 1" or "first district" includes the counties of Chelan, Okanogan, Grant, Douglas, Ferry, Stevens, Pend Oreille, Spokane and Lincoln;
- (11) "District No. 2" or "second district" includes the counties of Kittitas, Yakima, and Benton county north of the Yakima river;
- (12) "District No. 3" or "third district" comprises all of the state not included in the first and second districts.

Sec. 28. Section 15.28.160, chapter 11, Laws of 1961 as amended by section 3, chapter 51, Laws of 1963 and RCW 15.28.160 are each amended to read as follows:

An annual assessment is hereby levied upon all commercial soft tree fruits grown in ~~(this)~~ the state or packed as Washington soft tree fruit of fifty cents per two thousand pounds (net weight) of said fruits, when shipped fresh or delivered to processors, whether in bulk, loose in containers, or packaged in any style of package, except, that all sales of five hundred pounds or less of such fruits sold by the producer direct to the consumer shall be exempt from said assessments. Sweet cherries which are brined are deemed to be commercial soft tree fruit and therefore assessable hereunder.

Sec. 29. Section 51, chapter 256, Laws of 1961 and RCW 15.65.510 are each amended to read as follows:

All parties to ~~((any))~~ a marketing agreement, all persons subject to a marketing order, and all producers, dealers, and handlers ~~((and other persons subject to any marketing order))~~ of a commodity governed by the provisions of a marketing agreement or order shall severally from time to time, upon the request of the director ~~((or his)),~~ the director's designee, or the commodity board established under the marketing agreement or order, furnish ~~(him with)~~ such information ~~((as he))~~ and permit such inspections as the director, the director's designee, or the commodity board finds to be necessary to ~~((enable him to))~~ effectuate the declared policies of this chapter and the purposes of such agreement or order ~~((or)).~~ Information and inspections may also be required by the director, the director's designee, or the commodity board to ascertain and determine the extent to which such agreement or order has been carried out or

has effectuated such policies and purposes, or to determine whether or not there has been any abuse of the privilege of exemption from laws relating to trusts, monopolies and restraints of trade. Such information shall be furnished in accordance with forms and reports to be prescribed by the director ~~((or his)), the director's designee, or the commodity board.~~ ~~((For the purpose of ascertaining the correctness of any report made to the director or his designee pursuant to this section or for the purpose of obtaining the information required in any such report where it has been requested and has not been furnished.))~~ The director ~~((or his)), the director's designee, or a designee of the commodity board~~ is hereby authorized to inspect crops and examine such books, papers, records, copies of tax reports, accounts, correspondence, contracts, documents, or memoranda as he or she deems relevant and which are within the control:

(1) Of any such party to such marketing agreement or ~~((any such producer or handler under such marketing order)), any person subject to any marketing order~~ from whom such report was requested, or

(2) Of any person having, either directly or indirectly, actual or legal control of or over such party, producer or handler of such records, or

(3) Of any subsidiary of any such party, producer, handler or person.

To carry out the purposes of this section the director or ~~((his))~~ the director's designee upon giving due notice, may hold hearings, take testimony, administer oaths, subpoena witnesses and issue subpoenas for the production of books, records, documents or other writings of any kind. RCW 15.65.080, 15.65.090, 15.65.100 and 15.65.110, together with such other regulations consistent therewith as the director may from time to time prescribe, shall apply with respect to any such hearing. All information furnished to or acquired by the director or ~~((his))~~ the director's designee pursuant to this section shall be kept confidential by all officers and employees of the director ~~((and/or his))~~ or the director's designee and only such information so furnished or acquired as the director deems relevant shall be disclosed by ~~((him))~~ the director or them, and then only in a suit or administrative hearing brought at the direction or upon the request of the director or to which ~~((he or his))~~ the director or the director's designee or any officer of the state of Washington is a party, and involving the marketing agreement or order with reference to which the information so to be disclosed was furnished or acquired.

Nothing in this section shall prohibit:

(1) The issuance of general statements based upon the reports of a number of persons subject to any marketing agreement or order, which statements do not identify the information furnished by any person~~(s)~~; or

(2) The publication by the director or ~~((his))~~ the director's designee of the name of any person violating any marketing agreement or order, together with a statement of the particular provisions and the manner of the violation of the marketing agreement or order so violated by such person.

Sec. 30. Section 3, chapter 247, Laws of 1985 and RCW 15.86.030 are each amended to read as follows:

A producer or a vendor shall not sell or offer for sale any food product with the representation that the product is an organic food if the producer or vendor knows, or has reason to know, that the food has been grown, raised, or produced with the use of any of the following substances: (1) Fertilizers but excluding manures and other natural fertilizers; (2) any of the following when manufactured by man: Pesticides, hormones, antibiotics, or growth stimulants but excluding *Bacillus thuringensis* and other natural pesticides; (3) arsenicals; or (4) similar substances listed by the director under RCW 15.86.060. A food product shall be considered as "grown, raised, or produced" with a substance specified in this section or listed by the director under RCW 15.86.060 if the substance is applied at any time before sale to retail purchasers. ~~((Also, crops shall be considered "grown, raised, or produced" with such a substance if, within one year before seed planting or transplanting or, in the case of perennial crops, within one year before the appearance of the flower bud, the substance is applied to the soil or other growing medium.))~~

NEW SECTION. Sec. 31. A new section is added to chapter 15.86 RCW to read as follows:

(1) Beginning January 1, 1991, it shall be unlawful to sell or offer for sale as organic food, products that have been grown, raised, or produced if harvest of the food product occurs within two years of the most recent use of any prohibited pesticide, herbicide, or fungicide and two years after the most recent use of a prohibited fertilizer.

(2) Beginning January 1, 1992, it shall be unlawful to sell or offer for sale as organic food, products that have been grown, raised, or produced if harvest of the food product occurs within three years of the most recent use of any prohibited pesticide, herbicide, or fungicide and two years after the most recent use of a prohibited fertilizer.

(3) Beginning January 1, 1990, food products may be sold as "transition to organic food" if they have had no applications of prohibited substances within one year before harvest of the food crop. The products must specify first or second-year transition on their labels.

Sec. 32. Section 2, chapter 247, Laws of 1985 and RCW 15.86.020 are each amended to read as follows:

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

(1) "Director" means the director of the department of agriculture or the director's designee.

(2) "Organic food" means any food product, including meat, dairy, and beverage, that is marketed using the term organic or any derivative of organic, other than the phrase "transition to organic food," in its labeling or advertising.

(3) "Producer" means any person or organization who or which (a) grows, raises, or produces a food product; and (b) sells the food product as, or offers it for sale as, an organic food.

(4) "Vendor" means anyone who sells organic food to the consumer or another vendor.

(5) "Transition to organic food" means any food product that satisfies all of the requirements of organic food except the time requirements and satisfied all of the requirements of section 31 of this act.

NEW SECTION, Sec. 33. A new section is added to chapter 15.86 RCW to read as follows:

(1) A producer or a vendor shall not sell or offer for sale any food product with the representation that the food product is a transition to organic food if the producer or vendor knows, or has reason to know, that the food product does not satisfy the requirements of RCW 15.86.020(5).

(2) A producer shall not sell to a vendor any food product that the producer represents as a transition to organic food unless, before the sale, the producer provides the vendor with a sworn statement that the producer has grown, raised, or produced the product in conformance with RCW 15.86.020(5) and section 31 of this act.

Sec. 34. Section 12, chapter 393, Laws of 1987 and RCW 15.86.070 are each amended to read as follows:

The director may adopt rules establishing a certification program for producers and processors of organic or transition to organic food. The rules may govern, but are not limited to governing: The number and scheduling of ~~((on-farm))~~ on-site visits, both announced and unannounced, by certification personnel; recordkeeping requirements; and the submission of product samples for chemical analysis. The rules shall include a fee schedule that will provide for the recovery of the full cost of the ~~((certification))~~ inspection program. Fees collected under this section shall be deposited in an account within the agricultural local fund and the revenue from such fees shall be used solely for carrying out the provisions of this section, and no appropriation is required for disbursement from the fund. The director may employ such personnel as are necessary to carry out the provisions of this section.

Sec. 35. Section 5, chapter 22, Laws of 1957 as amended by section 14, chapter 296, Laws of 1981 and RCW 16.36.110 are each amended to read as follows:

A violation of or a failure to comply with any provision of this chapter or the rules adopted under this chapter shall be a ~~((misdemeanor: PROVIDED, That any violation of RCW 16.36.030, 16.36.040, 16.36.050, or that part of RCW 16.36.060 which makes it unlawful for any person to willfully hinder, obstruct, or resist the director of agriculture or any duly authorized representative, or any peace officer acting under him or them when engaged in the performance of the duties or in the exercise of the powers conferred by this chapter shall be a))~~ gross misdemeanor. Each day upon which a violation occurs shall constitute a separate violation. Any person violating the provisions of RCW 16.36.005, 16.36.020, 16.36.103, 16.36.105, 16.36.107, 16.36.108 or 16.36.109 may be enjoined from continuing such violation.

Sec. 36. Section 19, chapter 67, Laws of 1969 as amended by section 5, chapter 26, Laws of 1977 ex. sess. and RCW 19.94.190 are each amended to read as follows:

The director shall enforce the provisions of this chapter and shall issue from time to time reasonable rules ~~((and regulations))~~ for enforcing and carrying out the purposes of this chapter. Such rules ~~((and regulations))~~ shall have the effect of law and may include (1) standards of net weight, measure, or count, and reasonable standards of fill for any commodity in package form, (2) rules governing the technical and reporting procedures to be followed, and the report and record forms and marks of rejection to be used by the director and city sealers in the discharge of their official duties, (3) rules governing technical test procedures, reporting procedures, record and reporting forms to be used by commercial firms when installing, repairing or testing commercial weights or measures, (4) rules providing that all weights and measures used by commercial firms in repairing or servicing commercial weighing and measuring devices shall be calibrated by the department and be directly traceable to state standards and shall be submitted to the department for calibration and certification as necessary and/or at such reasonable intervals as may be established or required by the director, (5) exemptions from the sealing or marking requirements of RCW 19.94.250 with respect to weights and measures of such character or size that such sealing or marking would be inappropriate, impracticable, or damaging to the apparatus in question, (6) rules that allow the director to establish fees for weighing, measuring, and providing calibration services performed by the weights and measures laboratory, with all money collected under this subsection paid to the director and deposited in an account within the agricultural local fund to be used for the repair and maintenance of weights and measures devices and other related functions, (7) exemptions from the requirements of RCW 19.94.200 and 19.94.210 for testing, with respect to classes of

weights and measures found to be of such character that periodic retesting is unnecessary to continued accuracy. These regulations shall include specifications, tolerances, and regulations for weights and measures of the character of those specified in RCW 19.94.210, designed to eliminate from use, without prejudice to apparatus that conforms as closely as practicable to the official standards, those (a) that are not accurate, (b) that are of such construction that they are faulty, that is, that are not reasonably permanent in their adjustment or will not repeat their indications correctly, or (c) that facilitate the perpetration of fraud. The specifications, tolerances, and regulations for commercial weighing and measuring devices, together with amendments thereto, as recommended by the national bureau of standards Handbook 44, third edition as published at the time of the enactment of this chapter shall be the specifications, tolerances, and regulations for commercial weighing and/or measuring devices of the state. To promote uniformity, any supplements or amendments to Handbook 44 or any similar subsequent publication of the national bureau of standards shall be deemed to have been adopted under this section. The director may, however, within thirty days of the publication or effective date of Handbook 44 or any supplements, amendments, or similar publications give public notice that a hearing will be held to determine if such publications should not be applicable under this section. The hearing shall be conducted under chapter ~~(34.04)~~ 34.05 RCW. For the purpose of this chapter, apparatus shall be deemed to be "correct" when it conforms to all applicable requirements promulgated as specified in this section; all other apparatus shall be deemed to be "incorrect".

Sec. 37. Section 1, chapter 139, Laws of 1959 as last amended by section 6, chapter 178, Laws of 1986 and RCW 20.01.010 are each amended to read as follows:

As used in this title the terms defined in this section have the meanings indicated unless the context clearly requires otherwise.

(1) "Director" means the director of agriculture or his duly authorized representative.

(2) "Person" means any natural person, firm, partnership, exchange, association, trustee, receiver, corporation, and any member, officer, or employee thereof or assignee for the benefit of creditors.

(3) "Agricultural product" means any unprocessed horticultural, vermicultural and its byproducts, viticultural, berry, poultry, poultry product, grain, bee, or other agricultural products, and includes mint or mint oil processed by or for the producer thereof and hay and straw baled or prepared for market in any manner or form and livestock. When used in RCW 60.13.020, "agricultural product" means horticultural, viticultural, and berry products, hay and straw, and turf and forage seed and applies only when such products are delivered to a processor or conditioner in an unprocessed form.

(4) "Producer" means any person engaged in the business of growing or producing any agricultural product, whether as the owner of the products, or producing the products for others holding the title thereof.

(5) "Consignor" means any producer, person, or his agent who sells, ships, or delivers to any commission merchant, dealer, cash buyer, or agent, any agricultural product for processing, handling, sale, or resale.

(6) "Commission merchant" means any person who receives on consignment for sale or processing and sale from the consignor thereof any agricultural product for sale on commission on behalf of the consignor, or who accepts any farm product in trust from the consignor thereof for the purpose of resale, or who sells or offers for sale on commission any agricultural product, or who in any way handles for the account of or as an agent of the consignor thereof, any agricultural product.

(7) "Dealer" means any person other than a cash buyer, as defined in subsection (10) of this section, who solicits, contracts for, or obtains from the consignor thereof for reselling or processing, title, possession, or control of any agricultural product, or who buys or agrees to buy any agricultural product from the consignor thereof for sale or processing and includes any person, other than one who acts solely as a producer, who retains title in an agricultural product and delivers it to a producer for further production or increase. For the purposes of this chapter, the term dealer includes any person who purchases livestock on behalf of and for the account of another, or who purchases cattle in another state or country and imports these cattle into this state for resale.

(8) "Limited dealer" means any person operating under the alternative bonding provision in RCW 20.01.211.

(9) "Broker" means any person other than a commission merchant, dealer, or cash buyer who negotiates the purchase or sale of any agricultural product, but no broker may handle the agricultural products involved or proceeds of the sale.

(10) "Cash buyer" means any person other than a commission merchant, dealer, or broker, who obtains from the consignor thereof for the purpose of resale or processing, title, possession, or control of any agricultural product or who contracts for the title, possession, or control of any agricultural product, or who buys or agrees to buy for resale any agricultural product by paying to the consignor at the time of obtaining possession or control of any agricultural product the full agreed price of the agricultural product, in coin or currency, lawful money of the United States. However, a cashier's check, certified check, or bankdraft may be used for

the payment. For the purposes of this subsection, "agricultural product," does not include hay, grain, straw, or livestock.

(11) "Agent" means any person who, on behalf of any commission merchant, dealer, broker, or cash buyer, acts as liaison between a consignor and a principal, or receives, contracts for, or solicits any agricultural product from the consignor thereof or who negotiates the consignment or purchase of any agricultural product on behalf of any commission merchant, dealer, broker, or cash buyer and who transacts all or a portion of that business at any location other than at the principal place of business of his employer. With the exception of an agent for a commission merchant or dealer handling horticultural products, an agent may operate only in the name of one principal and only to the account of that principal.

(12) "Retail merchant" means any person operating from a bona fide or established place of business selling agricultural products twelve months of each year.

(13) "Fixed or established place of business" for the purpose of this chapter means any permanent warehouse, building, or structure, at which necessary and appropriate equipment and fixtures are maintained for properly handling those agricultural products generally dealt in, and at which supplies of the agricultural products being usually transported are stored, offered for sale, sold, delivered, and generally dealt in in quantities reasonably adequate for and usually carried for the requirements of such a business, and that is recognized as a permanent business at such place, and carried on as such in good faith and not for the purpose of evading this chapter, and where specifically designated personnel are available to handle transactions concerning those agricultural products generally dealt in, which personnel are available during designated and appropriate hours to that business, and shall not mean a residence, barn, garage, tent, temporary stand or other temporary quarters, any railway car, or permanent quarters occupied pursuant to any temporary arrangement.

(14) "Processor" means any person, firm, company, or other organization that purchases agricultural crops from a consignor and that cans, freezes, dries, dehydrates, cooks, presses, powders, or otherwise processes those crops in any manner whatsoever for eventual resale.

(15) "Pooling contract" means any written agreement whereby a consignor delivers a horticultural product to a commission merchant under terms whereby the commission merchant may commingle the consignor's horticultural products for sale with others similarly agreeing, which must include all of the following:

(a) A delivery receipt for the consignor that indicates the variety of horticultural product delivered, the number of containers, or the weight and tare thereof;

(b) Horticultural products received for handling and sale in the fresh market shall be accounted for to the consignor with individual pack-out records that shall include variety, grade, size, and date of delivery. Individual daily packing summaries shall be available within forty-eight hours after packing occurs. However, platform inspection shall be acceptable by mutual contract agreement on small deliveries to determine variety, grade, size, and date of delivery;

(c) Terms under which the commission merchant may use his judgment in regard to the sale of the pooled horticultural product;

(d) The charges to be paid by the consignor as filed with the state of Washington;

(e) A provision that the consignor shall be paid for his pool contribution when the pool is in the process of being marketed in direct proportion, not less than eighty percent of his interest less expenses directly incurred, prior liens, and other advances on the grower's crop unless otherwise mutually agreed upon between grower and commission merchant.

(16) "Date of sale" means the date agricultural products are delivered to the person buying the products.

~~(17) ("Boom-loader" means a person who owns or operates, or both, a mechanical device mounted on a vehicle and used to load hay or straw for compensation.~~

~~(18) "Conditioner" means any person, firm, company, or other organization that receives turf, forage, or vegetable seeds from a consignor for drying or cleaning.~~

~~(19) "Seed bailment contract" means any contract meeting the requirements of chapter 15.48 RCW.~~

~~(20) "Proprietary seed" means any seed that is protected under the Federal Plant Variety Protection Act.~~

~~(21) "Licensed public weighmaster" means any person, licensed under the provisions of chapter 15.80 RCW, who weighs, measures, or counts any commodity or thing and issues therefor a signed certified statement, ticket, or memorandum of weight, measure, or count upon which the purchase or sale of any commodity or upon which the basic charge of payment for services rendered is based.~~

~~(22) "Certified weight" means any signed certified statement or memorandum of weight, measure or count issued by a licensed public weighmaster in accordance with the provisions of chapter 15.80 RCW.~~

Sec. 38. Section 3, chapter 139, Laws of 1959 as last amended by section 10, chapter 254, Laws of 1988 and RCW 20.01.030 are each amended to read as follows:

This chapter does not apply to:

(1) Any cooperative marketing associations or federations incorporated under, or whose articles of incorporation and bylaws are equivalent to, the requirements of chapter 23.86 RCW or chapter 24.32 RCW, except as to that portion of the activities of the association or federation that involve the handling or dealing in the agricultural products of nonmembers of the organization: PROVIDED, That the associations or federations may purchase up to fifteen percent of their gross from nonmembers for the purpose of filling orders: PROVIDED FURTHER, That if the cooperative or association acts as a processor as defined in RCW 20.01.500(2) and markets the processed agricultural crops on behalf of the grower or its own behalf, the association or federation is subject to the provisions of RCW 20.01.500 through 20.01.560 and the license provision of this chapter excluding bonding provisions: PROVIDED FURTHER, That none of the foregoing exemptions in this subsection apply to any such cooperative or federation dealing in or handling grain in any manner, and not licensed under the provisions of chapter 22.09 RCW;

(2) Any person who sells exclusively his or her own agricultural products as the producer thereof;

(3) Any public livestock market operating under a bond required by law or a bond required by the United States to secure the performance of the public livestock market's obligation. However, any such market operating as a livestock dealer or order buyer, or both, is subject to all provisions of this chapter except for the payment of the license fee required in RCW 20.01.040;

(4) Any retail merchant having a bona fide fixed or permanent place of business in this state, but only for the retail merchant's retail business conducted at such fixed or established place of business;

(5) Any person buying farm products for his or her own use or consumption;

(6) Any warehouseman or grain dealer licensed under the state grain warehouse act, chapter 22.09 RCW, with respect to his or her handling of any agricultural product as defined under that chapter;

(7) Any nurseryman who is required to be licensed under the horticultural laws of the state with respect to his or her operations as such licensee;

(8) Any person licensed under the now existing dairy laws of the state with respect to his or her operations as such licensee;

(9) Any producer who purchases less than fifteen percent of his or her volume to complete orders;

(10) Any person, association, or corporation regulated under chapter 67.16 RCW and the rules adopted thereunder while performing acts regulated by that chapter and the rules adopted thereunder(;

~~(11) Any boom loader who loads exclusively his or her own hay or straw as the producer thereof).~~

Sec. 39. Section 4, chapter 139, Laws of 1959 as last amended by section 13, chapter 393, Laws of 1987 and RCW 20.01.040 are each amended to read as follows:

No person may act as a commission merchant, dealer, broker, cash buyer, or agent(;~~or boom loader~~) without a license. Any person applying for such a license shall file an application with the director on or before January 1st of each year. The application shall be accompanied by a license fee as prescribed by the director by rule.

Sec. 40. Section 33, chapter 139, Laws of 1959 as last amended by section 1, chapter 20, Laws of 1982 and RCW 20.01.330 are each amended to read as follows:

The director may refuse to grant a license or renew a license and may revoke or suspend a license or issue a conditional or probationary order if he is satisfied after a hearing, as herein provided, of the existence of any of the following facts, which are hereby declared to be a violation of this chapter:

(1) That fraudulent charges or returns have been made by the applicant, or licensee, for the handling, sale or storage of, or for rendering of any service in connection with the handling, sale or storage of any agricultural product.

(2) That the applicant, or licensee, has failed or refused to render a true account of sales, or to make a settlement thereon, or to pay for agricultural products received, within the time and in the manner required by this chapter.

(3) That the applicant, or licensee, has made any false statement as to the condition, quality or quantity of agricultural products received, handled, sold or stored by him.

(4) That the applicant, or licensee, directly or indirectly has purchased for his own account agricultural products received by him upon consignment without prior authority from the consignor together with the price fixed by consignor or without promptly notifying the consignor of such purchase. This shall not prevent any commission merchant from taking to account of sales, in order to close the day's business, miscellaneous lots or parcels of agricultural products remaining unsold, if such commission merchant shall forthwith enter such transaction on his account of sales.

(5) That the applicant, or licensee, has intentionally made any false or misleading statement as to the conditions of the market for any agricultural products.

(6) That the applicant, or licensee, has made fictitious sales or has been guilty of collusion to defraud the consignor.

(7) That a commission merchant to whom any consignment is made has reconsigned such consignment to another commission merchant and has received, collected, or charged by such means more than one commission for making the sale thereof, for the consignor, unless by written consent of such consignor.

(8) That the licensee was guilty of fraud or deception in the procurement of such license.

(9) That the licensee or applicant has failed or refused to file with the director a schedule of his charges for services in connection with agricultural products handled on account of or as an agent of another, or that the applicant, or licensee, has indulged in any unfair practice.

(10) That the licensee has rejected, without reasonable cause, or has failed or refused to accept, without reasonable cause, any agricultural product bought or contracted to be bought from a consignor by such licensee; or failed or refused, without reasonable cause, to furnish or provide boxes or other containers, or hauling, harvesting, or any other service contracted to be done by licensee in connection with the acceptance, harvesting, or other handling of said agricultural products bought or handled or contracted to be bought or handled; or has used any other device to avoid acceptance or unreasonably to defer acceptance of agricultural products bought or handled or contracted to be bought or handled.

(11) That the licensee has otherwise violated any provision of this chapter and/or rules and regulations adopted hereunder.

(12) That the licensee has knowingly employed an agent, as defined in this chapter, without causing said agent to comply with the licensing requirements of this chapter applicable to agents.

(13) That the applicant or licensee has, in the handling of any agricultural products, been guilty of fraud, deceit, or negligence.

(14) That the licensee has failed or refused, upon demand, to permit the director or his agents to make the investigations, examination or audits, as provided in this chapter, or that the licensee has removed or sequestered any books, records, or papers necessary to any such investigations, examination, or audits, or has otherwise obstructed the same.

(15) That the licensee, without reasonable cause, has failed or refused to execute or carry out a lawful contract with a consignor.

(16) That the licensee has failed or refused to keep and maintain the records as required by this chapter and/or rules and regulations adopted hereunder.

(17) That the licensee has attempted payment by a check the licensee knows not to be backed by sufficient funds to cover such check.

(18) That the licensee has been guilty of fraud or deception in his dealings with purchasers including misrepresentation of goods as to grade, quality, weights, quantity, or any other essential fact in connection therewith.

(19) That the licensee has permitted ~~((an agent))~~ a person to in fact operate his own separate business under cover of the licensee's license and bond.

(20) That a commission merchant or dealer has failed to furnish additional bond coverage within fifteen days of when it was requested in writing by the director.

(21) That the licensee has discriminated in the licensee's dealings with consignors on the basis of race, creed, color, national origin, sex, or the presence of any sensory, mental, or physical handicap.

Sec. 41, Section 37, chapter 139, Laws of 1959 as last amended by section 18, chapter 254, Laws of 1988 and RCW 20.01.370 are each amended to read as follows:

Every commission merchant taking control of any agricultural products for sale as such commission merchant, shall promptly make and keep for a period of ~~((one year))~~ three years, beginning on the day the sale of the product is complete, a correct record showing in detail the following with reference to the handling, sale, or storage of such agricultural products:

(1) The name and address of the consignor.

(2) The date received.

(3) The quality and quantity delivered by the consignor, and where applicable the dockage, tare, grade, size, net weight, or quantity.

(4) An accounting of all sales, including dates, terms of sales, quality and quantity of agricultural products sold, and proof of payments received on behalf of the consignor.

(5) The terms of payment to the producer.

(6) An itemized statement of the charges to be paid by consignor in connection with the sale.

(7) The names and addresses of all purchasers if said commission merchant has any financial interest in the business of said purchasers, or if said purchasers have any financial interest in the business of said commission merchant, directly or indirectly, as holder of the other's corporate stock, as copartner, as lender or borrower of money to or from the other, or otherwise. Such interest shall be noted in said records following the name of any such purchaser.

(8) A lot number or other identifying mark for each consignment, which number or mark shall appear on all sales tags and other essential records needed to show what the agricultural products actually sold for.

(9) Any claim or claims which have been or may be filed by the commission merchant against any person for overcharges or for damages resulting from the injury or deterioration of such agricultural products by the act, neglect or failure of such person and such records shall be open to the inspection of the director and the consignor of agricultural products for whom such claim or claims are made.

Where a pooling arrangement is agreed to in writing between the consignor and commission merchant, the reporting requirements of subsections (4), (5), (6), and (8) of this section shall apply to the pool rather than to the individual consignor or consignment and the records of the pool shall be available for inspection by any consignor to that pool.

The commission merchant shall transmit a copy of the record required by this section to the consignor on the same day the final remittance is made to the consignor as required by RCW 20.01.430 as now or hereafter amended.

Sec. 42. Section 38, chapter 139, Laws of 1959 as last amended by section 17, chapter 254, Laws of 1988 and RCW 20.01.380 are each amended to read as follows:

Every dealer or cash buyer purchasing any agricultural products from the consignor thereof shall promptly make and keep for ~~((one year))~~ three years a correct record showing in detail the following:

- (1) The name and address of the consignor.
- (2) The date received.
- (3) The terms of the sale.
- (4) The quality and quantity delivered by the consignor, and where applicable the dockage, tare, grade, size, net weight, or quantity.
- (5) An itemized statement of any charges paid by the dealer or cash buyer for the account of the consignor.
- (6) The name and address of the purchaser: PROVIDED, That the name and address of the purchaser may be deleted from the record furnished to the consignor.
- (7) A copy of the itemized list of charges required under RCW 20.01.080 in effect on the date the terms of sale were agreed upon.

A copy of such record containing the above matters shall be forwarded to the consignor forthwith.

Livestock dealers must also maintain individual animal identification and disposition records as may be required by law, or regulation adopted by the director.

Sec. 43. Section 46, chapter 139, Laws of 1959 as last amended by section 19, chapter 254, Laws of 1988 and RCW 20.01.460 are each amended to read as follows:

(1) Any person who violates the provisions of this chapter or fails to comply with the rules adopted under this chapter is guilty of a gross misdemeanor, except as provided in subsections (2) and (3) of this section.

(2) Any commission merchant, dealer, or cash buyer, or any person assuming or attempting to act as a commission merchant, dealer, or cash buyer without a license is guilty of a class C felony who:

- (a) Imposes false charges for handling or services in connection with agricultural products.
- (b) Makes fictitious sales or is guilty of collusion to defraud the consignor.
- (c) Intentionally makes false statement or statements as to the grade, conditions, markings, quality, or quantity of goods shipped or packed in any manner.

(d) With the intent to defraud the consignor, fails to comply with the ((payment)) requirements set forth under RCW 20.01.010(10), 20.01.390 or 20.01.430.

(3) Any person who violates the provisions of RCW 20.01.040, 20.01.080, 20.01.120, 20.01.125, 20.01.410 or 20.01.610 has committed a civil infraction.

Sec. 44. Section 16, chapter 305, Laws of 1983 as last amended by section 11, chapter 254, Laws of 1988 and RCW 22.09.011 are each amended to read as follows:

The definitions set forth in this section apply throughout this chapter unless the context clearly requires otherwise.

- (1) "Department" means the department of agriculture of the state of Washington.
- (2) "Director" means the director of the department or his duly authorized representative.
- (3) "Person" means a natural person, individual, firm, partnership, corporation, company, society, association, cooperative, two or more persons having a joint or common interest, or any unit or agency of local, state, or federal government.

(4) "Agricultural commodities," or "commodities," means: (a) ~~((All the grains, peas, beans, lentils, corn, sorghams, malt, peanuts, and flax; and (b)))~~ Grains for which inspection standards have been established under the United States grain standards act; (b) pulses and similar commodities for which inspection standards have been established under the agricultural marketing act of 1946; and (c) other similar agricultural products ((similar to those listed in (a) of this subsection)) for which inspection standards have been established or which have been otherwise designated by the department by rule for inspection services or the warehousing requirements of this chapter.

(5) "Warehouse," also referred to as a public warehouse, means any elevator, mill, subterminal grain warehouse, terminal warehouse, country warehouse, or other structure or enclosure located in this state that is used or useable for the storage of agricultural products, and in

which commodities are received from the public for storage, handling, conditioning, or shipment for compensation. The term does not include any warehouse storing or handling fresh fruits and/or vegetables, any warehouse used exclusively for cold storage, or any warehouse that conditions yearly less than three hundred tons of an agricultural commodity for compensation.

(6) "Terminal warehouse" means any warehouse designated as a terminal by the department, and located at an inspection point where inspection facilities are maintained by the department and where commodities are ordinarily received and shipped by common carrier.

(7) "Subterminal warehouse" means any warehouse that performs an intermediate function in which agricultural commodities are customarily received from dealers rather than producers and where the commodities are accumulated before shipment to a terminal warehouse.

(8) "Station" means two or more warehouses between which commodities are commonly transferred in the ordinary course of business and that are (a) immediately adjacent to each other, or (b) located within the corporate limits of any city or town and subject to the same transportation tariff zone, or (c) at any railroad siding or switching area and subject to the same transportation tariff zone, or (d) at one location in the open country off rail, or (e) in any area that can be reasonably audited by the department as a station under this chapter and that has been established as such by the director by rule adopted under chapter ((34.04)) 34.05 RCW, or (f) within twenty miles of each other but separated by the border between Washington and Idaho or Oregon when the books and records for the station are maintained at the warehouse located in Washington.

(9) "Inspection point" means a city, town, or other place wherein the department maintains inspection and weighing facilities.

(10) "Warehouseman" means any person owning, operating, or controlling a warehouse in the state of Washington.

(11) "Depositor" means (a) any person who deposits a commodity with a Washington state licensed warehouseman for storage, handling, conditioning, or shipment, or (b) any person who is the owner or legal holder of a warehouse receipt, outstanding scale weight ticket, or other evidence of the deposit of a commodity with a Washington state licensed warehouseman or (c) any producer whose agricultural commodity has been sold to a grain dealer through the dealer's place of business located in the state of Washington, or any Washington producer whose agricultural commodity has been sold to or is under the control of a grain dealer, whose place of business is located outside the state of Washington.

(12) "Historical depositor" means any person who in the normal course of business operations has consistently made deposits in the same warehouse of commodities produced on the same land. In addition the purchaser, lessee, and/or inheritor of such land from the original historical depositor with reference to the land shall be considered a historical depositor with regard to the commodities produced on the land.

(13) "Grain dealer" means any person who, through his place of business located in the state of Washington, solicits, contracts for, or obtains from a producer, title, possession, or control of any agricultural commodity for purposes of resale, or any person who solicits, contracts for, or obtains from a Washington producer, title, possession, or control of any agricultural commodity for purposes of resale.

(14) "Producer" means any person who is the owner, tenant, or operator of land who has an interest in and is entitled to receive all or any part of the proceeds from the sale of a commodity produced on that land.

(15) "Warehouse receipt" means a negotiable or nonnegotiable warehouse receipt as provided for in Article 7 of Title 62A RCW.

(16) "Scale weight ticket" means a load slip or other evidence of deposit, serially numbered, not including warehouse receipts as defined in subsection (15) of this section, given a depositor on request upon initial delivery of the commodity to the warehouse and showing the warehouse's name and state number, type of commodity, weight thereof, name of depositor, and the date delivered.

(17) "Put through" means agricultural commodities that are deposited in a warehouse for receiving, handling, conditioning, or shipping, and on which the depositor has concluded satisfactory arrangements with the warehouseman for the immediate or impending shipment of the commodity.

(18) "Conditioning" means, but is not limited to, the drying or cleaning of agricultural commodities.

(19) "Deferred price contract" means a contract for the sale of commodities that conveys the title and all rights of ownership to the commodities represented by the contract to the buyer, but allows the seller to set the price of the commodities at a later date based on an agreed upon relationship to a future month's price or some other mutually agreeable method of price determination. Deferred price contracts include but are not limited to those contracts commonly referred to as delayed price, price later contracts, or open price contracts.

(20) "Shortage" means that a warehouseman does not have in his possession sufficient commodities at each of his stations to cover the outstanding warehouse receipts, scale weight tickets, or other evidence of storage liability issued or assumed by him for the station.

(21) "Failure" means:

(a) An inability to financially satisfy claimants in accordance with this chapter and the time limits provided for in it;

(b) A public declaration of insolvency;

(c) A revocation of license and the leaving of an outstanding indebtedness to a depositor;

(d) A failure to redeliver any commodity to a depositor or to pay depositors for commodities purchased by a licensee in the ordinary course of business and where a bona fide dispute does not exist between the licensee and the depositor;

(e) A failure to make application for license renewal within sixty days after the annual license renewal date; or

(f) A denial of the application for a license renewal.

(22) "Original inspection" means an initial, official inspection of a grain or commodity.

(23) "Reinspection" means an official review of the results of an original inspection service by an inspection office that performed that original inspection service. A reinspection may be performed either on the basis of the official file sample or a new sample obtained by the same means as the original if the lot remains intact.

(24) "Appeal inspection" means, for commodities covered by federal standards, a review of original inspection or reinspection results by an authorized United States department of agriculture inspector. For commodities covered under state standards, an appeal inspection means a review of original or reinspection results by a supervising inspector. An appeal inspection may be performed either on the basis of the official file sample or a new sample obtained by the same means as the original if the lot remains intact.

Sec. 45. Section 2, chapter 124, Laws of 1963 as amended by section 17, chapter 305, Laws of 1983 and RCW 22.09.020 are each amended to read as follows:

The department shall administer and carry out the provisions of this chapter and rules adopted hereunder, and it has the power and authority to:

(1) Supervise the receiving, handling, conditioning, weighing, storage, and shipping of all commodities;

(2) Supervise the inspection and grading of ~~((all))~~ commodities;

(3) Approve or disapprove the facilities, including scales, of all warehouses;

(4) Approve or disapprove all rates and charges for the handling, storage; and shipment of all commodities;

(5) Investigate all complaints of fraud in the operation of any warehouse;

(6) Examine, inspect, and audit, during ordinary business hours, any warehouse licensed under this chapter, including all commodities therein and examine, inspect, audit, or record all books, documents, and records;

(7) Examine, inspect, and audit during ordinary business hours, all books, documents, and records, and examine, inspect, audit, or record records of any grain dealer licensed hereunder at the grain dealer's principal office or headquarters;

(8) Inspect at reasonable times any warehouse or storage facility where commodities are received, handled, conditioned, stored, or shipped, including all commodities stored therein and all books, documents, and records in order to determine whether or not such facility should be licensed pursuant to this chapter;

(9) Inspect at reasonable times any grain dealer's books, documents, and records in order to determine whether or not the grain dealer should be licensed under this chapter;

(10) Administer oaths and issue subpoenas to compel the attendance of witnesses, and/or the production of books, documents, and records anywhere in the state pursuant to a hearing relative to the purpose and provisions of this chapter. Witnesses shall be entitled to fees for attendance and travel, as provided in chapter 2.40 RCW;

(11) Adopt rules establishing inspection standards and procedures for grains and commodities;

(12) Adopt rules regarding the identification of commodities by the use of confetti or other similar means so that such commodities may be readily identified if stolen or removed in violation of the provisions of this chapter from a warehouse or if otherwise unlawfully transported;

~~((+2))~~ (13) Adopt all the necessary rules for carrying out the purpose and provisions of this chapter. The adoption of rules under the provisions of this chapter shall be subject to the provisions of chapter ~~((34.04))~~ 34.05 RCW, the Administrative Procedure Act. When adopting rules in respect to the provisions of this chapter, the director shall hold a public hearing and shall to the best of his ability consult with persons and organizations or interests who will be affected thereby, and any final rule adopted as a result of the hearing shall be designed to promote the provisions of this chapter and shall be reasonable and necessary and based upon needs and conditions of the industry, and shall be for the purpose of promoting the well-being of the industry to be regulated and the general welfare of the people of the state.

Sec. 46. Section 29, chapter 124, Laws of 1963 as last amended by section 43, chapter 305, Laws of 1983 and RCW 22.09.290 are each amended to read as follows:

(1) Every warehouse receipt issued for commodities covered by this chapter shall embody within its written or printed terms:

(a) The grade of the commodities (~~(received)~~) as (~~(established)~~) described by the official standards of this state, unless the identity of the commodity is in fact preserved in a special pile or special bin, and an identifying mark of such pile or bin shall appear on the face of the receipt and on the pile or bin. A commodity in a special pile or bin shall not be removed or relocated without canceling the outstanding receipt and issuing a new receipt showing the change;

(b) Such other terms and conditions as required by Article 7 of Title 62A RCW: PROVIDED, That nothing contained therein requires a receipt issued for wheat to specifically state the variety of wheat by name;

(c) A clause reserving for the warehouseman the optional right to terminate storage upon thirty days' written notice to the depositor and collect outstanding charges against any lot of commodities after June 30th following the date of the receipt.

(2) Warehouse receipts issued under the United States Warehouse Act (7 USCA § 241 et seq.) are deemed to fulfill the requirements of this chapter so far as it pertains to the issuance of warehouse receipts.

Sec. 47. Section 39, chapter 124, Laws of 1963 and RCW 22.09.720 are each amended to read as follows:

The grades and standards established by the United States department of agriculture as of (~~July 1, 1963~~) September 30, 1988, for all commodities included within the provisions of this chapter are hereby adopted as the grades and standards for such commodities in this state: PROVIDED, That the department is hereby authorized to adopt by regulation any new or future amendments to such federal grades and standards. The department is also authorized to issue regulations whether or not in accordance with the federal government and to prescribe therein grades and standards which it may deem suitable for (~~(such)~~) inspection of commodities(~~(-except hops)~~) in the state of Washington. In adopting any new or amendatory regulations the department shall give appropriate consideration, among other relevant factors, to the following:

(1) The usefulness of uniform federal and state grades;

(2) The common classifications given such commodities within the industry;

(3) The utility of various grades;

(4) The kind and type of grades requested by those dealing with the particular type of commodity; and

(5) The condition of the commodity with regard to its wholesomeness and purity.

Sec. 48. Section 40, chapter 124, Laws of 1963 and RCW 22.09.730 are each amended to read as follows:

Inspection (~~(and)~~) or grading of a lot (~~(or parcel)~~), partial lot, or sample of a commodity tendered for inspection (~~(and)~~) or grading under this chapter shall consist of taking and examining a representative sample thereof and making such tests as are necessary to determine its grade, condition, or other qualitative measurement. Commodities tendered for inspection must be offered and made accessible for sampling at inspection points during customary business hours.

(1) No inspector shall issue a certificate of grade, grading factors, condition, or other qualitative measurement for any commodity unless the inspection (~~(and)~~) or grading thereof be based upon a correct and representative sample of the commodity and the inspection is made under conditions which permit the determination of its true grade or quality, except as provided in subsections (2) and (3) of this section. No sample shall be deemed to be representative unless it is of the size and procured in accordance with the uniform methods prescribed by the department.

(2) An inspection may be made of a submitted sample (~~(or package)~~) of a commodity, provided that the certificate issued in such case clearly shows that the inspection (~~(and)~~) or grading covers only the submitted sample (~~(or package)~~) of such commodity and not the lot from which it (~~(was)~~) is purportedly drawn.

(3) When commodities are tendered for inspection in such a manner as to make the drawing of a representative sample impossible, a qualified inspection may be made. In such case, the certificate shall clearly show the condition preventing proper sampling such as heavily loaded (~~(box)~~) car, truck, barge, or other container, or other condition.

Sec. 49. Section 41, chapter 124, Laws of 1963 and RCW 22.09.740 are each amended to read as follows:

From all commodities inspected, samples may be drawn, which samples, unless returned by agreement to the applicant, shall become the property of the state and subject to disposition by the department. Upon (~~(prior)~~) request the department may transmit a portion of such samples to interested (~~(persons)~~) parties upon payment of a reasonable fee (~~(therefor)~~) set by regulation. Official state file samples shall be retained for (~~(a)~~) periods (of fifteen days) prescribed by state or federal regulation.

Sec. 50. Section 42, chapter 124, Laws of 1963 as amended by section 54, chapter 305, Laws of 1983 and RCW 22.09.750 are each amended to read as follows:

The department's inspectors shall, at terminal warehouses, have exclusive control of the weighing, inspecting, and grading of the commodities that are included within the provisions of this chapter (~~and~~); PROVIDED, That official supervision of weighing under the United States grain standards act shall be deemed in compliance with this section. The action and the certificates of the inspectors in the discharge of their duties, as to all commodities ((weighed or)) inspected or weighed by them, shall be accepted as prima facie evidence of the correctness of the above activity. ((However, an appeal may be taken as provided in RCW 22.09.780 to the director of the department. Suitable books and records shall be kept in which shall be entered a record of every carload, or cargo, or part of cargo of commodities inspected or weighed by them, showing the number and initial or other designation of the vehicle or boat containing the carload, or cargo, or part of cargo, its weight, the kind of commodity, and its grade, the reason for the grade if of inferior grade, the amount of the dockage, the amount of fees and forfeitures and disposition of them; and for each vehicle or cargo, or part of cargo, of commodity inspected, they shall give a certificate of inspection showing the kind and grade of the same and the reason for all grades established. They shall also keep a record of all appeals, decisions, and a complete record of every official act, which books and records shall be open to inspection by any party in interest. They shall also furnish the agent of the railroad company, or other carrier over which the commodity was shipped or carried, a report showing the weight thereof, if requested to do so)) Suitable books and records shall be maintained in which shall be entered a record of each inspection activity and the fees assessed and collected. These books and records shall be available for inspection by any party of interest during customary business hours. The records shall be maintained for periods set by regulation.

Sec. 51. Section 45, chapter 124, Laws of 1963 and RCW 22.09.780 are each amended to read as follows:

(1) In case any owner, consignee, or shipper of any commodity included under the provisions of this chapter, or his agent or broker, or any warehouseman shall be aggrieved at the grading of such commodity, ((such aggrieved)) the person may ((appeal to the department from such decision within fifteen)) request a reinspection or appeal inspection within three business days from the date of certificate ((by giving notice of appeal, and paying a fee to be fixed by the department, not exceeding twenty dollars, which shall be retained if the decision appealed is sustained, otherwise to be refunded. Such notice of appeal may be given by a letter or other written notice to the department stating the inspector's name, number of the certificate, date of inspection, and that such party appeals from such decision concerning such grade.

((2) it shall be the duty of the department upon receiving such notice of appeal to hold a hearing within twenty days and inquire into the reasonableness and correctness of such original grading and such evidence shall be received as the parties thereto may desire to offer. After such hearing the director of the department shall make such order affirming or modifying the grade so established by the inspector as the facts may justify)). The reinspection or appeal may be based in the official file sample or upon a new sample drawn from the lot of the grain or commodity if the lot remains intact and available for sampling. The reinspection or appeal inspection shall be of the same factors and scope as the original inspection.

(2) For commodities inspected under federal standards, the reinspection and appeal inspection procedure provided in the applicable federal regulations shall apply. For commodities inspected under state standards, the department shall provide a minimum of a reinspection and appeal inspection service. The reinspection shall consist of a full review of all relevant information and a reexamination of the commodity to determine the correctness of the grade assigned or other determination. The reinspection shall be performed by an authorized inspector of the department other than the inspector who performed the original inspection unless no other inspector is available. An appeal inspection shall be performed by a supervisory inspector.

(3) If the grading of any commodity for which federal standards have been fixed and the same adopted as official state standards has not been the subject of a hearing, in accordance with subsection (2) of this section, any interested party who is aggrieved with the grading of such commodity, may, with the approval of the secretary of the United States department of agriculture, appeal to the federal grain supervisor of the supervision district in which the state of Washington may be located. Such federal grain supervisor shall confer with the department inspectors and any other interested party and shall make such tests as he may deem necessary to determine the correct grade of the commodity in question. Such federal grade certificate shall be prima facie evidence of the correct grade of the commodity in any court in the state of Washington.

Sec. 52. Section 50, chapter 124, Laws of 1963 as amended by section 25, chapter 297, Laws of 1981 and RCW 22.09.830 are each amended to read as follows:

(1) All moneys collected as warehouse license fees, fees for weighing, grading, and inspecting commodities and all other fees collected under the provisions of this chapter, except as provided in subsection (2) of this section, shall be deposited ((into)) in the grain ((and hay)) inspection revolving fund, which is hereby established. The state treasurer is the custodian of the revolving fund. Disbursements from the revolving fund shall be on authorization of the

director of the department of agriculture. The revolving fund is subject to the allotment procedure provided in chapter 43.88 RCW, but no appropriation is required for disbursements from the fund. ((Such)) The fund shall be used for all expenses directly incurred by the commodity inspection division ((of grain and agricultural chemicals)) in carrying out the provisions of this chapter. The department may use so much of such fund not exceeding five percent thereof as the director of agriculture may determine necessary for research and promotional work, including rate studies, relating to wheat and wheat products.

(2) All fees collected for the inspection, grading, and testing of hops shall be deposited into the hop inspection fund, which is hereby established, and shall be retained by the department for the purpose of inspecting, grading, and testing hops. Any moneys in any fund retained by the department on July 1, 1963, and derived from hop inspection and grading shall be deposited to this hop inspection fund. For the purposes of research which would contribute to the development of superior hop varieties and to improve hop production and harvest practices, the department may expend up to twenty percent of the moneys deposited in the hop inspection fund during the fiscal year ending June 30th immediately preceding the year in which such expenditures are to be made. No expenditures shall be made under the provisions of this subsection when the hop inspection fund is, or the director may reasonably anticipate that it will be, reduced below twenty thousand dollars as the result of such expenditure or other necessary expenditures made to carry out the inspection, grading, and testing of hops.

Sec. 53. Section 15.24.010, chapter 11, Laws of 1961 as last amended by section 22, chapter 240, Laws of 1967 and RCW 15.24.010 are each amended to read as follows:

As used in this chapter:

(1) "Commission" means the Washington state apple advertising commission;

(2) "Ship" means to load apples into a conveyance for transport, except apples being moved from the orchard where grown to a packing house or warehouse within the immediate area of production;

(3) "Handler" means any person who ships or initiates a shipping operation, whether for himself or for another;

(4) "Dealer" means any person who handles, ships, buys, or sells apples, or who acts as sales or purchasing agent, broker, or factor of apples;

(5) "Processor" and "processing plant" means every person to whom and every place to which apples are delivered for drying, dehydrating, canning, pressing, powdering, extracting, cooking, or for use in producing a product or manufacturing a manufactured article;

(6) "Processing apples" means all apples delivered to a processing plant for drying, dehydrating, canning, pressing, powdering, extracting, cooking, or for use in producing a product or manufacturing a manufactured article;

(7) "Fresh apples" means all apples other than processing apples;

(8) "Director" means the director of the department of agriculture or his duly authorized representative;

(9) "Grower district No. 1" includes the counties of Chelan, Okanogan, and Douglas;

(10) "Grower district No. 2" includes the counties of Kittitas, Yakima, Benton, and Franklin;

(11) "Grower district No. 3" includes all counties in the state not included in the first and second districts; ((and))

(12) "Dealer district No. 1" includes the area of the state north of interstate 90;

(13) "Dealer district No. 2" includes the area of the state south of interstate 90; and

(14) "Executive officer" includes, but is not limited to, the principal management executive, sales manager, general manager, or other executive employee of similar responsibility and authority.

Sec. 54. Section 15.24.020, chapter 11, Laws of 1961 as last amended by section 23, chapter 240, Laws of 1967 and RCW 15.24.020 are each amended to read as follows:

There is hereby created a Washington state apple advertising commission to be thus known and designated. The commission shall be composed of nine practical apple producers and four practical apple dealers. The director shall be an ex officio member of the commission without vote.

The nine producer members shall be citizens and residents of this state, over the age of twenty-five years, each of whom, either individually or as an executive officer of a corporation, firm or partnership, is and has been actually engaged in growing and producing apples within the state of Washington for a period of five years, currently operates a commercial producing orchard in the district represented, and has during that period derived a substantial portion of his income therefrom: PROVIDED, That he may own and operate an apple warehouse and pack and store apples grown by others, without being disqualified, so long as a substantial quantity of the apples handled in such warehouse are grown by him; and he may sell apples grown by himself and others so long as he does not sell a larger quantity of apples grown by others than those grown by himself. The four dealer members shall be persons who, either individually or as executive officers of a corporation, firm, partnership, association, or cooperative organization, are and have been actively engaged as dealers in apples within the state of Washington for a period of five years, and are citizens and residents of this state,

and are engaged as apple dealers in the district represented. The qualifications of members of the commission as herein set forth must continue during their term of office.

Sec. 55. Section 15.24.030, chapter 11, Laws of 1961 as last amended by section 24, chapter 240, Laws of 1967 and RCW 15.24.030 are each amended to read as follows:

Thirteen persons with the qualifications stated in RCW 15.24.020 (~~as amended in section 29, chapter 240, Laws of 1967~~) shall be elected members of said commission. Four of the grower members, being positions one, two, three and four, shall be from grower district No. 1, at least one of whom shall be a resident of and engaged in growing and producing apples in Okanogan county; four of the grower members, being positions five, six, seven and eight, from grower district No. 2; and one grower member, being position nine from grower district No. 3. Two of the dealer members, being positions ten and eleven, shall be from dealer district No. 1; and two of the dealer members, being positions twelve and thirteen, shall be from dealer district No. 2.

The commission shall have authority in its discretion to establish by regulation one or more subdivisions of grower district No. 1 and one or more subdivisions of grower district No. 2; provided that each of the same includes a substantial apple producing district or districts, and provided the same does not result in an unfair or inequitable voting situation or an unfair or inequitable representation of apple growers on said commission. In such event each of said subdivisions shall be entitled to be represented by one of the said grower members of the commission, who shall be elected by vote of the qualified apple growers in said subdivision of said district, and who shall be a resident of and engaged in growing and producing apples in said subdivision.

The regular term of office of the members of the commission shall be three years from March 1 following their election and until their successors are elected and qualified. The commission shall hold its annual meeting during the month of March each year for the purpose of electing officers and the transaction of other business and shall hold such other meetings during the year as it shall determine.

Sec. 56. Section 15.24.040, chapter 11, Laws of 1961 as last amended by section 25, chapter 240, Laws of 1967 and RCW 15.24.040 are each amended to read as follows:

The director shall call a meeting of apple growers (~~in each of the three districts~~), and meetings of apple dealers in dealer district No. 1 and dealer district No. 2 for the purpose of nominating their respective members of the commission, when a term is about to expire, or when a vacancy exists, except as provided in RCW 15.24.050, as amended, at times and places to be fixed by the commission. Said meetings shall be held not later than February 15th of each year and insofar as practicable, the said meetings of the growers shall be held at the same time and place as the annual (~~state and district~~) meeting(~~s~~) of the Washington state horticultural association (~~and its affiliated clubs~~), or the annual meeting of any other producer organization which represents a majority of the state's apple producers, as determined by the commission, but not while the same (~~are~~) is in actual session. Public notice of such meetings shall be given by the commission in such manner as it may determine: PROVIDED, That nonreceipt of the notice by any interested person shall not invalidate the proceedings. Any qualified person may be nominated orally for such positions at the said respective meetings. Nominations may also be made within five days after any such meeting by written petition filed in the Wenatchee office of the commission, signed by not less than five apple growers or dealers, as the case may be, residing within the district or within the subdivision if the nomination is made from a subdivision.

The members of the commission shall be elected by secret mail ballot under the supervision of the director: PROVIDED, That in any case where there is but one nomination for a position, a secret mail ballot shall not be conducted or required and the director shall certify the candidate to be elected. Grower members of the commission shall be elected by a majority of the votes cast by the apple growers in the respective districts or subdivisions thereof, as the case may be, each grower who operates a commercial producing apple orchard within the district or subdivision being represented, whether an individual proprietor, partnership, joint venture, or corporation, being entitled to one vote. As to bona fide leased or rented orchards, only the lessee-operator, if otherwise qualified, shall be entitled to vote. An individual commercial orchard operator, if otherwise qualified, shall be entitled to vote as such, even though he is also a member of a partnership or corporation which votes for other apple acreage. Dealer members of the commission shall be elected by a majority of the votes cast by the apple dealers in the respective districts, each dealer being entitled to one vote. If a nominee does not receive a majority of the votes on the first ballot, a run-off election shall be held by mail in a similar manner between the two candidates for such position receiving the largest number of votes.

NEW SECTION. Sec. 57. A new section is added to chapter 15.58 RCW to read as follows:

The director of agriculture may adopt rules to allow the department of agriculture to take possession and dispose of canceled, suspended, or otherwise unusable pesticides held by persons licensed under chapter 15.58 RCW or regulated under chapter 17.21 RCW. For purposes of this section, the department may become licensed as a hazardous waste generator. The

department may set fees to cover expenses in connection with pesticide waste received from persons licensed under chapter 15.58 RCW.

NEW SECTION. Sec. 58. The following acts or parts of acts are each repealed:

- (1) Section 15.32.170, chapter 11, Laws of 1961 and RCW 15.32.170;
- (2) Section 15.32.180, chapter 11, Laws of 1961 and RCW 15.32.180;
- (3) Section 15.32.190, chapter 11, Laws of 1961 and RCW 15.32.190;
- (4) Section 15.32.200, chapter 11, Laws of 1961 and RCW 15.32.200;
- (5) Section 15.32.230, chapter 11, Laws of 1961 and RCW 15.32.230;
- (6) Section 15.32.240, chapter 11, Laws of 1961 and RCW 15.32.240;
- (7) Section 15.32.270, chapter 11, Laws of 1961 and RCW 15.32.270;
- (8) Section 15.32.280, chapter 11, Laws of 1961 and RCW 15.32.280;
- (9) Section 15.32.300, chapter 11, Laws of 1961 and RCW 15.32.300;
- (10) Section 15.32.310, chapter 11, Laws of 1961 and RCW 15.32.310;
- (11) Section 15.32.390, chapter 11, Laws of 1961, section 5, chapter 58, Laws of 1963 and RCW 15.32.390;
- (12) Section 15.32.400, chapter 11, Laws of 1961 and RCW 15.32.400;
- (13) Section 15.32.470, chapter 11, Laws of 1961 and RCW 15.32.470;
- (14) Section 15.32.480, chapter 11, Laws of 1961 and RCW 15.32.480;
- (15) Section 15.32.690, chapter 11, Laws of 1961 and RCW 15.32.690;
- (16) Section 15.32.692, chapter 11, Laws of 1961 and RCW 15.32.692;
- (17) Section 15.32.694, chapter 11, Laws of 1961 and RCW 15.32.694;
- (18) Section 15.32.698, chapter 11, Laws of 1961 and RCW 15.32.698;
- (19) Section 15.36.130, chapter 11, Laws of 1961, section 21, chapter 141, Laws of 1979 and RCW 15.36.130;
- (20) Section 15.36.290, chapter 11, Laws of 1961, section 4, chapter 297, Laws of 1981 and RCW 15.36.290;
- (21) Section 15.36.310, chapter 11, Laws of 1961 and RCW 15.36.310;
- (22) Section 15.36.450, chapter 11, Laws of 1961 and RCW 15.36.450;
- (23) Section 15.36.560, chapter 11, Laws of 1961, section 24, chapter 141, Laws of 1979 and RCW 15.36.560; and
- (24) Section 15.36.570, chapter 11, Laws of 1961 and RCW 15.36.570.

NEW SECTION. Sec. 59. Section 4, chapter 247, Laws of 1985 and RCW 15.86.040 are each repealed.

NEW SECTION. Sec. 60. Section 7, chapter 305, Laws of 1983 and RCW 20.01.600 are each repealed.

NEW SECTION. Sec. 61. Section 21, chapter 124, Laws of 1963, section 18, chapter 238, Laws of 1979 ex. sess., section 38, chapter 305, Laws of 1983 and RCW 22.09.700 are each repealed.

NEW SECTION. Sec. 62. A new section is added to chapter 1.20 RCW to read as follows: Agropyron spicatum, the species of natural grass commonly called "bluebunch wheatgrass," is hereby designated as the official grass of the state of Washington.

NEW SECTION. Sec. 63. A new section is added to chapter 1.20 RCW to read as follows:

The official fruit of the state of Washington is the apple.

NEW SECTION. Sec. 64. The county legislative authority of any county of the third class located east of the cascade crest and bordering on the southern side of the Snake river shall have the power to designate by an order made and published, as provided in section 66 of this act, certain territories as apiary coordinated areas in which they may designate the number of colonies per apiary, the distance between apiaries, the minimum required setback distance from property lines, and/or the time of year the regulations shall be in effect. No territory so designated shall be less than two square miles in area. All territory not so designated shall be unrestricted apiary areas.

NEW SECTION. Sec. 65. When the county legislative authority determines that it would be desirable to establish an apiary coordinated area or areas in their county, they shall make an order fixing a time and place when a hearing will be held, notice of which shall be published at least once each week for two successive weeks in a newspaper having general circulation within the county. It shall be the duty of the county legislative authority at the time fixed for such hearing, to hear all persons interested in the establishment of apiary restricted areas as defined in sections 64 through 68 of this act.

NEW SECTION. Sec. 66. Within thirty days after the conclusion of any such hearing the county legislative authority shall make an order describing the apiary coordinated areas within the county as to the maximum allowable number of hives per site, the minimum allowable distance between sites, and the minimum required setback from property lines. The order shall be entered upon the records of the county and published in a newspaper having general circulation in the county at least once each week for four successive weeks.

NEW SECTION. Sec. 67. Any person, or any agent, employee, or representative of a corporation, violating any of the provisions of such order after the order has been published or posted as provided in section 66 of this act, or violating any provision of this chapter, shall be guilty of a misdemeanor.

NEW SECTION. Sec. 68. When the county legislative authority of any county deems it advisable to change the boundary or boundaries of any apiary coordinated area, a hearing shall be held in the same manner as provided in section 65 of this act. If the county legislative authority decides to change the boundary or boundaries of any apiary coordinated area or areas, they shall within thirty days after the conclusion of such hearing make an order describing the change or changes. Such order shall be entered upon the records of the county and published in a newspaper having general circulation in the county once each week for four successive weeks.

NEW SECTION. Sec. 69. Sections 64 through 68 of this act are each added to chapter 15.60 RCW.

NEW SECTION. Sec. 70. The purpose of this chapter is to provide uniformity and consistency in the packaging of agricultural, vegetable, and flower seeds so as to facilitate the interstate movement of seed, to protect consumers, and to provide a dispute-resolution process. The department of agriculture is hereby authorized to adopt rules in accordance with chapter 34.05 RCW to implement this chapter. To the extent possible, the department shall seek to incorporate into the rules provisions from the recommended uniform state seed law in order to attain consistency with other states.

NEW SECTION. Sec. 71. (1) The department shall establish by rule standards and label requirements for the following seed types: Agricultural seed (including grass, lawn, and turf seed), flower seed, and vegetable seed.

(2) The standards and label requirements shall be divided into the following categories:

(a) Percentage of kind and variety of each seed component present; and

(b) Percentage of weed seed (restricted and common).

(3) The standards and label requirements developed by the department shall at a minimum include:

(a) Amount of inert material;

(b) Specifics and warning for treated seed;

(c) Specifics for coated seed;

(d) Specifics and duration for inoculated seed;

(e) Specifics for seed which is below standard;

(f) Specifics for seed contained in containers, mats, tapes, or other planting devices;

(g) Specifics for seed sold in bulk;

(h) Specifics for hybrid seed; and

(i) Specifics for seed mixtures.

NEW SECTION. Sec. 72. In addition to the requirements contained in section 71 of this act, each seed label shall contain the following:

(1) The name and address of the person who labeled the seed and who sells, offers, or exposes the seed for sale within the state;

(2) Lot number identification;

(3) Seed origin;

(4) Germination rate and date of germination test or the year for which the seed was packaged for sale.

NEW SECTION. Sec. 73. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Advertisement" means all representations, other than those on the label, disseminated in any manner or by any means, relating to seed within the scope of this chapter.

(2) "Agricultural seed" includes grass, forage, cereal, oil, fiber, and other kinds of crop seeds commonly recognized within this state as agricultural seeds, lawn seeds, and combinations of such seeds, and may include common and restricted noxious weed seeds but not prohibited noxious weed seeds.

(3) "Blend" means seed consisting of more than one variety of a kind, each in excess of five percent by weight of the whole.

(4) "Bulk seed" means seed distributed in a nonpackage form.

(5) "Certifying agency" means (a) an agency authorized under the laws of any state, territory, or possession to certify seed officially and which has standards and procedures approved by the United States secretary of agriculture to assure the genetic purity and identity of the seed certified; or (b) an agency of a foreign country determined by the United States secretary of agriculture to adhere to procedures and standards for seed certification comparable to those adhered to generally by seed-certifying agencies under (a) of this subsection.

(6) "Conditioning" means drying, cleaning, scarifying, and other operations that could change the purity or germination of the seed and require the seed lot to be retested to determine the label information.

(7) "Dealer" means any person who distributes.

(8) "Department" means the department of agriculture of the state of Washington or its duly authorized representative.

(9) "Director" means the director of the department of agriculture.

(10) "Distribute" means to import, consign, offer for sale, hold for sale, sell, barter, or otherwise supply seed in this state.

(11) "Flower seeds" includes seeds of herbaceous plants grown from their blooms, ornamental foliage, or other ornamental parts, and commonly known and sold under the name of flower seeds in this state.

(12) The terms "foundation seed," "registered seed," and "certified seed" mean seed that has been produced and labeled in compliance with the regulations of the department.

(13) "Germination" means the emergence and development from the seed embryo of those essential structures which, for the kind of seed in question, are indicative of the ability to produce a normal plant under favorable conditions.

(14) "Hard seeds" means seeds that remain hard at the end of the prescribed test period because they have not absorbed water due to an impermeable seed coat.

(15) "Hybrid" means the first generation seed of a cross produced by controlling the pollination and by combining (a) two or more inbred lines; (b) one inbred or a single cross with an open pollinated variety; or (c) two varieties or species, except open-pollinated varieties of corn (*Zea mays*). The second generation or subsequent generations from such crosses shall not be regarded as hybrids. Hybrid designations shall be treated as variety names.

(16) "Inert matter" means all matter not seed, that includes broken seeds, sterile florets, chaff, fungus bodies, and stones as determined by methods defined by rule.

(17) "Kind" means one or more related species or subspecies that singly or collectively is known by one common name, for example, corn, oats, alfalfa, and timothy.

(18) "Label" includes a tag or other device attached to or written, stamped, or printed on any container or accompanying any lot of bulk seeds purporting to set forth the information required on the seed label by this chapter, and it may include any other information relating to the labeled seed.

(19) "Lot" means a definite quantity of seed identified by a lot number or other mark, every portion or bag of which is uniform within recognized tolerances for the factors that appear in the labeling.

(20) "Lot number" shall identify the producer or dealer and year of production or the year distributed for each lot of seed. This requirement may be satisfied by use of a conditioner's or dealer's code.

(21) "Master license system" means the mechanism established by chapter 19.02 RCW by which master licenses, endorsed for individual state-issued licenses, are issued and renewed using a master application and a master license expiration date common to each renewable license endorsement.

(22) "Mixture," "mix," or "mixed" means seed consisting of more than one kind, each in excess of five percent by weight of the whole.

(23) "Official sample" means any sample of seed taken and designated as official by the department.

(24) "Other crop seed" means seed of plants grown as crops, other than the kind or variety included in the pure seed, as determined by methods defined by rule.

(25) "Prohibited (primary) noxious weed seeds" are the seeds of weeds which when established are highly destructive, competitive, and/or difficult to control by cultural or chemical practices.

(26) "Person" means an individual, partnership, corporation, company, association, receiver, trustee, or agent.

(27) "Pure live seed" means the product of the percent of germination plus hard or dormant seed multiplied by the percent of pure seed divided by one hundred. The result is expressed as a whole number.

(28) "Pure seed" means seed exclusive of inert matter and all other seeds not of the seed being considered as determined by methods defined by rule.

(29) "Restricted (secondary) noxious weed seeds" are the seeds of weeds which are objectionable in fields, lawns, and gardens of this state, but which can be controlled by cultural or chemical practices.

(30) "Retail" means to distribute to the ultimate consumer.

(31) "Screenings" mean chaff, seed, weed seed, inert matter, and other materials removed from seed in cleaning or conditioning.

(32) "Seed labeling registrant" means a person who has obtained a permit to label seed for distribution in this state.

(33) "Seeds" mean agricultural or vegetable seeds or other seeds as determined by rules adopted by the department.

(34) "Stop sale, use, or removal order" means an administrative order restraining the sale, use, disposition, and movement of a specific amount of seed.

(35) "Treated" means that the seed has received an application of a substance, or that it has been subjected to a process for which a claim is made.

(36) "Type" means a group of varieties so nearly similar that the individual varieties cannot be clearly differentiated except under special conditions.

(37) "Variety" means a subdivision of a kind that is distinct, uniform, and stable; "distinct" in the sense that the variety can be differentiated by one or more identifiable morphological, physiological, or other characteristics from all other varieties of public knowledge; "uniform" in

the sense that variations in essential and distinctive characteristics are describable; and "stable" in the sense that the variety will remain unchanged in its essential and distinctive characteristics and its uniformity when reproduced or reconstituted as required by the different categories of varieties.

(38) "Vegetable seeds" includes the seeds of those crops that are grown in gardens and on truck farms and are generally known and sold under the name of vegetable or herb seeds in this state.

(39) "Weed seeds" include the seeds of all plants generally recognized as weeds within this state, and includes the seeds of prohibited and restricted noxious weeds as determined by regulations adopted by the department.

(40) "Inoculant" means a commercial preparation containing nitrogen fixing bacteria applied to the seed.

(41) "Coated seed" means seed that has been treated and has received an application of inert material during the treatment process.

NEW SECTION, Sec. 74. (1) It is a class 1 civil infraction under chapter 7.80 RCW for any person to violate any provision of this chapter or any rule adopted by the department or the director to carry out this chapter.

(2) It is a class 1 civil infraction under chapter 7.80 RCW for any person to engage in the conditioning of seed, entered by growers for certification, without first having obtained a seed conditioning permit from the department.

NEW SECTION, Sec. 75. (1) It is unlawful for any person to sell, offer for sale, expose for sale, or transport for sale any agricultural, vegetable, or flower seeds within this state unless the test to determine the percentage of germination is completed within a fifteen-month period prior to sale, provided that germination tests for seed packaged in hermetically sealed containers shall be completed within thirty-six months prior to sale. The department shall establish rules for allowing retesting.

(2) It is unlawful for any person to sell, offer for sale, expose for sale, or transport for sale any agricultural, vegetable, or flower seed within this state not labeled in accordance with this chapter or having false or misleading labeling or for which there has been false or misleading advertisement.

(3) It is unlawful to represent seed to be certified unless it has been determined by a seed-certifying agency that such seed conformed to standards of purity and identity or variety in compliance with the rules adopted under this chapter.

(4) It is unlawful to attach any tags of similar size and format to the official certification tag that could be mistaken for the official certification tag.

(5) It is unlawful for any person to sell, offer for sale, expose for sale, or transport for sale any agricultural, vegetable, or flower seed within this state labeled with a variety name but not certified by an official seed-certifying agency when it is a variety for which a United States certification of plant variety protection under the plant variety protection act (7 U.S.C. Sec. 2321 et seq.) specifies sale only as a class of certified seed: PROVIDED, That seed from a certified lot may be labeled as to variety name when used in a mixture by, or with the approval of, the owner of the variety.

(6) It is unlawful for any person within this state:

(a) To detach, alter, deface, or destroy any label required by this chapter or its implementing rules or to alter or substitute seed in a manner that may defeat the purpose of this chapter;

(b) To disseminate any false or misleading advertisements concerning seeds subject to this chapter in any manner or by any means;

(c) To hinder or obstruct in any way, any authorized person in the performance of his or her duties under this chapter;

(d) To fail to comply with a "stop sale" order or to move or otherwise handle or dispose of any lot of seed held under a "stop sale" order or tags attached thereto, except with express permission of the enforcing officer, and for the purpose specified thereby;

(e) To use the word "trace" as a substitute for any statement that is required; and

(f) To use the word "type" in any labeling in connection with the name of any agricultural seed variety.

(7) It is unlawful for any person to sell, offer for sale, expose for sale, or transport for sale any agricultural, vegetable, or flower seed within this state that consists of or contains: (a) Prohibited noxious weed seeds; or (b) restricted noxious weed seeds in excess of the number declared on the label.

NEW SECTION, Sec. 76. (1) The provisions of sections 71 through 75 of this act do not apply:

(a) To seed or grain not intended for sowing purposes;

(b) To seed in storage by, or being transported or consigned to a conditioning establishment for conditioning if the invoice or labeling accompanying the shipment of such seed bears the statement "seeds for conditioning" and if any labeling or other representation that may be made with respect to the unconditioned seed is subject to this chapter;

(c) To any carrier with respect to any seed transported or delivered for transportation in the ordinary course of its business as a carrier if the carrier is not engaged in producing, conditioning, or marketing seeds subject to this chapter; or

(d) Seed stored or transported by the grower of the seed.

(2) No person may be subject to the penalties of this chapter for having sold or offered for sale seeds subject to this chapter that were incorrectly labeled or represented as to kind, species, variety, or type, which seeds cannot be identified by examination thereof, unless he or she has failed to obtain an invoice, genuine grower's declaration, or other labeling information and to take such other precautions as may be reasonable to ensure the identity to be that stated. A genuine grower's declaration of variety shall affirm that the grower holds records of proof concerning parent seed, such as invoice and labels.

NEW SECTION, Sec. 77. (1) When a buyer is damaged by the failure of any seed covered by this chapter to produce or perform as represented by the required label, by warranty, or as a result of negligence, the buyer, as a prerequisite to maintaining a legal action against the dealer of such seed, shall have first provided for the arbitration of the claim. Any statutory period of limitations with respect to such claim shall be tolled from the date arbitration proceedings are instituted until ten days after the date on which the arbitration award becomes final.

(2) Similarly, no such claim may be asserted as a counterclaim or defense in any action brought by a dealer against a buyer until the buyer has first provided for arbitration of the claim. Upon the buyer's filing of a written notice of intention to assert such a claim as a counterclaim or defense in the action accompanied by a copy of the buyer's complaint in arbitration filed as provided in this chapter, the action shall be stayed, and any applicable statute of limitations shall be tolled with respect to such claim from the date arbitration proceedings are instituted until ten days after the arbitration award becomes final.

(3) Conspicuous language calling attention to the requirement for arbitration under this section shall be referenced or included on the analysis label required under sections 71 through 80 of this act.

(4) If the parties agree to submit the claim to arbitration and to be bound by the arbitration award, then the arbitration shall be subject to chapter 7.04 RCW, and sections 78 through 81 of this act will not apply to the arbitration. If the parties do not so agree, then the buyer may provide for mandatory arbitration by the arbitration committee under sections 78 through 81 of this act. An award rendered in such mandatory arbitration shall not be binding upon the parties and any trial on any claim so arbitrated shall be de novo.

(5) This section applies only to claims, or counterclaims, where the relief sought is, or includes, a monetary amount in excess of two thousand dollars. All claims for two thousand dollars or less shall be commenced in either district court or small claims court.

NEW SECTION, Sec. 78. The director shall adopt rules, in conformance with chapter 34.05 RCW, providing for mandatory arbitration under this chapter and governing the proceedings of the arbitration committee. The decisions and proceedings of the arbitration committee shall not be subject to chapter 34.05 RCW. The department shall establish by rule a filing fee to cover the administrative costs of processing a complaint and submitting it to the arbitration committee.

NEW SECTION, Sec. 79. (1) To submit a claim to mandatory arbitration, the buyer shall make and file with the department a sworn complaint against the dealer alleging the damages sustained. The buyer shall send a copy of the complaint to the dealer by United States registered mail. The filing fee shall be submitted to the department with each complaint filed and may be recovered from the dealer or other seller upon recommendations of the arbitration committee.

(2) Within twenty days after receipt of a copy of the complaint, the dealer shall file with the department, by United States registered mail, the answer to the complaint. Failure of a dealer to file a timely answer to the complaint shall be so documented for the record.

(3) The director shall, upon receipt of the answer, refer the complaint and answer to the arbitration committee for investigation, findings, and recommendations.

(4) Any dealer may request an investigation by the arbitration committee for any dispute involving seed which may not otherwise be before the arbitration committee.

NEW SECTION, Sec. 80. (1) Upon referral of a complaint for investigation, the arbitration committee shall make a prompt and full investigation of the matters complained of and report its award to the director within sixty days of such referral or such later date as parties may determine or as may be required in subsection (3) of this section.

(2) The report of the arbitration committee shall include, in addition to its award, recommendations as to costs, if any.

(3) In the course of its investigation, the arbitration committee may examine the buyer and the dealer on all matters that the arbitration committee may consider relevant; may grow a representative sample of the seed referred to in the complaint if considered necessary; and may hold informal hearings at such time and place as the committee chairman may direct

upon reasonable notice to all parties. If the committee decides to grow a representative sample of the seed, the sixty-day period identified in this section shall be extended an additional thirty days.

(4) After the committee has made its award, the director shall promptly transmit the report by certified mail to all parties.

NEW SECTION. Sec. 81. (1) The director shall create an arbitration committee composed of five members, including the director, or a department employee designated by the director, and four members appointed by the director. The director shall make appointments so that the committee is balanced and does not favor the interests of either buyers or dealers. The director also shall appoint four alternates to the committee. In making appointments the director, to the extent practical, shall seek the recommendations of each of the following:

(a) The dean of the college of agriculture and home economics at Washington State University;

(b) The chief officer of an organization in this state representing the interests of seed dealers;

(c) The chief officer of an agriculture organization in this state as the director may determine to be appropriate; and

(d) The president of an agricultural organization in this state representing persons who purchase seed.

(2) Each alternate member shall serve only in the absence of the member for whom the person is an alternate.

(3) The committee shall elect a chairman and a secretary from its membership. The chairman shall conduct meetings and deliberations of the committee and direct all of its other activities. The secretary shall keep accurate records of all such meetings and deliberations and perform such other duties for the commission as the chairman may direct.

(4) The purpose of the committee is to conduct arbitration as provided in this chapter. The committee may be called into session by or at the direction of the director or upon direction of its chairman to consider matters referred to it by the director in accordance with this chapter.

(5) The members of the committee shall receive no compensation for performing their duties but shall be reimbursed for travel expenses; expense reimbursement shall be borne equally by the parties to the arbitration.

(6) For purposes of this chapter, a quorum of four members or their alternates is necessary to conduct an arbitration investigation or to make an award. If a quorum is present, a simple majority of members present shall be sufficient to make a decision. Any member disagreeing with the award may prepare a dissenting opinion and such opinion also will be included in the committee's report.

(7) The director shall make provisions for staff support, including legal advice, as the committee finds necessary.

NEW SECTION. Sec. 82. The director shall have the authority under this chapter to issue and enforce civil infractions according to chapter 7.80 RCW.

Sec. 83. Section 1, chapter 83, Laws of 1961 as amended by section 19, chapter 3, Laws of 1983 and RCW 15.14.010 are each amended to read as follows:

For the purpose of this chapter:

(1) "Department" means the department of agriculture of the state of Washington.

(2) "Director" means the director of the department or his duly appointed representative.

(3) "Person" means a natural person, individual, or firm, partnership, corporation, company, society and association and every officer, agent or employee thereof. This term shall import either the singular or plural, as the case may be.

(4) "Plant pests" means, but is not limited to, any living stage of any insects, mites, nematodes, slugs, snails, protozoa, or other invertebrate animals, bacteria, fungi, other parasitic plants or reproductive parts thereof, viruses or any organisms similar to or allied with any of the foregoing, or any infectious substance, which can directly or indirectly injure or cause disease or damage to any plant or parts thereof, or any processed, manufactured, or other products of plants.

(5) "Plant propagating stock" hereinafter referred to as "planting stock" includes any propagating materials used for the production or processing of horticultural, floricultural, viticultural or oleiferous plants for the purpose of being sold, offered for sale or exposed for sale for planting or reproduction purposes: PROVIDED, That it shall not include agricultural and vegetable seeds as defined in (~~RCW 15.49.050 and 15.49.060~~) section 73 of this act.

(6) "Certified plant stock" means the progeny of foundation, registered or certified plant stock if designated foundation and plant propagating materials that are so handled as to maintain satisfactory genetic identity and purity and have met certification standards required by this chapter and have been approved and certified by the director.

(7) "Foundation planting stock" means plant stock propagating materials that are increased from breeder or designated plant stock and are so handled as to most nearly maintain specific genetic identity and purity. Foundation plant stock, established by designation shall be that plant stock so designated by the director.

(8) "Breeder planting stock" means plant propagating materials directly controlled by the originating or in certain cases the sponsoring plant breeder or institution, which may include the department and which provides the source of the foundation plant stock.

(9) "Registered planting stock" means the progeny of foundation or registered planting stock or plant propagating material that is so handled as to maintain satisfactory genetic identity and purity and that has been approved and certified by the director. This class of planting stock shall be of a quality suitable for the production of certified planting stock.

NEW SECTION. Sec. 84. The following acts or parts of acts are each repealed:

- (1) Section 1, chapter 63, Laws of 1969 and RCW 15.49.010;
- (2) Section 2, chapter 63, Laws of 1969 and RCW 15.49.020;
- (3) Section 3, chapter 63, Laws of 1969 and RCW 15.49.030;
- (4) Section 23, chapter 182, Laws of 1982 and RCW 15.49.035;
- (5) Section 4, chapter 63, Laws of 1969 and RCW 15.49.040;
- (6) Section 5, chapter 63, Laws of 1969 and RCW 15.49.050;
- (7) Section 6, chapter 63, Laws of 1969 and RCW 15.49.060;
- (8) Section 7, chapter 63, Laws of 1969 and RCW 15.49.070;
- (9) Section 8, chapter 63, Laws of 1969 and RCW 15.49.080;
- (10) Section 9, chapter 63, Laws of 1969 and RCW 15.49.090;
- (11) Section 10, chapter 63, Laws of 1969 and RCW 15.49.100;
- (12) Section 11, chapter 63, Laws of 1969 and RCW 15.49.110;
- (13) Section 12, chapter 63, Laws of 1969 and RCW 15.49.120;
- (14) Section 13, chapter 63, Laws of 1969 and RCW 15.49.130;
- (15) Section 14, chapter 63, Laws of 1969 and RCW 15.49.140;
- (16) Section 15, chapter 63, Laws of 1969 and RCW 15.49.150;
- (17) Section 16, chapter 63, Laws of 1969 and RCW 15.49.160;
- (18) Section 17, chapter 63, Laws of 1969 and RCW 15.49.170;
- (19) Section 18, chapter 63, Laws of 1969 and RCW 15.49.180;
- (20) Section 19, chapter 63, Laws of 1969 and RCW 15.49.190;
- (21) Section 20, chapter 63, Laws of 1969 and RCW 15.49.200;
- (22) Section 21, chapter 63, Laws of 1969 and RCW 15.49.210;
- (23) Section 22, chapter 63, Laws of 1969, section 6, chapter 297, Laws of 1981 and RCW 15.49.220;
- (24) Section 23, chapter 63, Laws of 1969 and RCW 15.49.230;
- (25) Section 24, chapter 63, Laws of 1969 and RCW 15.49.240;
- (26) Section 25, chapter 63, Laws of 1969, section 2, chapter 26, Laws of 1977 ex. sess. and RCW 15.49.250;
- (27) Section 26, chapter 63, Laws of 1969 and RCW 15.49.260;
- (28) Section 27, chapter 63, Laws of 1969 and RCW 15.49.270;
- (29) Section 28, chapter 63, Laws of 1969, section 7, chapter 297, Laws of 1981 and RCW 15.49.280;
- (30) Section 29, chapter 63, Laws of 1969, section 8, chapter 297, Laws of 1981 and RCW 15.49.290;
- (31) Section 30, chapter 63, Laws of 1969 and RCW 15.49.300;
- (32) Section 32, chapter 63, Laws of 1969, section 10, chapter 297, Laws of 1981 and RCW 15.49.320;
- (33) Section 34, chapter 63, Laws of 1969, section 3, chapter 26, Laws of 1977 ex. sess., section 12, chapter 297, Laws of 1981 and RCW 15.49.340;
- (34) Section 43, chapter 63, Laws of 1969 and RCW 15.49.430;
- (35) Section 44, chapter 63, Laws of 1969 and RCW 15.49.440; and
- (36) Section 45, chapter 63, Laws of 1969 and RCW 15.49.450.

NEW SECTION. Sec. 85. Sections 70 through 82 of this act are each added to chapter 15.49 RCW.

NEW SECTION. Sec. 86. Section 30 of this act shall take effect on January 1, 1991.

NEW SECTION. Sec. 87. Sections 70 through 85 of this act shall take effect January 1, 1990.

NEW SECTION. Sec. 88. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 1 of the title, after "agriculture;" strike the remainder of the title and insert "amending RCW 15.32.010, 15.32.051, 15.32.080, 15.32.100, 15.32.140, 15.32.220, 15.32.420, 15.32.500, 15.32.510, 15.32.520, 15.32.530, 15.32.570, 15.36.011, 15.36.020, 15.36.060, 15.36.080, 15.36.110, 15.36.115, 15.36.300, 15.36.425, 15.36.460, 15.36.470, 15.36.520, 15.36.540, 15.36.550, 15.36.580, 15.28.010, 15.28.160, 15.65.510, 15.86.030, 15.86.020, 15.86.070, 16.36.110, 19.94.190, 20.01.010, 20.01.030, 20.01.040, 20.01.330, 20.01.370, 20.01.380, 20.01.460, 22.09.011, 22.09.020, 22.09.290, 22.09.720, 22.09.730, 22.09.740, 22.09.750, 22.09.780, 22.09.830, 15.24.010, 15.24.020, 15.24.030, 15.24.040, and 15.14.010; adding new sections to chapter 15.86 RCW; adding a new section to chapter 15.58 RCW; adding new sections to chapter 1.20 RCW; adding new sections to chapter 15.60 RCW; adding new sections to chapter 15.49 RCW; creating new sections; repealing RCW 15.32.170, 15.32.180, 15.32.190, 15.32.200, 15.32.230, 15.32.240, 15.32.270, 15.32.280, 15.32.300,

15.32.310, 15.32.390, 15.32.400, 15.32.470, 15.32.480, 15.32.690, 15.32.692, 15.32.694, 15.32.698, 15.36.130, 15.36.290, 15.36.310, 15.36.450, 15.36.560, 15.36.570, 15.86.040, 20.01.600, 22.09.700, 15.49.010, 15.49.020, 15.49.030, 15.49.035, 15.49.040, 15.49.050, 15.49.060, 15.49.070, 15.49.080, 15.49.090, 15.49.100, 15.49.110, 15.49.120, 15.49.130, 15.49.140, 15.49.150, 15.49.160, 15.49.170, 15.49.180, 15.49.190, 15.49.200, 15.49.210, 15.49.220, 15.49.230, 15.49.240, 15.49.250, 15.49.260, 15.49.270, 15.49.280, 15.49.290, 15.49.300, 15.49.320, 15.49.340, 15.49.430, 15.49.440, and 15.49.450; providing effective dates; and prescribing penalties."

Further amend the Committee on Agriculture and Rural Development amendment as follows:

On page 21, after line 11 of the Committee on Agriculture and Rural Development Amendment, insert the following:

"(4) No out-of-state products shall be labelled or sold as organic without having first received an organic certification in the state of origin meeting all requirements established under this chapter."

On page 53, beginning on line 32 of the Committee on Agriculture and Rural Development Amendment, after "area," strike all material through "areas," on line 33

On page 54, line 9 of the Committee on Agriculture and Rural Development Amendment, after "apiary" strike "restricted" and insert "coordinated"

On page 59, after line 34 of the Committee on Agriculture and Rural Development Amendment, strike all material through "department," on page 60, line 6 and insert the following:

NEW SECTION. Sec. 74. Every person who fails to comply with this chapter or the rules adopted under it may be subjected to a civil penalty, as determined by the director, in an amount of not more than two thousand dollars for every such violation. Each and every such violation shall be a separate and distinct offense."

On page 65, after line 25 of the Committee on Agriculture and Rural Development Amendment, strike all material through "7.80 RCW," on line 28

Renumber remaining sections consecutively and correct any internal references accordingly.

On page 65, after line 25 of the Committee on Agriculture and Rural Development Amendment, insert the following:

NEW SECTION. Sec. 82. A new section is added to chapter 15.04 RCW to read as follows:

(1) The director shall conduct a study to recommend a resolution of the agricultural products clear title issue and to accomplish the following goals:

(a) Assure that any resolution of the issues involved does not require further expenditures by the state of Washington;

(b) Assure that any resolution, so far as possible, serves the respective interests of holders of security interests in crops, of buyers of farm products, and of creditors;

(c) Formulate such recommendations to the president of the United States and the congress of the United States as may be deemed useful to resolve these issues; and

(d) Provide adequate opportunity for public comment on the progress of the study and the formulation of its recommendations.

(2) The director shall report his or her findings and recommendations to the legislature at the regular session held in 1990 after which the study shall be terminated.

NEW SECTION. Sec. 83. The sum of forty thousand dollars or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the general fund to the department of agriculture solely to carry out the purposes of section 82 of this act."

Renumber remaining sections consecutively and correct any internal references accordingly.

On page 69, line 12 of the Committee on Agriculture and Rural Development title amendment, after "15.49 RCW," insert "adding a new section to chapter 15.04 RCW;"

On page 69, line 23 of the Committee on Agriculture and Rural Development title amendment, after "15.49.450;" insert "making an appropriation;"

Signed by Senators Barr, Newhouse, Madsen: Representatives Rayburn, Grant, Nealey.

MOTION

On motion of Senator Nelson, the Report of the Conference Committee on Substitute Senate Bill No. 5686 was adopted and the committee was granted the powers of Free Conference.

REPORT OF CONFERENCE COMMITTEE

RE: HB 1354

Continuing the interagency committee for outdoor recreation.

April 21, 1989

Mr. President:

Mr. Speaker:

We of your Conference Committee to whom the above measure was referred, have had the same under consideration and we report that we are unable to agree and we respectfully request the powers of Free Conference in order to amend the measure as follows:

(1) That the Senate amendment to page 3, beginning on line 11, which was adopted on April 3, 1989, and the accompanying title amendment be rejected; and

(2) That the following amendment be adopted:

On page 3, line 27, after "governor," insert:

"The governor shall select the director from a list of three candidates submitted by the committee. However, the governor may request and the committee shall provide an additional list or lists from which the governor may select the director. The lists compiled by the committee shall not be subject to public disclosure."

Signed by Senators Sellar, Kreidler: Representatives Fraser, Anderson, McLean.

MOTION

On motion of Senator Nelson, the Report of the Conference Committee on House Bill No. 1354 was adopted and the committee was granted the powers of Free Conference.

MOTION

Senator Newhouse moved that the twenty-four hour rule be suspended on reading of the Conference and Free Conference Committee Reports on Substitute Senate Bill No. 5241, Senate Bill No. 5926, Engrossed Substitute House Bill No. 1635, Engrossed Substitute House Bill No. 2137, House Bill No. 1478 and Engrossed Second Substitute House Bill No. 1793.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Newhouse to suspend the twenty-four hour rule on reading of the Conference and Free Conference Committee Reports on Substitute Senate Bill No. 5241, Senate Bill No. 5926, Engrossed Substitute House Bill No. 1635, Engrossed Substitute House Bill No. 2137, House Bill No. 1478 and Engrossed Second Substitute House Bill No. 1793.

The motion by Senator Newhouse carried and the twenty-four hour rule was suspended on the reading of Conference and Free Conference Committee Reports on Substitute Senate Bill No. 5214, Senate Bill No. 5926, Engrossed Substitute House Bill No. 1635, Engrossed Substitute House Bill No. 2137 and Engrossed Second Substitute House Bill No. 1793.

SECOND REPORT OF CONFERENCE COMMITTEE

RE: E2SHB 1793

Creating the Omnibus Alcohol and Controlled Substance Act of 1989.

April 22, 1989

Mr. President:

Mr. Speaker:

We of your Second Conference Committee to whom the above measure was referred, have had the same under consideration and we report that we are unable to agree and we respectfully request the powers of Free Conference in order to amend the measure as follows:

(1) That the Senate Committee on Ways and Means amendment adopted, as amended, on March 29, 1989, be rejected, and

(2) That the following amendment be adopted:

Strike everything after the enacting clause and insert the following:

"INDEX

Part I. Criminal Penalties

A. Crimes and Penalties

B. Juvenile Offenders Structured Residential Program

C. Juvenile Driver's License Revocation

Part II. Prevention, Investigation, and Procedure

A. One-Party Consent

B. Monitoring of Inmate Telephone Calls

- C. Property Forfeiture
- D. Off-Limits Orders
- E. Drug Site Cleanup
- F. Keg Registration
- G. Special Narcotics Enforcement Unit
- H. State-wide Drug Prosecution Assistance Program
- I. Neighborhood Blight
- J. School Official Searches of Student Lockers
- Part III. Social Programs and Education
 - A. Involuntary Treatment
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PART I
CRIMINAL PENALTIES
SUBPART A
CRIMES AND PENALTIES

Sec. 101. Section 2, chapter 115, Laws of 1983 as last amended by section 1, chapter 218, Laws of 1988 and RCW 9.94A.310 are each amended to read as follows:

(1) TABLE I
Sentencing Grid

SERIOUSNESS SCORE	OFFENDER SCORE									
	0	1	2	3	4	5	6	7	8	9 or more
XIV	Life Sentence without Parole/Death Penalty									
XIII	23y4m 240- 320	24y4m 250- 333	25y4m 261- 347	26y4m 271- 361	27y4m 281- 374	28y4m 291- 388	30y4m 312- 416	32y10m 338- 450	36y 370- 493	40y 411- 548
XII	12y 123- 164	13y 134- 178	14y 144- 192	15y 154- 205	16y 165- 219	17y 175- 233	19y 195- 260	21y 216- 288	25y 257- 342	29y 298- 397
XI	6y 62- 82	6y9m 69- 92	7y6m 77- 102	8y3m 85- 113	9y 93- 123	9y9m 100- 133	12y6m 129- 171	13y6m 139- 185	15y6m 159- 212	17y6m 180- 240
X	5y 51- 68	5y6m 57- 75	6y 62- 82	6y6m 67- 89	7y 72- 96	7y6m 77- 102	9y6m 98- 130	10y6m 108- 144	12y6m 129- 171	14y6m 149- 198
IX	3y 31- 41	3y6m 36- 48	4y 41- 54	4y6m 46- 61	5y 51- 68	5y6m 57- 75	7y6m 77- 102	8y6m 87- 116	10y6m 108- 144	12y6m 129- 171
VIII	2y 21- 27	2y6m 26- 34	3y 31- 41	3y6m 36- 48	4y 41- 54	4y6m 46- 61	6y6m 67- 89	7y6m 77- 102	8y6m 87- 116	10y6m 108- 144
VII	18m 15- 20	2y 21- 27	2y6m 26- 34	3y 31- 41	3y6m 36- 48	4y 41- 54	5y6m 57- 75	6y6m 67- 89	7y6m 77- 102	8y6m 87- 116
VI	13m 12+- 14	18m 15- 20	2y 21- 27	2y6m 26- 34	3y 31- 41	3y6m 36- 48	4y6m 46- 61	5y6m 57- 75	6y6m 67- 89	7y6m 77- 102
V	9m 6- 12	13m 12+- 14	15m 13- 17	18m 15- 20	2y2m 22- 29	3y2m 33- 43	4y 41- 54	5y 51- 68	6y 62- 82	7y 72- 96
IV	6m 3-	9m 6-	13m 12+-	15m 13-	18m 15-	2y2m 22-	3y2m 33-	4y2m 43-	5y2m 53-	6y2m 63-

SERIOUSNESS
SCORE

OFFENDER SCORE

	0	1	2	3	4	5	6	7	8	9 or more
	9	12	14	17	20	29	43	57	70	84
III	2m 1- 3	5m 3- 8	8m 4- 12	11m 9- 12	14m 12+- 16	20m 17- 22	2y2m 22- 29	3y2m 33- 43	4y2m 43- 57	5y 51- 68
II	0-90 Days	4m 2- 6	6m 3- 9	8m 4- 12	13m 12+- 14	16m 14- 18	20m 17- 22	2y2m 22- 29	3y2m 33- 43	4y2m 43- 57
I	0-60 Days	0-90 Days	3m 2- 5	4m 2- 6	5m 3- 8	8m 4- 12	13m 12+- 14	16m 14- 18	20m 17- 22	2y2m 22- 29

NOTE: Numbers in the first horizontal row of each seriousness category represent sentencing midpoints in years(y) and months(m). Numbers in the second and third rows represent presumptive sentencing ranges in months, or in days if so designated. 12+ equals one year and one day.

(2) For persons convicted of the anticipatory offenses of criminal attempt, solicitation, or conspiracy under chapter 9A.28 RCW, the presumptive sentence is determined by locating the sentencing grid sentence range defined by the appropriate offender score and the seriousness level of the completed crime, and multiplying the range by 75 percent.

(3) The following additional times shall be added to the presumptive sentence if the offender or an accomplice was armed with a deadly weapon as defined in this chapter and the offender is being sentenced for one of the crimes listed in this subsection. If the offender or an accomplice was armed with a deadly weapon and the offender is being sentenced for an anticipatory offense under chapter 9A.28 RCW to commit one of the crimes listed in this subsection, the following times shall be added to the presumptive range determined under subsection (2) of this section:

(a) 24 months for Rape 1 (RCW 9A.44.040), Robbery 1 (RCW 9A.56.200), or Kidnapping 1 (RCW 9A.40.020)

(b) 18 months for Burglary 1 (RCW 9A.52.020)

(c) 12 months for Assault 2 (RCW 9A.36.020 or 9A.36.021), Escape 1 (RCW 9A.76.110), Kidnapping 2 (RCW 9A.40.030), Burglary 2 of a building other than a dwelling (RCW 9A.52.030), Theft of Livestock 1 or 2 (RCW 9A.56.080), or any drug offense.

(4) An additional twenty-four months shall be added to the presumptive sentence for any ranked offense involving a violation of chapter 69.50 RCW if the offense was also a violation of section 112 of this 1989 act.

Sec. 102, Section 2, chapter 62, Laws of 1988, section 12, chapter 145, Laws of 1988, section 2, chapter 218, Laws of 1988 and RCW 9.94A.320 are each reenacted and amended to read as follows:

TABLE 2
CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

XIV	Aggravated Murder 1 (RCW 10.95.020)
XIII	Murder 1 (RCW 9A.32.030)
	Homicide by abuse (RCW 9A.32.055)
XII	Murder 2 (RCW 9A.32.050)
XI	Assault 1 (RCW 9A.36.011)
X	Kidnapping 1 (RCW 9A.40.020)
	Rape 1 (RCW 9A.44.040)
	Rape of a Child 1 (RCW 9A.44.073)
	Damaging building, etc., by explosion with threat to human being (RCW 70.74.280(1))
	Over 18 and deliver heroin or narcotic from Schedule I or II to someone under 18 ((and 3 years junior)) (RCW 69.50.406)
	Leading Organized Crime (RCW 9A.82.060(1)(a))
IX	Robbery 1 (RCW 9A.56.200)
	Manslaughter 1 (RCW 9A.32.060)
	Explosive devices prohibited (RCW 70.74.180)
	Endangering life and property by explosives with threat to human being (RCW 70.74.270)
	Over 18 and deliver narcotic from Schedule III, IV, or V or a nonnarcotic from Schedule I-V to someone under 18 and 3 years junior (RCW 69.50.406)

- VIII Sexual Exploitation, Under 16 (RCW 9.68A.040(2)(a))
 Inciting Criminal Profiteering (RCW 9A.82.060(1)(b))
 Arson 1 (RCW 9A.48.020)
 Rape 2 (RCW 9A.44.050)
 Rape of a Child 2 (RCW 9A.44.076)
 Child Molestation 1 (RCW 9A.44.083)
 Promoting Prostitution 1 (RCW 9A.88.070)
 Selling heroin for profit (RCW 69.50.410)
Manufacture, deliver, or possess with intent to deliver heroin or cocaine (RCW 69.50.401(a)(1)(i))
Manufacture, deliver, or possess with intent to deliver methamphetamine (RCW 69.50.401(a)(1)(ii))
- VII Burglary 1 (RCW 9A.52.020)
 Vehicular Homicide (RCW 46.61.520)
 Introducing Contraband 1 (RCW 9A.76.140)
 Indecent Liberties (with forcible compulsion) (RCW 9A.44.100(1)(a))
 Sexual Exploitation, Under 18 (RCW 9.68A.040(2)(b))
 Dealing in depictions of minor engaged in sexually explicit conduct (RCW 9.68A.050)
 Sending, bringing into state depictions of minor engaged in sexually explicit conduct (RCW 9.68A.060)
- VI Bribery (RCW 9A.68.010)
 Manslaughter 2 (RCW 9A.32.070)
 Child Molestation 2 (RCW 9A.44.086)
 Intimidating a Juror/Witness (RCW 9A.72.110, 9A.72.130)
 Damaging building, etc., by explosion with no threat to human being (RCW 70.74.280(2))
 Endangering life and property by explosives with no threat to human being (RCW 70.74.270)
 Indecent Liberties (without forcible compulsion) (RCW 9A.44.100(1)(b))
 Incest 1 (RCW 9A.64.020(1))
 Selling for profit (controlled or counterfeit) any controlled substance (except heroin) (RCW 69.50.410)
 Manufacture, deliver, or possess with intent to deliver (~~heroin or~~) narcotics from Schedule I or II (except heroin or cocaine) (RCW 69.50.401(a)(1)(i))
 Intimidating a Judge (RCW 9A.72.160)
- V Criminal Mistreatment 1 (RCW 9A.42.020)
 Rape 3 (RCW 9A.44.060)
 Kidnapping 2 (RCW 9A.40.030)
 Extortion 1 (RCW 9A.56.120)
 Incest 2 (RCW 9A.64.020(2))
 Perjury 1 (RCW 9A.72.020)
 Extortionate Extension of Credit (RCW 9A.82.020)
 Advancing money or property for extortionate extension of credit (RCW 9A.82.030)
 Extortionate Means to Collect Extensions of Credit (RCW 9A.82.040)
 Rendering Criminal Assistance 1 (RCW 9A.76.070)
- IV Theft of Livestock 1 (RCW 9A.56.080)
 Robbery 2 (RCW 9A.56.210)
 Assault 2 (RCW 9A.36.021)
 Escape 1 (RCW 9A.76.110)
 Arson 2 (RCW 9A.48.030)
 Rape of a Child 3 (RCW 9A.44.079)
 Bribing a Witness/Bribe Received by Witness (RCW 9A.72.090, 9A.72.100)
 Malicious Harassment (RCW 9A.36.080)
 Willful Failure to Return from Furlough (RCW 72.66.060)
 Hit and Run -- Injury Accident (RCW 46.52.020(4))
 Vehicular Assault (RCW 46.61.522)
 Manufacture, deliver, or possess with intent to deliver narcotics from Schedule III, IV, or V or nonnarcotics from Schedule I-V (except marijuana or methamphetamines) (RCW 69.50.401(a)(1)(ii) through (iv))
 Influencing Outcome of Sporting Event (RCW 9A.82.070)
 Use of Proceeds of Criminal Profiteering (RCW 9A.82.080 (1) and (2))
 Knowingly Trafficking in Stolen Property (RCW 9A.82.050(2))
- III Criminal mistreatment 2 (RCW 9A.42.030)
 Sexual Misconduct with a Minor 1 (RCW 9A.44.093)
 Child Molestation 3 (RCW 9A.44.089)
 Extortion 2 (RCW 9A.56.130)
 Unlawful Imprisonment (RCW 9A.40.040)

- Assault 3 (RCW 9A.36.031)
- Unlawful possession of firearm or pistol by felon (RCW 9.41.040)
- Harassment (RCW 9A.46.020)
- Promoting Prostitution 2 (RCW 9A.88.080)
- Willful Failure to Return from Work Release (RCW 72.65.070)
- Introducing Contraband 2 (RCW 9A.76.150)
- Communication with a Minor for Immoral Purposes (RCW 9.68A.090)
- Patronizing a Juvenile Prostitute (RCW 9.68A.100)
- Escape 2 (RCW 9A.76.120)
- Perjury 2 (RCW 9A.72.030)
- Intimidating a Public Servant (RCW 9A.76.180)
- Tampering with a Witness (RCW 9A.72.120)
- Manufacture, deliver, or possess with intent to deliver marijuana (RCW 69.50.401(a)(1)(ii))
- Recklessly Trafficking in Stolen Property (RCW 9A.82.050(1))
- Theft of livestock 1 (RCW 9A.56.080)
- II Malicious Mischief 1 (RCW 9A.48.070)
- Possession of Stolen Property 1 (RCW 9A.56.150)
- Theft 1 (RCW 9A.56.030)
- Burglary 2 (RCW 9A.52.030)
- Possession of controlled substance that is either heroin or narcotics from Schedule I or II (RCW 69.50.401(d))
- Possession of phencyclidine (PCP) (RCW 69.50.401(d))
- Create, deliver, or possess a counterfeit controlled substance (RCW 69.50.401(b))
- Computer Trespass 1 (RCW 9A.52.110)
- Reckless Endangerment 1 (RCW 9A.36.--- (section 109 of this 1989 act))
- I Theft 2 (RCW 9A.56.040)
- Possession of Stolen Property 2 (RCW 9A.56.160)
- Forgery (RCW 9A.60.020)
- Taking Motor Vehicle Without Permission (RCW 9A.56.070)
- Vehicle Prowl 1 (RCW 9A.52.095)
- Attempting to Elude a Pursuing Police Vehicle (RCW 46.61.024)
- Malicious Mischief 2 (RCW 9A.48.080)
- Reckless Burning 1 (RCW 9A.48.040)
- Unlawful Issuance of Checks or Drafts (RCW 9A.56.060)
- Unlawful Use of Food Stamps (RCW 9.91.140 (2) and (3))
- False Verification for Welfare (RCW 74.08.055)
- Forged Prescription (RCW 69.41.020)
- Forged Prescription for a Controlled Substance (RCW 69.50.403)
- Possess Controlled Substance that is a Narcotic from Schedule III, IV, or V or Non-narcotic from Schedule I-V (except phencyclidine) (RCW 69.50.401(d))

Sec. 103. Section 7, chapter 115, Laws of 1983 as last amended by section 12, chapter 153, Laws of 1988 and by section 3, chapter 157, Laws of 1988 and RCW 9.94A.360 are each reenacted and amended to read as follows:

The offender score is measured on the horizontal axis of the sentencing grid. The offender score rules are as follows:

The offender score is the sum of points accrued under this section rounded down to the nearest whole number.

(1) A prior conviction is a conviction which exists before the date of sentencing for the offense for which the offender score is being computed. Convictions entered or sentenced on the same date as the conviction for which the offender score is being computed shall be deemed "other current offenses" within the meaning of RCW 9.94A.400.

(2) Except as provided in subsection (4) of this section, class A prior felony convictions shall always be included in the offender score. Class B prior felony convictions shall not be included in the offender score, if since the last date of release from confinement (including full-time residential treatment) pursuant to a felony conviction, if any, or entry of judgment and sentence, the offender had spent ten consecutive years in the community without being convicted of any felonies. Class C prior felony convictions shall not be included in the offender score if, since the last date of release from confinement (including full-time residential treatment) pursuant to a felony conviction, if any, or entry of judgment and sentence, the offender had spent five consecutive years in the community without being convicted of any felonies. Serious traffic convictions shall not be included in the offender score if, since the last date of release from confinement (including full-time residential treatment) pursuant to a felony conviction, if any, or entry of judgment and sentence, the offender spent five years in the community without being convicted of any serious traffic or felony traffic offenses. This subsection applies to both adult and juvenile prior convictions.

(3) Out-of-state convictions for offenses shall be classified according to the comparable offense definitions and sentences provided by Washington law.

(4) Include class A juvenile felonies only if the offender was 15 or older at the time the juvenile offense was committed. Include class B and C juvenile felony convictions only if the offender was 15 or older at the time the juvenile offense was committed and the offender was less than 23 at the time the offense for which he or she is being sentenced was committed.

(5) Score prior convictions for felony anticipatory offenses (attempts, criminal solicitations, and criminal conspiracies) the same as if they were convictions for completed offenses.

(6) In the case of multiple prior convictions, for the purpose of computing the offender score, count all convictions separately, except:

(a) Prior adult offenses which were found, under RCW 9.94A.400(1)(a), to encompass the same criminal conduct, shall be counted as one offense, the offense that yields the highest offender score. The current sentencing court shall determine with respect to other prior adult offenses for which sentences were served concurrently whether those offenses shall be counted as one offense or as separate offenses, and if the court finds that they shall be counted as one offense, then the offense that yields the highest offender score shall be used;

(b) Juvenile prior convictions entered or sentenced on the same date shall count as one offense, the offense that yields the highest offender score; and

(c) In the case of multiple prior convictions for offenses committed before July 1, 1986, for the purpose of computing the offender score, count all adult convictions served concurrently as one offense, and count all juvenile convictions entered on the same date as one offense. Use the conviction for the offense that yields the highest offender score.

(7) If the present conviction is one of the anticipatory offenses of criminal attempt, solicitation, or conspiracy, count each prior conviction as if the present conviction were for a completed offense.

(8) If the present conviction is for a nonviolent offense and not covered by subsection (12) or (13) of this section, count one point for each adult prior felony conviction and one point for each juvenile prior violent felony conviction and 1/2 point for each juvenile prior nonviolent felony conviction.

(9) If the present conviction is for a violent offense and not covered in subsection (10), (11), (12), or (13) of this section, count two points for each prior adult and juvenile violent felony conviction, one point for each prior adult nonviolent felony conviction, and 1/2 point for each prior juvenile nonviolent felony conviction.

(10) If the present conviction is for Murder 1 or 2, Assault 1, Kidnaping 1, Homicide by Abuse, or Rape 1, count three points for prior adult and juvenile convictions for crimes in these categories, two points for each prior adult and juvenile violent conviction (not already counted), one point for each prior adult nonviolent felony conviction, and 1/2 point for each prior juvenile nonviolent felony conviction.

(11) If the present conviction is for Burglary 1, count prior convictions as in subsection (9) of this section; however count two points for each prior adult Burglary 2 conviction, and one point for each prior juvenile Burglary 2 conviction.

(12) If the present conviction is for a felony traffic offense count two points for each adult or juvenile prior conviction for Vehicular Homicide or Vehicular Assault; for each felony offense or serious traffic offense, count one point for each adult and 1/2 point for each juvenile prior conviction.

(13) If the present conviction is for a drug offense count ~~((two))~~ three points for each adult prior felony drug offense conviction and ~~((one))~~ two points for each juvenile drug offense. All other adult and juvenile felonies are scored as in subsection (9) of this section if the current drug offense is violent, or as in subsection (8) of this section if the current drug offense is nonviolent.

(14) If the present conviction is for Willful Failure to Return from Furlough, RCW 72.66.060, or Willful Failure to Return from Work Release, RCW 72.65.070, count only prior escape convictions in the offender score. Count adult prior escape convictions as one point and juvenile prior escape convictions as 1/2 point.

(15) If the present conviction is for Escape 1, RCW 9A.76.110, or Escape 2, RCW 9A.76.120, count adult prior convictions as one point and juvenile prior convictions as 1/2 point.

(16) If the present conviction is for Burglary 2, count priors as in subsection (8) of this section; however, count two points for each adult and juvenile prior Burglary 1 conviction, two points for each adult prior Burglary 2 conviction, and one point for each juvenile prior Burglary 2 conviction.

(17) If the present conviction is for an offense committed while the offender was under community placement, add one point.

Sec. 104. Section 69.50.401, chapter 308, Laws of 1971 ex. sess. as last amended by section 4, chapter 458, Laws of 1987 and RCW 69.50.401 are each amended to read as follows:

(a) Except as authorized by this chapter, it is unlawful for any person to manufacture, deliver, or possess with intent to manufacture or deliver, a controlled substance.

(1) Any person who violates this subsection with respect to:

(i) a controlled substance classified in Schedule I or II which is a narcotic drug, is guilty of a crime and upon conviction may be imprisoned for not more than ten years, or (A) fined not more than twenty-five thousand dollars if the crime involved less than two kilograms of the

drug, or both such imprisonment and fine; or (B) if the crime involved two or more kilograms of the drug, then fined not more than one hundred thousand dollars for the first two kilograms and not more than fifty dollars for each gram in excess of two kilograms, or both such imprisonment and fine;

(ii) any other controlled substance classified in Schedule I, II, or III, is guilty of a crime and upon conviction may be imprisoned for not more than five years, fined not more than ten thousand dollars, or both;

(iii) a substance classified in Schedule IV, is guilty of a crime and upon conviction may be imprisoned for not more than five years, fined not more than ten thousand dollars, or both;

(iv) a substance classified in Schedule V, is guilty of a crime and upon conviction may be imprisoned for not more than five years, fined not more than ten thousand dollars, or both.

(b) Except as authorized by this chapter, it is unlawful for any person to create, deliver, or possess a counterfeit substance.

(1) Any person who violates this subsection with respect to:

(i) a counterfeit substance classified in Schedule I or II which is a narcotic drug, is guilty of a crime and upon conviction may be imprisoned for not more than ten years, fined not more than twenty-five thousand dollars, or both;

(ii) any other counterfeit substance classified in Schedule I, II, or III, is guilty of a crime and upon conviction may be imprisoned for not more than five years, fined not more than ten thousand dollars, or both;

(iii) a counterfeit substance classified in Schedule IV, is guilty of a crime and upon conviction may be imprisoned for not more than five years, fined not more than ten thousand dollars, or both;

(iv) a counterfeit substance classified in Schedule V, is guilty of a crime and upon conviction may be imprisoned for not more than five years, fined not more than ten thousand dollars, or both.

(c) It is unlawful, except as authorized in this chapter and chapter 69.41 RCW, for any person to offer, arrange, or negotiate for the sale, gift, delivery, dispensing, distribution, or administration of a controlled substance to any person and then sell, give, deliver, dispense, distribute, or administer to that person any other liquid, substance, or material in lieu of such controlled substance. Any person who violates this subsection is guilty of a crime and upon conviction may be imprisoned for not more than five years, fined not more than ten thousand dollars, or both.

(d) It is unlawful for any person to possess a controlled substance unless the substance was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of his professional practice, or except as otherwise authorized by this chapter. Any person who violates this subsection is guilty of a crime, and upon conviction may be imprisoned for not more than five years, fined not more than ten thousand dollars, or both, except as provided for in subsection (e) of this section.

(e) Except as provided for in subsection (a)(1)(ii) of this section any person found guilty of possession of forty grams or less of marijuana shall be guilty of a misdemeanor.

(f) It is unlawful to compensate, threaten, solicit, or in any other manner involve a person under the age of eighteen years in a transaction unlawfully to manufacture, sell, or deliver a controlled substance. A violation of this subsection shall be punished as a class C felony punishable in accordance with RCW 9A.20.021.

This section shall not apply to offenses defined and punishable under the provisions of RCW 69.50.410.

NEW SECTION. Sec. 105. A new section is added to chapter 69.50 RCW to read as follows:

A person who is convicted of a misdemeanor violation of any provision of this chapter shall be punished by imprisonment for not less than twenty-four consecutive hours, and by a fine of not less than two hundred fifty dollars. On a second or subsequent conviction, the fine shall not be less than five hundred dollars. These fines shall be in addition to any other fine or penalty imposed. Unless the court finds that the imposition of the minimum imprisonment will pose a substantial risk to the defendant's physical or mental well-being or that local jail facilities are in an overcrowded condition, the minimum term of imprisonment shall not be suspended or deferred. If the court finds such risk or overcrowding exists, it shall sentence the defendant to a minimum of forty hours of community service. If a minimum term of imprisonment is suspended or deferred, the court shall state in writing the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based. Unless the court finds the person to be indigent, the minimum fine shall not be suspended or deferred.

NEW SECTION. Sec. 106. A new section is added to chapter 69.50 RCW to read as follows:

(1) Every person convicted of a felony violation of RCW 69.50.401, 69.50.402, 69.50.403, 69.50.406, 69.50.407, 69.50.410, or 69.50.415 shall be fined one thousand dollars in addition to any other fine or penalty imposed. Unless the court finds the person to be indigent, this additional fine shall not be suspended or deferred by the court.

(2) On a second or subsequent conviction for violation of any of the laws listed in subsection (1) of this section, the person shall be fined two thousand dollars in addition to any other

fine or penalty imposed. Unless the court finds the person to be indigent, this additional fine shall not be suspended or deferred by the court.

NEW SECTION. Sec. 107. A new section is added to chapter 69.50 RCW to read as follows:

It is unlawful for any person to deliver, or possess with intent to deliver, hypodermic syringes, needles, or other objects used, intended for use, or designed for use in parenterally injecting controlled substances into the human body, knowing or under circumstances where the person reasonably should know that such syringes, needles, or other objects will be used or are intended to be used to unlawfully introduce a controlled substance into the human body. Any person who violates this section is guilty of a misdemeanor. The department of social and health services shall conduct a study of needle exchange programs that are operating in other states and countries. The study shall examine the documented effectiveness of such programs, the estimated number of drug addicts participating in such programs, the estimated number of drug addicts who have participated in a testing, counseling, and education program as a result of the needle exchange program, the extent to which participation in a drug treatment program is a voluntary or mandated component of the needle exchange programs, the number of participants who have tested HIV positive, who administers such needle exchange programs, and the costs to administer and operate the program. The department of social and health services shall report back to the legislature by December 1, 1989.

NEW SECTION. Sec. 108. The legislature finds that increased trafficking in illegal drugs has increased the likelihood of "drive-by shootings." It is the intent of the legislature in sections 102, 109, and 110 of this act to categorize such reckless and criminal activity into a separate crime and to provide for an appropriate punishment.

NEW SECTION. Sec. 109. A new section is added to chapter 9A.36 RCW to read as follows:

(1) A person is guilty of reckless endangerment in the first degree when he or she recklessly discharges a firearm in a manner which creates a substantial risk of death or serious physical injury to another person and the discharge is either from a motor vehicle or from the immediate area of a motor vehicle that was used to transport the shooter or the firearm to the scene of the discharge.

(2) A person who unlawfully discharges a firearm from a moving motor vehicle may be inferred to have engaged in reckless conduct, unless the discharge is shown by evidence satisfactory to the trier of fact to have been made without such recklessness.

(3) Reckless endangerment in the first degree is a class C felony.

Sec. 110. Section 9A.36.050, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.36.050 are each amended to read as follows:

(1) A person is guilty of reckless endangerment in the second degree when he recklessly engages in conduct not amounting to reckless endangerment in the first degree but which creates a substantial risk of death or serious physical injury to another person.

(2) Reckless endangerment in the second degree is a gross misdemeanor.

Sec. 111. Section 10, chapter 270, Laws of 1984 as amended by section 11, chapter 455, Laws of 1985 and RCW 9A.82.100 are each amended to read as follows:

(1) (a) A person who sustains injury to his or her person, business, or property by an act of criminal profiteering that is part of a pattern of criminal profiteering activity or by a violation of RCW 9A.82.060 or 9A.82.080 may file an action in superior court for the recovery of damages and the costs of the suit, including reasonable investigative and attorney's fees.

(b) The attorney general or county prosecuting attorney may file an action: (i) On behalf of those persons injured or, respectively, on behalf of the state or county if the entity has sustained damages, or (ii) to prevent, restrain, or remedy a pattern of criminal profiteering activity or a violation of RCW 9A.82.060 or 9A.82.080.

(c) An action for damages filed by or on behalf of an injured person, the state, or the county shall be for the recovery of damages and the costs of the suit, including reasonable investigative and attorney's fees.

(d) In an action filed to prevent, restrain, or remedy a pattern of criminal profiteering activity or a violation of RCW 9A.82.060 or 9A.82.080, the court, upon proof of the violation, may impose a civil penalty not exceeding two hundred fifty thousand dollars, in addition to awarding the cost of the suit, including reasonable investigative and attorney's fees.

(2) The superior court has jurisdiction to prevent, restrain, and remedy a pattern of criminal profiteering or a violation of RCW 9A.82.060 or 9A.82.080 after making provision for the rights of all innocent persons affected by the violation and after hearing or trial, as appropriate, by issuing appropriate orders.

(3) Prior to a determination of liability, orders issued under subsection (2) of this section may include, but are not limited to, entering restraining orders or prohibitions or taking such other actions, including the acceptance of satisfactory performance bonds, in connection with any property or other interest subject to damages, forfeiture, or other restraints pursuant to this section as the court deems proper. The orders may also include attachment, receivership, or injunctive relief in regard to personal or real property pursuant to Title 7 RCW. In shaping the reach or scope of receivership, attachment, or injunctive relief, the superior court shall provide for the protection of bona fide interests in property, including community property, of persons who were not involved in the violation of this chapter, except to the extent that such interests or

property were acquired or used in such a way as to be subject to forfeiture under RCW 9A.82.100(4)(f).

(4) Following a determination of liability, orders may include, but are not limited to:

(a) Ordering any person to divest himself or herself of any interest, direct or indirect, in any enterprise.

(b) Imposing reasonable restrictions on the future activities or investments of any person, including prohibiting any person from engaging in the same type of endeavor as the enterprise engaged in, the activities of which affect the laws of this state, to the extent the Constitutions of the United States and this state permit.

(c) Ordering dissolution or reorganization of any enterprise.

(d) Ordering the payment of actual damages sustained to those persons injured by a violation of RCW 9A.82.060 or 9A.82.080 or an act of criminal profiteering that is part of a pattern of criminal profiteering, and in the court's discretion, increasing the payment to an amount not exceeding three times the actual damages sustained.

(e) Ordering the payment of all costs and expenses of the prosecution and investigation of a pattern of criminal profiteering activity or a violation of RCW 9A.82.060 or 9A.82.080, civil and criminal, incurred by the state or county, including any costs of defense provided at public expense, as appropriate to the state general fund or the antiprofitteering revolving fund of the county.

(f) Ordering forfeiture first as restitution to any person damaged by an act of criminal profiteering that is part of a pattern of criminal profiteering then to the state general fund or antiprofitteering revolving fund of the county, as appropriate, to the extent not already ordered to be paid in other damages, of the following:

(i) Any property or other interest acquired or maintained in violation of RCW 9A.82.060 or 9A.82.080 to the extent of the investment of funds, and any appreciation or income attributable to the investment, from a violation of RCW 9A.82.060 or 9A.82.080.

(ii) Any property, contractual right, or claim against property used to influence any enterprise that a person has established, operated, controlled, conducted, or participated in the conduct of, in violation of RCW 9A.82.060 or 9A.82.080.

(iii) All proceeds traceable to or derived from an offense included in the pattern of criminal profiteering activity and all moneys, negotiable instruments, securities, and other things of value significantly used or intended to be used significantly to facilitate commission of the offense.

(g) Ordering payment to the state general fund or antiprofitteering revolving fund of the county, as appropriate, of an amount equal to the gain a person has acquired or maintained through an offense included in the definition of criminal profiteering.

(5) In addition to or in lieu of an action under this section, the attorney general or county prosecuting attorney may file an action for forfeiture to the state general fund or antiprofitteering revolving fund of the county, as appropriate, to the extent not already ordered paid pursuant to this section, of the following:

(a) Any interest acquired or maintained by a person in violation of RCW 9A.82.060 or 9A.82.080 to the extent of the investment of funds obtained from a violation of RCW 9A.82.060 or 9A.82.080 and any appreciation or income attributable to the investment.

(b) Any property, contractual right, or claim against property used to influence any enterprise that a person has established, operated, controlled, conducted, or participated in the conduct of, in violation of RCW 9A.82.060 or 9A.82.080.

(c) All proceeds traceable to or derived from an offense included in the pattern of criminal profiteering activity and all moneys, negotiable instruments, securities, and other things of value significantly used or intended to be used significantly to facilitate the commission of the offense.

(6) A defendant convicted in any criminal proceeding is precluded in any civil proceeding from denying the essential allegations of the criminal offense proven in the criminal trial in which the defendant was convicted. For the purposes of this subsection, a conviction shall be deemed to have occurred upon a verdict, finding, or plea of guilty, notwithstanding the fact that appellate review of the conviction and sentence has been or may be sought. If a subsequent reversal of the conviction occurs, any judgment that was based upon that conviction may be reopened upon motion of the defendant.

(7) The initiation of civil proceedings under this section shall be commenced within three years after discovery of the pattern of criminal profiteering activity or after the pattern should reasonably have been discovered.

(8) The attorney general or county prosecuting attorney may, in a civil action brought pursuant to this section, file with the clerk of the superior court a certificate stating that the case is of special public importance. A copy of that certificate shall be furnished immediately by the clerk to the presiding chief judge of the superior court in which the action is pending and, upon receipt of the copy, the judge shall immediately designate a judge to hear and determine the action. The judge so designated shall promptly assign the action for hearing, participate in the hearings and determination, and cause the action to be expedited.

(9) The standard of proof in actions brought pursuant to this section is the preponderance of the evidence test.

(10) A person other than the attorney general or county prosecuting attorney who files an action under this section shall serve notice and one copy of the pleading on the attorney general within thirty days after the action is filed with the superior court. The notice shall identify the action, the person, and the person's attorney. Service of the notice does not limit or otherwise affect the right of the state to maintain an action under this section or intervene in a pending action nor does it authorize the person to name the state or the attorney general as a party to the action.

(11) Except in cases filed by a county prosecuting attorney, the attorney general may, upon timely application, intervene in any civil action or proceeding brought under this section if the attorney general certifies that in the attorney general's opinion the action is of special public importance. Upon intervention, the attorney general may assert any available claim and is entitled to the same relief as if the attorney general had instituted a separate action.

(12) In addition to the attorney general's right to intervene as a party in any action under this section, the attorney general may appear as amicus curiae in any proceeding in which a claim under this section has been asserted or in which a court is interpreting RCW 9A.82.010, 9A.82.080, 9A.82.090, 9A.82.110, or 9A.82.120, or this section.

(13) A private civil action under this section does not limit any other civil or criminal action under this chapter or any other provision. Private civil remedies provided under this section are supplemental and not mutually exclusive.

(14) Upon motion by the defendant, the court may authorize the sale or transfer of assets subject to an order or lien authorized by this chapter for the purpose of paying actual attorney's fees and costs of defense. The motion shall specify the assets for which sale or transfer is sought and shall be accompanied by the defendant's sworn statement that the defendant has no other assets available for such purposes. No order authorizing such sale or transfer may be entered unless the court finds that the assets involved are not subject to possible forfeiture under RCW 9A.82.100(4)(f). Prior to disposition of the motion, the court shall notify the state of the assets sought to be sold or transferred and shall hear argument on the issue of whether the assets are subject to forfeiture under RCW 9A.82.100(4)(f). Such a motion may be made from time to time and shall be heard by the court on an expedited basis.

(15) In an action brought under subsection (1) (a) and (b)(i) of this section, either party has the right to a jury trial.

NEW SECTION. Sec. 112. A new section is added to chapter 69.50 RCW to read as follows:

(a) Any person who violates RCW 69.50.401(a) by manufacturing, selling, delivering, or possessing with the intent to manufacture, sell, or deliver a controlled substance listed under that subsection to a person in a school or on a school bus or within one thousand feet of a school bus route stop designated by the school district or within one thousand feet of the perimeter of the school grounds is punishable by a fine of up to twice the fine otherwise authorized by this chapter, but not including twice the fine authorized by RCW 69.50.406, or by imprisonment of up to twice the imprisonment otherwise authorized by this chapter, but not including twice the imprisonment authorized by RCW 69.50.406, or by both such fine and imprisonment.

(b) It is not a defense to a prosecution for a violation of this section that the person was unaware that the prohibited conduct took place while in a school or school bus or within one thousand feet of the school or school bus route stop.

(c) It is not a defense to a prosecution for a violation of this section or any other prosecution under this chapter that persons under the age of eighteen were not present in the school, the school bus, or at the school bus route stop at the time of the offense or that school was not in session.

(d) It is an affirmative defense to a prosecution for a violation of this section that the prohibited conduct took place entirely within a private residence, that no person under eighteen years of age or younger was present in such private residence at any time during the commission of the offense, and that the prohibited conduct did not involve delivering, manufacturing, selling, or possessing with the intent to manufacture, sell, or deliver any controlled substance in RCW 69.50.401(a) for profit. The affirmative defense established in this section shall be proved by the defendant by a preponderance of the evidence. This section shall not be construed to establish an affirmative defense with respect to a prosecution for an offense defined in any other section of this chapter.

(e) In a prosecution under this section, a map produced or reproduced by any municipal, school district, or county engineer for the purpose of depicting the location and boundaries of the area on or within one thousand feet of any property used for a school or school bus route stop, or a true copy of such a map, shall under proper authentication, be admissible and shall constitute prima facie evidence of the location and boundaries of those areas if the governing body of the municipality, school district, or county has adopted a resolution or ordinance approving the map as the official location and record of the location and boundaries of the area on or within one thousand feet of the school or school bus route stop. Any map approved under this section or a true copy of the map shall be filed with the clerk of the municipality or

county, and shall be maintained as an official record of the municipality or county. This section shall not be construed as precluding the prosecution from introducing or relying upon any other evidence or testimony to establish any element of the offense. This section shall not be construed as precluding the use or admissibility of any map or diagram other than the one which has been approved by the governing body of a municipality, school district, or county if the map or diagram is otherwise admissible under court rule.

(f) As used in this section the following terms have the meanings indicated unless the context clearly requires otherwise:

(1) "School" has the meaning under RCW 28A.01.055 or 28A.01.060. The term "school" also includes a private school approved under RCW 28A.02.201;

(2) "School bus" means a school bus as defined by the superintendent of public instruction by rule which is owned and operated by any school district and all school buses which are privately owned and operated under contract or otherwise with any school district in the state for the transportation of students. The term does not include buses operated by common carriers in the urban transportation of students such as transportation of students through a municipal transportation system; and

(3) "School bus route stop" means a school bus stop as designated on maps submitted by school districts to the office of the superintendent of public instruction.

Sec. 113. Section 210, chapter 518, Laws of 1987 and RCW 28A.120.040 are each amended to read as follows:

The superintendent of public instruction, through the state clearinghouse for education information, shall collect and disseminate to all school districts and other interested parties information about effective substance abuse programs and the penalties for manufacturing, selling, delivering, or possessing controlled substances on or within one thousand feet of a school or school bus route stop under section 112 of this 1989 act and distributing a controlled substance to a person under the age of eighteen under RCW 69.50.400.

NEW SECTION. Sec. 114. Sections 101 through 111 of this act apply to crimes committed on or after July 1, 1989.

SUBPART B

JUVENILE OFFENDERS STRUCTURED RESIDENTIAL PROGRAM

NEW SECTION. Sec. 115. A new section is added to chapter 13.40 RCW to read as follows:

(1) It is the intent of the legislature to establish a program that will benefit both the community and juvenile offenders by promoting the offenders' personal development and self-discipline, thereby making them more effective participants in society.

(2) Within available funds, the department of social and health services shall develop a juvenile offenders structured residential program for selected juvenile offenders. The program shall provide intensive training and rehabilitative programs for juvenile offenders. The department shall adopt rules for the operation, access, and successful completion of such programs.

(3) In order to serve significant portions of the sixty percent of juvenile justice clients in need of treatment for substance abuse, the department of social and health services shall, within available funds, provide enhancements to the eighteen county detention facilities in the state. The enhancement shall be used to develop an intensive, inpatient treatment component within the structure of county detention programs, to be modeled after the exodus program currently operated by the department's division of juvenile rehabilitation.

(4) In order to serve youth returning from institutional treatment programs who seek help for substance abuse, the department of social and health services shall, within available funds, enhance substance abuse services and coordination for each of six service regions to ensure effective use of existing and new services created by this act, including direct service and consultation.

(5) No juvenile who suffers from any mental or physical problem which could endanger his or her health or drastically affect his or her performance in the program shall be admitted to or retained in the program.

(6) The department shall complete a study of the effectiveness of programs of the type created in this section by December 31, 1992.

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

SUBPART C

JUVENILE DRIVER'S LICENSE REVOCATION

Sec. 116. Section 2, chapter 148, Laws of 1988 and RCW 13.40.265 are each amended to read as follows:

(1) (a) If a juvenile (~~under eighteen years of age, but~~) thirteen years of age or (~~over~~) older is found by juvenile court to have committed an offense that is a violation of chapter 66.44, 69.41, 69.50, or 69.52 RCW, the court shall notify the department of licensing within twenty-four hours after entry of the judgment.

(b) Except as otherwise provided in (c) of this subsection, (~~a court~~) upon petition of a juvenile who has been found by the court to have committed an offense that is a violation of chapter 66.44, 69.41, 69.50, or 69.52 RCW, the court may at any time the court deems appropriate notify the department of licensing that the juvenile's driving privileges should be reinstated.

(c) ~~(The court shall not notify the department that the juvenile's driving privileges should be reinstated for a period of ninety days after the entry of the judgment if it is the first order issued with respect to the juvenile under RCW 46.20.265, or for a period of one year after the issuance of the order if it is the second or subsequent such order issued with respect to the juvenile) If the offense is the juvenile's first violation of chapter 66.44, 69.41, 69.50, or 69.52 RCW, the juvenile may not petition the court for reinstatement of the juvenile's privilege to drive revoked pursuant to RCW 46.20.265 until ninety days after the date the juvenile turns sixteen or ninety days after the judgment was entered, whichever is later. If the offense is the juvenile's second or subsequent violation of chapter 66.44, 69.41, 69.50, or 69.52 RCW, the juvenile may not petition the court for reinstatement of the juvenile's privilege to drive revoked pursuant to RCW 46.20.265 until the date the juvenile turns seventeen or one year after the date judgment was entered, whichever is later.~~

(2) (a) If a juvenile enters into a diversion agreement with a diversion unit pursuant to RCW 13.40.080 concerning an offense that is a violation of chapter 66.44, 69.41, 69.50, or 69.52 RCW, the diversion unit shall notify the department of licensing within twenty-four hours after the diversion agreement is signed.

(b) If a diversion unit has notified the department pursuant to (a) of this subsection, the diversion unit shall notify the department of licensing when the juvenile has completed the agreement.

Sec. 117. Section 7, chapter 148, Laws of 1988 and RCW 46.20.265 are each amended to read as follows:

(1) In addition to any other authority to revoke driving privileges under this chapter, the department shall revoke all driving privileges of a juvenile when the department receives notice from a court pursuant to RCW 13.40.265, 66.44.365, 69.41.065, 69.50.420, or 69.52.070 or from a diversion unit pursuant to RCW 13.40.265. The revocation shall be imposed without hearing.

(2) The driving privileges of the juvenile revoked under subsection (1) of this section shall be revoked in the following manner:

(a) Upon receipt of the first notice, the department shall impose a revocation for one year, or until the juvenile reaches seventeen years of age, whichever is longer.

(b) Upon receipt of a second or subsequent notice, the department shall impose a revocation for ~~((one))~~ two years or until the juvenile reaches eighteen years of age, whichever is longer.

(3) If the department receives notice from a court that the juvenile's privilege to drive should be reinstated, the department shall immediately reinstate any driving privileges that have been revoked under this section.

~~(4)(a) If the department receives notice pursuant to RCW 13.40.265(2)(b) from a diversion unit that a juvenile has completed a diversion agreement for which the juvenile's driving privileges were revoked, the department shall reinstate any driving privileges revoked under this section as provided in (b) of this subsection. ((The department shall not reinstate driving privileges earlier than ninety days after the date the juvenile entered into a diversion agreement for the first violation of chapter 66.44, 69.41, 69.50, or 69.52 RCW and not earlier than one year after the date the juvenile entered into a diversion agreement for a second or subsequent violation of chapter 66.44, 69.41, 69.50, or 69.52 RCW.))~~

~~(b) If the diversion agreement was for the juvenile's first violation of chapter 66.44, 69.41, 69.50, or 69.52 RCW, the department shall not reinstate the juvenile's privilege to drive until the later of ninety days after the date the juvenile turns sixteen or ninety days after the juvenile entered into a diversion agreement for the offense. If the diversion agreement was for the juvenile's second or subsequent violation of chapter 66.44, 69.41, 69.50, or 69.52 RCW, the department shall not reinstate the juvenile's privilege to drive until the later of the date the juvenile turns seventeen or one year after the juvenile entered into the second or subsequent diversion agreement.~~

Sec. 118. Section 3, chapter 148, Laws of 1988 and RCW 66.44.365 are each amended to read as follows:

(1) If a juvenile ~~((under eighteen years of age, but thirteen or over;))~~ thirteen years of age or older and under the age of eighteen is found by a court to have committed any offense that is a violation of this chapter, the court shall notify the department of licensing within twenty-four hours after entry of the judgment.

(2) Except as otherwise provided in subsection (3) of this section, ~~((the court;))~~ upon petition of a juvenile ~~((who has been found by the court to have committed an offense that is a violation of this chapter;))~~ whose privilege to drive has been revoked pursuant to RCW 46.20.265, the court may notify the department of licensing that the juvenile's privilege to drive should be reinstated.

(3) ~~((The court shall not notify the department that the juvenile's driving privileges should be reinstated for a period of ninety days after the entry of the judgment if it is the first revocation with respect to the juvenile under this section or RCW 46.20.265, or for a period of one year after the issuance of the order if it is the second or subsequent such revocation issued with respect to the juvenile))~~ If the conviction is for the juvenile's first violation of this chapter or

chapter 69.41, 69.50, or 69.52 RCW, a juvenile may not petition the court for reinstatement of the juvenile's privilege to drive revoked pursuant to RCW 46.20.265 until the later of ninety days after the date the juvenile turns sixteen or ninety days after the judgment was entered. If the conviction was for the juvenile's second or subsequent violation of this chapter or chapter 69.41, 69.50, or 69.52 RCW, the juvenile may not petition the court for reinstatement of the juvenile's privilege to drive revoked pursuant to RCW 46.20.265 until the later of the date the juvenile turns seventeen or one year after the date judgment was entered.

Sec. 119. Section 4, chapter 148, Laws of 1988 and RCW 69.41.065 are each amended to read as follows:

(1) If a juvenile (~~(under eighteen years of age, but thirteen or over,)~~ thirteen years of age or older and under the age of twenty-one) is found by a court to have committed any offense that is a violation of this chapter, the court shall notify the department of licensing within twenty-four hours after entry of the judgment.

(2) Except as otherwise provided in subsection (3) of this section, (~~(the court,)~~ upon petition of a juvenile (~~(who has been found by the court to have committed an offense that is a violation of this chapter,)~~ whose privilege to drive has been revoked pursuant to RCW 46.20.265, the court) may notify the department of licensing that the juvenile's privilege to drive should be reinstated.

(3) (~~(The court shall not notify the department that the juvenile's driving privileges should be reinstated for a period of ninety days after the entry of the judgment if it is the first revocation issued with respect to the juvenile under this section or RCW 46.20.265, or for a period of one year after the issuance of the order if it is the second or subsequent such revocation issued with respect to the juvenile))~~ If the conviction is for the juvenile's first violation of this chapter or chapter 66.44, 69.50, or 69.52 RCW, the juvenile may not petition the court for reinstatement of the juvenile's privilege to drive revoked pursuant to RCW 46.20.265 until the later of ninety days after the date the juvenile turns sixteen or ninety days after the judgment was entered. If the conviction was for the juvenile's second or subsequent violation of this chapter or chapter 66.44, 69.50, or 69.52 RCW, the juvenile may not petition the court for reinstatement of the juvenile's privilege to drive revoked pursuant to RCW 46.20.265 until the later of the date the juvenile turns seventeen or one year after the date judgment was entered.

Sec. 120. Section 5, chapter 148, Laws of 1988 and RCW 69.50.420 are each amended to read as follows:

(1) If a juvenile (~~(under eighteen years of age, but thirteen or over,)~~ thirteen years of age or older and under the age of twenty-one) is found by a court to have committed any offense that is a violation of this chapter, the court shall notify the department of licensing within twenty-four hours after entry of the judgment.

(2) Except as otherwise provided in subsection (3) of this section, (~~(the court,)~~ upon petition of a juvenile (~~(who has been found by the court to have committed an offense that is a violation of this chapter,)~~ whose privilege to drive has been revoked pursuant to RCW 46.20.265, the court) may at any time the court deems appropriate notify the department of licensing to reinstate the juvenile's privilege to drive.

(3) (~~(The court shall not notify the department that the juvenile's privilege to drive should be reinstated for a period of ninety days after the entry of the judgment if it is the first revocation issued with respect to the juvenile under this section or RCW 46.20.265, or for a period of one year after the entry of the judgment if it is the second or subsequent such revocation issued with respect to the juvenile))~~ If the conviction is for the juvenile's first violation of this chapter or chapter 66.44, 69.41, or 69.52 RCW, the juvenile may not petition the court for reinstatement of the juvenile's privilege to drive revoked pursuant to RCW 46.20.265 until the later of ninety days after the date the juvenile turns sixteen or ninety days after the judgment was entered. If the conviction was for the juvenile's second or subsequent violation of this chapter or chapter 66.44, 69.41, or 69.52 RCW, the juvenile may not petition the court for reinstatement of the juvenile's privilege to drive revoked pursuant to RCW 46.20.265 until the later of the date the juvenile turns seventeen or one year after the date judgment was entered.

Sec. 121. Section 6, chapter 148, Laws of 1988 and RCW 69.52.070 are each amended to read as follows:

(1) If a juvenile (~~(under eighteen years of age, but thirteen or over,)~~ thirteen years of age or older and under the age of twenty-one) is found by a court to have committed any offense that is a violation of this chapter, the court shall notify the department of licensing within twenty-four hours after entry of the judgment.

(2) Except as otherwise provided in subsection (3) of this section, (~~(the court,)~~ upon petition of a juvenile (~~(who has been found by the court to have committed an offense that is a violation of this chapter,)~~ whose privilege to drive has been revoked pursuant to RCW 46.20.265, the court) may at any time the court deems appropriate notify the department of licensing to reinstate the juvenile's privilege to drive.

(3) (~~(The court shall not notify the department that the juvenile's privilege to drive should be reinstated for a period of ninety days after the entry of the judgment if it is the first revocation issued with respect to the juvenile under this section or RCW 46.20.265, or for a period of one year after the entry of the judgment if it is the second or subsequent such revocation issued~~

with respect to the juvenile)) If the conviction is for the juvenile's first violation of this chapter or chapter 66.44, 69.41, or 69.50 RCW, the juvenile may not petition the court for reinstatement of the juvenile's privilege to drive revoked pursuant to RCW 46.20.265 until the later of ninety days after the date the juvenile turns sixteen or ninety days after the judgment was entered. If the conviction was for the juvenile's second or subsequent violation of this chapter or chapter 66.44, 69.41, or 69.50 RCW, the juvenile may not petition the court for reinstatement of the juvenile's privilege to drive revoked pursuant to RCW 46.20.265 until the later of the date the juvenile turns seventeen or one year after the date judgment was entered.

PART II
PREVENTION, INVESTIGATION, AND PROCEDURE
SUBPART A
ONE-PARTY CONSENT

NEW SECTION, Sec. 201. A new section is added to chapter 9.73 RCW to read as follows:

The legislature finds that the unlawful manufacturing, selling, and distributing of controlled substances is becoming increasingly prevalent and violent. Attempts by law enforcement officers to prevent the manufacture, sale, and distribution of drugs is resulting in numerous life-threatening situations since drug dealers are using sophisticated weapons and modern technological devices to deter the efforts of law enforcement officials to enforce the controlled substance statutes. Dealers of unlawful drugs are employing a wide variety of violent methods to realize the enormous profits of the drug trade.

Therefore, the legislature finds that conversations regarding illegal drug operations should be intercepted, transmitted, and recorded in certain circumstances without prior judicial approval in order to protect the life and safety of law enforcement personnel and to enhance prosecution of drug offenses, and that that interception and transmission can be done without violating the constitutional guarantees of privacy.

NEW SECTION, Sec. 202. A new section is added to chapter 9.73 RCW to read as follows:

(1) If a police commander or officer above the rank of first line supervisor has reasonable suspicion that the safety of the consenting party is in danger, law enforcement personnel may, for the sole purpose of protecting the safety of the consenting party, intercept, transmit, or record a private conversation or communication concerning the unlawful manufacture, delivery, sale, or possession with intent to manufacture, deliver, or sell, controlled substances as defined in chapter 69.50 RCW, or legend drugs as defined in chapter 69.41 RCW, or imitation controlled substances as defined in chapter 69.52 RCW.

(2) Before any interception, transmission, or recording of a private conversation or communication pursuant to this section, the police commander or officer making the determination required by subsection (1) of this section shall complete a written authorization which shall include (a) the date and time the authorization is given; (b) the persons, including the consenting party, expected to participate in the conversation or communication, to the extent known; (c) the expected date, location, and approximate time of the conversation or communication; and (d) the reasons for believing the consenting party's safety will be in danger.

(3) A monthly report shall be filed by the law enforcement agency with the administrator for the courts indicating the number of authorizations made under this section, the date and time of each authorization, and whether an interception, transmission, or recording was made with respect to each authorization.

(4) Any information obtained pursuant to this section is inadmissible in any civil or criminal case in all courts of general or limited jurisdiction in this state, except:

(a) With the permission of the person whose communication or conversation was intercepted, transmitted, or recorded without his or her knowledge;

(b) In a civil action for personal injury or wrongful death arising out of the same incident, where the cause of action is based upon an act of physical violence against the consenting party; or

(c) In a criminal prosecution, arising out of the same incident for a serious violent offense as defined in RCW 9.94A.030 in which a party who consented to the interception, transmission, or recording was a victim of the offense.

(5) Nothing in this section bars the admission of testimony of a participant in the communication or conversation unaided by information obtained pursuant to this section.

(6) The authorizing agency shall immediately destroy any written, transcribed, or recorded information obtained from an interception, transmission, or recording authorized under this section unless the agency determines there has been a personal injury or death or a serious violent offense which may give rise to a civil action or criminal prosecution in which the information may be admissible under subsection (4) (b) or (c) of this section.

(7) Nothing in this section authorizes the interception, recording, or transmission of a telephonic communication or conversation.

NEW SECTION, Sec. 203. A new section is added to chapter 9.73 RCW to read as follows:

In each superior court judicial district in class AA and A counties there shall be available twenty-four hours a day at least one superior court or district court judge or magistrate designated to receive telephonic requests for authorizations that may be issued pursuant to this chapter. The presiding judge of each such superior court in conjunction with the district court

judges in that superior court judicial district shall establish a coordinated schedule of rotation for all of the superior and district court judges and magistrates in the superior court judicial district for purposes of ensuring the availability of at least one judge or magistrate at all times. During the period that each judge or magistrate is designated, he or she shall be equipped with an electronic paging device when not present at his or her usual telephone. It shall be the designated judge's or magistrate's responsibility to ensure that all attempts to reach him or her for purposes of requesting authorization pursuant to this chapter are forwarded to the electronic page number when the judge or magistrate leaves the place where he or she would normally receive such calls.

NEW SECTION. Sec. 204. A new section is added to chapter 9.73 RCW to read as follows:

(1) As part of a bona fide criminal investigation, the chief law enforcement officer of a law enforcement agency or his or her designee above the rank of first line supervisor may authorize the interception, transmission, or recording of a conversation or communication by officers under the following circumstances:

(a) At least one party to the conversation or communication has consented to the interception, transmission, or recording;

(b) Probable cause exists to believe that the conversation or communication involves the unlawful manufacture, delivery, sale, or possession with intent to manufacture, deliver, or sell, controlled substances as defined in chapter 69.50 RCW, or legend drugs as defined in chapter 69.41 RCW, or imitation controlled substances as defined in chapter 69.52 RCW; and

(c) A written report has been completed as required by subsection (2) of this section.

(2) The agency's chief officer or designee authorizing an interception, transmission, or recording under subsection (1) of this section, shall prepare and sign a written report at the time of authorization indicating:

(a) The circumstances that meet the requirements of subsection (1) of this section;

(b) The names of the authorizing and consenting parties, except that in those cases where the consenting party is a confidential informant, the name of the confidential informant need not be divulged;

(c) The names of the officers authorized to intercept, transmit, and record the conversation or communication;

(d) The identity of the particular person or persons, if known, who may have committed or may commit the offense;

(e) The details of the particular offense or offenses that may have been or may be committed and the expected date, location, and approximate time of the conversation or communication; and

(f) Whether there was an attempt to obtain authorization pursuant to RCW 9.73.090(2) and, if there was such an attempt, the outcome of the attempt.

(3) An authorization under this section is valid in all jurisdictions within Washington state and for the interception of communications from additional persons if the persons are brought into the conversation or transaction by the nonconsenting party or if the nonconsenting party or such additional persons cause or invite the consenting party to enter another jurisdiction.

(4) The recording of any conversation or communication under this section shall be done in such a manner that protects the recording from editing or other alterations.

(5) An authorization made under this section is valid for no more than twenty-four hours from the time it is signed by the authorizing officer, and each authorization shall independently meet all of the requirements of this section. The authorizing officer shall sign the written report required under subsection (2) of this section, certifying the exact date and time of his or her signature. An authorization under this section may be extended not more than twice for an additional consecutive twenty-four hour period based upon the same probable cause regarding the same suspected transaction. Each such extension shall be signed by the authorizing officer.

(6) Within fifteen days after the signing of an authorization that results in any interception, transmission, or recording of a conversation or communication pursuant to this section, the law enforcement agency which made the interception, transmission, or recording shall submit a report including the original authorization under subsection (2) of this section to a judge of a court having jurisdiction which report shall identify (a) the persons, including the consenting party, who participated in the conversation, and (b) the date, location, and approximate time of the conversation.

In those cases where the consenting party is a confidential informant, the name of the confidential informant need not be divulged.

A monthly report shall be filed by the law enforcement agency with the administrator for the courts indicating the number of authorizations granted, the date and time of each authorization, interceptions made, arrests resulting from an interception, and subsequent invalidations.

(7)(a) Within two judicial days of receipt of a report under subsection (6) of this section, the court shall make an ex parte review of the authorization, but not of the evidence, and shall make a determination whether the requirements of subsection (1) of this section were met. If the court determines that any of the requirements of subsection (1) of this section were not met, the court shall order that any recording and any copies or transcriptions of the conversation or

communication be destroyed. Destruction of recordings, copies, or transcriptions shall be stayed pending any appeal of a finding that the requirements of subsection (1) of this section were not met.

(b) Absent a continuation under (c) of this subsection, six months following a determination under (a) of this subsection that probable cause did not exist, the court shall cause a notice to be mailed to the last known address of any nonconsenting party to the conversation or communication that was the subject of the authorization. The notice shall indicate the date, time, and place of any interception, transmission, or recording made pursuant to the authorization. The notice shall also identify the agency that sought the authorization and shall indicate that a review under (a) of this subsection resulted in a determination that the authorization was made in violation of this section.

(c) An authorizing agency may obtain six-month extensions to the notice requirement of (b) of this subsection in cases of active, ongoing criminal investigations that might be jeopardized by sending the notice.

(8) In any subsequent judicial proceeding, evidence obtained through the interception or recording of a conversation or communication pursuant to this section shall be admissible only if:

(a) The court finds that the requirements of subsection (1) of this section were met and the evidence is used in prosecuting an offense listed in subsection (1)(b) of this section; or

(b) The evidence is admitted with the permission of the person whose communication or conversation was intercepted, transmitted, or recorded; or

(c) The evidence is admitted in a prosecution for a "serious violent offense" as defined in RCW 9.94A.030 in which a party who consented to the interception, transmission, or recording was a victim of the offense; or

(d) The evidence is admitted in a civil suit for personal injury or wrongful death arising out of the same incident, in which a party who consented to the interception, transmission, or recording was a victim of a serious violent offense as defined in RCW 9.94A.030.

Nothing in this subsection bars the admission of testimony of a party or eyewitness to the intercepted, transmitted, or recorded conversation or communication when that testimony is unaided by information obtained solely by violation of RCW 9.73.030.

(9) Any determination of invalidity of an authorization under this section shall be reported by the court to the office of the administrator for the courts.

(10) Any person who intentionally intercepts, transmits, or records or who intentionally authorizes the interception, transmission, or recording of a conversation or communication in violation of this section, is guilty of a class C felony punishable according to chapter 9A.20 RCW.

(11) An authorizing agency is liable for twenty-five thousand dollars in exemplary damages, in addition to any other damages authorized by this chapter or by other law, to a person whose conversation or communication was intercepted, transmitted, or recorded pursuant to an authorization under this section if:

(a) In a review under subsection (7) of this section, or in a suppression of evidence proceeding, it has been determined that the authorization was made without the probable cause required by subsection (1)(b) of this section; and

(b) The authorization was also made without a reasonable suspicion that the conversation or communication would involve the unlawful acts identified in subsection (1)(b) of this section.

Sec. 205, Section 1, chapter 48, Laws of 1970 ex. sess. as last amended by section 2, chapter 38, Laws of 1986 and RCW 9.73.090 are each amended to read as follows:

(1) The provisions of RCW 9.73.030 through 9.73.080 shall not apply to police, fire, emergency medical service, emergency communication center, and poison center personnel in the following instances:

(a) Recording incoming telephone calls to police and fire stations, licensed emergency medical service providers, emergency communication centers, and poison centers;

(b) Video and/or sound recordings may be made of arrested persons by police officers responsible for making arrests or holding persons in custody before their first appearance in court. Such video and/or sound recordings shall conform strictly to the following:

(i) The arrested person shall be informed that such recording is being made and the statement so informing him shall be included in the recording;

(ii) The recording shall commence with an indication of the time of the beginning thereof and terminate with an indication of the time thereof;

(iii) At the commencement of the recording the arrested person shall be fully informed of his constitutional rights, and such statements informing him shall be included in the recording;

(iv) The recordings shall only be used for valid police or court activities.

(2) It shall not be unlawful for a law enforcement officer acting in the performance of the officer's official duties to intercept, record, or disclose an oral communication or conversation where the officer is a party to the communication or conversation or one of the parties to the communication or conversation has given prior consent to the interception, recording, or disclosure: PROVIDED, That prior to the interception, transmission, or recording the officer shall obtain written or telephonic authorization from a judge or magistrate, who shall approve the

interception, recording, or disclosure of communications or conversations with a nonconsenting party for a reasonable and specified period of time, if there is probable cause to believe that the nonconsenting party has committed, is engaged in, or is about to commit a felony: PROVIDED HOWEVER, That if such authorization is given by telephone the authorization and officer's statement justifying such authorization must be electronically recorded by the judge or magistrate on a recording device in the custody of the judge or magistrate at the time-transmitted and the recording shall be retained in the court records and reduced to writing as soon as possible thereafter.

Any recording or interception of a communication or conversation incident to a lawfully recorded or intercepted communication or conversation pursuant to this subsection shall be lawful and may be divulged.

All recordings of communications or conversations made pursuant to this subsection shall be retained for as long as any crime may be charged based on the events or communications or conversations recorded.

(3) Communications or conversations authorized to be intercepted, recorded, or disclosed by this section shall not be inadmissible under RCW 9.73.050.

(4) Authorizations issued under subsection (2) of this section shall be effective for not more than seven days, after which period the issuing authority may (~~upon application of the officer who secured the original authorization~~) renew or continue the authorization for ~~((am))~~ additional periods not to exceed seven days.

(5) If the judge or magistrate determines that there is probable cause to believe that the communication or conversation concerns the unlawful manufacture, delivery, sale, or possession with intent to manufacture, deliver, or sell, controlled substances as defined in chapter 69.50 RCW, or legend drugs as defined in chapter 69.41 RCW, or imitation controlled substances as defined in chapter 69.52 RCW, the judge or magistrate may authorize the interception, transmission, recording, or disclosure of communications or conversations under subsection (2) of this section even though the true name of the nonconsenting party, or the particular time and place for the interception, transmission, recording, or disclosure, is not known at the time of the request, if the authorization describes the nonconsenting party and subject matter of the communication or conversation with reasonable certainty under the circumstances. Any such communication or conversation may be intercepted, transmitted, recorded, or disclosed as authorized notwithstanding a change in the time or location of the communication or conversation after the authorization has been obtained or the presence of or participation in the communication or conversation by any additional party not named in the authorization.

Authorizations issued under this subsection shall be effective for not more than fourteen days, after which period the issuing authority may renew or continue the authorization for an additional period not to exceed fourteen days.

NEW SECTION. Sec. 206. A new section is added to chapter 9.73 RCW to read as follows:

(1) The attorney general shall have concurrent authority and power with the prosecuting attorneys to investigate violations of sections 201 through 204 of this act or RCW 9.73.090 and initiate and conduct prosecutions of any violations upon request of any of the following:

(a) The person who was the nonconsenting party to the intercepted, transmitted, or recorded conversation or communication; or

(b) The county prosecuting attorney of the jurisdiction in which the offense has occurred.

(2) The request shall be communicated in writing to the attorney general.

Sec. 207. Section 5, chapter 363, Laws of 1977 ex. sess. and RCW 9.73.120 are each amended to read as follows:

(1) Within thirty days after the expiration of an authorization or an extension or renewal thereof issued pursuant to RCW 9.73.090(2) as now or hereafter amended, the issuing or denying judge shall make a report to the administrator for the courts stating that:

(a) An authorization, extension or renewal was applied for;

(b) The kind of authorization applied for;

(c) The authorization was granted as applied for, was modified, or was denied;

(d) The period of recording authorized by the authorization and the number and duration of any extensions or renewals of the authorization;

(e) The offense specified in the authorization or extension or renewal of authorization;

(f) The identity of the person authorizing the application and of the investigative or law enforcement officer and agency for whom it was made; ~~((and))~~

(g) Whether an arrest resulted from the communication which was the subject of the authorization; and

(h) The character of the facilities from which or the place where the communications were to be recorded.

(2) In addition to reports required to be made by applicants pursuant to federal law, all judges of the superior court authorized to issue authority pursuant to this chapter shall make annual reports on the operation of this chapter to the administrator for the courts. The reports by the judges shall contain (a) the number of applications made; (b) the number of authorizations issued; (c) the respective periods of such authorizations; (d) the number and duration of any renewals thereof; (e) the crimes in connection with which the conversations were sought;

(f) the names of the applicants; and (g) such other and further particulars as the administrator for the courts may require.

The chief justice of the supreme court shall annually report to the governor and the legislature on such aspects of the operation of this chapter as he deems appropriate including any recommendations he may care to make as to legislative changes or improvements to effectuate the purposes of this chapter and to assure and protect individual rights.

NEW SECTION. Sec. 208. A new section is added to chapter 9.73 RCW to read as follows:

The administrator for the courts shall not later than January 2, 1991, report to the house of representatives judiciary committee and the senate law and justice committee on the number of authorizations made under sections 202 and 204 of this act and RCW 9.73.090, categorized according to whether the authorization was judicial or nonjudicial. The report shall also show the number of authorizations denied, the number of arrests resulting from the authorizations, the offenses charged, and the number of convictions resulting from the arrests. The administrator for the courts shall use the reports submitted pursuant to sections 202 and 204 of this act and RCW 9.73.090 together with inquiries to the appropriate law enforcement agencies and courts to prepare the report.

Sec. 209. Section 6, chapter 93, Laws of 1967 ex. sess and RCW 9.73.080 are each amended to read as follows:

Except as otherwise provided in this chapter, any person who ((shall)) violates RCW 9.73.030 ((shall be)) is guilty of a gross misdemeanor.

SUBPART B

MONITORING OF INMATE TELEPHONE CALLS

NEW SECTION. Sec. 210. A new section is added to chapter 9.73 RCW to read as follows:

(1) RCW 9.73.030 through 9.73.080 shall not apply to employees of the department of corrections in the following instances: Intercepting, recording, or divulging any telephone calls from an inmate or resident of a state correctional facility. For the purposes of this section, "state correctional facility" means a facility that is under the control and authority of the department of corrections, and used for the incarceration, treatment, or rehabilitation of convicted felons.

(2) All personal calls made by inmates shall be collect calls only. The calls will be "operator announcement" type calls. The operator shall notify the receiver of the call that the call is coming from a prison inmate, and that it will be recorded and may be monitored.

(3) The department of corrections shall adhere to the following procedures and restrictions when intercepting, recording, or divulging any telephone calls from an inmate or resident of a state correctional facility as provided for by this section:

(a) Before the implementation of this section, all inmates or residents of a state correctional facility shall be notified in writing that, as of the effective date of this section, their telephone conversations may be intercepted, recorded, and/or divulged.

(b) Unless otherwise provided for in this section, after intercepting or recording a telephone conversation, only the superintendent and his or her designee shall have access to that recording.

(c) The contents of an intercepted and recorded telephone conversation shall be divulged only as is necessary to safeguard the orderly operation of the correctional facility, in response to a court order, or in the prosecution or investigation of any crime.

(d) All telephone conversations that are recorded under this section, unless being used in the ongoing investigation or prosecution of a crime, or as is necessary to assure the orderly operation of the correctional facility, shall be destroyed one year after the intercepting and recording.

(4) So as to safeguard the sanctity of the attorney-client privilege, the department of corrections shall not intercept, record, or divulge any conversation between an inmate or resident and an attorney. The department shall develop policies and procedures to implement this section.

SUBPART C

PROPERTY FORFEITURE

NEW SECTION. Sec. 211. The legislature finds that: Drug offenses and crimes resulting from illegal drug use are destructive to society; the nature of drug trafficking results in many property crimes and crimes of violence; state and local governmental agencies incur immense expenses in the investigation, prosecution, adjudication, incarceration, and treatment of drug-related offenders and the compensation of their victims; drug-related offenses are difficult to eradicate because of the profits derived from the criminal activities, which can be invested in legitimate assets and later used for further criminal activities; and the forfeiture of real assets where a substantial nexus exists between the commercial production or sale of the substances and the real property will provide a significant deterrent to crime by removing the profit incentive of drug trafficking, and will provide a revenue source that will partially defray the large costs incurred by government as a result of these crimes. The legislature recognizes that seizure of real property is a very powerful tool and should not be applied in cases in which a manifest injustice would occur as a result of forfeiture of an innocent spouse's community property interest.

Sec. 212. Section 15, chapter 2, Laws of 1983 as last amended by section 2, chapter 282, Laws of 1988 and RCW 69.50.505 are each amended to read as follows:

(a) The following are subject to seizure and forfeiture and no property right exists in them:

(1) All controlled substances which have been manufactured, distributed, dispensed, ~~((or))~~ acquired, or possessed in violation of this chapter or chapter 69.41 or 69.52 RCW;

(2) All raw materials, products, and equipment of any kind which are used, or intended for use, in manufacturing, compounding, processing, delivering, importing, or exporting any controlled substance in violation of this chapter or chapter 69.41 or 69.52 RCW;

(3) All property which is used, or intended for use, as a container for property described in paragraphs (1) or (2);

(4) All conveyances, including aircraft, vehicles, or vessels, which are used, or intended for use, in any manner to facilitate the sale of property described in paragraphs (1) or (2), ~~((but))~~ except that:

(i) No conveyance used by any person as a common carrier in the transaction of business as a common carrier is subject to forfeiture under this section unless it appears that the owner or other person in charge of the conveyance is a consenting party or privy to a violation of this chapter or chapter 69.41 or 69.52 RCW;

(ii) No conveyance is subject to forfeiture under this section by reason of any act or omission established by the owner thereof to have been committed or omitted without ~~((this))~~ the owner's knowledge or consent;

(iii) A forfeiture of a conveyance encumbered by a bona fide security interest is subject to the interest of the secured party if the secured party neither had knowledge of nor consented to the act or omission; and

(iv) When the owner of a conveyance has been arrested under this chapter or chapter 69.41 or 69.52 RCW the conveyance in which the person is arrested may not be subject to forfeiture unless it is seized or process is issued for its seizure within ten days of the owner's arrest;

(5) All books, records, and research products and materials, including formulas, microfilm, tapes, and data which are used, or intended for use, in violation of this chapter or chapter 69.41 or 69.52 RCW;

(6) All drug paraphernalia; ~~((and))~~

(7) All moneys, negotiable instruments, securities, or other tangible or intangible property of value furnished or intended to be furnished by any person in exchange for a controlled substance in violation of this chapter or chapter 69.41 or 69.52 RCW, all tangible or intangible personal property, proceeds, or assets acquired in whole or in part with proceeds traceable to ~~((such))~~ an exchange or series of exchanges in violation of this chapter or chapter 69.41 or 69.52 RCW, and all moneys, negotiable instruments, and securities used or intended to be used to facilitate any violation of this chapter or chapter 69.41 or 69.52 RCW; PROVIDED, That a forfeiture of money, negotiable instruments, securities, or other tangible or intangible property encumbered by a bona fide security interest is subject to the interest of the secured party if, at the time the security interest was created, the secured party neither had knowledge of nor consented to the act or omission; PROVIDED FURTHER, That no personal property may be forfeited under this paragraph, to the extent of the interest of an owner, by reason of any act or omission which that owner establishes was committed or omitted without the owner's knowledge or consent; and

(8) All real property, including any right, title, and interest in the whole of any lot or tract of land, and any appurtenances or improvements which are being used with the knowledge of the owner for the manufacturing, compounding, processing, delivery, importing, or exporting of any controlled substance, or which have been acquired in whole or in part with proceeds traceable to an exchange or series of exchanges in violation of this chapter or chapter 69.41 or 69.52 RCW, if such activity is not less than a class C felony and a substantial nexus exists between the commercial production or sale of the controlled substance and the real property; PROVIDED, That:

(i) No property may be forfeited pursuant to this subsection, to the extent of the interest of an owner, by reason of any act or omission committed or omitted without the owner's knowledge or consent;

(ii) The bona fide gift of a controlled substance, legend drug, or imitation controlled substance shall not result in the forfeiture of real property;

(iii) The possession of marijuana shall not result in the forfeiture of real property unless the marijuana is possessed for commercial purposes, the amount possessed is five or more plants or one pound or more of marijuana, and a substantial nexus exists between the possession of marijuana and the real property. In such a case, the intent of the offender shall be determined by the preponderance of the evidence, including the offender's prior criminal history, the amount of marijuana possessed by the offender, the sophistication of the activity or equipment used by the offender, and other evidence which demonstrates the offender's intent to engage in commercial activity;

(iv) The unlawful sale of marijuana or a legend drug shall not result in the forfeiture of real property unless the sale was forty grams or more in the case of marijuana or one hundred

dollars or more in the case of a legend drug, and a substantial nexus exists between the unlawful sale and the real property; and

(v) A forfeiture of real property encumbered by a bona fide security interest is subject to the interest of the secured party if the secured party, at the time the security interest was created, neither had knowledge of nor consented to the act or omission.

(b) Real or personal property subject to forfeiture under this chapter may be seized by any board inspector or law enforcement officer of this state upon process issued by any superior court having jurisdiction over the property. Seizure of real property shall include the filing of a lis pendens by the seizing agency. Real property seized under this section shall not be transferred or otherwise conveyed until ninety days after seizure or until a judgment of forfeiture is entered, whichever is later: PROVIDED, That real property seized under this section may be transferred or conveyed to any person or entity who acquires title by foreclosure or deed in lieu of foreclosure of a security interest. Seizure of personal property without process may be made if:

(1) The seizure is incident to an arrest or a search under a search warrant or an inspection under an administrative inspection warrant;

(2) The property subject to seizure has been the subject of a prior judgment in favor of the state in a criminal injunction or forfeiture proceeding based upon this chapter;

(3) A board inspector or law enforcement officer has probable cause to believe that the property is directly or indirectly dangerous to health or safety; or

(4) The board inspector or law enforcement officer has probable cause to believe that the property was used or is intended to be used in violation of this chapter.

(c) In the event of seizure pursuant to subsection (b), proceedings for forfeiture shall be deemed commenced by the seizure. The law enforcement agency under whose authority the seizure was made shall cause notice to be served within fifteen days following the seizure on the owner of the property seized and the person in charge thereof and any person having any known right or interest therein, including any community property interest, of the seizure and intended forfeiture of the seized property. Service of notice of seizure of real property shall be made according to the rules of civil procedure. However, the state may not obtain a default judgment with respect to real property against a party who is served by substituted service absent an affidavit stating that a good faith effort has been made to ascertain if the defaulted party is incarcerated within the state, and that there is no present basis to believe that the party is incarcerated within the state. The notice of seizure in other cases may be served by any method authorized by law or court rule including but not limited to service by certified mail with return receipt requested. Service by mail shall be deemed complete upon mailing within the fifteen day period following the seizure.

(d) If no person notifies the seizing law enforcement agency in writing of the person's claim of ownership or right to possession of items specified in subsection (a)(4) ((or)), (a)(7), or (a)(8) of this section within forty-five days of the seizure in the case of personal property and ninety days in the case of real property, the item seized shall be deemed forfeited. The community property interest in real property of a person whose spouse committed a violation giving rise to seizure of the real property may not be forfeited if the person did not participate in the violation.

(e) If any person notifies the seizing law enforcement agency in writing of the person's claim of ownership or right to possession of items specified in subsection (a)(2), (a)(3), (a)(4) ((or)), (a)(5), (a)(6), (a)(7), or (a)(8) of this section within forty-five days of the seizure in the case of personal property and ninety days in the case of real property, the person or persons shall be afforded a reasonable opportunity to be heard as to the claim or right. The hearing shall be before the chief law enforcement officer of the seizing agency or the chief law enforcement officer's designee, except where the seizing agency is a state agency as defined in RCW 34.12.020(4), the hearing shall be before the chief law enforcement officer of the seizing agency or an administrative law judge appointed under chapter 34.12 RCW, except that any person asserting a claim or right may remove the matter to a court of competent jurisdiction if the aggregate value of the article or articles involved is more than five hundred dollars. The court to which the matter is to be removed shall be the district court when such aggregate value is ten thousand dollars or less of personal property. A hearing before the seizing agency and any appeal therefrom shall be under Title 34 RCW. In a court hearing between two or more claimants to the article or articles involved, the prevailing party shall be entitled to a judgment for costs and reasonable attorney's fees. In cases involving personal property, the burden of producing evidence shall be upon the person claiming to be the lawful owner or the person claiming to have the lawful right to possession of ((items specified in subsection (a)(4) or (a)(7) of this section)) the property. In cases involving real property, the burden of producing evidence shall be upon the law enforcement agency. The burden of proof that the seized real property is subject to forfeiture shall be upon the law enforcement agency. The seizing law enforcement agency shall promptly return the article or articles to the claimant upon a determination by the administrative law judge or court that the claimant is the present lawful owner or is lawfully entitled to possession thereof of items specified in subsection (a)(2), (a)(3), (a)(4) ((or)), (a)(5), (a)(6), (a)(7), or (a)(8) of this section.

(f) When property is forfeited under this chapter the board or seizing law enforcement agency may:

(1) Retain it for official use or upon application by any law enforcement agency of this state release such property to such agency for the exclusive use of enforcing the provisions of this chapter;

(2) (i) Sell that which is not required to be destroyed by law and which is not harmful to the public. The proceeds and all moneys forfeited under this title shall be used for payment of all proper expenses of the investigation leading to the seizure, including any money delivered to the subject of the investigation by the law enforcement agency, and of the proceedings for forfeiture and sale, including expenses of seizure, maintenance of custody, advertising, actual costs of the prosecuting or city attorney, and court costs. Money remaining after the payment of all expenses shall be distributed as follows:

(A) ((Seventy-five)) Twenty-five percent of the money derived from the forfeiture of real property and seventy-five percent of the money derived from the forfeiture of personal property shall be deposited in the general fund of the state, county, and/or city of the seizing law enforcement agency and shall be used exclusively for the expansion or improvement of law enforcement services. These services may include the creation of reward funds for the purpose of rewarding informants who supply information leading to the arrest, prosecution and conviction of persons who violate laws relating to controlled substances. Such moneys shall not supplant preexisting funding sources; ((and))

(B) Twenty-five percent of money derived from the forfeiture of real property and twenty-five percent of money derived from the forfeiture of personal property shall be remitted to the state treasurer for deposit in the public safety and education account established in RCW 43.08.250;

(C) Until July 1, 1995, fifty percent of money derived from the forfeiture of real property shall be remitted to the state treasurer for deposit in the drug enforcement and education account under section 401 of this 1989 act, on and after July 1, 1995, the fifty percent of the money shall be remitted in the same manner as the twenty-five percent of the money remitted under (2)(i)(A) of this subsection; and

(D) If an investigation involves a seizure of moneys and proceeds having an aggregate value of less than five thousand dollars, the moneys and proceeds may be deposited in total in the general fund of the governmental unit of the seizing law enforcement agency and shall be appropriated exclusively for the expansion of narcotics enforcement services. Such moneys shall not supplant preexisting funding sources.

(ii) Money deposited according to this section must be deposited within ninety days of the date of final disposition of either the administrative seizure or the judicial seizure;

(3) Request the appropriate sheriff or director of public safety to take custody of the property and remove it for disposition in accordance with law; or

(4) Forward it to the drug enforcement administration for disposition.

(g) Controlled substances listed in Schedule I, II, III, IV, and V that are possessed, transferred, sold, or offered for sale in violation of this chapter are contraband and shall be seized and summarily forfeited to the state. Controlled substances listed in Schedule I, II, III, IV, and V, which are seized or come into the possession of the board, the owners of which are unknown, are contraband and shall be summarily forfeited to the board.

(h) Species of plants from which controlled substances in Schedules I and II may be derived which have been planted or cultivated in violation of this chapter, or of which the owners or cultivators are unknown, or which are wild growths, may be seized and summarily forfeited to the board.

(i) The failure, upon demand by a board inspector or law enforcement officer, of the person in occupancy or in control of land or premises upon which the species of plants are growing or being stored to produce an appropriate registration or proof that he is the holder thereof constitutes authority for the seizure and forfeiture of the plants.

(j) Upon the entry of an order of forfeiture of real property, the court shall forward a copy of the order to the assessor of the county in which the property is located. Orders for the forfeiture of real property shall be entered by the superior court, subject to court rules. Such an order shall be filed by the seizing agency in the county auditor's records in the county in which the real property is located.

SUBPART D

OFF-LIMITS ORDERS

NEW SECTION. Sec. 213. The legislature finds that drug abuse is escalating at an alarming rate. New protections need to be established to address this drug crisis which is threatening every stratum of our society. Prohibiting known drug traffickers from frequenting areas for continuous drug activity is one means of addressing this pervasive problem.

NEW SECTION. Sec. 214. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter:

(1) "Applicant" means any person who owns, occupies, or has a substantial interest in property, or who is a neighbor to property which is adversely affected by drug trafficking, including:

(a) A "family or household member" as defined by RCW 10.99.020(1), who has a possessory interest in a residence as an owner or tenant, at least as great as a known drug trafficker's interest;

(b) An owner or lessor;

(c) An owner, tenant, or resident who lives or works in a designated PADT area; or

(d) A city or prosecuting attorney for any jurisdiction in this state where drug trafficking is occurring.

(2) "Drug" or "drugs" means a controlled substance as defined in chapter 69.50 RCW or an "imitation controlled substance" as defined in RCW 69.52.020.

(3) "Known drug trafficker" means any person who has been convicted of a drug offense in this state, another state, or federal court who subsequently has been arrested for a drug offense in this state. For purposes of this definition, "drug offense" means a felony violation of chapter 69.50 or 69.52 RCW or equivalent law in another jurisdiction that involves the manufacture, distribution, or possession with intent to manufacture or distribute, of a controlled substance or imitation controlled substance.

(4) "Off-limits orders" means an order issued by a superior or district court in the state of Washington that enjoins known drug traffickers from entering or remaining in a designated PADT area.

(5) "Protected against drug trafficking area" or "PADT area" means any specifically described area, public or private, contained in an off-limits order. The perimeters of a PADT area shall be defined using street names and numbers and shall include all real property contained therein, where drug sales, possession of drugs, pedestrian or vehicular traffic attendant to drug activity, or other activity associated with drug offenses confirms a pattern associated with drug trafficking. The area may include the full width of streets, alleys and sidewalks on the perimeter, common areas, planting strips, parks and parking areas within the area described using the streets as boundaries.

NEW SECTION, Sec. 215. A court may enter an off-limits order enjoining a known drug trafficker who has been associated with drug trafficking in an area that the court finds to be a PADT area, from entering or remaining in a designated PADT area for up to one year. This relief may be ordered pursuant to applications for injunctive relief or as part of a criminal proceeding as follows:

(1) In a civil action, including an action brought under this chapter;

(2) In a nuisance abatement action pursuant to chapter 7.43 RCW;

(3) In an eviction action to exclude known drug traffickers or tenants who were evicted for allowing drug trafficking to occur on the premises which were the subject of the eviction action;

(4) As a condition of pretrial release of a known drug trafficker awaiting trial on drug charges. The order shall be in effect until the time of sentencing or dismissal of the criminal charges; or

(5) As a condition of sentencing of any known drug trafficker convicted of a drug offense. The order may include all periods of community placement or community supervision.

NEW SECTION, Sec. 216. Upon the filing of an application for an off-limits order under section 215 (1), (2), or (3) of this act, the court shall set a hearing fourteen days from the filing of the application, or as soon thereafter as the hearing can be scheduled. If the respondent has not already been served with a summons, the application shall be served on the respondent not less than five court days before the hearing. If timely service cannot be made, the court may set a new hearing date.

NEW SECTION, Sec. 217. Upon filing an application for an off-limits order under this chapter, an applicant may obtain an ex parte temporary off-limits order, with or without notice, only upon a showing that serious or irreparable harm will result to the applicant if the temporary off-limits order is not granted. An ex parte temporary off-limits order shall be effective for a fixed period not to exceed fourteen days, but the court may reissue the order upon a showing of good cause. A hearing on a one-year off-limits order, as provided in this chapter, shall be set for fourteen days from the issuance of the temporary order. The respondent shall be personally served with a copy of the temporary off-limits order along with a copy of the application and notice of the date set for the full hearing. At the hearing, if the court finds that respondent is a known drug trafficker who has engaged in drug trafficking in a particular area, and that the area is associated with a pattern of drug activities, the court shall issue a one-year off-limits order prohibiting the respondent from having any contact with the PADT area. At any time within three months before the expiration of the order, the applicant may apply for a renewal of the order by filing a new petition under this chapter.

NEW SECTION, Sec. 218. In granting a temporary off-limits order or a one-year off-limits order, the court shall have discretion to grant additional relief as the court considers proper to achieve the purposes of this chapter. The PADT area defined in any off-limits order must be reasonably related to the area or areas impacted by the unlawful drug activity as described by the applicant in any civil action under section 215 (1), (2), or (3) of this act. The court in its discretion may allow a respondent, who is the subject of any order issued under section 214 of this act as part of a civil or criminal proceeding, to enter an off-limits area or areas for health

or employment reasons, subject to conditions prescribed by the court. Upon request, a certified copy of the order shall be provided to the applicant by the clerk of the court.

NEW SECTION. Sec. 219. A temporary off-limits order or a one-year off-limits order may not issue under this chapter except upon the giving of a bond or security by the applicant. The court shall set the bond or security in the amount the court deems proper, but not less than one thousand dollars, for the payment of costs and damages that may be incurred by any party who is found to have been wrongfully restrained or enjoined. A bond or security shall not be required of the state of Washington, municipal corporations, or political subdivisions of the state of Washington.

NEW SECTION. Sec. 220. Nothing in this chapter shall preclude a party from appearing in person or by counsel.

NEW SECTION. Sec. 221. A copy of an off-limits order granted under this chapter shall be forwarded by the court to the local law enforcement agency with jurisdiction over the PADT area specified in the order on or before the next judicial day following issuance of the order. Upon receipt of the order, the law enforcement agency shall promptly enter it into an appropriate law enforcement information system.

NEW SECTION. Sec. 222. Any person who willfully disobeys an off-limits order issued under this chapter shall be subject to criminal penalties as provided in this chapter and may also be found in contempt of court and subject to penalties under chapter 7.20 RCW.

NEW SECTION. Sec. 223. (1) Any person who willfully disobeys an off-limits order issued under this chapter shall be guilty of a gross misdemeanor.

(2) Any person who willfully disobeys an off-limits order in violation of the terms of the order and who also either:

- (a) Enters or remains in a PADT area that is within one thousand feet of any school; or
- (b) Is convicted of a second or subsequent violation of this chapter, is guilty of a class C felony.

NEW SECTION. Sec. 224. The superior courts shall have jurisdiction of all civil actions and all felony criminal proceedings brought under this chapter. Courts of limited jurisdiction shall have jurisdiction of all misdemeanor and gross misdemeanor criminal actions brought under this chapter.

NEW SECTION. Sec. 225. For the purposes of this chapter, an action may be brought in any county in which any element of the alleged drug trafficking activities occurred.

NEW SECTION. Sec. 226. Upon application, notice to all parties, and a hearing, the court may modify the terms of an off-limits order. When an order is terminated, modified, or amended before its expiration date, the clerk of the court shall forward, on or before the next judicial day, a true copy of the amended order to the law enforcement agency specified in the order. Upon receipt of an order, the law enforcement agency shall promptly enter it into an appropriate law enforcement information system.

NEW SECTION. Sec. 227. Sections 213 through 226 of this act shall constitute a new chapter in Title 10 RCW.

SUBPART E DRUG SITE CLEANUP

NEW SECTION. Sec. 228. A new section is added to chapter 69.50 RCW to read as follows:

Law enforcement agencies who during the official investigation or enforcement of any illegal drug manufacturing facility come in contact with or are aware of any substances suspected of being hazardous as defined in section 2(5), chapter 2, Laws of 1989 (Initiative Measure No. 97), shall notify the department of ecology for the purpose of securing a contractor to identify, clean-up, store, and dispose of suspected hazardous substances, except for those random and representative samples obtained for evidentiary purposes. The department of ecology shall make every effort to recover costs from the parties responsible for the suspected hazardous substance. All recoveries shall be deposited in the account or fund from which contractor payments are made.

The department of ecology may adopt rules to carry out its responsibilities under this section. The department of ecology shall consult with law enforcement agencies prior to adopting any rule or policy relating to this section.

SUBPART F KEG REGISTRATION

NEW SECTION. Sec. 229. Only licensees holding a class A or B license in combination with a class E license may sell malt liquor in kegs or other containers capable of holding four gallons or more of liquid. Any person who sells or offers for sale the contents of kegs or other containers containing four gallons or more of malt liquor, or leases kegs or other containers that will hold four gallons of malt liquor, to consumers who are not licensed under chapter 66.24 RCW shall do the following for any transaction involving the container:

- (1) Require the purchaser of the malt liquor to sign a declaration and receipt for the keg or other container or beverage in substantially the form provided in section 231 of this act;
- (2) Require the purchaser to provide one piece of identification pursuant to RCW 66.16.040;
- (3) Require the purchaser to sign a sworn statement, under penalty of perjury, that:
 - (a) The purchaser is of legal age to purchase, possess, or use malt liquor;

(b) The purchaser will not allow any person under the age of twenty-one years to consume the beverage except as provided by RCW 66.44.270;

(c) The purchaser will not remove, obliterate, or allow to be removed or obliterated, the identification required under section 231 of this act to be affixed to the container;

(4) Require the purchaser to state the particular address where the malt liquor will be consumed, or the particular address where the keg or other container will be physically located; and

(5) Require the purchaser to maintain a copy of the declaration and receipt next to or adjacent to the keg or other container, in no event a distance greater than five feet, and visible without a physical barrier from the keg, during the time that the keg or other container is in the purchaser's possession or control.

NEW SECTION, Sec. 230. Any person who purchases the contents of kegs or other containers containing four gallons or more of malt liquor, or purchases or leases the container shall:

(1) Sign a declaration and receipt for the keg or other container or beverage in substantially the form provided in section 231 of this act;

(2) Provide one piece of identification pursuant to RCW 66.16.040;

(3) Be of legal age to purchase, possess, or use malt liquor;

(4) Not allow any person under the age of twenty-one to consume the beverage except as provided by RCW 66.44.270;

(5) Not remove, obliterate, or allow to be removed or obliterated, the identification required under rules adopted by the board;

(6) Not move, keep, or store the keg or its contents, except for transporting to and from the distributor, at any place other than that particular address declared on the receipt and declaration; and

(7) Maintain a copy of the declaration and receipt next to or adjacent to the keg or other container, in no event a distance greater than five feet, and visible without a physical barrier from the keg, during the time that the keg or other container is in the purchaser's possession or control.

NEW SECTION, Sec. 231. The board shall adopt rules requiring retail licensees to affix appropriate identification on all containers of four gallons or more of malt liquor for the purpose of tracing the purchasers of such containers. The rules may provide for identification to be done on a state-wide basis or on the basis of smaller geographical areas.

The board shall develop and make available forms for the declaration and receipt required by section 229 of this act.

It is unlawful for any person to sell or offer for sale kegs or other containers containing four gallons or more of malt liquor to consumers who are not licensed under chapter 66.24 RCW if the kegs or containers are not identified in compliance with rules adopted by the board.

NEW SECTION, Sec. 232. (1) Except as provided in subsection (2) of this section, the violation of any provisions of sections 229 through 231 of this act is punishable by a fine of not more than five hundred dollars.

(2) Except as provided in RCW 66.44.270, a person who intentionally furnishes a keg or other container containing four or more gallons of malt liquor to a minor is liable, on conviction, for a first offense for a penalty of not more than five hundred dollars, or for imprisonment for not more than two months, or both; for a second offense for a penalty of not more than five hundred dollars or imprisonment for not more than six months, or both; and for a third or subsequent offense for a penalty of not more than five hundred dollars or imprisonment for more than one year, or both.

NEW SECTION, Sec. 233. The state of Washington fully occupies and preempts the entire field of keg registration. Cities, towns, and counties or other municipalities may enact only those laws and ordinances relating to keg registration that are consistent with this chapter. Such local ordinances shall have the same or lesser penalties as provided for by state law. Local laws and ordinances that are inconsistent with, more restrictive than, or exceed the requirements of state law shall not be enacted and are preempted and repealed, regardless of the nature of the code, charter, or home rule status of the city, town, county, or municipality.

NEW SECTION, Sec. 234. Sections 229 through 233 of this act are each added to chapter 66.28 RCW.

SUBPART G

SPECIAL NARCOTICS ENFORCEMENT UNIT

NEW SECTION, Sec. 235. A new section is added to chapter 9A.82 RCW to read as follows:

A special narcotics enforcement unit is established within the Washington state patrol drug control assistance unit. The unit shall be coordinated between the Washington state patrol, the attorney general, and the Washington association of sheriffs and police chiefs. The initial unit shall consist of attorneys, investigators, and the necessary accountants and support staff. It is the responsibility of the unit to: (1) Conduct criminal narcotic profiteering investigations and assist with prosecutions, (2) train local undercover narcotic agents, and (3) coordinate federal, state, and local interjurisdictional narcotic investigations.

SUBPART H

STATE-WIDE DRUG PROSECUTION ASSISTANCE PROGRAM

NEW SECTION. Sec. 236. A new section is added to chapter 36.27 RCW to read as follows:

The legislature recognizes that, due to the magnitude or volume of offenses in a given area of the state, there is a recurring need for supplemental assistance in the prosecuting of drug and drug-related offenses that can be directed to the area of the state with the greatest need for short-term assistance. A state-wide drug prosecution assistance program is created within the department of community development to assist county prosecuting attorneys in the prosecution of drug and drug-related offenses.

NEW SECTION. Sec. 237. A new section is added to chapter 36.27 RCW to read as follows:

There is established a state-wide advisory committee comprised of the attorney general, the chief of the Washington state patrol, both United States attorneys whose offices are located in Washington state, and three county prosecuting attorneys appointed by the Washington association of prosecuting attorneys, who will also act as supervising attorneys. The state-wide advisory committee shall select one of the supervising attorneys to act as project director of the drug prosecution assistance program.

NEW SECTION. Sec. 238. A new section is added to chapter 36.27 RCW to read as follows:

The project director of the drug prosecution assistance program shall employ up to five attorneys to act as special deputy prosecuting attorneys. A county or counties may request the assistance of one or more of the special deputy prosecuting attorneys. The project director after consultation with the advisory committee shall determine the assignment of the special deputy prosecutors. Within funds appropriated for this purpose, the project director may also employ necessary support staff and purchase necessary supplies and equipment.

The advisory committee shall regularly review the assignment of the special deputy prosecuting attorneys to ensure that the program's impact on the drug abuse problem is maximized.

During the time a special deputy prosecuting attorney is assigned to a county, the special deputy is under the direct supervision of the county prosecuting attorney for that county. The advisory committee may reassign a special deputy at any time: PROVIDED, That adequate notice must be given to the county prosecuting attorney if the special deputy is involved in a case scheduled for trial.

SUBPART I

NEIGHBORHOOD BLIGHT

NEW SECTION. Sec. 239. Every county, city, and town may acquire by condemnation, in accordance with the notice requirements and other procedures for condemnation provided in Title 8 RCW, any property, dwelling, building, or structure which constitutes a blight on the surrounding neighborhood. A "blight on the surrounding neighborhood" is any property, dwelling, building, or structure that has not been lawfully occupied for a period of one year or more, constitutes a threat to the public health, safety, or welfare as determined by the county health department in the applicable county and that is or has been associated with illegal drug activity during the previous twelve months. Prior to such condemnation, the local governing body shall adopt a resolution declaring that the acquisition of the real property described therein is necessary to eliminate neighborhood blight. Condemnation of property, dwellings, buildings, and structures for the purposes described in this chapter is declared to be for a public use.

NEW SECTION. Sec. 240. Counties, cities, and towns may sell, lease, or otherwise transfer real property acquired pursuant to this chapter for residential, recreational, commercial, industrial, or other uses or for public use, subject to such covenants, conditions, and restrictions, including covenants running with the land, as the county, city, or town deems to be necessary or desirable to rehabilitate and preserve the dwelling, building, or structure in a habitable condition. The purchasers or lessees and their successors and assigns shall be obligated to comply with such other requirements as the county, city, or town may determine to be in the public interest, including the obligation to begin, within a reasonable time, any improvements on such property required to make the dwelling, building, or structure habitable. Such real property or interest shall be sold, leased, or otherwise transferred, at not less than its fair market value. In determining the fair market value of real property for uses in accordance with this section, a municipality shall take into account and give consideration to, the restrictions upon and the covenants, conditions, and obligations assumed by the purchaser or lessee.

NEW SECTION. Sec. 241. A county, city, or town may dispose of real property acquired pursuant to this section to private persons only under such reasonable, competitive procedures as it shall prescribe. The county, city, or town may accept such proposals as it deems to be in the public interest and in furtherance of the purposes of this chapter. Thereafter, the county, city, or town may execute and deliver contracts, deeds, leases, and other instruments of transfer.

NEW SECTION. Sec. 242. Every county, city, or town may, in addition to any other authority granted by this chapter: (1) Enter upon any building or property found to constitute a blight on the surrounding neighborhood in order to make surveys and appraisals, and to obtain an order for this purpose from a court of competent jurisdiction in the event entry is denied or

resisted; and (2) borrow money, apply for, and accept, advances, loans, grants, contributions, and any other form of financial assistance from the federal government, the state, a county, or other public body, or from any sources, public or private, for the purposes of this chapter, and enter into and carry out contracts in connection herewith.

NEW SECTION. Sec. 243. Sections 239 through 242 of this act shall constitute a new chapter in Title 35 RCW.

SUBPART J

SCHOOL OFFICIAL SEARCHES OF STUDENT LOCKERS

NEW SECTION. Sec. 244. A new section is added to chapter 28A.67 RCW to read as follows:

The legislature finds that illegal drug activity and weapons in schools threaten the safety and welfare of school children and pose a severe threat to the state educational system. School officials need authority to maintain order and discipline in schools and to protect students from exposure to illegal drugs, weapons, and contraband. Searches of school-issued lockers and the contents of those lockers is a reasonable and necessary tool to protect the interests of the students of the state as a whole.

NEW SECTION. Sec. 245. A new section is added to chapter 28A.67 RCW to read as follows:

No right nor expectation of privacy exists for any student as to the use of any locker issued or assigned to a student by a school and the locker shall be subject to search for illegal drugs, weapons, and contraband as provided in sections 244 through 247 of this act.

NEW SECTION. Sec. 246. A new section is added to chapter 28A.67 RCW to read as follows:

(1) A school principal, vice principal, or principal's designee may search a student, the student's possessions, and the student's locker, if the principal, vice principal, or principal's designee has reasonable grounds to suspect that the search will yield evidence of the student's violation of the law or school rules.

(2) Except as provided in subsection (3) of this section, the scope of the search is proper if the search is conducted as follows:

(a) The methods used are reasonably related to the objectives of the search; and

(b) Is not excessively intrusive in light of the age and sex of the student and the nature of the suspected infraction.

(3) A principal or vice principal or anyone acting under their direction may not subject a student to a strip search or body cavity search as those terms are defined in RCW 10.79.070.

NEW SECTION. Sec. 247. A new section is added to chapter 28A.67 RCW to read as follows:

(1) In addition to the provisions in section 246 of this act, the school principal, vice principal, or principal's designee may search all student lockers at any time without prior notice and without a reasonable suspicion that the search will yield evidence of any particular student's violation of the law or school rule.

(2) If the school principal, vice principal, or principal's designee, as a result of the search, develops a reasonable suspicion that a certain container or containers in any student locker contain evidence of a student's violation of the law or school rule, the principal, vice principal, or principal's designee may search the container or containers according to the provisions of section 246(2) of this act.

PART III

SOCIAL PROGRAMS AND EDUCATION

SUBPART A

INVOLUNTARY TREATMENT

Sec. 301. Section 294, page 187, Laws of 1854 as last amended by section 1501, chapter 212, Laws of 1987, section 11, chapter 439, Laws of 1987, and by section 1, chapter ____ (SSB 5034), Laws of 1989 and RCW 5.60.060 are each reenacted and amended to read as follows:

(1) A husband shall not be examined for or against his wife, without the consent of the wife, nor a wife for or against her husband without the consent of the husband; nor can either during marriage or afterward, be without the consent of the other, examined as to any communication made by one to the other during marriage. But this exception shall not apply to a civil action or proceeding by one against the other, nor to a criminal action or proceeding for a crime committed by one against the other, nor to a criminal action or proceeding against a spouse if the marriage occurred subsequent to the filing of formal charges against the defendant, nor to a criminal action or proceeding for a crime committed by said husband or wife against any child of whom said husband or wife is the parent or guardian, nor to a proceeding under chapter 70.96A or 71.05 RCW: PROVIDED, That the spouse of a person sought to be detained under chapter 70.96A or 71.05 RCW may not be compelled to testify and shall be so informed by the court prior to being called as a witness.

(2) An attorney or counselor shall not, without the consent of his or her client, be examined as to any communication made by the client to him or her, or his or her advice given thereon in the course of professional employment.

(3) A member of the clergy or a priest shall not, without the consent of a person making the confession, be examined as to any confession made to him or her in his or her professional character, in the course of discipline enjoined by the church to which he or she belongs.

(4) Subject to the limitations under RCW 70.96A.140 or 71.05.250, a physician or surgeon or osteopathic physician or surgeon shall not, without the consent of his or her patient, be examined in a civil action as to any information acquired in attending such patient, which was necessary to enable him or her to prescribe or act for the patient, except as follows:

(a) In any judicial proceedings regarding a child's injury, neglect, or sexual abuse or the cause thereof; and

(b) Ninety days after filing an action for personal injuries or wrongful death, the claimant shall be deemed to waive the physician-patient privilege. Waiver of the physician-patient privilege for any one physician or condition constitutes a waiver of the privilege as to all physicians or conditions, subject to such limitations as a court may impose pursuant to court rules.

(5) A public officer shall not be examined as a witness as to communications made to him or her in official confidence, when the public interest would suffer by the disclosure.

Sec. 302. Section 2, chapter 447, Laws of 1985 as amended by section 1, chapter 212, Laws of 1986 and RCW 5.62.020 are each amended to read as follows:

No registered nurse providing primary care or practicing under protocols, whether or not the physical presence or direct supervision of a physician is required, may be examined in a civil or criminal action as to any information acquired in attending a patient in the registered nurse's professional capacity, if the information was necessary to enable the registered nurse to act in that capacity for the patient, unless:

(1) The patient consents to disclosure or, in the event of death or disability of the patient, his or her personal representative, heir, beneficiary, or devisee consents to disclosure; or

(2) The information relates to the contemplation or execution of a crime in the future, or relates to the neglect or the sexual or physical abuse of a child, or of a vulnerable adult as defined in RCW 74.34.020, or to a person subject to proceedings under chapter 70.96A, 71.05, or 71.34 RCW.

Sec. 303. Section 11, chapter 305, Laws of 1955 as last amended by section 12, chapter 439, Laws of 1987 and RCW 18.83.110 are each amended to read as follows:

Confidential communications between a client and a psychologist shall be privileged against compulsory disclosure to the same extent and subject to the same conditions as confidential communications between attorney and client, but this exception is subject to the limitations under RCW 70.96A.140 and 71.05.250.

Sec. 304. Section 1, chapter 122, Laws of 1972 ex. sess. and RCW 70.96A.010 are each amended to read as follows:

It is the policy of this state that alcoholics and intoxicated persons may not be subjected to criminal prosecution solely because of their consumption of alcoholic beverages but rather should, within available funds, be afforded a continuum of treatment in order that they may lead normal lives as productive members of society. Within available funds, treatment should also be provided for drug addicts.

Sec. 305. Section 2, chapter 122, Laws of 1972 ex. sess. and RCW 70.96A.020 are each amended to read as follows:

For the purposes of this chapter the following words and phrases shall have the following meanings unless the context clearly requires otherwise:

(1) "Alcoholic" means a person who ((habitually lacks self-control as to the use of alcoholic beverages, or uses alcoholic beverages to the extent that his health is substantially impaired or endangered or his social or economic function is substantially disrupted)) suffers from the disease of alcoholism, characterized by a physiological dependency on alcoholic beverages, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological and/or psychological withdrawal if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning;

(2) "Drug addict" means a person who uses drugs other than alcohol in a chronic, compulsive, or uncontrollable manner, to the extent that it is seriously interfering with the individual's health, economic, or social functioning. Drug addiction is characterized by a compulsive desire for one or more drugs, loss of control when exposed to one or more drugs, and continued use in spite of adverse consequences;

(3) "Approved treatment facility" means a treatment agency operating under the direction and control of the department of social and health services or providing treatment under this chapter through a contract with the department under RCW 70.96A.080(6) and meeting the standards prescribed in RCW 70.96A.090(1) and approved under RCW 70.96A.090(3) or meeting the standards prescribed in and approved under RCW 69.54.030;

~~((3))~~ (4) "Secretary" means the secretary of the department of social and health services;

~~((4))~~ (5) "Department" means the department of social and health services;

~~((5))~~ "Director" means the director of the division of alcoholism;))

(6) "Emergency service patrol" means a patrol established under RCW 70.96A.170;

(7) "Incapacitated by alcohol or other drugs" means that a person, as a result of the use of alcohol or other drugs, has his or her judgment so impaired that he or she is incapable of realizing and making a rational decision with respect to ((his)) the need for treatment or care and constitutes a danger to himself or herself, to any other person, or to property;

(8) "Gravely disabled by alcohol or other drugs" means that a person, as a result of the use of alcohol or other drugs: (a) is in danger of serious physical harm resulting from a failure to provide for his or her essential human needs of health or safety; or (b) manifests severe deterioration in routine functioning evidenced by a repeated and escalating loss of cognition or volitional control over his or her actions and is not receiving care as essential for his or her health or safety;

(9) "Incompetent person" means a person who has been adjudged incompetent by the superior court;

~~((9))~~ (10) "Intoxicated person" means a person whose mental or physical functioning is substantially impaired as a result of the use of alcohol or other drugs;

~~((+0))~~ (11) "Treatment" means the broad range of emergency, outpatient, intermediate, and inpatient and emergency services and care, including diagnostic evaluation, medical, psychiatric, psychological, and social service care, vocational rehabilitation and career counseling, which may be extended to alcoholics, drug addicts, persons incapacitated by alcohol or other drugs, and intoxicated persons;

(12) "Peace officer" means a law enforcement official of a public agency or governmental unit, and includes persons specifically given peace officer powers by any state law, local ordinance, or judicial order of appointment;

(13) "Licensed physician" means a person licensed to practice medicine or osteopathy in the state of Washington.

Sec. 306. Section 12, chapter 122, Laws of 1972 ex. sess. as last amended by section 13, chapter 439, Laws of 1987 and RCW 70.96A.120 are each amended to read as follows:

(1) An intoxicated person may come voluntarily to an approved treatment facility for treatment. A person who appears to be intoxicated in a public place and to be in need of help, if he or she consents to the proffered help, may be assisted to his or her home, an approved treatment facility or other health facility.

(2) Except for a person who may be apprehended for possible violation of laws not relating to alcoholism, drug addiction, or intoxication and except for a person who may be apprehended for possible violation of laws relating to driving or being in physical control of a vehicle while intoxicated and except for a person who may wish to avail himself or herself of the provisions of RCW 46.20.308, a person who appears to be incapacitated or gravely disabled by alcohol or other drugs and who is in a public place or who has threatened, attempted, or inflicted physical harm on himself, herself, or another, shall be taken into protective custody by ~~((the police or the emergency service patrol))~~ a peace officer or staff designated by the county and as soon as practicable, but in no event beyond eight hours brought to an approved treatment facility for treatment. If no approved treatment facility is readily available he or she shall be taken to an emergency medical service customarily used for incapacitated persons. ~~The ((police or the emergency service patrol))~~ peace officer or staff designated by the county, in detaining the person and in taking him or her to an approved treatment facility, is taking him or her into protective custody and shall make every reasonable effort to protect his or her health and safety. In taking the person into protective custody, the detaining peace officer or ((member of an emergency patrol)) staff designated by the county may take reasonable steps including reasonable force if necessary to protect himself or herself or effect the custody. A taking into protective custody under this section is not an arrest. No entry or other record shall be made to indicate that the person has been arrested or charged with a crime.

(3) A person who comes voluntarily or is brought to an approved treatment facility shall be examined by a qualified person. He or she may then be admitted as a patient or referred to another health facility, which provides emergency medical treatment, where it appears that such treatment may be necessary. The referring approved treatment facility shall arrange for his or her transportation.

(4) A person who is found to be incapacitated or gravely disabled by alcohol or other drugs at the time of his or her admission or to have become incapacitated or gravely disabled at any time after his or her admission, may not be detained at the facility for more than seventy-two hours after admission as a patient, unless a petition is filed under RCW 70.96A.140, as now or hereafter amended: PROVIDED, That the treatment personnel at ~~((the))~~ an approved treatment facility are authorized to use such reasonable physical restraint as may be necessary to retain an incapacitated or gravely disabled person ((incapacitated by alcohol at such facility)) for up to seventy-two hours from the time of admission. The seventy-two hour periods specified in this section shall be computed by excluding Saturdays, Sundays, and holidays. A person may consent to remain in the facility as long as the physician in charge believes appropriate.

(5) A person who is not admitted to an approved treatment facility, is not referred to another health facility, and has no funds, may be taken to his or her home, if any. If he or she has no home, the approved treatment facility shall ~~((assist))~~ provide him or her ~~((in obtaining shelter))~~ with information and assistance to access available community shelter resources.

(6) If a patient is admitted to an approved treatment facility, his or her family or next of kin shall be notified as promptly as possible by the treatment facility. If an adult patient who is not incapacitated requests that there be no notification, his or her request shall be respected.

(7) The ~~((the police, members of the emergency service))~~ peace officer, staff designated by the county, or treatment facility personnel, who ((in good faith)) act in compliance with this chapter and are performing in the course of their official duty ~~((and))~~ are not criminally or civilly liable therefor.

(8) If the person in charge of the approved treatment facility determines ~~((it is for the patient's benefit))~~ that appropriate treatment is available, the patient shall be encouraged to agree to further diagnosis and appropriate voluntary treatment.

Sec. 307, Section 14, chapter 122, Laws of 1972 ex. sess. as last amended by section 14, chapter 439, Laws of 1987 and RCW 70.96A.140 are each amended to read as follows:

(1) When the person in charge of a treatment facility, or his or her designee, receives information alleging that a person is incapacitated as a result of alcoholism, the person in charge, or his or her designee, after investigation and evaluation of the specific facts alleged and of the reliability and credibility of the information, may file a petition for commitment of such person with the superior court or district court. If the person in charge, or his or her designee, finds that the initial needs of such person would be better served by placement within the mental health system, the person shall be referred to an evaluation and treatment facility as defined in RCW 71.05.020. If placement in an alcohol treatment facility is available and deemed appropriate, the petition shall allege that: The person is an alcoholic who is incapacitated by alcohol, or that the person has twice before in the preceding twelve months been admitted for ~~((the voluntary))~~ detoxification or treatment for alcoholism pursuant to RCW 70.96A.110 and is in need of a more sustained treatment program, or that the person is an alcoholic who has threatened, attempted, or inflicted physical harm on another and is likely to inflict physical harm on another unless committed. A refusal to undergo treatment, by itself, does not constitute evidence of lack of judgment as to the need for treatment. The petition shall be accompanied by a certificate of a licensed physician who has examined the person within ~~((two))~~ five days before submission of the petition, unless the person whose commitment is sought has refused to submit to a medical examination, in which case the fact of refusal shall be alleged in the petition. The certificate shall set forth the licensed physician's findings in support of the allegations of the petition. A physician employed by the petitioning facility or the department is ~~((not))~~ eligible to be the certifying physician.

(2) Upon filing the petition, the court shall fix a date for a hearing no less than ~~((three))~~ two and no more than seven days after the date the petition was filed unless the person petitioned against is presently being detained ~~((by the))~~ in a facility, pursuant to RCW 70.96A.120 or 71.05.210, as now or hereafter amended, in which case the hearing shall be held within seventy-two hours of the filing of the petition: PROVIDED, HOWEVER, That the above specified seventy-two hours shall be computed by excluding Saturdays, Sundays, and holidays: PROVIDED FURTHER, That, the court may, upon motion of the person whose commitment is sought, or upon motion of petitioner with written permission of the person whose commitment is sought, or his or her counsel and, upon good cause shown, extend the date for the hearing. A copy of the petition and of the notice of the hearing, including the date fixed by the court, shall be served by the treatment facility on the person whose commitment is sought, his or her next of kin, a parent or his or her legal guardian if he or she is a minor, and any other person the court believes advisable. A copy of the petition and certificate shall be delivered to each person notified.

(3) At the hearing the court shall hear all relevant testimony, including, if possible, the testimony, which may be telephonic, of at least one licensed physician who has examined the person whose commitment is sought. Communications otherwise deemed privileged under the laws of this state are deemed to be waived in proceedings under this chapter when a court of competent jurisdiction in its discretion determines that the waiver is necessary to protect either the detained person or the public. The waiver of a privilege under this section is limited to records or testimony relevant to evaluation of the detained person for purposes of a proceeding under this chapter. Upon motion by the detained person, or on its own motion, the court shall examine a record or testimony sought by a petitioner to determine whether it is within the scope of the waiver.

The record maker shall not be required to testify in order to introduce medical, nursing, or psychological records of detained persons so long as the requirements of RCW 5.45.020 are met, except that portions of the record that contain opinions as to whether the detained person is an alcoholic must be deleted from the records unless the person offering the opinions is available for cross-examination. The person shall be present unless the court believes that his or her presence is likely to be injurious to him or her; in this event the court may deem it appropriate to appoint a guardian ad litem to represent him or her throughout the proceeding. If deemed advisable, the court may examine the person out of courtroom. If the person has refused to be examined by a licensed physician, he or she shall be given an opportunity to be examined by a court appointed licensed physician. If he or she refuses and there is sufficient evidence to believe that the allegations of the petition are true, or if the court believes that more medical evidence is necessary, the court may make a temporary order committing him

or her to the department for a period of not more than five days for purposes of a diagnostic examination.

(4) If after hearing all relevant evidence, including the results of any diagnostic examination, the court finds that grounds for involuntary commitment have been established by clear, cogent, and convincing proof, it shall make an order of commitment to an approved treatment facility. It shall not order commitment of a person unless it determines that an approved treatment facility is available and able to provide adequate and appropriate treatment for him or her ~~((and the treatment is likely to be beneficial))~~.

(5) A person committed under this section shall remain in the facility for treatment for a period of ~~((thirty))~~ sixty days unless sooner discharged. At the end of the ~~((thirty))~~ sixty-day period, he or she shall be discharged automatically unless the facility, before expiration of the period, files a petition for his or her recommitment upon the grounds set forth in subsection (1) of this section for a further period of ninety days unless sooner discharged. If a person has been committed because he or she is an alcoholic likely to inflict physical harm on another, the facility shall apply for recommitment if after examination it is determined that the likelihood still exists.

~~(6) (A person recommitted under subsection (5) of this section who has not been discharged by the facility before the end of the ninety day period shall be discharged at the expiration of that period unless the facility, before expiration of the period, obtains a court order on the grounds set forth in subsection (1) of this section for recommitment for a further period not to exceed ninety days. If a person has been committed because he or she is an alcoholic likely to inflict physical harm on another, the facility shall apply for recommitment if after examination it is determined that the likelihood still exists. Only two recommitment orders under subsections (5) and (6) of this section are permitted.~~

~~((7))~~ Upon the filing of a petition for recommitment under subsection ~~((s))~~ (5) ~~((or (6)))~~ of this section, the court shall fix a date for hearing no less than ~~((three))~~ two and no more than seven days after the date the petition was filed: PROVIDED, That, the court may, upon motion of the person whose commitment is sought and upon good cause shown, extend the date for the hearing. A copy of the petition and of the notice of hearing, including the date fixed by the court, shall be served by the treatment facility on the person whose commitment is sought, his or her next of kin, the original petitioner under subsection (1) of this section if different from the petitioner for recommitment, one of his or her parents or his or her legal guardian if he or she is a minor, and his or her attorney and any other person the court believes advisable. At the hearing the court shall proceed as provided in subsection (3) of this section.

~~((8))~~ (7) The approved treatment facility shall provide for adequate and appropriate treatment of a person committed to its custody. A person committed under this section may be transferred from one approved public treatment facility to another if transfer is medically advisable.

~~((9))~~ (8) A person committed to the custody of a facility for treatment shall be discharged at any time before the end of the period for which he or she has been committed and he or she shall be discharged by order of the court if either of the following conditions are met:

(a) In case of an alcoholic committed on the grounds of likelihood of infliction of physical harm upon himself, herself, or another, ~~((that he or she is no longer an alcoholic or))~~ the likelihood no longer exists; or further treatment will not be likely to bring about significant improvement in the person's condition, or treatment is no longer adequate or appropriate.

(b) In case of an alcoholic committed on the grounds of the need of treatment and incapacity, that the incapacity no longer exists.

~~((10))~~ (9) The court shall inform the person whose commitment or recommitment is sought of his or her right to contest the application, be represented by counsel at every stage of any proceedings relating to his or her commitment and recommitment, and have counsel appointed by the court or provided by the court, if he or she wants the assistance of counsel and is unable to obtain counsel. If the court believes that the person needs the assistance of counsel, the court shall require, by appointment if necessary, counsel for him or her regardless of his or her wishes. The person shall, if he or she is financially able, bear the costs of such legal service; otherwise such legal service shall be at public expense. The person whose commitment or recommitment is sought shall be informed of his or her right to be examined by a licensed physician and requests examination by a physician, the court shall employ a licensed physician.

~~((11))~~ (10) A person committed under this chapter may at any time seek to be discharged from commitment by writ of habeas corpus in a court of competent jurisdiction.

~~((12))~~ (11) The venue for proceedings under this section is the county in which person to be committed resides or is present.

(12) When in the opinion of the professional person in charge of the facility providing involuntary treatment under this chapter, the committed patient can be appropriately served by less restrictive treatment before expiration of the period of commitment, then the less restrictive care may be required as a condition for early release for a period which, when added to the initial treatment period, does not exceed the period of commitment. If the facility designated to provide the less restrictive treatment is other than the facility providing the initial

involuntary treatment, the facility so designated must agree in writing to assume such responsibility. A copy of the conditions for early release shall be given to the patient, the designated county alcoholism specialist, and the court of original commitment. The facility designated to provide less restrictive care may modify the conditions for continued release when the modifications are in the best interests of the patient. If the facility providing less restrictive care and the designated county alcoholism specialist determine that a conditionally released patient is failing to adhere to the terms and conditions of his or her release, or that substantial deterioration in the patient's functioning has occurred, then the designated county alcoholism specialist shall notify the court of original commitment and request a hearing to be held no less than two and no more than seven days after the date of the request to determine whether or not the person should be returned to more restrictive care. The designated alcoholism specialist shall file a petition with the court stating the facts substantiating the need for the hearing along with the treatment recommendations. The patient shall have the same rights with respect to notice, hearing, and counsel as for the original involuntary treatment proceedings. The issues to be determined at the hearing are whether the conditionally released patient did or did not adhere to the terms and conditions of his or her release to less restrictive care or that substantial deterioration of the patient's functioning has occurred and whether the conditions of release should be modified or the person should be returned to a more restrictive facility. The hearing may be waived by the patient and his or her counsel and his or her guardian or conservator, if any, but may not be waived unless all such persons agree to the waiver. Upon waiver, the person may be returned for involuntary treatment or continued on conditional release on the same or modified conditions.

Sec. 308. Section 15, chapter 85, Laws of 1959 and RCW 70.96.150 are each amended to read as follows:

The department shall not refuse admission for diagnosis, evaluation, guidance or treatment to any applicant because it is determined that the applicant is financially unable to contribute fully or in part to the cost of any services or facilities available under the program on alcoholism.

The department may limit admissions of such applicants or modify its programs in order to ensure that expenditures for services or programs do not exceed amounts appropriated by the legislature and are allocated by the department for such services or programs. The department may establish admission priorities in the event that the number of eligible applicants exceeds the limits set by the department.

NEW SECTION. Sec. 309. A new section is added to chapter 70.96A RCW to read as follows:

The department is authorized to allocate appropriated funds in the manner that it determines best meets the purposes of this chapter. Nothing in this chapter shall be construed to entitle any individual to services authorized in this chapter, or to require the department or its contractors to reallocate funds in order to ensure that services are available to any eligible person upon demand.

SUBPART B

DRUG AND ALCOHOL ABUSE PREVENTION AND EARLY INTERVENTION IN SCHOOLS

NEW SECTION. Sec. 310. (1) The legislature finds that the provision of drug and alcohol counseling and related prevention and intervention services in schools will enhance the classroom environment for students and teachers, and better enable students to realize their academic and personal potentials.

(2) The legislature finds that it is essential that resources be made available to school districts to provide early drug and alcohol prevention and intervention services to students and their families; to assist in referrals to treatment providers; and to strengthen the transition back to school for students who have had problems of drug and alcohol abuse.

(3) New and existing substance abuse awareness programs funded pursuant to RCW 28A.120.030 through 28A.120.050 do not fall within the definition of basic education for purposes of Article IX of the state Constitution and the state's funding duty thereunder.

(4) The legislature intends to provide grants for drug and alcohol abuse prevention and intervention in schools, targeted to those schools with the highest concentrations of students at risk.

NEW SECTION. Sec. 311. (1) Grants provided under section 312 of this act may be used solely for services provided by a substance abuse intervention specialist or for dedicated staff time for counseling and intervention services provided by any school district certificated employee who has been trained by and has access to consultation with a substance abuse intervention specialist. Services shall be directed at assisting students in kindergarten through twelfth grade in overcoming problems of drug and alcohol abuse, and in preventing abuse and addiction to such substances, including nicotine. The grants shall require local matching funds so that the grant amounts support a maximum of eighty percent of the costs of the services funded. The services of a substance abuse intervention specialist may be obtained by means of a contract with a state or community services agency or a drug treatment center. Services provided by a substance abuse intervention specialist may include:

- (a) Individual and family counseling, including preventive counseling;
- (b) Assessment and referral for treatment;

- (c) Referral to peer support groups;
- (d) Aftercare;
- (e) Development and supervision of student mentor programs;
- (f) Staff training, including training in the identification of high-risk children and effective interaction with those children in the classroom; and
- (g) Development and coordination of school drug and alcohol core teams, involving staff, students, parents, and community members.

(2) For the purposes of this section, "substance abuse intervention specialist" means any one of the following, except that diagnosis and assessment, counseling and aftercare specifically identified with treatment of chemical dependency shall be performed only by personnel who meet the same qualifications as are required of a qualified chemical dependency counselor employed by an alcoholism or drug treatment program approved by the department of social and health services.

(a) An educational staff associate employed by a school district or educational service district who holds certification as a school counselor, school psychologist, school nurse, or school social worker under state board of education rules adopted pursuant to RCW 28A.04.120;

(b) An individual who meets the definition of a qualified drug or alcohol counselor established by the bureau of alcohol and substance abuse;

(c) A counselor, social worker, or other qualified professional employed by the department of social and health services;

(d) A psychologist licensed under chapter 18.83 RCW; or

(e) A children's mental health specialist as defined in RCW 71.34.020.

NEW SECTION. Sec. 312. (1) The superintendent of public instruction shall select school districts and cooperatives of school districts to receive grants for drug and alcohol abuse prevention and intervention programs for students in kindergarten through twelfth grade, from funds appropriated by the legislature for this purpose. The minimum annual grant amount per district or cooperative of districts shall be twenty thousand dollars. Factors to be used in selecting proposals for funding and in determining grant awards shall be developed in consultation with the substance abuse advisory committee appointed under RCW 28A.120.038, with the intent of targeting funding to districts with high-risk populations. These factors may include:

(a) Characteristics of the school attendance areas to be served, such as the number of students from low-income families, truancy rates, juvenile justice referrals, and social services caseloads;

(b) The total number of students who would have access to services; and

(c) Participation of community groups and law enforcement agencies in drug and alcohol abuse prevention and intervention activities.

(2) The application procedures for grants under this section shall be consistent with the application procedures for other grants for substance abuse awareness programs under RCW 28A.120.032, including provisions for comprehensive planning, establishment of a school and community substance abuse advisory committee, and documentation of the district's needs assessment. Planning and application for grants under this section may be integrated with the development of other substance abuse awareness programs by school districts, and other grants under RCW 28A.120.030 through 28A.120.036 shall not require a separate application. School districts shall, to the maximum extent feasible, coordinate the use of grants provided under this section with other funding available for substance abuse awareness programs. School districts should allocate resources giving emphasis to drug and alcohol abuse intervention services for students in grades five through nine. Grants may be used to provide services for students who are enrolled in approved private schools.

(3) School districts receiving grants under this section shall be required to establish a means of accessing formal assessment services for determining treatment needs of students with drug and alcohol problems. The grant applications submitted by districts shall identify the districts' plan for meeting this requirement.

(4) School districts receiving grants under this section shall be required to perform biennial evaluations of their drug and alcohol abuse prevention and intervention programs, and to report on the results of these evaluations to the superintendent of public instruction.

(5) The superintendent of public instruction may adopt rules to implement sections 311 through 313 of this act.

NEW SECTION. Sec. 313. (1) School districts are encouraged to promote parent and community involvement in drug and alcohol abuse prevention and intervention programs, through parent visits under RCW 28A.58.053 and through any school involvement program established by the district under RCW 28A.58.640 through 28A.58.648.

(2) Districts are further encouraged to review drug and alcohol prevention and intervention programs as part of the self-study procedures required under RCW 28A.58.085 and as part of any annual goal-setting process the district may have established under RCW 28A.58.094.

NEW SECTION. Sec. 314. Sections 311 through 313 of this act are each added to chapter 28A.120 RCW.

SUBPART C
COMMUNITY MOBILIZATION

NEW SECTION. Sec. 315. The legislature recognizes that state-wide efforts aimed at reducing the incidence of substance abuse must be increased. The legislature further recognizes that the most effective strategy for reducing the impact of alcohol and other drug abuse is through the collaborative efforts of educators, law enforcement, local government officials, local treatment providers, and concerned community and citizens' groups.

The legislature intends to support the development and activities of community mobilization strategies against substance abuse through the following efforts:

(1) Provide funding support for prevention, treatment, and enforcement activities identified by communities that have brought together education, treatment, local government, law enforcement, and other key elements of the community;

(2) Provide technical assistance and support to help communities develop and carry out effective activities; and

(3) Provide communities with opportunities to share suggestions for state program operations and budget priorities.

NEW SECTION. Sec. 316. There is established in the office of the governor a grant program to provide incentive for and support for communities to develop targeted and coordinated strategies to reduce the incidence and impact of substance abuse.

Activities which may be funded through this grant program include those which:

(1) Prevent substance abuse through educational and self-esteem efforts, development of positive alternatives, intervention with high-risk groups, and other prevention strategies;

(2) Support effective treatment by increasing access to and availability of treatment opportunities, particularly for underserved or highly impacted populations, developing after-care and support mechanisms, and other strategies to increase the availability and effectiveness of treatment;

(3) Provide meaningful consequences for participation in illegal activity and promote safe and healthy communities through support of law enforcement strategies;

(4) Create or build on efforts by existing community programs, coordinate their efforts, and develop cooperative efforts or other initiatives to make most effective use of resources to carry out the community's strategy against substance abuse; and

(5) Other activities which demonstrate both feasibility and a rationale for how the activity will achieve measurable results in the strategy against substance abuse.

NEW SECTION. Sec. 317. Applications for funding under this chapter must:

(1) Demonstrate that the community has developed and is committed to carrying out a coordinated strategy of prevention, treatment, and law enforcement activities; and

(2) Contain evidence of active participation of the community and specific commitments to implementing the community-wide agenda by leadership from at least education, law enforcement, local government, tribal government, and treatment entities in the community, and the opportunity for meaningful involvement from others such as neighborhood and citizen groups, businesses, human service, health and job training organizations, and other key elements of the community, particularly those whose responsibilities in law enforcement, treatment, prevention, or other community efforts provide direct, ongoing contact with substance abusers.

NEW SECTION. Sec. 318. This grant program will be available to communities of any geographic size but will encourage and reward communities which develop coordinated or complementary strategies within geographic areas such as county areas or groups of county areas which correspond to units of government with significant responsibilities in the area of substance abuse, existing coalitions, or other entities important to the success of a community's strategy against substance abuse.

NEW SECTION. Sec. 319. At a minimum, grant applications must include the following:

(1) Definition of geographic area;

(2) A description of the extent and impact of substance abuse in the community, including an explanation of those who are most severely impacted and those most at risk of substance abuse;

(3) An explanation of the community-wide strategy for prevention, treatment, and law enforcement activities related to substance abuse with particular attention to those who are most severely impacted and those most at risk of substance abuse;

(4) Explanation of who was involved in development of the strategy and what specific commitments have been made to carrying it out;

(5) Identification of existing prevention, treatment, and law enforcement resources committed by the community, including financial and other support, and an explanation of how the community's strategy involves and builds on the efforts of existing organizations or coalitions that have been carrying out community efforts against substance abuse;

(6) Identification of activities that address specific objectives in the strategy for which additional resources are needed;

(7) Identification of additional local resources, including public or private funds, donated goods or services, and other measurable commitments, that have been committed to the activities identified in subsection (6) of this section;

(8) Identification of activities which address specific objectives in the strategy for which funding is requested. Activities should be presented in priority order;

(9) Each activity for which funding is requested must be explained in sufficient detail to demonstrate:

(a) Feasibility through deliberative design, specific objectives, and realistic plan for implementation;

(b) A rationale for how this activity will achieve measurable results and how it will be evaluated;

(c) That funds requested are necessary and appropriate to effectively carry out the activity; and

(10) Identification of a fiscal agent meeting state requirements for each activity proposed for funding.

NEW SECTION. Sec. 320. The governor shall make awards, subject to funds appropriated by the legislature, under the following terms:

(1) In order to be eligible for consideration, applications must demonstrate, at a minimum:

(a) That proposals submitted for funding are based on and address specific objectives contained in a coordinated strategy of prevention, treatment, and law enforcement against substance abuse;

(b) Evidence of active participation in preparation of the proposal and specific commitments to implementing the community-wide agenda by leadership from at least education, law enforcement, local government, tribal government, and treatment entities in the community, and the opportunity for meaningful involvement from others such as neighborhood and citizen groups, businesses, human service, health and job training organizations, and other key elements of the community, particularly those whose responsibilities in law enforcement, treatment, prevention, or other community efforts provide direct, ongoing contact with substance abusers, or those at risk for substance abuse;

(c) That they have met the requirements listed in section 319 of this act;

(d) Evidence of additional local resources committed to its strategy totaling at least twenty-five percent of funds awarded under this section. These resources may consist of public or private funds, donated goods or services, and other measurable commitments, including in-kind contributions such as volunteer services, materials, supplies, physical facilities or a combination thereof; and

(e) That the funds applied for, if received, will not be used to replace funding for existing activities.

(2) In order to encourage and reward communities which develop coordinated or complementary strategies within geographic areas which correspond to units of government with significant responsibilities in the area of substance abuse, up to fifty percent of funds appropriated for the purposes of this chapter may be awarded on a per capita basis to eligible applications reflecting coordinated strategy from a county area or group of county areas. The governor may establish minimum allotments per eligible county areas up to fifteen thousand dollars; and

(3) No less than fifty percent of funds appropriated under this chapter shall be awarded on a competitive basis for activities by communities not participating in a county-wide strategy and activities identified by county-wide strategies but not funded through per capita grants. Eligible applications will be assessed and compared by a peer review committee whose members have experience in prevention, treatment, law enforcement, and other community efforts against substance abuse using the following criteria:

(a) The extent and impact of substance abuse;

(b) The extent to which key elements of the community are involved in and committed to the coordinated strategy;

(c) The extent of commitments of local resources to the coordinated strategy;

(d) The extent to which any activities in a community's strategy offer an innovative approach to a chronic, wide-spread problem.

The peer review committee will advise the governor on the extent to which each eligible applicant has met these criteria. The governor will distribute available funds based on this information.

(4) The governor shall distribute fifty percent of the initial appropriation for the purposes of this chapter no later than October 1, 1989, and the remainder no later than July 1, 1990.

(5) Activities funded under this section may be considered for funding in future years, but will be considered under the same terms and criteria of new activities. Funding under this section shall not constitute an obligation by the state of Washington to provide ongoing funding.

NEW SECTION. Sec. 321. The governor shall ask communities for suggestions on state practices, policies, and priorities that would help communities implement their strategies against substance abuse. The governor or appropriate agency officials shall review and respond to those suggestions making necessary changes where feasible, making recommendations to the

legislature where appropriate, and providing an explanation as to why suggested changes cannot be accomplished, if the suggestions cannot be acted upon.

NEW SECTION. Sec. 322. The governor may receive such gifts, grants, and endowments from public or private sources as may be made from time to time, in trust or otherwise, for the use and benefit of the purposes of sections 315 through 322 of this act and expend the same or any income therefrom according to the terms of the gifts, grants, or endowments.

NEW SECTION. Sec. 323. Sections 315 through 322 of this act shall constitute a new chapter in Title 43 RCW.

NEW SECTION. Sec. 324. The governor shall report to the legislature by January 1, 1991, regarding the operations of the grant program authorized in section 316 of this act. At a minimum, the report shall include the following:

- (1) Number of grants awarded and the amount of each grant;
- (2) Recipients of grants, including the communities in which they are based;
- (3) Purposes for which the grants were awarded;
- (4) Success of the projects in achieving their stated goals and objectives;
- (5) An assessment of the effect that the activities of this act had on encouraging and supporting coordinated community action against substance abuse;
- (6) Recommendations for further funding by the state; and
- (7) Recommendations regarding future operations of the program, including criteria for awarding grants.

PART IV APPROPRIATIONS

NEW SECTION. Sec. 401. DRUG ENFORCEMENT AND EDUCATION ACCOUNT. The drug enforcement and education account is created in the state treasury. All designated receipts from RCW 66.24.210(4), 66.24.290(3), 69.50.505(f)(2)(i)(C), 82.08.150(5), 82.24.020(2), and sections 420 and 506 of this act shall be deposited into the account. Expenditures from the account may be used only for funding services and programs under this act.

NEW SECTION. Sec. 402. CRIMES AND PENALTIES. The sum of twenty-one million three hundred five thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the drug enforcement and education account to the department of corrections. Of this amount, eight million eight hundred thousand dollars is for operational costs associated with the additional prison population due to the new crimes and increased penalties established by sections 101 through 112 of this act. The remaining twelve million five hundred five thousand dollars is for the purpose of renovating or constructing additional facilities needed as a result of the new crimes and penalties.

NEW SECTION. Sec. 403. JUVENILE OFFENDERS STRUCTURED RESIDENTIAL PROGRAM. The sum of one million eight hundred thirty-five thousand dollars, or as much thereof as may be necessary, is appropriated from the drug enforcement and education account to the department of social and health services for the biennium ending June 30, 1991, for the juvenile offenders structured residential program.

NEW SECTION. Sec. 404. MONITORING INMATE TELEPHONE CALLS. The sum of one hundred seventy-five thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the drug enforcement and education account to the department of corrections for the purpose of monitoring inmate telephone calls within state correctional facilities.

NEW SECTION. Sec. 405. SPECIAL NARCOTICS ENFORCEMENT UNIT. The sum of nine hundred forty thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the drug enforcement and education account to the Washington state patrol to be used solely for purposes of establishing the special narcotics enforcement unit within the state patrol drug control assistance unit.

NEW SECTION. Sec. 406. STATE-WIDE DRUG PROSECUTION ASSISTANCE UNIT. The sum of five hundred sixty thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the drug enforcement and education account to the department of community development for the state-wide drug prosecution assistance unit. None of this sum may be used by the department of community development for administrative expenses.

NEW SECTION. Sec. 407. INVOLUNTARY TREATMENT. The sum of four million nine hundred thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the drug enforcement and education account to the department of social and health services for the purposes of sections 301 through 309 of this act.

NEW SECTION. Sec. 408. PREVENTION AND EARLY INTERVENTION IN SCHOOLS. The sum of ten million dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the drug enforcement and education account to the superintendent of public instruction to support school district substance abuse awareness programs provided under sections 310 through 313 of this act.

It is the intent of the legislature that one-time grants provided to school districts from appropriations under this section do not meet the criteria for levy reduction funds under RCW 84.52.0531 and shall not be deemed to be levy reduction funds.

NEW SECTION. Sec. 409. ALCOHOL AND DRUG-ABUSING PREGNANT WOMEN. The sum of five million five hundred thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the drug enforcement and education account to the department of social and health services for maternity care support services for alcohol and drug-abusing pregnant women. Support services shall include substance abuse treatment programs specifically designed to serve pregnant women and postpartum women and their infants and children. A continuum of treatment shall be provided, to include one or more of the following components:

(1) Inpatient treatment programs capable of serving pregnant women and postpartum women and infants;

(2) An ambulatory treatment facility serving women and their infants who test positive for the human immunodeficiency virus (HIV) or the acquired immunodeficiency syndrome (AIDS);

(3) Transition housing or safe living space for pregnant and postpartum women and infants;

(4) Outpatient or follow-up treatment which includes a provision for child care.

The department shall maximize federal participation for support services provided under this section to eligible persons under the medical assistance program, Title XIX of the federal social security act.

NEW SECTION. Sec. 410. COMMUNITY MOBILIZATION. The sum of three million six hundred forty thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the drug enforcement and education account to the department of community development for the purposes of funding community mobilization strategies. Of this amount, forty thousand dollars is to provide technical assistance to communities in meeting the conditions of grant applications.

NEW SECTION. Sec. 411. SECURITY IN SCHOOLS. The sum of three million dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the drug enforcement and education account to the superintendent of public instruction for matching grants to enhance security in secondary schools. School districts which apply for such grants shall ensure that no more than seventy-five percent of the district's total expenditures for school security in any school year are supported by the grant amounts. The grants shall be expended solely for the costs of employing or contracting for building security monitors in secondary schools during school hours and school events. Of the amount appropriated in this section, a minimum of two million seven hundred fifty thousand dollars is provided for grants to districts that, during the 1988-89 school year, employed or contracted for security monitors in schools during school hours.

It is the intent of the legislature that grants provided to school districts from appropriations under this section do not meet the criteria for levy reduction funds under RCW 84.52.0531 and shall not be deemed to be levy reduction funds.

NEW SECTION. Sec. 412. CRIME LAB ENHANCEMENT. The sum of eight hundred thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the drug enforcement and education account to the Washington state patrol to be used solely for purposes of enhancing and expediting identification and analysis in drug cases.

NEW SECTION. Sec. 413. JUVENILE REHABILITATION--SUBSTANCE ABUSE. The sum of six hundred twenty-five thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the drug enforcement and education account to the department of social and health services to be used solely for the purposes of enhancing detection and treatment of the use of illegal drugs in the juvenile rehabilitation institutions.

NEW SECTION. Sec. 414. YOUTH ASSESSMENT AND TREATMENT. The sum of twelve million two hundred thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the drug enforcement and education account to the department of social and health services to provide inpatient youth assessment and treatment programs to serve youth and their families. At least forty percent of new inpatient treatment slots provided under this section shall be located east of the Cascade mountains. Up to fifteen of the treatment slots created under this section shall be staff-secure. Inpatient treatment programs shall incorporate appropriate outpatient and aftercare programs. In addition, within appropriated funds, the department shall develop intensive outpatient treatment services for children and youth for whom inpatient treatment is inappropriate or unavailable.

NEW SECTION. Sec. 415. ADULT CORRECTIONS--SUBSTANCE ABUSE PROGRAM. The sum of five hundred sixty-five thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the drug enforcement and education account to the department of corrections to develop and implement a model to deliver a continuum of care to substance-dependent offenders.

NEW SECTION. Sec. 416. WORK RELEASE DRUG TREATMENT. The sum of one hundred ten thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the drug enforcement and education account to the department of corrections to develop substance abuse treatment programs at the Reynolds work release facility and the eastern Washington prerelease facility.

NEW SECTION, Sec. 417. INTENSIVE DRUG SURVEILLANCE. The sum of one million one hundred twenty thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the drug enforcement and education account to the department of corrections for continued funding for the community corrections drug surveillance unit in King county and to initiate similar units in Pierce and Yakima counties.

NEW SECTION, Sec. 418. DRUG ABUSE RESISTANCE PROGRAM. The sum of two hundred thirty thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the drug enforcement and education account to the criminal justice training commission to support the drug abuse resistance education program.

NEW SECTION, Sec. 419. METHADONE TREATMENT. The sum of four hundred thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the drug enforcement and education account to the department of social and health services for distribution to counties for methadone treatment pursuant to chapter 69.54 RCW, subject to the following conditions and limitations: This sum is provided solely for the purpose of increasing the number of persons for whom methadone treatment is available, and the department shall distribute funds under this section to a county only for the establishment of new treatment centers and only if a county attempts to recover the cost of methadone treatment by charging user fees based on ability to pay.

NEW SECTION, Sec. 420. TREATMENT ALTERNATIVES TO STREET CRIME—DOMESTIC CASES. The sum of one million eight hundred thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the drug enforcement and education account to the office of the administrator for the courts for the treatment alternatives to street crime program. These funds shall be used for providing services in domestic cases under chapter 26.09, 26.10, or 26.50 RCW. These funds shall not be available for expenditure until January 1, 1990. The office of the administrator for the courts shall establish standards for the courts to recover the expenses of the program specified in this section from the participants, based upon the individual participant's ability to pay. All fees collected shall be remitted to the state treasurer for deposit in the drug enforcement and education account under section 401 of this act.

NEW SECTION, Sec. 421. ADULT CORRECTIONS—DRUG DETECTION AND TREATMENT. The sum of eight hundred seventy-five thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the drug enforcement and education account to the department of corrections for the purpose of enhancing detection and treatment of the use of illegal drugs in correctional facilities.

NEW SECTION, Sec. 422. ALCOHOL AND DRUG ABUSE TREATMENT AND SHELTER ACT. The sum of ten million dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the drug enforcement and education account to the department of social and health services, for the alcohol and drug abuse treatment and shelter act program.

NEW SECTION, Sec. 423. COMMUNITY-POLICE PARTNERSHIP. (1) The criminal justice training commission in cooperation with the United States department of justice department of community relations (region x) shall conduct an assessment of successful community-police partnerships throughout the United States. The commission shall develop training for local law enforcement agencies targeted toward those communities where there has been a substantial increase in drug crimes. The purpose of the training is to facilitate cooperative community-police efforts and enhanced community protection to reduce drug abuse and related crimes. The training shall include but not be limited to conflict management, ethnic sensitivity, cultural awareness, and effective community policing. The commission shall report its findings and progress to the legislature by January 1990.

(2) Local law enforcement agencies are encouraged to form community-police partnerships in areas of substantial drug crimes. These partnerships are encouraged to organize citizen-police task forces which meet on a regular basis to promote greater citizen involvement in combatting drug abuse and to reduce tension between police and citizens. Partnerships that are formed are encouraged to report to the criminal justice training commission of their formation and progress.

(3) The sum of one hundred fifty thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the drug enforcement and education account to the criminal justice training commission for the purposes of subsection (1) of this section.

PART V REVENUE PROVISIONS

Sec. 501. Section 3, chapter 158, Laws of 1935 as last amended by section 11, chapter 452, Laws of 1987 and RCW 66.24.210 are each amended to read as follows:

(1) There is hereby imposed upon all wines sold to wine wholesalers and the Washington state liquor control board, within the state a tax at the rate of twenty and one-fourth cents per liter: PROVIDED, HOWEVER, That wine sold or shipped in bulk from one winery to another winery shall not be subject to such tax. The tax provided for in this section may, if so prescribed by

the board, be collected by means of stamps to be furnished by the board, or by direct payments based on wine purchased by wine wholesalers. Every person purchasing wine under the provisions of this section shall on or before the twentieth day of each month report to the board all purchases during the preceding calendar month in such manner and upon such forms as may be prescribed by the board, and with such report shall pay the tax due from the purchases covered by such report unless the same has previously been paid. Any such purchaser of wine whose applicable tax payment is not postmarked by the twentieth day following the month of purchase will be assessed a penalty at the rate of two percent a month or fraction thereof. If this tax be collected by means of stamps, every such person shall procure from the board revenue stamps representing the tax in such form as the board shall prescribe and shall affix the same to the package or container in such manner and in such denomination as required by the board and shall cancel the same prior to the delivery of the package or container containing the wine to the purchaser. If the tax is not collected by means of stamps, the board may require that every such person shall execute to and file with the board a bond to be approved by the board, in such amount as the board may fix, securing the payment of the tax. If any such person fails to pay the tax when due, the board may forthwith suspend or cancel the license until all taxes are paid.

(2) An additional tax is imposed equal to the rate specified in RCW 82.02.030 multiplied by the tax payable under subsection (1) of this section. All revenues collected during any month from this additional tax shall be transferred to the state general fund by the twenty-fifth day of the following month.

(3) An additional tax is imposed on wines subject to tax under subsection (1) of this section, at the rate of one-fourth of one cent per liter for wine sold after June 30, 1987. Such additional tax shall cease to be imposed on July 1, 1993. All revenues collected under this subsection (3) shall be disbursed quarterly to the Washington wine commission for use in carrying out the purposes of chapter 15.88 RCW.

(4) Until July 1, 1995, an additional tax is imposed on all wine subject to tax under subsection (1) of this section. The additional tax is equal to twenty-three and forty-four one-hundredths cents per liter on wine containing alcohol in an amount equal to or more than fourteen percent by volume when bottled or packaged by the manufacturer and one cent per liter on all other wine. All revenues collected during any month from this additional tax shall be deposited in the drug enforcement and education account under section 401 of this 1989 act by the twenty-fifth day of the following month.

Sec. 502. Section 24, chapter 62, Laws of 1933 ex. sess. as last amended by section 11, chapter 3, Laws of 1983 2nd ex. sess. and RCW 66.24.290 are each amended to read as follows:

(1) Any brewer or beer wholesaler licensed under this title may sell and deliver beer to holders of authorized licenses direct, but to no other person, other than the board; and every such brewer or beer wholesaler shall report all sales to the board monthly, pursuant to the regulations, and shall pay to the board as an added tax for the privilege of manufacturing and selling the beer within the state a tax of two dollars and sixty cents per barrel of thirty-one gallons on sales to licensees within the state and on sales to licensees within the state of bottled and canned beer shall pay a tax computed in gallons at the rate of two dollars and sixty cents per barrel of thirty-one gallons. Any brewer or beer wholesaler whose applicable tax payment is not postmarked by the twentieth day following the month of sale will be assessed a penalty at the rate of two percent per month or fraction thereof. Each such brewer or wholesaler shall procure from the board revenue stamps representing such tax in form prescribed by the board and shall affix the same to the barrel or package in such manner and in such denominations as required by the board, and shall cancel the same prior to commencing delivery from his place of business or warehouse of such barrels or packages. Beer shall be sold by brewers and wholesalers in sealed barrels or packages. The revenue stamps herein provided for need not be affixed and canceled in the making of resales of barrels or packages already taxed by the affixation and cancellation of stamps as provided in this section.

(2) An additional tax is imposed equal to the rate specified in RCW 82.02.030 multiplied by the tax payable under subsection (1) of this section. All revenues collected during any month from this additional tax shall be transferred to the state general fund by the twenty-fifth day of the following month.

(3) Until July 1, 1995, an additional tax is imposed on all beer subject to tax under subsection (1) of this section. The additional tax is equal to two dollars per barrel of thirty-one gallons. All revenues collected during any month from this additional tax shall be deposited in the drug enforcement and education account under section 401 of this 1989 act by the twenty-fifth day of the following month.

(4) The tax imposed under this section shall not apply to "strong beer" as defined in this title.

Sec. 503. Section 82.08.150, chapter 15, Laws of 1961 as last amended by section 12, chapter 3, Laws of 1983 2nd ex. sess. and RCW 82.08.150 are each amended to read as follows:

(1) There is levied and shall be collected a tax upon each retail sale of spirits, or strong beer in the original package at the rate of fifteen percent of the selling price. The tax imposed

in this subsection shall apply to all such sales including sales by the Washington state liquor stores and agencies, but excluding sales to class H licensees.

(2) There is levied and shall be collected a tax upon each sale of spirits, or strong beer in the original package at the rate of ten percent of the selling price on sales by Washington state liquor stores and agencies to class H licensees.

(3) There is levied and shall be collected an additional tax upon each retail sale of spirits in the original package at the rate of one dollar and seventy-two cents per liter. The additional tax imposed in this subsection shall apply to all such sales including sales by Washington state liquor stores and agencies, and including sales to class H licensees.

(4) An additional tax is imposed equal to the rate specified in RCW 82.02.030 multiplied by the taxes payable under subsections (1), (2), and (3) of this section.

(5) Until July 1, 1995, an additional tax is imposed upon each retail sale of spirits in the original package at the rate of seven cents per liter. The additional tax imposed in this subsection shall apply to all such sales including sales by Washington state liquor stores and agencies, and including sales to class H licensees. All revenues collected during any month from this additional tax shall be deposited in the drug enforcement and education account under section 401 of this 1989 act by the twenty-fifth day of the following month.

(6) The tax imposed in RCW 82.08.020, as now or hereafter amended, shall not apply to sales of spirits or strong beer in the original package.

~~((6))~~ (7) The taxes imposed in this section shall be paid by the buyer to the seller, and each seller shall collect from the buyer the full amount of the tax payable in respect to each taxable sale under this section. The taxes required by this section to be collected by the seller shall be stated separately from the selling price and for purposes of determining the tax due from the buyer to the seller, it shall be conclusively presumed that the selling price quoted in any price list does not include the taxes imposed by this section.

~~((7))~~ (8) As used in this section, the terms, "spirits," "strong beer," and "package" shall have the meaning ascribed to them in chapter 66.04 RCW.

Sec. 504. Section 82.24.020, chapter 15, Laws of 1961 as last amended by section 1, chapter 80, Laws of 1987 and RCW 82.24.020 are each amended to read as follows:

(1) There is levied and there shall be collected as hereinafter provided, a tax upon the sale, use, consumption, handling, possession or distribution of all cigarettes, in an amount equal to the rate of eleven and one-half mills per cigarette.

(2) Until July 1, 1995, an additional tax is imposed upon the sale, use, consumption, handling, possession, or distribution of all cigarettes, in an amount equal to the rate of one and one-half mills per cigarette. All revenues collected during any month from this additional tax shall be deposited in the drug enforcement and education account under section 401 of this 1989 act by the twenty-fifth day of the following month.

(3) Wholesalers and retailers subject to the payment of this tax may, if they wish, absorb one-half mill per cigarette of the tax and not pass it on to purchasers without being in violation of this section or any other act relating to the sale or taxation of cigarettes.

~~((3))~~ (4) For purposes of this chapter, "possession" shall mean both (a) physical possession by the purchaser and, (b) when cigarettes are being transported to or held for the purchaser or his designee by a person other than the purchaser, constructive possession by the purchaser or his designee, which constructive possession shall be deemed to occur at the location of the cigarettes being so transported or held.

NEW SECTION. Sec. 505. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Carbonated beverage" has its ordinary meaning and includes any nonalcoholic liquid intended for human consumption which contains carbon dioxide, whether carbonation is obtained by natural or artificial means.

(2) "Possession" means the control of a carbonated beverage or syrup located within this state and includes both actual and constructive possession. "Actual possession" occurs when the person with control has physical possession. "Constructive possession" occurs when the person with control does not have physical possession. "Control" means the power to sell or use a carbonated beverage or syrup or to authorize the sale or use by another.

(3) "Previously taxed carbonated beverage or syrup" means a carbonated beverage or syrup in respect to which a tax has been paid under this chapter. A "previously taxed carbonated beverage" includes carbonated beverages in respect to which a tax has been paid under this chapter on the carbonated beverage or on the syrup in the carbonated beverage.

(4) "Syrup" means a concentrated liquid which is added to carbonated water to produce a carbonated beverage.

(5) Except for terms defined in this section, the definitions in chapters 82.04, 82.08, and 82.12 RCW apply to this chapter.

NEW SECTION. Sec. 506. (1) A tax is imposed on the privilege of possession of a carbonated beverage or syrup in this state. The rate of the tax shall be equal to eighty-four one-thousandths of a cent per ounce for carbonated beverages and seventy-five cents per gallon for syrups. Fractional amounts shall be taxed proportionally.

(2) Moneys collected under this chapter shall be deposited in the drug enforcement and education account under section 401 of this act.

(3) Chapter 82.32 RCW applies to the tax imposed in this chapter. The tax due dates, reporting periods, and return requirements applicable to chapter 82.04 RCW apply equally to the tax imposed in this chapter.

NEW SECTION. Sec. 507. The following are exempt from the tax imposed in this chapter:

(1) Any successive possession of a previously taxed carbonated beverage or syrup. If tax due under this chapter has not been paid with respect to a carbonated beverage or syrup, the department may collect the tax from any person who has had possession of the carbonated beverage or syrup. If the tax is paid by any person other than the first person having taxable possession of a carbonated beverage or syrup, the amount of tax paid constitutes a debt owed by the first person having taxable possession to the person who paid the tax.

(2) Any carbonated beverage or syrup that is transferred to a point outside the state for use outside the state.

(3) Any possession of a carbonated beverage or syrup where the first possession occurred before the effective date of this section.

NEW SECTION. Sec. 508. (1) Credit shall be allowed, in accordance with rules of the department, against the taxes imposed in this chapter for any carbonated beverage or syrup tax paid to another state with respect to the same carbonated beverage or syrup. The amount of the credit shall not exceed the tax liability arising under this chapter with respect to that carbonated beverage or syrup.

(2) For the purpose of this section:

(a) "Carbonated beverage or syrup tax" means a tax:

(i) That is imposed on the act or privilege of possessing carbonated beverages or syrup and that is not generally imposed on other activities or privileges; and

(ii) That is measured by the volume of the carbonated beverage or syrup.

(b) "State" means (i) a state of the United States other than Washington, or any political subdivision of such other state, (ii) the District of Columbia, and (iii) any foreign country or political subdivision thereof.

NEW SECTION. Sec. 509. This chapter shall expire July 1, 1995.

NEW SECTION. Sec. 510. Sections 505 through 509 of this act shall constitute a new chapter in Title 82 RCW.

PART VI MISCELLANEOUS

NEW SECTION. Sec. 601. A new section is added to chapter 69.50 RCW to read as follows:

The state of Washington fully occupies and preempts the entire field of setting penalties for violations of the controlled substances act. Cities, towns, and counties or other municipalities may enact only those laws and ordinances relating to controlled substances that are consistent with this chapter. Such local ordinances shall have the same penalties as provided for by state law. Local laws and ordinances that are inconsistent with the requirements of state law shall not be enacted and are preempted and repealed, regardless of the nature of the code, charter, or home rule status of the city, town, county, or municipality.

NEW SECTION. Sec. 602. The legislature ratifies the juvenile disposition standards commission guidelines submitted to the 1989 legislature and endorses the action to increase penalties for juvenile drug offenders.

NEW SECTION. Sec. 603. (1) In order to determine the effectiveness of this act, it is necessary to have an independent evaluation of those programs that have the most potential for useful program review.

(2) The legislative budget committee shall prepare a plan to conduct studies of the effectiveness of programs initiated in this act. A plan for study shall include:

(a) Institution-based drug testing;

(b) The juvenile offenders structured residential program;

(c) The state-wide drug prosecution assistance program;

(d) Community mobilization;

(e) Drug and alcohol abuse prevention and early intervention in schools; and

(f) Maternity care support services for alcohol and drug-abusing pregnant women.

(3) The plan for conducting studies, including start and completion dates, general research approaches, potential research problems, data requirements, necessary implementation authority, and cost estimates are to be provided to the appropriate policy and fiscal committees of the house and senate by December 1, 1989. The plan may include proposals to use contract evaluators and shall identify ways to measure program progress and outcomes.

(4) In order to establish a beginning point for any future studies of the effectiveness of programs initiated in this act, all programs proposed for analysis in this section shall submit a plan detailing expenditures related to goals and objectives of the program being initiated, to the legislative budget committee by October 1, 1989.

NEW SECTION. Sec. 604. A new section is added to chapter 44.28 RCW to read as follows:

The legislative budget committee shall cause to be conducted a review of the taxes and the dedication of revenues for drug enforcement and education purposes and a review of the

programs as provided in section 603 of this act. The legislative budget committee shall report its findings to the legislature by January 1, 1995, and include in its report specific recommendations as to whether public policy would be best served by continuation of the programs, taxes, and dedication of revenues for the drug enforcement and education account.

NEW SECTION. Sec. 605. Part, subpart, and section headings and the index as used in this act do not constitute any part of the law.

NEW SECTION. Sec. 606. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 607. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately, except:

(1) Sections 502 and 504 of this act shall take effect June 1, 1989; and

(2) Sections 229 through 233, 501, 503, and 505 through 509 of this act shall take effect July 1, 1989."

On page 1, line 1 of the title, after "abuse;" strike the remainder of the title and insert "amending RCW 9.94A.310, 69.50.401, 9A.36.050, 9A.82.100, 28A.120.040, 13.40.265, 46.20.265, 66.44.365, 69.41.065, 69.50.420, 69.52.070, 9.73.090, 9.73.120, 9.73.150, 69.50.505, 5.62.020, 18.83.110, 70.96A.010, 70.96A.020, 70.96A.120, 70.96A.140, 70.96.150, 66.24.210, 66.24.290, 82.08.150, and 82.24.020; reenacting and amending RCW 9.94A.320, 9.94A.360, and 5.60.060; adding new sections to chapter 9.73 RCW; adding a new section to chapter 9A.36 RCW; adding a new section to chapter 9A.82 RCW; adding a new chapter to Title 10 RCW; adding a new section to chapter 13.40 RCW; adding new sections to chapter 28A.67 RCW; adding new sections to chapter 28A.120 RCW; adding a new chapter to Title 35 RCW; adding new sections to chapter 36.27 RCW; adding a new chapter to Title 43 RCW; adding a new section to chapter 44.28 RCW; adding new sections to chapter 66.28 RCW; adding new sections to chapter 69.50 RCW; adding a new section to chapter 70.96A RCW; adding a new chapter to Title 82 RCW; creating new sections; prescribing penalties; making appropriations; providing an expiration date; providing effective dates; and declaring an emergency."

Signed by Senators Newhouse, Niemi, Nelson; Representatives Hine, Ebersole, Patrick.

MOTION

On motion of Senator Newhouse, the Second Report of the Conference Committee on Engrossed Second Substitute House Bill No. 1793 was adopted and the committee was granted the powers of Free Conference.

MESSAGES FROM THE HOUSE

April 22, 1989

Mr. President:

The House has adopted the Report of the Free Conference Committee on SUBSTITUTED HOUSE BILL NO. 1254 and has passed the bill as amended by the Free Conference Committee.

ALAN THOMPSON, Chief Clerk

April 22, 1989

Mr. President:

The House has adopted the Report of the Free Conference Committee on ENGROSSED SUBSTITUTE HOUSE BILL NO. 1028 and has passed the bill as amended by the Free Conference Committee.

ALAN THOMPSON, Chief Clerk

April 22, 1989

Mr. President:

The House has adopted the Report of the Free Conference Committee on ENGROSSED SUBSTITUTE HOUSE BILL NO. 1133 and has passed the bill as amended by the Free Conference Committee.

ALAN THOMPSON, Chief Clerk

MESSAGE FROM THE HOUSE

April 22, 1989

Mr. President:

The House has adopted the Report of the Conference Committee on SUBSTITUTE HOUSE BILL NO. 2011 and has granted said committee the powers of Free Conference.

ALAN THOMPSON, Chief Clerk

REPORT OF FREE CONFERENCE COMMITTEE

RE: SHB 2011

Changing provision regulating commercial fishing licenses.

April 20, 1989

Mr. President:

Mr. Speaker:

We of your Free Conference Committee, have had the same under consideration and we recommend that the measure be amended as proposed under the request for Free Conference and that the bill do pass as amended by the Free Conference Committee.

(See Report of Conference Committee on Substitute House Bill No. 2011 and the request for powers of Free Conference read in April 21, 1989.)

Signed by Senators Metcalf, Owen; Representatives R. King, Morris, S. Wilson.

POINT OF ORDER

Senator Rasmussen: "Mr. President, I'd like to raise a point of order on Substitute House Bill No. 2011. Section 22, Mr. President, includes a rather ambiguous authority for the director who regulates emerging fisheries, whatever they may be. It doesn't relate to the bill and the licensing--and this is without any direction whatever except on his own. I'd like to raise scope and object on Section 23, also, which includes a whole bill--House Bill No. 1648--that never passed this body and has been included, which is a bill that allows the director, on his own initiative, to institute a moratorium on licenses. I think both of those exceed the scope and object of the bill and ask the President to look at them."

There being no objection, the President deferred further consideration of Substitute House Bill No. 2011.

MOTION

On motion of Senator Anderson, Senator West was excused.

MESSAGE FROM THE HOUSE

April 22, 1989

Mr. President:

The House has adopted the Report of the Free Conference Committee on SUBSTITUTE SENATE BILL NO. 5221 and has passed the bills as amended by the Free Conference Committee.

ALAN THOMPSON, Chief Clerk

REPORT OF FREE CONFERENCE COMMITTEE

RE: SSB 5221

Relating to advance college payment program.

April 20, 1989

Mr. President:

Mr. Speaker:

We of your Free Conference Committee, have had the same under consideration and we recommend that the measure be amended as proposed under the request for Free Conference and that the bill do pass as amended by the Free Conference Committee.

(See Report of Conference Committee on Substitute Senate Bill No. 5221 and the request for powers of Free Conference read in earlier today.)

Signed by Senators Rinehart, Saling, Patterson; Representatives Spanel, Van Luven, H. Myers.

MOTION

On motion of Senator Newhouse, the Report of the Free Conference Committee on Substitute Senate Bill No. 5221 was adopted.

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator Saling, is this the advance tuition bond program?"

Senator Saling: "This is the advanced tuition bond program where people would possibly purchase bonds for the long time in the future and they would prepay their tuition. They guarantee that they could, if their children qualified in the future, be guaranteed entrance into a university."

Senator Rasmussen: "Why do we need additional study? We already issued some fifty million."

Senator Bailey: "No, I'm sorry, Senator. It's not that bond program. This is a different program of prepaying tuition where you would have parents or grandparents give some money to the State Treasurer's office who in turn would invest that money and at the appropriate time, when the child was ready to go to college, that college tuition would be paid for. It's not the bond program that would give money back to the parents for their use for college tuition."

Senator Rasmussen: "There's quite a demand for that bond program. Where does that stand now?"

Senator Bailey: "We had a bill in the Legislature to approve some additional bonds and I've forgotten whether that went through or not, Senator Rasmussen. It's gone? My friend says it's gone, so it's apparently passed over to the House and I can't tell you at this point whether the House passed it or not."

Senator Rasmussen: "And the one, when the federal government starts issuing H bonds in January of 1990, for tuition?"

Senator Bailey: "I don't know what the federal government is going to do tomorrow, let alone 1990, Senator."

Senator Rasmussen: "Well, I think that's already authorized. There's quite a demand from the public for a bond program like that."

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5221, as amended by the Free Conference Committee.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5221, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, Williams, Wojahn - 47.

Excused: Senators DeJarnatt, West - 2.

SUBSTITUTE SENATE BILL NO. 5221, as amended by the Free Conference Committee, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 22, 1989

Mr. President:

The House has adopted the Report of the Free Conference Committee on ENGROSSED SUBSTITUTE SENATE BILL NO. 5314 and has passed the bill as amended by the Free Conference Committee.

ALAN THOMPSON, Chief Clerk

REPORT OF FREE CONFERENCE COMMITTEE

RE: ESSB 5314

Relating to sex crimes/public schools.

April 19, 1989

Mr. President:

Mr. Speaker:

We of your Free Conference Committee, have had the same under consideration and we recommend that the measure be amended as proposed under the request for Free Conference and that the bill do pass as amended by the Free Conference Committee.

(See Report of Conference Committee on Engrossed Substitute Senate Bill No. 5314 and the request for powers of Free Conference read in April 21, 1989.)

Signed by Senators Bailey, Rinehart, Metcalf; Representatives Peery, G. Fisher, Betrozoff.

MOTION

On motion of Senator Nelson, the Report of the Free Conference Committee on Engrossed Substitute Senate Bill No. 5314 was adopted.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5314, as amended by the Free Conference Committee.

Debate ensued.

POINT OF INQUIRY

Senator Talmadge: "Senator Bailey, I think the bill is excellent, too. One of the things about which there has been some controversy is the set of circumstances where a teacher is permitted to resign from a school district's employment and resign under a cloud of--say the allegation that the teacher has physically and sexually abused one of the children within that teacher's charge--that teacher then moves on to another school district. Does the Superintendent of Public Instruction have the sufficient capability to handle allegations of this sort, so that that first school district will actually report the circumstances of that teacher's resignation under a cloud to the SPI and the SPI will do something in its professional licenser capacity?"

Senator Bailey: "That's an excellent question, Senator Talmadge, and I appreciate you asking me that question, because in this bill, it was amended in committee so that the State Patrol is now involved in reporting of teachers under the circumstances that you suggest. In other words, for instance a teacher might come in from another state and if that teacher has been convicted of a felony committed against children, that would be recorded with the State Patrol and that record kept and the Superintendent of Instruction must check those records before granting a certificate."

Senator Talmadge: "I think that gets at the problem of the person actually being convicted of a crime, but perhaps we can work together on a bill where the person is actually never convicted of anything. They are simply permitted under something like a gentleman's agreement to disappear from the scene. They go on and reek havoc somewhere else."

Senator Bailey: "And you are absolutely right. I know it has happened in some districts that I'm familiar with and we're trying to get the word out--word of mouth through our hearings and so forth--that this should not be allowed and that these people should be put through the court systems, so if they are guilty, they are convicted. I would be pleased to work with you on that question."

Senator Talmadge: "Thank you, Senator."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5314, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, Williams, Wojahn - 47.

Excused: Senators DeJarnatt, West - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5314, as amended by the Free Conference Committee, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 21, 1989

Mr. President:

The House has adopted the Report of the Free Conference Committee on SECOND SUBSTITUTE SENATE BILL NO. 6051 and has passed the bill as amended by the Free Conference Committee.

ALAN THOMPSON, Chief Clerk

REPORT OF FREE CONFERENCE COMMITTEE

RE: 2SSB 6051

Relating to employer child care.

April 20, 1989

Mr. President:

Mr. Speaker:

We of your Free Conference Committee, have had the same under consideration and we recommend that the measure be amended as proposed under the request for Free Conference and that the bill do pass as amended by the Free Conference Committee.

(See Report of Conference Committee on Second Substitute Senate Bill No. 6051 and the request for powers of Free Conference read in earlier today.)

Signed by Senators Anderson, Cantu; Representatives Moyer, Wineberry, Cantwell.

MOTION

On motion of Senator Nelson, the Report of the Free Conference Committee on Second Substitute Senate Bill No. 6051 was adopted.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 6051, as amended by the Free Conference Committee.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 6051, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 46; absent, 2; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Absent: Senators Amundson, Smith - 2.

Excused: Senator DeJarnatt - 1.

SECOND SUBSTITUTE SENATE BILL NO. 6051, as amended by the Free Conference Committee, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 21, 1989

Mr. President:

The House has adopted the Report of the Conference Committee on SUBSTITUTE HOUSE BILL NO. 1457 and has granted said committee the powers of Free Conference.

ALAN THOMPSON, Chief Clerk

REPORT OF FREE CONFERENCE COMMITTEE

RE: SHB 1457

Regarding the indeterminate sentencing review board.

April 21, 1989

Mr. President:

Mr. Speaker:

We of your Free Conference Committee, have had the same under consideration and we recommend that the measure be amended as proposed under the request for Free Conference and that the bill do pass as amended by the Free Conference Committee.

(See Report of Conference Committee on Substitute House Bill No. 1457 and the request for powers of Free Conference read in April 21, 1989.)

Signed by Senators Pullen, Niemi, Nelson; Representatives R. Meyers, P. King, Padden.

MOTION

On motion of Senator Pullen, the Report of the Free Conference Committee on Substitute House Bill No. 1457 was adopted.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1457, as amended by the Free Conference Committee.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1457, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 39; nays, 9; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Johnson, Kreidler, Lee, Madsen, Matson, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Rinehart, Saling, Sellar, Smith, Stratton, Sutherland, Vognilid, von Reichbauer, Warnke, Williams - 39.

Voting nay: Senators Hayner, McCaslin, Pullen, Rasmussen, Smitherman, Talmadge, Thorsness, West, Wojahn - 9.

Excused: Senator DeJarnatt - 1.

SUBSTITUTE HOUSE BILL NO. 1457, as amended by the Free Conference Committee, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 21, 1989

Mr. President:

The House has adopted the Report of the Conference Committee on SECOND SUBSTITUTE HOUSE BILL NO. 1476 and has granted said committee the powers of Free Conference.

ALAN THOMPSON, Chief Clerk

REPORT OF FREE CONFERENCE COMMITTEE

RE: 2SHB 1476

Establishing the Washington marketplace program.

April 21, 1989

Mr. President:

Mr. Speaker:

We of your Free Conference Committee, have had the same under consideration and we recommend that the measure be amended as proposed under the request for Free Conference and that the bill do pass as amended by the Free Conference Committee.

(See Report of Conference Committee on Second Substitute House Bill No. 1476 and the request for powers of Free Conference read in April 21, 1989.)

Signed by Senators Lee, McMullen, Bluechel; Representatives Cantwell, Basich, Doty.

MOTION

On motion of Senator Newhouse, the Report of the Free Conference Committee on Second Substitute House Bill No. 1476 was adopted.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute House Bill No. 1476, as amended by the Free Conference Committee.

Debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 1476, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 48.

Excused: Senator DeJarnatt - 1.

SECOND SUBSTITUTE HOUSE BILL NO. 1476, as amended by the Free Conference Committee, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Craswell, Senator Amondson was excused.

MESSAGE FROM THE HOUSE

April 22, 1989

Mr. President:

The House has adopted the Report of the Conference Committee on ENGROSSED SUBSTITUTE HOUSE BILL NO. 2137 and has granted said committee the powers of Free Conference.

ALAN THOMPSON, Chief Clerk

REPORT OF FREE CONFERENCE COMMITTEE

RE: ESHB 2137

Establishing targeted sectors for economic development.

April 21, 1989

Mr. President:

Mr. Speaker:

We of your Free Conference Committee, have had the same under consideration and we recommend that the measure be amended as proposed under the request for Free Conference and that the bill do pass as amended by the Free Conference Committee.

(See Report of Conference Committee on Engrossed Substitute House Bill No. 2137 and the request for powers of Free Conference read in earlier today.)

Signed by Senators Lee, McMullen, Amondson; Representatives Cantwell, G. Fisher, Doty.

MOTION

On motion of Senator Newhouse, the Report of the Free Conference Committee on Engrossed Substitute House Bill No. 2137 was adopted.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 2137, as amended by the Free Conference Committee.

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator Lee, on page 6, line 3, it says, 'an advisory committee shall create a subcommittee for each targeted sector.' It doesn't say how many it shall be and how many committees you anticipate. Are these self-funded or are they paid travel and per diem for the meetings?"

Senator Lee: "Senator Rasmussen, that is an excellent question, because that does point out one of the changes that was made to accommodate the two positions. The House originally had entirely independent advisory committees appointed for each of the targeted sectors. When the Senate looked at that and saw the number of Senators and House members that would have to be appointed we said, 'Look, that is a little bit redundant and it doesn't give that kind of coordination.' What this bill now does is, it has one advisory committee that may divide itself into subcommittees for the particular targeted sector, so you get that coordination without having to have these separate groups. The advisory committee itself is set forth in here.

"One of the things we also directed them to do is that it is up to the Senate and the House--it is their option--whether to appoint members of the Senate or the House to these advisory committees. We have begun to count up the number of committees, about fifteen new committees, on which new legislators are expected to serve, so that can still be our determination as to whether or not."

Senator Rasmussen: "There is some control over it then? The way it's written, it doesn't seem to limit it. Let me go further. On page 7, line 27, it says, 'three members of the evergreen partnership.' The evergreen is in lower case letters. What is that?"

Senator Lee: "The evergreen partnership is a group that was established primarily for cooperative marketing of forest products. It is a private non-profit organization that was established under the direction of Brian Boyle, Commissioner of Public Lands, and includes on it all of the various segments of the wood products industry--everyone, from those who grow the trees to those who make doors and windows within this state. That is the group that is mentioned as the group they may contract with because they already have studies and as far as marketing of wood products and marketing needs are concerned."

Senator Rasmussen: "Well, they weren't very clearly identified. And then on page 8, it reads, 'The Washington State Institute in consultation with the Washington State Institute for Public Policy and the northwest policy center'--again in lower case letters. What is the northwest policy center?"

Senator Lee: "The northwest policy center is located at the University of Washington and is funded by the Northwest Foundation out of Chicago, Illinois. It includes the northwest states as far as being a research center for the economic development issues for the northwest area. Some of the reports that they have already done for us relate to the capital gap study--the need for small and medium size businesses to obtain funding. It has made some recommendations and so on. They are again a private non-profit group, headquartered at the University of Washington, supported by foundation funds--no state funds."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2137, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 46; absent, 1; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Absent: Senator Metcalf - 1.

Excused: Senators Amondson, DeJarnatt - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2137, as amended by the Free Conference Committee, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 22, 1989

Mr. President:

The House has adopted the Report of the Conference Committee on ENGROSSED SUBSTITUTE HOUSE BILL NO. 1635 and has granted said committee the powers of Free Conference.

ALAN THOMPSON, Chief Clerk

REPORT OF FREE CONFERENCE COMMITTEE

RE: ESHB 1635

Making changes to support enforcement provisions.

April 21, 1989

Mr. President:

Mr. Speaker:

We of your Free Conference Committee, have had the same under consideration and we recommend that the measure be amended as proposed under the request for Free Conference and that the bill do pass as amended by the Free Conference Committee.

(See Report of Conference Committee on Engrossed Substitute House Bill No. 1635 and the request for powers of Free Conference read in earlier today.)

Signed by Senators Pullen, Owen, Nelson; Representatives Appelwick, Belcher, Padden.

MOTION

On motion of Senator Newhouse, the Report of the Free Conference Committee on Engrossed Substitute House Bill No. 1635 was adopted.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1635, as amended by the Free Conference Committee.

Debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1635, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 46; absent, 2; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Absent: Senators Kreidler, Niemi - 2.

Excused: Senator DeJarnatt - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1635, as amended by the Free Conference Committee, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Vice President Pro Tempore Craswell assumed the Chair.

MESSAGE FROM THE HOUSE

April 22, 1989

Mr. President:

The House has adopted the Report of the Conference Committee on SENATE BILL NO. 5926 and has granted said committee the powers of Free Conference.

ALAN THOMPSON, Chief Clerk

REPORT OF CONFERENCE COMMITTEE

RE: SB 5926

Relating to low-level radioactive waste.

April 21, 1989

Mr. President:

Mr. Speaker:

We of your Conference Committee to whom the above measure was referred, have had the same under consideration and we report that we are unable to

agree and we respectfully request the powers of Free Conference in order to amend the measure as follows:

Adopt the following House striking amendment and title amendment:

Strike everything after the enacting clause and insert the following:

***NEW SECTION.** Sec. 1. The legislature finds that the possibility exists for a drastic reduction in the volume of low-level radioactive waste disposed at Hanford in several years if waste from outside the region is denied access to the facility. The legislature further finds that the state has become dependent upon the millions of dollars of revenue generated by the waste site, funds which are annually deposited in the state general fund and other state accounts, and that proper analysis of the impacts of a loss of these funds has not been conducted, leaving the state in a potentially vulnerable position.

Sec. 2. Section 8, chapter 19, Laws of 1983 1st ex. sess. as amended by section 1, chapter 2, Laws of 1986 and RCW 43.200.080 are each amended to read as follows:

The director of ecology shall, in addition to the powers and duties otherwise imposed by law, have the following special powers and duties:

(1) To fulfill the responsibilities of the state under the lease between the state of Washington and the federal government executed September 10, 1964, covering one thousand acres of land lying within the Hanford reservation near Richland, Washington. The department of ecology may sublease to private or public entities all or a portion of the land for specific purposes or activities which are determined, after public hearing, to be in agreement with the terms of the lease and in the best interests of the citizens of the state consistent with any criteria that may be developed as a requirement by the legislature:

(2) To assume the responsibilities of the state under the perpetual care agreement between the state of Washington and the federal government executed July 29, 1965 and the sublease between the state of Washington and the site operator of the Hanford low-level radioactive waste disposal facility. In order to finance perpetual surveillance and maintenance under the agreement and ensure site closure under the sublease, the department of ecology shall impose and collect fees from parties holding radioactive materials for waste management purposes. The fees shall be established by rule adopted under chapter ~~((34.04))~~ 34.05 RCW and shall be an amount determined by the department of ecology to be necessary to defray the estimated liability of the state. Such fees shall reflect equity between the disposal facilities of this and other states. All such fees, when received by the department of ecology, shall be transmitted to the state treasurer, who shall act as custodian. The perpetual maintenance fund is created in the the state treasury. The treasurer shall place the money in a special ~~((account))~~ fund which may be designated the "perpetual maintenance ~~((account))~~ fund." ~~((Appropriations are required to permit expenditures and payment of obligations from this account, and the condition of the account and its administration shall be reported biennially to the legislature by the director.))~~ The perpetual maintenance fund shall be comprised of a site closure account and a perpetual surveillance and maintenance account. The site closure account shall be exclusively available to reimburse, to the extent that moneys are available in the account, the site operator for its costs plus a reasonable profit as agreed by the operator and the state, or to reimburse the state licensing agency and any agencies under contract to the state licensing agency for their costs in final closure and decommissioning of the Hanford low-level radioactive waste disposal facility. If a balance remains in the account after satisfactory performance of closure and decommissioning, this balance shall be transferred to the perpetual surveillance and maintenance account. The perpetual surveillance and maintenance account shall be used exclusively by the state to meet post-closure surveillance and maintenance costs, or for otherwise satisfying surveillance and maintenance obligations. Appropriations are required to permit expenditures and payment of obligations from the site closure account and the perpetual surveillance and maintenance account. All moneys currently administered by the department of ecology for closure of the Hanford low-level radioactive waste disposal facility shall be transferred to the site closure account within the perpetual maintenance fund. All future moneys contributed to the perpetual maintenance fund shall be directed to the site closure account until December 31, 1992. Thereafter receipts shall be directed to the perpetual maintenance fund as specified by the department. Moneys in the perpetual maintenance ~~((account))~~ fund shall be invested by the state investment board in the same manner as other state moneys. Any interest accruing as a result of investment shall accrue to the perpetual maintenance ~~((account))~~ fund. Additional moneys specifically appropriated by the legislature or received from any public or private source may be placed in the perpetual maintenance ~~((account. The perpetual maintenance account shall be used exclusively for surveillance and maintenance costs, or for otherwise satisfying surveillance and maintenance obligations))~~ fund:

(3) To assure maintenance of such insurance coverage by state licensees, lessees, or sub-lessees as will adequately, in the opinion of the director, protect the citizens of the state against nuclear accidents or incidents that may occur on privately or state-controlled nuclear facilities;

(4) To institute a user permit system and issue site use permits, consistent with regulatory practices, for generators, packagers, or brokers using the Hanford low-level radioactive waste disposal facility. The costs of administering the user permit system shall be borne by the applicants for site use permits. The site use permit fee shall be set at a level that is sufficient to fund

completely the executive and legislative participation in activities related to the Northwest Interstate Compact on Low-Level Radioactive Waste Management; and

(5) To make application for or otherwise pursue any federal funds to which the state may be eligible, through the federal resource conservation and recovery act or any other federal programs, for the management, treatment or disposal, and any remedial actions, of wastes that are both radioactive and hazardous at all Hanford low-level radioactive waste disposal facilities; and

(6) To develop contingency plans for duties and options for the department and other state agencies related to the Hanford low-level radioactive waste disposal facility based on various projections of annual levels of waste disposal. These plans shall include an analysis of expected revenue to the state in various taxes and funds related to low-level radioactive waste disposal and the resulting implications that any increase or decrease in revenue may have on state agency duties or responsibilities. The initial set of plans shall be completed by October 1, 1989, and shall be updated annually. The department shall report annually on the plans and on the balances in the site closure and perpetual surveillance accounts to the energy and utilities committees of the senate and the house of representatives.

On page 1, line 1 of the title, after "waste;" strike the remainder of the title and insert "amending RCW 43.200.080; and creating a new section."

Further amend the House striking amendment as follows:

On page 1, at the beginning of line 16, strike "become dependent upon the" and insert "received"

On page 4, line 16, after "account," insert "Moneys which on the effective date of this act are in the perpetual maintenance account shall be transferred to the perpetual surveillance and maintenance account."

On page 6, after line 32, insert "NEW SECTION. Sec. 3. A new section is added to chapter 43.145 RCW to read as follows:

No costs shall be paid for or reimbursed by the state of Washington for the participation of other member states in the Northwest low-level waste compact for meetings of the compact held outside the state of Washington."

On page 7, line 7, after "43.200.080;" insert "adding a new section to chapter 43.145 RCW;"

Signed by Senators Benitz, Williams, Bluechel; Representatives Nelson, Jesernig, Hankins.

MOTION

On motion of Senator Newhouse, the Report of the Conference Committee on Senate Bill No. 5926 was adopted and the committee was granted the powers of Free Conference.

President Pritchard assumed the Chair.

There being no objection, the Senate resumed consideration of Substitute House Bill No. 2011 and the pending Report of the Free Conference Committee, deferred earlier today.

RULING BY THE PRESIDENT

President Pritchard: "In ruling upon the point of order raised by Senator Rasmussen, the President finds that Substitute House Bill No. 2011 is a measure making mandatory changes regarding commercial fishing licenses and fees and provides a mandatory index for the director to use for future fee increases.

"Section 22 of the Free Conference Committee Report grants the Director of Fisheries new discretionary authority to issue harvesting permits in emerging fisheries and Section 23 of the report, among other things, gives the director discretionary power to impose a moratorium on coastal crab fishing.

"The President, therefore, finds that because of Sections 22 and 23, the Free Conference Committee Report does change the scope and object of the bill and that the point of order is well taken."

Sections 22 and 23 of the Free Conference Committee Report to Substitute House Bill No. 2011 were ruled out of order.

MOTION

On motion of Senator Newhouse, the Report of the Free Conference Committee on Substitute House Bill No. 2011 was not adopted and the committee was instructed to propose a second report consistent with the Ruling of the President.

MOTION

At 3:45 p.m., on motion of Senator Newhouse, the Senate was declared to be at ease.

The Senate was called to order at 4:14 p.m. by President Pritchard.

MESSAGE FROM THE HOUSE

April 22, 1989

Mr. President:

The House has adopted the Report of the Conference Committee on ENGROSSED SUBSTITUTE SENATE BILL NO. 5911 and has granted said committee the powers of Free Conference.

ALAN THOMPSON, Chief Clerk

REPORT OF CONFERENCE COMMITTEE

RE: ESSB 5911

Providing for the sale of state timber.

April 21, 1989

Mr. President:

Mr. Speaker:

We of your Conference Committee to whom the above measure was referred, have had the same under consideration and we report that we are unable to agree and we respectfully request the powers of Free Conference in order to amend the measure as follows:

Reject all previous amendments, and

Adopt the following amendment:

Strike everything after the enacting clause and insert the following:

***NEW SECTION.** Sec. 1. The forest resources of Washington are among the most valuable of the state's resources. They provide significant opportunities for employment, education, and enjoyment, and they support a variety of uses. These forest resources are increasingly affected by pressure from a variety of sources, which will result in changes in current management practices for the resources and in changes in the economies that are dependent on these resources.

The legislature desires to develop forest management policies that anticipate emerging issues and assure a response which will protect and enhance those economic and ecological systems that are dependent on the resources. The legislature also desires to obtain information which enables better decision-making and to identify courses of action which will assist counties in receiving a reliable flow of income from county forest lands. The legislature finds that it is in the best interests of the state and the counties to establish a process which encourages the counties, through their boards of county commissioners or county councils, to share in the decision-making relating to the sale of timber from forest board lands as they seek to assure the economic stability of their communities.

Further, the legislature finds that recent management decisions concerning federally-owned forested lands have significantly reduced the amount of timber available to small businesses with facilities in Washington. This reduction has caused and will increasingly cause economic hardship in counties where a significant portion of the population is employed in the timber industry. In these counties, the rate of unemployment among residents previously employed in the timber industry has risen drastically and will continue to rise. This will put an increasing burden on the counties to provide necessary financial and social support to these residents.

This section shall expire June 30, 1994.

NEW SECTION. Sec. 2. A new section is added to chapter 76.12 RCW to read as follows:

(1) Whenever the board of county commissioners or the county council of any county determines that it is in the best interests of the county as a trust beneficiary and that it would help to ensure the economic viability of that county, the county may petition the board of natural resources to reserve, for the purposes described in this section, a portion of the timber to be sold in any given year from forest lands which have been acquired from that county by the state under to RCW 76.12.030. The county shall specify what portion of such timber is to be reserved, and the portion reserved may be up to one hundred percent of such timber.

(2) (a) Timber reserved under this section shall be made available for sale to enterprises which meet all of the following criteria: (i) At least fifty percent by volume of the timber purchased by the enterprise in the previous three years was state-owned or federally-owned; (ii) at least eighty-five percent by volume of the timber purchased by the enterprise in the previous year was processed in Washington state; and (iii) the enterprise operates facilities in

Washington which manufacture lumber, plywood, veneer, posts, poles, pilings, shakes, or shingles. For purposes of these criteria, "processed" means manufactured into lumber, plywood, veneer, posts, poles, pilings, shakes, or shingles.

(b) Once the board of natural resources has accepted the petition of a county to reserve a portion of timber pursuant to this section, the department shall compile a list of enterprises which meet the criteria listed in (a) of this subsection. An enterprise must petition the department for inclusion in the list of eligible enterprises, and must include with the petition certified records sufficient to establish that the enterprise meets the criteria listed in (a) of this subsection. If an enterprise purchases a processing facility, the enterprise may incorporate the records of that facility in its petition for inclusion in the list of eligible enterprises. The department shall establish by rule what types of records are acceptable for purposes of establishing eligibility. Timber reserved under this section shall be sold only to enterprises contained in the list of eligible firms prepared by the department.

(c) For each sale of timber under this section, the department shall require the purchaser to: (i) Submit annually, until all unprocessed timber is accounted for, a certified report on the disposition of any unprocessed timber harvested from the sale, including a description of unprocessed timber which is sold, exchanged, or otherwise disposed of to another enterprise and a description of the relationship with the other enterprise; (ii) submit annually, until all unprocessed timber from the sale is accounted for, a certified report on the sale of any unprocessed timber from private lands which is exported or sold for export; and (iii) maintain records of all such transactions involving unprocessed timber, and to make such records available for inspection and verification by the department for up to three years after the sale is terminated.

(d) For purposes of this section, "enterprise" means any business concern and its affiliates, as that term is defined in 13 C.F.R. 121.3, in effect as of January 1, 1988.

(3) If a county petitions the board of natural resources to reserve timber as provided in this section, the use of the forest board land trust assets for the purposes of this act shall be deemed to be consistent with the trust mandate imposed on the management of lands acquired pursuant to RCW 76.12.030.

(4) A petition to reserve a portion of timber may be revoked by the board of county commissioners or county council. Notice of such revocation shall be delivered to the board of natural resources. The board of natural resources shall not unreasonably deny such a request. Such revocation shall not impair any sale of timber which is approved by the board of natural resources before the board receives the notice.

(5) This section shall expire June 30, 1994.

NEW SECTION. Sec. 3. By December 1, 1990, and annually thereafter until December 1, 1994, the board of natural resources shall report to the appropriate legislative committees on the amount of reserved timber sold pursuant to section 2 of this act. The report shall identify the quantity of the reserved timber which was not exported out-of-state in the form of raw logs, and shall identify the quantity which was processed into final products within the state. The report shall also identify which counties have elected to reserve timber pursuant to this section, and shall identify any rules which have been adopted in the last year for the implementation of this section.

NEW SECTION. Sec. 4. (1) The Olympic institute for old growth forest and ocean research and education is hereby created. The institute shall be located in the western portion of the Olympic Peninsula. Its purpose shall be to demonstrate innovative management methods which successfully integrate environmental and economic interests into pragmatic management of forest and ocean resources. The institute shall combine research and educational opportunities with experimental forestry, oceans management, and traditional management knowledge into an overall program which demonstrates that management based on sound economic principles is made superior when combined with new methods of management based on ecological principles. The institute shall be jointly supported by the college of forest resources and the college of ocean and fishery science.

(2) There is hereby appropriated from the general fund to the University of Washington the sum of one hundred fifty thousand dollars, or as much thereof as may be necessary, for the biennium ending June 30, 1991, for the purpose of preparing a development plan for the institute. The development plan shall involve policy makers from state, federal, tribal, business, and environmental interests in the preparation of management plans and as it develops programs and shall be guided by the recommendation of the old growth commission appointed by the commissioner of public lands.

NEW SECTION. Sec. 5. The department of natural resources shall conduct a study of state-owned hardwood forests. The study shall include, but is not limited to: A comprehensive inventory of state-owned hardwood forests and a qualitative assessment of those stands, research into reforestation of hardwoods on state lands, and an analysis of management policies for increasing the supply of commercially harvestable hardwoods on state lands.

NEW SECTION. Sec. 6. (1) The department of trade and economic development shall contract with the northwest policy center at the University of Washington to study the economy of

areas of the state impacted by substantial reductions in timber harvested from federal lands. The study shall:

(a) Include an analysis of the present economy of the areas;

(b) Identify the social, economic, and employment effects associated with withdrawals of land from commercial timber production;

(c) Contain an assessment of possible changes to local economies and the state economy if forest lands continue to produce resources under existing management methods without additional land withdrawals from timber production by legislative decisions;

(d) Contain an assessment of the impact of anticipated technological changes in the forest products industry, possible structural changes in the forest products industry, possible investments in new or existing industries, and known impacts from previous withdrawals of land from timber production; and

(e) Evaluate potential methods for increasing the economic development of the areas, including the creation or enhancement of high value-added production.

The study shall give emphasis to recommendations for future economic development. The department of trade and economic development and the northwest policy center shall report findings to the governor and to the appropriate legislative committees on December 1, 1990.

(2) The sum of two hundred thousand dollars, or as much thereof as may be necessary, is appropriated from the general fund to the department of trade and economic development for the biennium ending June 30, 1991, for the purposes of subsection (1) of this section.

NEW SECTION. Sec. 7. (1) The department of community development shall provide technical and financial assistance to communities adversely impacted by reductions in timber harvested from federal lands. This assistance shall include the formation and implementation of community economic development plans. The department of community development shall utilize existing state technical and financial assistance programs, and shall aid communities in seeking private and federal financial assistance for the purposes of this section. The department may contract for services provided for under this section.

(2) The sum of four hundred fifty thousand dollars, or as much thereof as may be necessary, is appropriated from the general fund to the department of community development for the biennium ending June 30, 1991, for the purposes of subsection (1) of this section.

NEW SECTION. Sec. 8. If by October 1, 1989, the United States congress makes an appropriation to the United States forest service for a Washington state forest inventory and timber supply study, the department of natural resources shall conduct an inventory and prepare a report on the timber supply in Washington state. The report shall identify the quantity of timber present now and the quantity of timber that may be available from forest lands in the future using various assumptions of landowner management, including changes in the forest land base, amount of capital invested in timber management, and expected harvest age. This report shall categorize the results according to region of the state, land ownership, land productivity, and according to major timber species.

The report shall contain an estimate of the acreage and volume of old growth and other timber on lands restricted from commercial timber harvesting due to state or federal decisions, such as national parks, wilderness areas, national recreation areas, scenic river designations, natural areas, geologic areas, or other land allocations which restrict or limit timber harvesting activities. The department shall determine the definition of old growth for the purposes of this section.

State appropriations for these purposes in the 1989-91 budget may be expended if needed for project planning and design. The report shall be submitted to the appropriate committees of the senate and the house of representatives by June 1, 1991.

NEW SECTION. Sec. 9. The board of natural resources shall offer for sale the sustainable harvest as identified in the 1984-1993 forest land management program, or as subsequently revised. In the event that decisions made by entities other than the department cause a decrease in the sustainable harvest the department shall offer additional timber sales from state-managed lands.

NEW SECTION. Sec. 10. By September 1, 1989, and quarterly thereafter, the office of the governor and the commissioner of public lands shall jointly report to the appropriate committees of the senate and the house of representatives on the response of the state to any decisions by the federal government, the court system, or other developments affecting the availability of timber for harvest or processing in Washington state.

NEW SECTION. Sec. 11. By August 1, 1989, the governor and the commissioner of public lands shall jointly develop an official state response on United States forest service management plans for the national forests within the state, as required by the national environmental policy act. Such response shall be submitted to the United States forest service immediately and would supersede any previously submitted agency positions. The responses shall also be submitted to the appropriate standing committees of the senate and the house of representatives.

NEW SECTION. Sec. 12. (1) A joint select committee on domestic timber processing is established consisting of six members appointed in the following manner:

(a) Three members shall be from the senate, two from the majority caucus and one from the minority caucus, appointed by the president of the senate; and

(b) Three members shall be from the house of representatives, two from the majority caucus and one from the minority caucus, appointed by the speaker of the house of representatives. The chair shall be selected by the committee from among its members.

Committee members shall receive no compensation, but shall, to the extent funds are available, be reimbursed for their expenses while attending any meetings in the same manner as legislators engaged in interim committee business as specified in RCW 44.04.120. The committee shall be staffed by senate committee services and the office of program research.

(2) The joint select committee on domestic timber processing shall:

(a) Review other state's legislative actions on domestic processing and log exports;

(b) Develop recommendations on possible state responses to possible federal legislation on log exports;

(c) Review mill closures or reduction in production due to lack of timber supply;

(d) Work in concert with the Washington state congressional delegation in developing domestic processing laws and programs;

(e) Review the positive and negative aspects of state and private log export policy on the state's economy and on the state's citizens;

(f) Review present federal policy of permitting substitution of state logs for private logs;

(g) Analyze the impact of log exports on timber supply as well as on all aspects of finished timber products and the supply of wood chips;

(h) Request the department of natural resources to provide upon request, all available information relating to state timber harvest, timber bidding procedures, export sales, and market analyses;

(i) Study all aspects of domestic timber processing;

(j) Analyze the effect of domestic timber processing on timber supply;

(k) Analyze the effect of domestic timber processing on the state's economy;

(l) Recommend methods to encourage greater domestic timber processing; and

(m) Prepare legislation for introduction to the legislature for the 1990 legislative session.

The committee shall report its findings and any recommendations for legislation to the appropriate legislative committees of the senate and house of representatives by January 1, 1990.

(3) This section shall expire June 30, 1991.

NEW SECTION, Sec. 13. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1989."

On page 1, line 1 of the title, after "lands;" strike the remainder of the title and insert "adding a new section to chapter 76.12 RCW; creating new sections; making appropriations; providing an effective date; and declaring an emergency."

Signed by Senators Amondson, McMullen; Representatives Belcher, Raiter, Fuhrman.

MOTION

On motion of Senator Newhouse, the Report of the Conference Committee on Engrossed Substitute Senate Bill No. 5911 was adopted and the committee was granted the powers of Free Conference.

MOTION

At 4:17 p.m., on motion of Senator Newhouse, the Senate was declared to be at ease.

The Senate was called to order at 4:30 p.m. by President Pritchard.

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

SECOND READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Pullen, Gubernatorial Appointment No. 9057, Reginald T. Roberts, as a member of the Clemency and Pardons Board, was confirmed.

APPOINTMENT OF REGINALD T. ROBERTS

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 45; absent, 3; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen,

Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, Williams, Wojahn - 45.

Absent: Senators Amondson, Kreidler, West - 3.

Excused: Senator DeJarnatt - 1.

There being no objection, the President returned the Senate to the fourth order of business.

MESSAGE FROM THE HOUSE

April 22, 1989

Mr. President:

The House has adopted the Second Report of the Conference Committee on ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1793 and has granted said committee the powers of Free Conference.

ALAN THOMPSON, Chief Clerk

SECOND REPORT OF FREE CONFERENCE COMMITTEE

RE: E2SHB 1793

Creating the Omnibus Alcohol and Controlled Substance Act of 1989.

April 22, 1989

Mr. President:

Mr. Speaker:

We of your Free Conference Committee, have had the same under consideration and we recommend that the measure be amended as proposed under the request for Free Conference and that the bill do pass as amended by the Free Conference Committee.

(See Second Report of Conference Committee on Engrossed Second Substitute House Bill No. 1793 and the request for powers of Free Conference read in earlier today.)

Signed by Senators Newhouse, Niemi, Nelson: Representatives Hine, Ebersole, Patrick.

MOTION

Senator Newhouse moved that the Second Report of the Free Conference Committee on Engrossed Second Substitute House Bill No. 1793 be adopted.

Debate ensued.

POINT OF INQUIRY

Senator Pullen: "Senator Newhouse, my question concerns Sections 244 through 247 dealing with student searches. These particular sections in sub-part J allow school officials to search student lockers and the student himself or herself. For example, in Section 246 the language states, 'A school principal, a vice-principal or principal's designee may search a student, the student's possessions and the student's locker if the principal, vice-principal or principal's designee has reasonable grounds to suspect that the search will yield evidence of the student's violation of the law or school rules.' That sounds rather broad to me and rather draconian. I was wondering if the Conference Committee had considered the full ramifications of that language?"

Senator Newhouse: "We didn't go over language in detail. As a matter of fact, this section, to my understanding, was fairly close between the House and Senate. If you know different, I—"

Senator Pullen: "My understanding was that was not in the original task force recommendations and it was not in the bill as it passed the Senate. The Senate had stripped the language on the House Bill and put our own language in it."

REMARKS BY SENATOR TALMADGE

Senator Talmadge: "Thank you, Mr. President, members of the Senate. In response to Senator Pullen's question, I believe this language about searches was in the original version of House Bill No. 1793, so it is an issue with which the House had been dealing. I don't believe it is inconsistent with the existing pronouncements of the federal courts at least on the subject of searches of student lockers or persons in the school setting. I think they tried to be as careful as they could to

make sure the language was consistent with the constitutional principles that were announced in the case law."

The President declared the question before the Senate to be the motion by Senator Newhouse that the Second Report of the Free Conference Committee on Engrossed Second Substitute House Bill No. 1793 be adopted.

The motion by Senator Newhouse carried and the Second Report of the Free Conference Committee was adopted.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Second Substitute House Bill No. 1793, as amended by the Free Conference Committee.

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator Nelson, is the prohibition against giving away free needles still in this bill?"

Senator Nelson: "Yes, it is, Senator Rasmussen."

Senator Rasmussen: "And if the Governor chooses to veto that out, we still have the original law that makes it illegal?"

Senator Nelson: "That is correct, Senator Rasmussen."

Senator Rasmussen: "And maybe in his wisdom, he will leave this in as good direction for the drug bill."

Senator Nelson: "Let us hope so, Senator Rasmussen."

Senator Rasmussen: "Thank you, Senator Nelson."

POINT OF INQUIRY

Senator Rasmussen: "Senator Talmadge, it's rather hard to read these bills, as they come through so fast, to find the points you are looking for. The police department complained because the various city lights and PUDs will not reveal the records of electricity consumption, which would indicate if you suddenly went from one hundred fifty dollars a month up to four hundred--you'd have halide lights in your attic or your basement. Is there anything in this bill that says that they may have access to those records?"

Senator Talmadge: "I don't believe so, Senator, but that was an issue that we dealt with, I believe, a year or two ago in the context of the two state supreme court decisions that came down on that subject and I believe we modified the Public Disclosure Act to address that particular concern that was first identified by the Snohomish PUD."

Senator Rasmussen: "But, we still can't have access to those records."

Senator Talmadge: "I believe they can."

Senator Rasmussen: "They can? Thank you. One other question. In sub-part C, it says that juvenile driver licenses requires and I presume anybody that would be involved in peddling drugs at the age of thirteen, they would notify the License Department and the driving license would be revoked. I didn't know thirteen year olds could have a license, but at least a notice would be there and they would not be able to get a license until after they were sixteen."

Senator Talmadge: "Senator, this was meant to modify the legislation that was passed last year, I believe, that was sponsored by Representative Rasmussen, coincidentally, dealing with the issue of the revocation of juvenile drivers licenses--"

Senator Rasmussen: "For driving, right?"

Senator Talmadge: "That's right and I believe this is merely clarifying language with respect to that legislation. I believe it deals with driving while intoxicated which would be both for driving under the influence of alcohol and driving under the influence of controlled substances."

Senator Rasmussen: "My question would be, if they were arrested as a juvenile for peddling drugs, could this revocation of drivers licenses apply?"

Senator Talmadge: "I believe that's the case, Senator, in Section 1, sub A. 6950 is the controlled substance section of the code."

Senator Rasmussen: "So, they then would lose their license if they were peddling drugs as a juvenile and then if further provides they'll lose their license up to the age of seventeen?"

Senator Talmadge: "I believe they would, Senator. That was the intent of Representative Rasmussen's legislation last year and this merely clarifies that intention."

Senator Rasmussen: "Real good, thank you. Well, I think that's important that juveniles become aware of that even before they are arrested for it."

Senator Talmadge: "I agree and I always admire, Senator, your skills at leading the witnesses."

Further debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 1793, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 38; nays, 10; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Fleming, Gaspard, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Nelson, Newhouse, Owen, Pullen, Rasmussen, Saing, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Wojahn - 38.

Voting nay: Senators Conner, Craswell, Hansen, Moore, Murray, Niemi, Patterson, Rinehart, Sellar, Williams - 10.

Excused: Senator DeJarnatt - 1.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1793, as amended by the Free Conference Committee, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

Senator Gaspard moved that the Committee on Children and Family Services be relieved of further consideration of Initiative 102, the Children's Initiative.

POINT OF ORDER

Senator Newhouse: "A point of order, Mr. President. I believe the motion is under the wrong order of business."

RULING BY THE PRESIDENT

President Pritchard: "Correct. The point of order is well taken."

POINT OF INQUIRY

Senator Gaspard asked Senator Newhouse to yield to a question.
Senator Newhouse would not yield.

MOTION

Senator Gaspard moved that the Senate advance to the ninth order of business.

The President declared the question before the Senate to be the motion by Senator Gaspard that the Senate advance to the ninth order of business.

The motion by Senator Gaspard failed.

REPORT OF CONFERENCE COMMITTEE

RE: ESHB 1968

Establishing a plan for long-term care services.

April 21, 1989

Mr. President:

Mr. Speaker:

We of your Conference Committee to whom the above measure was referred, have had the same under consideration and we report that we are unable to agree and we respectfully request the powers of Free Conference in order to amend the measure as follows:

(1) That the Senate Committee on Ways and Means striking amendment adopted on April 19, 1989, be rejected, and

(2) That the following amendment be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds that:

Washington's chronically functionally disabled population is growing at a rapid pace. This growth, along with economic and social changes and the coming age wave, presents opportunities for the development of long-term care community services networks and enhanced volunteer participation in those networks, and creates a need for different approaches to currently fragmented long-term care programs. The legislature further recognizes that persons with functional disabilities should receive long-term care services that encourage individual dignity, autonomy, and development of their fullest human potential.

NEW SECTION, Sec. 2. The purpose of this chapter is to:

(1) Establish a balanced range of community-based health, social, and supportive services that deliver long-term care services to chronically, functionally disabled persons of all ages;

(2) Ensure that functional disability shall be the determining factor in defining long-term care service needs and that these needs will be determined by a uniform system for comprehensively assessing functional disability;

(3) Ensure that services are provided in the most independent living situation consistent with individual needs;

(4) Ensure that long-term care service options shall be developed and made available that enable functionally disabled persons to continue to live in their homes or other community residential facilities while in the care of their families or other volunteer support persons;

(5) Ensure that long-term care services are coordinated in a way that minimizes administrative cost, eliminates unnecessarily complex organization, minimizes program and service duplication, and maximizes the use of financial resources in directly meeting the needs of persons with functional limitations;

(6) Develop a systematic plan for the coordination, planning, budgeting, and administration of long-term care services now fragmented between the division of developmental disabilities, division of mental health, aging and adult services administration, division of children and family services, division of vocational rehabilitation, office on AIDS, division of health, and bureau of alcohol and substance abuse;

(7) Encourage the development of a state-wide long-term care case management system that effectively coordinates the plan of care and services provided to eligible clients;

(8) Ensure that individuals and organizations affected by or interested in long-term care programs have an opportunity to participate in identification of needs and priorities, policy development, planning, and development, implementation, and monitoring of state supported long-term care programs;

(9) Support educational institutions in Washington state to assist in the procurement of federal support for expanded research and training in long-term care; and

(10) Facilitate the development of a coordinated system of long-term care education that is clearly articulated between all levels of higher education and reflective of both in-home care needs and institutional care needs of functionally disabled persons.

NEW SECTION, Sec. 3. A valuable option available to Washington state to achieve the goals of sections 1 and 2 of this act is the flexibility in personal care and other long-term care services encouraged by the federal government under Title XIX of the federal social security act. These services include options to expand community-based long-term care services, such as adult family homes, congregate care facilities, respite, chore services, hospice, and case management.

I. CHORE SERVICES

Sec. 4. Section 17, chapter 6, Laws of 1981 1st ex. sess. as last amended by section 1, chapter 222, Laws of 1986 and RCW 74.08.541 are each amended to read as follows:

(1) "Department" as used in this chapter, means the department of social and health services.

(2) "Long-term care facility" as used in this chapter, means a nursing home licensed under chapter 18.51 RCW or a residential habilitation center licensed under chapter 71A.20 RCW.

(3) "Chore services," as used in this chapter, means services in performing (~~tight work and household and other~~) personal care and related tasks (~~which eligible persons are unable to do for themselves because of frailty or handicapping conditions~~) as provided in the department's medical assistance state plan provision addressing personal care.

~~((#))~~ (4) Persons eligible for chore services are adult (~~individuals~~) persons having resources less than a level determined by the department, (~~and~~) whose need for chore services and risk of being placed in a (~~residential~~) long-term care facility have been determined by the department, and who are not eligible to receive medical assistance personal care benefits under RCW 74.09.520.

(a) Persons are eligible for the level (~~or amount~~) of services determined by the department under RCW 74.08.545 if the persons (~~are: (i) Adult recipients of supplemental security income or state supplementation; (ii) eligible at the time their eligibility for chore services is determined or redetermined; for limited casualty program medical care as defined by RCW 74.09.010; or (iii)~~) have an income at or below thirty percent of the state median income.

(b) For other persons, the department shall develop a scale which progressively reduces the level (~~or amount~~) of chore services provided by the department based on the ability of

applicants and ~~((recipients))~~ clients to purchase the chore services. ~~((To determine the ability of applicants and recipients to purchase chore services.))~~ The department shall not consider income below thirty percent of the state median income.

(c) Effort shall be made to obtain chore services from volunteer chore service providers under the senior citizens services act, chapter 74.38 RCW, for those individuals at risk of being placed in a residential care facility and who are age sixty or over but eligible for five hours of chore services per month or less, rather than have those services provided by paid providers. Any individual at risk of being placed in a residential care facility and who is age sixty or over but not eligible for chore services or eligible for a reduced amount of service shall be referred to a volunteer chore service program under the senior citizens services act, chapter 74.38 RCW, where available for needed services not authorized by the department.

(d) ~~((individuals))~~ Persons determined by the department to be eligible for adult protective services are eligible to receive emergency chore services without regard to income if the services are essential to, and a subordinate part of, the adult protective services plan. Emergency chore services under adult protective services shall be provided only until the situation necessitating the services has stabilized, not to exceed ninety days.

~~((3))~~ (5) The department shall establish a monthly dollar lid on chore services expenditures as necessary to maintain such expenditures within the legislative appropriation. To maintain expenditures for chore services within the limits of funds appropriated for this purpose, the department may reduce the level ~~((or amount))~~ of services authorized below the level of need assessed pursuant to RCW 74.08.545 for some or all ~~((recipients, but))~~ clients. The reductions shall be done in a manner which maintains state-wide uniformity of eligibility and service authorization standards and which considers the level of need for services and the degree of risk of being placed in a ~~((residential))~~ long-term care facility of all applicants for, and recipients of, chore services: PROVIDED, That the department may implement a ratable reduction of hours or payment for some or all clients receiving chore services.

(6) The department may continue providing chore services for those clients who were receiving assistance only with household tasks prior to December 14, 1987, provided that those clients are receiving this same service as of June 1989.

(7) The department may continue providing chore services to clients who were receiving attendant care services prior to April 1, 1988, provided that those clients are receiving the same services as of June 1989.

Sec. 5. Section 16, chapter 6, Laws of 1981 1st ex. sess. and RCW 74.08.545 are each amended to read as follows:

It is the intent of the legislature that chore services be provided to eligible persons within the limits of funds appropriated for that purpose. Therefore, the department shall provide services only to those persons identified as at risk of being placed in a ~~((residential))~~ long-term care facility in the absence of such services. Chore services shall be provided ~~((only))~~ to the extent necessary to maintain a safe and healthful living environment. It is the policy of the state to encourage the development of volunteer chore services in local communities as a means of meeting chore care service needs and directing financial resources. In determining ~~((an individual's))~~ eligibility for chore services, the department shall consider the following:

- (1) The kind of services needed;
- (2) The degree of service need, and the extent to which an individual is dependent upon such services to remain in his or her home or return to his or her home;
- (3) The availability of personal or community resources which may be utilized to meet the individual's need; and
- (4) Such other factors as the department considers necessary to insure service is provided only to those persons whose chore service needs cannot be met by relatives, friends, nonprofit organizations, or other persons.

In determining the level of services to be provided under this chapter, ~~((the department shall utilize a client review questionnaire designed))~~ client shall be assessed using an instrument designed by the department to determine ~~((both))~~ the ~~((degree and level of service))~~ level of functional disability, the need for service and the ~~((individual's))~~ person's risk of ~~((institutionalization if such needs are not met by this chapter))~~ long-term care facility placement.

Sec. 6. Section 3, chapter 51, Laws of 1973 1st ex. sess. as last amended by section 189, chapter 3, Laws of 1983 and RCW 74.08.550 are each amended to read as follows:

(1) The department ~~((of social and health services))~~ is authorized to develop a program to provide for those services enumerated in RCW 74.08.541.

~~((The department shall endeavor to assure that, for each individual receiving in-home services, a single caseworker is responsible for coordinating the delivery of all necessary in-home services for which the recipient is eligible.~~

~~((3))~~ The department may provide assistance in the recruiting of providers of the services enumerated in RCW 74.08.541 and seek to assure the timely provision of services in emergency situations.

~~((4))~~ (3) The department shall assure that all providers of the services enumerated in RCW 74.08.541 are compensated for the delivery of the services on a prompt and regular basis.

Sec. 7. Section 3, chapter 137, Laws of 1980 and RCW 74.08.570 are each amended to read as follows:

(1) An otherwise eligible disabled person shall not be deemed ineligible for chore services under this chapter if the person's gross income from employment, adjusted downward by the cost of the chore services to be provided and the disabled person's work expenses, does not exceed the maximum eligibility standard established by the department for such chore services. The department shall establish a sliding scale fee schedule for such disabled persons, taking into consideration the person's ability to pay and work expenses.

(2) If a disabled person arranges for chore services through an individual provider arrangement, the ~~((recipient's))~~ client's contribution shall be counted as first dollar toward the total amount owed to the provider for chore services rendered.

(3) As used in this section:

(a) "Gross income" means total earned wages, commissions, salary, and any bonus;

(b) "Work expenses" includes:

(i) Payroll deductions required by law or as a condition of employment, in amounts actually withheld;

(ii) The necessary cost of transportation to and from the place of employment by the most economical means, except rental cars; and

(iii) Expenses of employment necessary for continued employment, such as tools, materials, union dues, transportation to service customers if not furnished by the employer, and uniforms and clothing needed on the job and not suitable for wear away from the job;

(c) "Employment" means any work activity for which a recipient receives monetary compensation;

(d) "Disabled" means:

(i) Permanently and totally disabled as defined by the department and as such definition is approved by the federal social security ~~((agency))~~ administration for federal matching funds;

(ii) Eighteen years of age or older;

(iii) A resident of the state of Washington; and

(iv) Willing to submit to such examinations as are deemed necessary by the department to establish the extent and nature of the disability.

II. RESPITE SERVICES

Sec. 8. Section 5, chapter 158, Laws of 1984 as amended by section 4, chapter 409, Laws of 1987 and RCW 74.41.050 are each amended to read as follows:

The department shall ~~((select))~~ contract with area agencies on aging or other appropriate agencies to conduct respite care projects to the extent of available funding. The responsibilities of the ~~((selected area))~~ agencies ~~((on aging))~~ shall include but not be limited to: Negotiating rates of payment, administering sliding-fee scales to enable eligible participants to participate in paying for respite care, and arranging for respite care services. Rates of payment to respite care service providers shall not exceed, and may be less than, rates paid by the department to providers for the same level of service. In evaluating the need for respite services, consideration shall be given to the mental and physical ability of the caregiver to perform necessary caregiver functions.

III. TITLE XIX COMMUNITY-BASED LONG-TERM CARE SERVICES

NEW SECTION. Sec. 9. Title XIX of the federal social security act offers valuable opportunities to increase federal funds available to provide community-based long-term care services to functionally disabled persons in their homes, and in noninstitutional residential facilities, such as adult family homes and congregate care facilities.

A. PERSONAL CARE, HOSPICE

Sec. 10. Section 5, chapter 30, Laws of 1967 ex. sess. as last amended by section 3, chapter 5, Laws of 1985 and RCW 74.09.520 are each amended to read as follows:

(1) The term "medical assistance" may include the following care and services: ~~((+))~~ (a) Inpatient hospital services; ~~((2))~~ (b) outpatient hospital services; ~~((3))~~ (c) other laboratory and x-ray services; ~~((4))~~ (d) skilled nursing home services; ~~((5))~~ (e) physicians' services, which shall include prescribed medication and instruction on birth control devices; ~~((6))~~ (f) medical care, or any other type of remedial care as may be established by the secretary; ~~((7))~~ (g) home health care services; ~~((8))~~ (h) private duty nursing services; ~~((9))~~ (i) dental services; ~~((10))~~ (j) physical therapy and related services; ~~((11))~~ (k) prescribed drugs, dentures, and prosthetic devices; and eyeglasses prescribed by a physician skilled in diseases of the eye or by an optometrist, whichever the individual may select; ~~((12))~~ (l) personal care services, as provided in this section; (m) hospice services; (n) other diagnostic, screening, preventive, and rehabilitative services: PROVIDED, That the department may not cut off any prescription medications, oxygen supplies, respiratory services, or other life-sustaining medical services or supplies.

"Medical assistance," notwithstanding any other provision of law, shall not include routine foot care, or dental services delivered by any health care provider, that are not mandated by Title XIX of the social security act unless there is a specific appropriation for these services.

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

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

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

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

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

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

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

B. COPES RESPITE SERVICES

NEW SECTION, Sec. 11. The department shall request an amendment to its community options program entry system waiver under section 1905(c) of the federal social security act to include respite services as a service available under the waiver.

C. COMMUNITY-BASED SERVICES FOR PERSONS WITH AIDS

NEW SECTION, Sec. 12. A new section is added to chapter 74.09 RCW to read as follows:

The department shall prepare and request a waiver under section 1915(c) of the federal social security act to provide community based long-term care services to persons with AIDS or AIDS-related conditions who qualify for the medical assistance program under RCW 74.09-.510 or the limited casualty program for the medically needy under RCW 74.09.700. Respite services shall be included as a service available under the waiver.

IV. LONG-TERM CARE REFORM IMPLEMENTATION TEAM

NEW SECTION, Sec. 13. (1) A long-term care commission is created. It shall consist of:

(a) Four legislators who shall serve on the executive committee, one from each of the two largest caucuses in the house of representatives and the senate who shall be selected by the president of the senate and the speaker of the house of representatives;

(b) Six members, to be selected by the executive committee, who shall be authorities in gerontology, developmental disabilities, neurological impairments, physical disabilities, mental illness, nursing, long-term care service delivery, long-term care service financing, systems development, or systems analysis;

(c) Three members, to be selected by the executive committee, who represent long-term care consumers, services providers, or advocates;

(d) Two members, to be selected by the executive committee, who represent county government;

(e) One member, to be selected by the secretary of social and health services, to represent the department of social and health services long-term care programs, including at least developmental disabilities, mental health, aging and adult services, AIDS, children's services, alcohol and substance abuse, and vocational rehabilitation; and

(f) Two members, to represent the governor, who shall serve on the executive committee.

The legislative members shall select a chair from the membership of the commission.

The commission shall be staffed, to the extent possible, by staff from the appropriate senate and house of representatives committees.

The commission may form technical advisory committees to assist it with any particular matters deemed necessary by the commission.

The commission and technical advisory committee members shall receive no compensation, but except for publicly funded agency staff, shall, to the extent funds are available, be reimbursed for their expenses while attending any meetings in the same manner as legislators engaged in interim committee business as specified in RCW 44.04.120.

The commission may receive appropriations, grants, gifts, and other payments from any governmental or other public or private entity or person which it may use to defray the cost of

its operations or to contract for technical assistance, with the approval of the senate committee on facilities and operations and the house of representatives executive rules committee.

(2) The long-term care commission shall develop legislation and recommend administrative actions necessary to achieve the following long-term care reforms:

(a) The systematic coordination, planning, budgeting, and administration of long-term care services currently administered by the department of social and health services, division of developmental disabilities, aging and adult services administration, division of vocational rehabilitation, office on AIDS, division of health, and the bureau of alcohol and substance abuse;

(b) Provision of long-term care services to persons based on their functional disabilities noncategorically and in the most independent living situation consistent with the person's needs;

(c) A consistent definition of appropriate roles and responsibilities for state and local government, regional organizations, and private organizations in the planning, administration, financing, and delivery of long-term care services;

(d) Technical assistance to enable local communities to have greater participation and control in the planning, administration, and provision of long-term care services;

(e) A case management system that coordinates an appropriate and cost-effective plan of care and services for eligible functionally disabled persons based on their individual needs and preferences;

(f) A sufficient supply of quality noninstitutional residential alternatives for functionally disabled persons, and supports for the providers of such services;

(g) Public and private alternative funding for long-term care services, such as federal Title XIX funding of personal care services through the limited casualty program for the medically needy and other optional services, a uniform fee scale for client participation in state-funded, long-term care programs, and private, long-term care insurance;

(h) A systematic and balanced long-term care services payment and reimbursement system, including nursing home reimbursement, that will provide access to needed services while controlling the rate of cost increases for such services;

(i) Active involvement of volunteers and advocacy groups;

(j) An integrated data base that provides long-term care client tracking;

(k) A coordinated education system for long-term care; and

(l) Other issues deemed appropriate by the implementation team.

The commission shall report to the legislature with its findings, recommendations, and proposed legislation by December 1, 1990.

V. ADULT FAMILY HOME LICENSING

NEW SECTION. Sec. 14. The legislature finds that adult family homes are an important part of the state's long-term care system. Adult family homes provide an alternative to institutional care and promote a high degree of independent living for residents.

NEW SECTION. Sec. 15. The purposes of this chapter are to:

(1) Encourage the establishment and maintenance of adult family homes that provide a humane, safe, and homelike environment for persons with functional limitations who need personal and special care;

(2) Establish standards for regulating adult family homes that adequately protect residents, but are consistent with the abilities and resources of an adult family home so as not to discourage individuals from serving as adult family home providers; and

(3) Encourage consumers, families, providers, and the public to become active in assuring their full participation in development of adult family homes that provide high quality care.

NEW SECTION. Sec. 16. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Adult family home" means a regular family abode of a person or persons who are providing personal care, room, and board to more than one but not more than four adults who are not related by blood or marriage to the person or persons providing the services; except that a maximum of six adults may be permitted if the department determines that the home is of adequate size and that the home and the provider are capable of meeting standards and qualifications as provided for in this act.

(2) "Provider" means any person who is licensed under this chapter to operate an adult family home. The provider shall reside at the adult family home, except that exceptions may be authorized by the department for good cause, as defined in rule.

(3) "Department" means the department of social and health services.

(4) "Resident" means an adult in need of personal or special care in an adult family home who is not related to the provider.

(5) "Adults" means persons who have attained the age of eighteen years.

(6) "Home" means an adult family home.

(7) "Imminent danger" means serious physical harm to or death of a resident has occurred, or there is a serious threat to resident life, health, or safety.

(8) "Special care" means care beyond personal care as defined by the department, in rule.

NEW SECTION. Sec. 17. The following residential facilities shall be exempt from the operation of this chapter:

- (1) Nursing homes licensed under chapter 18.51 RCW;
- (2) Boarding homes licensed under chapter 18.20 RCW;
- (3) Facilities approved and certified under chapter 71A.22 RCW;
- (4) Residential treatment centers for the mentally ill licensed under chapter 71.24 RCW;
- (5) Hospitals licensed under chapter 70.41 RCW;
- (6) Homes for the developmentally disabled licensed under chapter 74.15 RCW.

NEW SECTION. Sec. 18. (1) The department shall adopt rules and standards with respect to all adult family homes and the operators thereof to be licensed under this chapter to carry out the purposes and requirements of this chapter. In developing rules and standards the department shall recognize the residential family-like nature of adult family homes and not develop rules and standards which by their complexity serve as an overly restrictive barrier to the development of the adult family homes in the state. Procedures and forms established by the department shall be developed so they are easy to understand and comply with. Paper work requirements shall be minimal. Easy to understand materials shall be developed for homes explaining licensure requirements and procedures.

(2) During the initial stages of development of proposed rules, the department shall provide notice of development of the rules to organizations representing adult family homes and their residents, and other groups that the department finds appropriate. The notice shall state the subject of the rules under consideration and solicit written recommendations regarding their form and content.

(3) Except where provided otherwise, chapter 34.05 RCW shall govern all department rule-making and adjudicative activities under this chapter.

NEW SECTION. Sec. 19. After July 1, 1990, no person shall operate or maintain an adult family home in this state without a license under this chapter.

NEW SECTION. Sec. 20. (1) An application for license shall be made to the department upon forms provided by it and shall contain such information as the department reasonably requires.

(2) The department shall issue a license to an adult family home if the department finds that the applicant and the home are in compliance with this chapter and the rules adopted under this chapter; and that the applicant has no prior violations of this chapter relating to the adult family home subject to the application or any other adult family home, or of any other law regulating residential care facilities within the past five years that resulted in revocation or nonrenewal of a license.

(3) The license fee shall be submitted with the application.

(4) The department shall serve upon the applicant a copy of the decision granting or denying an application for a license. An applicant shall have the right to contest denial of his or her application for a license as provided in chapter 34.05 RCW by requesting a hearing in writing within ten days after receipt of the notice of denial.

(5) A provider shall not be licensed for more than one adult family home. Exceptions may be authorized by the department for good cause, as defined in rule. The department shall submit to appropriate committees of the legislature, by December 1, 1991, a report on the number and type of good cause exceptions granted.

(6) The license fee shall be set at fifty dollars per year for each home. A fifty dollar processing fee shall also be charged each home when the home is initially licensed.

NEW SECTION. Sec. 21. An adult family home shall have readily available for review:

(1) Its license to operate; and

(2) A copy of each inspection report received by the home from the department for the past three years.

NEW SECTION. Sec. 22. (1) A license shall be valid for one year.

(2) At least ninety days prior to expiration of the license, the provider shall submit an application for renewal of a license. The department shall send the provider an application for renewal prior to this time. The department shall have the authority to investigate any information included in the application for renewal of a license.

(3)(a) Homes applying for a license shall be inspected at the time of licensure.

(b) Homes licensed by the department shall be inspected every eighteen months subject to available funds.

(c) Licensed homes where a complaint has been received by the department may be inspected at any time.

(4) If the department finds that the home is not in compliance with this chapter, it shall require the home to correct any violations as provided in this chapter. If the department finds that the home is in compliance with this chapter and the rules adopted under this chapter, the department shall renew the license of the home.

NEW SECTION. Sec. 23. (1) No public agency contractor or employee shall place, refer, or recommend placement of a person into an adult family home that is operating without a license.

(2) Any public agency contractor or employee who knows that an adult family home is operating without a license shall report the name and address of the home to the department. The department shall investigate any report filed under this section.

NEW SECTION. Sec. 24. An adult family home provider shall have the following minimum qualifications:

- (1) Twenty-one years of age or older;
- (2) Good moral and responsible character and reputation;
- (3) Literacy; and
- (4) Management and administrative ability to carry out the requirements of this chapter.

NEW SECTION. Sec. 25. The department shall promulgate a list of residents' rights for adult family homes, by rule, which shall be equal to those in rule as of January 1, 1989.

NEW SECTION. Sec. 26. (1) Adult family homes shall be maintained internally and externally in good repair and condition. Such homes shall have safe and functioning systems for heating, cooling, hot and cold water, electricity, plumbing, garbage disposal, sewage, cooking, laundry, artificial and natural light, ventilation, and any other feature of the home.

(2) Adult family homes shall be maintained in a clean and sanitary manner, including proper sewage disposal, food handling, and hygiene practices.

(3) Adult family homes shall develop a fire drill plan for emergency evacuation of residents, shall have smoke detectors in each bedroom where a resident is located, shall have fire extinguishers on each floor of the home, and shall not keep nonambulatory patients above the first floor of the home.

(4) Adult family homes shall have clean, functioning, and safe household items and furnishings.

(5) Adult family homes shall provide a nutritious and balanced diet and shall recognize residents' needs for special diets.

(6) Adult family homes shall establish health care procedures for the care of residents including medication administration and emergency medical care.

(a) Adult family home residents shall be permitted to self-administer medications.

(b) Adult family home providers may administer medications and deliver special care only to the extent that the provider is a licensed health care professional for whom the administration of medications is within the scope of practice under Washington law.

NEW SECTION. Sec. 27. Each adult family home shall meet applicable local licensing, zoning, building, and housing codes, and state and local fire safety regulations. It is the responsibility of the home to check with local authorities to ensure all local codes are met.

NEW SECTION. Sec. 28. Whenever possible adult family homes are encouraged to contact and work with local quality assurance projects such as the volunteer ombudsman with the goal of assuring high quality care is provided in the home.

NEW SECTION. Sec. 29. The department shall develop written training material to distribute to adult family home providers. The material shall explain licensure requirements established by this chapter and cover other areas to include issues affecting the health, mental health, nutrition, and hygiene of residents as well as other areas pertinent to the care of residents or of the home. The department of social and health services shall provide a report to the long-term care commission by December 1, 1991, on the appropriate provider training and education on adult family homes.

NEW SECTION. Sec. 30. (1) During inspections of an adult family home, the department shall have access and authority to examine areas and articles in the home used to provide care or support to residents, including residents' records, accounts, and the physical premises, including the buildings, grounds, and equipment. The department also shall have the authority to interview the provider and residents of an adult family home.

(2) Whenever an inspection is conducted, the department shall prepare a written report that summarizes all information obtained during the inspection, and if the home is in violation of this chapter, serve a copy of the inspection report upon the provider at the same time as a notice of violation. If the home is not in violation of this chapter, a copy of the inspection report shall be mailed to the provider within ten days of the inspection of the home. All inspection reports shall be made available to the public at the department during business hours.

(3) The inspection report shall describe any corrective measures on the part of the provider necessary to pass a reinspection. If the department finds upon reinspection of the home that the corrective measures have been satisfactorily implemented, the department shall cease any actions taken against the home. Nothing in this section shall require the department to license or renew the license of a home where serious physical harm or death has occurred to a resident.

NEW SECTION. Sec. 31. (1) The department is authorized to take one or more of the actions listed in subsection (2) of this section in any case in which the department finds that an adult family home provider has:

(a) Failed or refused to comply with the requirements of this chapter or the rules adopted under this chapter;

(b) Operated an adult family home without a license or under a revoked license;

(c) Knowingly or with reason to know made a false statement of material fact on his or her application for license or any data attached thereto, or in any matter under investigation by the department; or

(d) Willfully prevented or interfered with any inspection or investigation by the department.

(2) When authorized by subsection (1) of this section, the department may take one or more of the following actions:

(a) Refuse to issue a license;

(b) Suspend, revoke, or refuse to renew a license; or

(c) Suspend admissions to the adult family home.

NEW SECTION. Sec. 32. The department has the authority to immediately suspend a license if it finds that conditions there constitute an imminent danger to residents.

NEW SECTION. Sec. 33. Nothing in this chapter or the rules adopted under it may be construed as authorizing the supervision, regulation, or control of the remedial care or treatment of residents in any adult family home conducted by and for the adherents of a church or religious denomination who rely upon spiritual means alone through prayer for healing in accordance with the tenets and practices of such church or religious denomination and the bona fide religious beliefs genuinely held by such adherents.

NEW SECTION. Sec. 34. Section 11, chapter 172, Laws of 1969 ex. sess., section 1, chapter 52, Laws of 1975-'76 2nd ex. sess. and RCW 74.08.044 are each repealed.

VI. RESIDENTIAL CARE FACILITY SITING

NEW SECTION. Sec. 35. (1) Unless the context clearly requires otherwise, these definitions shall apply throughout this section and sections 36, 37, 38, 39, 40, and 41 of this act:

(a) "Adult family home" means a residential care facility that is regulated by the department of social and health services.

(b) "Residential care facility" means a facility that cares for at least five, but not more than fifteen functionally disabled persons.

(c) "Department" means the department of social and health services.

(2) An adult family home shall be considered a residential use of property for zoning purposes. Adult family homes shall be a permitted use in all areas zoned for residential or commercial purposes, including areas zoned for single family dwellings.

NEW SECTION. Sec. 36. A new section is added to chapter 35.63 RCW to read as follows:

Each municipality that does not provide for the siting of residential care facilities in zones or areas that are designated for single family or other residential uses, shall conduct a review of the need and demand for the facilities, including the cost of any conditional or special use permit that may be required. The review shall be completed by August 31, 1990. A copy of the findings, conclusions, and recommendations resulting from the review shall be sent to the department of community development by September 30, 1990.

On or before June 30, 1991, each municipality that plans and zones under this chapter shall have adopted an ordinance or ordinances that are necessary to implement the findings of this review, if the findings indicate that such changes are necessary, or shall notify the department of community development as to why such implementing ordinances were not adopted.

NEW SECTION. Sec. 37. A new section is added to chapter 35A.63 RCW to read as follows:

Each municipality that does not provide for the siting of residential care facilities in zones or areas that are designated for single family or other residential uses, shall conduct a review of the need and demand for the facilities, including the cost of any conditional or special use permit that may be required. The review shall be completed by August 31, 1990. A copy of the findings, conclusions, and recommendations resulting from the review shall be sent to the department of community development by September 30, 1990.

On or before June 30, 1991, each municipality that plans and zones under this chapter shall have adopted an ordinance or ordinances that are necessary to implement the findings of this review, if the findings indicate that such changes are necessary, or shall notify the department of community development as to why such implementing ordinances were not adopted.

NEW SECTION. Sec. 38. A new section is added to chapter 36.70 RCW to read as follows:

Each county that does not provide for the siting of residential care facilities in zones that are designated for single family or other residential uses, shall conduct a review of the need and demand for the facilities, including the cost of any conditional or special use permit that may be required. The review shall be completed by August 30, 1990. A copy of the findings, conclusions, and recommendations resulting from the review shall be sent to the department of community development by September 30, 1990.

On or before June 30, 1991, each municipality that plans and zones under this chapter shall have adopted an ordinance or ordinances that are necessary to implement the findings of this review, if the findings indicate that such changes are necessary, or shall notify the department of community development as to why such implementing ordinances were not adopted.

NEW SECTION. Sec. 39. A new section is added to chapter 35.22 RCW to read as follows:

If a first class city zones pursuant to its inherent charter authority and not pursuant to chapter 35.63 RCW, and does not provide for the siting of residential care facilities in zones or areas that are designated for single family or other residential uses, the city shall conduct a review of the need and demand for the facilities, including the cost of any conditional or special use permit that may be required. The review shall be completed by August 30, 1990. A copy of the findings, conclusions, and recommendations resulting from the review shall be sent to the department of community development by September 30, 1990.

On or before June 30, 1991, each municipality that plans and zones under this chapter shall have adopted an ordinance or ordinances that are necessary to implement the findings of this review, if the findings indicate that such changes are necessary, or shall notify the department of community development as to why such implementing ordinances were not adopted.

NEW SECTION, Sec. 40. A new section is added to chapter 36.32 RCW to read as follows:

If a county operating under home rule charter zones pursuant to its inherent charter authority and not pursuant to chapter 35.63 RCW, nor chapter 36.70 RCW, and that county does not provide for the siting of residential care facilities in zones or areas that are designated for single family or other residential uses, the county shall conduct a review of the need and demand for the facilities, including the cost of any conditional or special use permit that may be required. The review shall be completed by August 30, 1990. A copy of the findings, conclusions, and recommendations resulting from the review shall be sent to the department of community development by September 30, 1990.

On or before June 30, 1991, each municipality that plans and zones under this chapter shall have adopted an ordinance or ordinances that are necessary to implement the findings of this review, if the findings indicate that such changes are necessary, or shall notify the department of community development as to why such implementing ordinances were not adopted.

NEW SECTION, Sec. 41. The department of community development shall:

(1) Report to the appropriate committees of the legislature the results of the local reviews provided for in sections 36 through 40 of this act by December 31, 1990.

(2) In consultation with the association of Washington cities, the Washington association of counties, and the long-term care commission, develop a model ordinance for the siting of residential care facilities. The model ordinance shall be developed by December 31, 1990.

NEW SECTION, Sec. 42. The sum of one hundred fifty thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the general fund to the senate and house of representatives solely for the long-term care commission created under section 13 of this act.

NEW SECTION, Sec. 43. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION, Sec. 44. Sections 2 through 43 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

NEW SECTION, Sec. 45. Sections 2, 3, 9, 11, 13, and 35 of this act shall constitute a new chapter in Title 74 RCW.

NEW SECTION, Sec. 46. Sections 14 through 33 of this act shall constitute a new chapter in Title 70 RCW.

NEW SECTION, Sec. 47. Subchapter headings as used in this act do not constitute any part of the law."

On page 1, line 1 of the title, after "care;" strike the remainder of the title and insert "amending RCW 74.08.541, 74.08.545, 74.08.550, 74.08.570, 74.41.050, and 74.09.520; adding a new chapter to Title 74 RCW; adding a new chapter to Title 70 RCW; adding a new section to chapter 74.09 RCW; adding a new section to chapter 35.63 RCW; adding a new section to chapter 35A.63 RCW; adding a new section to chapter 36.70 RCW; adding a new section to chapter 35.22 RCW; adding a new section to chapter 36.32 RCW; creating new sections; repealing RCW 74.08.044; making an appropriation; and declaring an emergency."

Signed by Senators Smith, Kreidler, Johnson: Representatives Braddock, Morris, D. Sommers.

MOTION

On motion of Senator Newhouse, the Report of the Conference Committee on Engrossed Substitute House Bill No. 1968 was adopted and the committee was granted the powers of Free Conference.

SECOND REPORT OF CONFERENCE COMMITTEE

RE: SHB 2011

Changing provisions regulating commercial fishing licenses.

April 20, 1989

Mr. President:

Mr. Speaker:

We of your Conference Committee, have had the same under consideration and we report that we are unable to agree and we respectfully request the powers of Free Conference in order to amend the measure as follows:

(1) That the Senate Environment and Natural Resources Committee amendments adopted on April 14, 1989, be rejected, and

(2) That the following amendments be adopted:

Strike everything after the enacting clause and insert the following:

*Sec. 1. Section 75.28.100, chapter 12, Laws of 1955 as last amended by section 107, chapter 46, Laws of 1983 1st ex. sess. and RCW 75.28.035 are each amended to read as follows:

An application for issuance or renewal of a commercial fishing license ((or permit)) shall contain the name and address of the vessel owner, the name and address of the vessel operator, the name and number of the vessel, a description of the vessel and fishing gear to be carried on the vessel, and other information required by the department.

At the time of issuance of a commercial fishing license ((or permit)) the director shall furnish the licensee with a vessel registration and two license decals.

Vessel registrations and license ((and permit)) decals issued by the director shall be displayed as provided by rule of the director.

A commercial fishing license ((or permit)) is not valid if the vessel is operated by a person other than the operator listed on the license ((or permit)). The director may authorize additional operators for the license ((or permit)). Unless adjusted by the director pursuant to the director's authority granted in section 19 of this 1989 act, the fee for an additional operator is ((ten)) twenty dollars.

The vessel owner shall notify the director on forms provided by the department of changes of ownership or operator and a new license ((or permit)) shall be issued upon payment of a fee of ((ten)) twenty dollars.

A defaced, mutilated, or lost license or license decal shall be replaced immediately. Unless adjusted by the director pursuant to the director's authority granted in section 19 of this 1989 act, the replacement fee is ((two)) ten dollars.

Sec. 2. Section 1, chapter 90, Laws of 1969 as last amended by section 1, chapter 9, Laws of 1988 and RCW 75.28.095 are each amended to read as follows:

(1) A charter boat license is required for a vessel to be operated as a charter boat from which food fish are taken for personal use. Unless adjusted by the director pursuant to the director's authority granted in section 19 of this 1989 act, the annual license fees are:

Species	Resident Fee	Nonresident Fee
(a) Food fish other than salmon	\$((+100)) <u>135</u>	\$((200)) <u>270</u>
(b) Salmon and other food fish	\$((200)) <u>275</u>	\$((200)) <u>550</u>

(2) "Charter boat" means a vessel from which persons may, for a fee, fish for food fish, and which delivers food fish into state ports or delivers food fish taken from state waters into United States ports. "Charter boat" does not mean:

(a) Vessels not generally engaged in charter boat fishing which are under private lease or charter and operated by the lessee for the lessee's personal recreational enjoyment; or

(b) Vessels used by guides for clients fishing for food fish for personal use in freshwater rivers, streams, and lakes, other than Lake Washington or that part of the Columbia River below the bridge at Longview.

(3) A vessel shall not engage in both charter or sports fishing and commercial fishing on the same day. A vessel may be licensed for both charter boat fishing and for commercial fishing at the same time. ((The license or delivery permit allowing the activity not being engaged in shall be deposited with the fisheries patrol officer for that area or an agent designated by the director.))

Sec. 3. Section 75.28.110, chapter 12, Laws of 1955 as last amended by section 1, chapter 107, Laws of 1985 and RCW 75.28.110 are each amended to read as follows:

(1) The following commercial salmon fishing licenses are required for the licensee to use the specified gear to fish for salmon and other food fish in state waters. Unless adjusted by the director pursuant to the director's authority granted in section 19 of this 1989 act, the annual license fees are:

Gear	Resident Fee	Nonresident Fee
(a) Purse seine	\$((300)) <u>410</u>	\$((400)) <u>820</u>
(b) Gill net	\$((200)) <u>275</u>	\$((400)) <u>550</u>
(c) Troll	\$((200)) <u>275</u>	\$((400)) <u>550</u>
(d) Reef net	\$((200)) <u>275</u>	\$((400)) <u>550</u>

(2) Holders of commercial salmon fishing licenses may retain incidentally caught food fish other than salmon, subject to rules of the director.

(3) A salmon troll license allows fishing in all licensing districts and includes a salmon delivery ((~~permit~~)) license.

(4) A separate gill net license is required to fish for salmon in each of the licensing districts established in RCW 75.28.012.

Sec. 4. Section 75.18.080, chapter 12, Laws of 1955 as last amended by section 115, chapter 46, Laws of 1983 1st ex. sess. and RCW 75.28.113 are each amended to read as follows:

(1) A person operating a commercial fishing vessel used in taking salmon in offshore waters and delivering the salmon to a place or port in the state shall obtain a salmon delivery ((~~permit~~)) license from the director. Unless adjusted by the director pursuant to the director's authority granted in section 19 of this 1989 act, the annual fee for a salmon delivery ((~~permit~~)) license is two hundred seventy-five dollars for residents and five hundred fifty dollars for non-residents. Persons operating fishing vessels licensed under RCW 75.28.125 may apply the delivery ((~~permit~~)) license fee of ((~~ten~~)) fifty dollars against the salmon delivery ((~~permit~~)) license fee.

(2) If the director determines that the operation of a vessel under a salmon delivery ((~~per-~~)) license results in the depletion or destruction of the state's salmon resource or the delivery into this state of salmon products prohibited by law, the director may revoke the ((~~permit~~)) license.

Sec. 5. Section 1, chapter 80, Laws of 1984 and RCW 75.28.116 are each amended to read as follows:

The owner of a commercial salmon fishing vessel which is not qualified for a license ((or ~~permit~~)) under RCW 75.30.120 is required to obtain a salmon single delivery ((~~permit~~)) license in order to make one landing of salmon taken in offshore waters. The director shall not issue a salmon single delivery ((~~permit~~)) license unless, as determined by the director, a bona fide emergency exists. Unless adjusted by the director pursuant to the director's authority granted in section 19 of this 1989 act, the ((~~permit~~)) license fee is one hundred thirty-five dollars for residents and two hundred seventy dollars for nonresidents.

Sec. 6. Section 75.28.120, chapter 12, Laws of 1955 as last amended by section 117, chapter 46, Laws of 1983 1st ex. sess. and RCW 75.28.120 are each amended to read as follows:

The following commercial fishing licenses are required for the licensee to use the specified gear to fish for food fish other than salmon in state waters. Unless adjusted by the director pursuant to the director's authority granted in section 19 of this 1989 act, the annual license fees are:

Gear	Resident Fee	Nonresident Fee
(1) Jig	\$((27-50)) 50	\$((55)) 100
(2) Set line	\$((35)) 50	\$((70)) 100
(3) Set net	\$((35)) 50	\$((70)) 100
(4) Drag seine	\$((45)) 50	\$((70)) 100
(5) Gill net	\$((200)) 275	\$((400)) 550
(6) Purse seine	\$((300)) 410	\$((600)) 820
(7) Troll	\$((27-50)) 50	\$((55)) 100
(8) Bottom fish pots	\$((35)) 50	\$((60)) 100
((Each pot over 100	50-25	50-50))
(9) Lampara	\$((57-50)) 100	\$((115)) 200
(10) Dip bag net	\$((27-50)) 50	\$((55)) 100
(11) Brush weir	\$((85)) 100	\$((160)) 200
(12) Other gear	\$100	\$200

Sec. 7. Section 5, chapter 309, Laws of 1959 as last amended by section 119, chapter 46, Laws of 1983 1st ex. sess. and RCW 75.28.125 are each amended to read as follows:

A delivery ((~~permit~~)) license is required to deliver shellfish or food fish other than salmon taken in offshore waters to a port in the state. Unless adjusted by the director pursuant to the director's authority granted in section 19 of this 1989 act, the annual ((~~permit~~)) license fee is ((~~ten~~)) fifty dollars for residents and ((~~twenty~~)) one hundred dollars for nonresidents. ((A ~~permit~~-~~tee~~)) Licenses issued under RCW 75.28.113 (salmon delivery ((~~permit~~)) license is not required to obtain) license, RCW 75.28.130(4) (crab pot, other than Puget Sound), or RCW 75.28.140(2) (trawl, other than Puget Sound) shall include a delivery ((~~permit under this section~~)) license.

Sec. 8. Section 75.28.130, chapter 12, Laws of 1955 as last amended by section 120, chapter 46, Laws of 1983 1st ex. sess. and RCW 75.28.130 are each amended to read as follows:

The following commercial fishing licenses are required for the licensee to use the specified gear to fish for shellfish in state waters. Unless adjusted by the director pursuant to the director's authority granted in section 19 of this 1989 act, the annual license fees are:

Gear	Resident Fee	Nonresident Fee
(1) Ring net	\$((27-50)) 50	\$((45)) 100
(2) Shellfish pots (excluding crab)	\$((35)) 50	\$((60)) 100

((Each pot over 100	\$0.25	\$0.50)
(3) Crab pots		
(Puget Sound)	\$((35)) 50	\$((60)) 100
((Each pot over 100	\$0.25	\$0.50)
(4) Crab pots		
(other than Puget Sound)	\$200	\$400
(5) Shellfish diver		
(excluding clams)	\$((27-50)) 50	\$((55)) 100
(6) Squid gear, all types	\$100	\$200
(7) Ghost shrimp gear	\$100	\$200
(8) Commercial razor		
clam license	\$50	\$100
(9) Geoduck diver license	\$100	\$200
(10) Other shellfish gear	\$100	\$200

Sec. 9. Section 2, chapter 31, Laws of 1983 1st ex. sess. and RCW 75.28.134 are each amended to read as follows:

(1) In addition to a shellfish pot license, a Hood Canal shrimp endorsement is required to take shrimp commercially in that portion of Hood Canal lying south of the Hood Canal floating bridge. Unless adjusted by the director pursuant to the director's authority granted in section 19 of this 1989 act, the annual endorsement fee is ~~((one)) two hundred ((sixty-five)) twenty-five~~ dollars for a resident and ~~((three)) four hundred ((forty)) fifty~~ dollars for a nonresident.

(2) Not more than fifty shrimp pots may be used while commercially fishing for shrimp in that portion of Hood Canal lying south of the Hood Canal floating bridge.

Sec. 10. Section 75.28.140, chapter 12, Laws of 1955 as last amended by section 121, chapter 46, Laws of 1983 1st ex. sess. and RCW 75.28.140 are each amended to read as follows:

The following commercial fishing licenses are required for the licensee to use the specified gear to fish for shellfish and food fish other than salmon in state waters. Unless adjusted by the director pursuant to the director's authority granted in section 19 of this 1989 act, the annual license fees are:

Gear	Resident Fee	Nonresident Fee
(1) Trawl (Puget Sound)	\$((67-50)) 100	\$((135-00)) 200
(2) Trawl (other than Puget Sound)	\$150	\$300

Sec. 11. Section 5, chapter 212, Laws of 1955 as amended by section 122, chapter 46, Laws of 1983 1st ex. sess. and RCW 75.28.255 are each amended to read as follows:

The following commercial fishing licenses are required for the licensee to fish for the specified species in state waters with gear authorized by rule of the director. Unless adjusted by the director pursuant to the director's authority granted in section 19 of this 1989 act, the annual license fees are:

Species	Resident Fee	Nonresident Fee
(1) Columbia River smelt	\$((200)) 275	\$((200)) 550
(2) Carp	\$((5)) 50	\$((5)) 100

Sec. 12. Section 75.28.280, chapter 12, Laws of 1955 as last amended by section 19, chapter 457, Laws of 1985 and RCW 75.28.280 are each amended to read as follows:

A mechanical harvester license is required to operate a mechanical or hydraulic device for commercially harvesting clams, other than geoduck clams, on a clam farm unless the requirements of RCW 75.20.100 are fulfilled for the proposed activity. Unless adjusted by the director pursuant to the director's authority granted in section 19 of this 1989 act, the annual license fee is ~~((three)) four hundred ten~~ dollars for residents and ~~eight hundred twenty~~ dollars for nonresidents.

Sec. 13. Section 4, chapter 253, Laws of 1969 ex. sess. as last amended by section 130, chapter 46, Laws of 1983 1st ex. sess. and RCW 75.28.287 are each amended to read as follows:

(1) A geoduck tract license is required for the commercial harvest of geoducks from each subtidal tract for which harvest rights have been granted by the department of natural resources. Unless adjusted by the director pursuant to the director's authority granted in section 19 of this 1989 act, the annual license fee is one hundred thirty-five dollars for residents and two hundred seventy dollars for nonresidents.

(2) Every diver engaged in the commercial harvest of geoduck or other clams shall obtain a nontransferable geoduck diver license. ~~((The annual license fee is fifty dollars for residents and nonresidents.))~~

Sec. 14. Section 75.28.290, chapter 12, Laws of 1955 as last amended by section 131, chapter 46, Laws of 1983 1st ex. sess. and RCW 75.28.290 are each amended to read as follows:

An oyster reserve license is required for the commercial taking of shellfish from state oyster reserves. Unless adjusted by the director pursuant to the director's authority granted in section 19 of this 1989 act, the annual license fee is ~~((fifteen)) fifty~~ dollars for residents and one hundred dollars for nonresidents.

NEW SECTION. Sec. 15. A new section is added to chapter 75.28 RCW to read as follows:

An oyster cultch permit is required for commercial cultching of oysters on state oyster reserves. The director shall require that ten percent of the cultch bags or other collecting materials be provided to the state after the oysters have set, for the purposes of increasing the supply of oysters on state oyster reserves and enhancing oyster supplies on public beaches.

Sec. 16. Section 75.28.300, chapter 12, Laws of 1955 as last amended by section 1, chapter 248, Laws of 1985 and by section 20, chapter 457, Laws of 1985 and RCW 75.28.300 are each reenacted and amended to read as follows:

A wholesale fish dealer's license is required for:

(1) A business in the state to engage in the commercial processing of food fish or shellfish, including custom canning or processing of personal use food fish or shellfish.

(2) A business in the state to engage in the wholesale selling, buying, or brokering of food fish or shellfish. A wholesale fish dealer's license is not required of those businesses which buy exclusively from Washington licensed wholesale dealers and sell solely at retail.

(3) Fishermen who land and sell their catch or harvest in the state to anyone other than a licensed wholesale dealer within or outside the state.

(4) A business to engage in the commercial manufacture or preparation of fertilizer, oil, meal, caviar, fish bait, or other byproducts from food fish or shellfish.

(5) A business employing a fish buyer as defined under RCW 75.28.340.

Unless adjusted by the director pursuant to the director's authority granted in section 19 of this 1989 act, the annual license fee is ~~((thirty-seven))~~ one hundred dollars ((and fifty cents)). A wholesale fish dealer's license is not required for persons engaged in the processing, wholesale selling, buying, or brokering of private sector cultured aquatic products as defined in RCW 15.85.020. However, if a means of identifying such products is required by rules adopted under RCW 15.85.060, the exemption from licensing requirements established by this subsection applies only if the aquatic products are identified in conformance with those rules.

Sec. 17. Section 2, chapter 248, Laws of 1985 and RCW 75.28.340 are each amended to read as follows:

(1) A fish buyer's ~~((permit))~~ license is required of and shall be carried by each individual engaged by a wholesale fish dealer ~~((as a fish buyer))~~ to purchase food fish or shellfish from a licensed commercial fisherman. A fish buyer may represent only one wholesale fish dealer.

(2) Unless adjusted by the director pursuant to the director's authority granted in section 19 of this 1989 act, the annual fee for a fish buyer's ~~((permit))~~ license is ~~((seven))~~ twenty dollars ((and fifty cents)).

~~((3))~~ As used in this chapter, "fish buyer" means an individual who purchases food fish or shellfish and is a permit holder under this section.

Sec. 18. Section 2, chapter 227, Laws of 1981 as amended by section 137, chapter 46, Laws of 1983 1st ex. sess. and RCW 75.28.690 are each amended to read as follows:

(1) A deckhand license is required for a crew member on a licensed salmon charter boat to sell salmon roe as provided in subsection (2) of this section. Unless adjusted by the director pursuant to the director's authority granted in section 19 of this 1989 act, the annual license fee is ~~((ten))~~ twenty dollars.

(2) A deckhand on a licensed salmon charter boat may sell salmon roe taken from fish caught for personal use, subject to rules of the director and the following conditions:

(a) The salmon is taken while fishing on the charter boat;

(b) The roe is the property of the angler until the roe is given to the deckhand. The charter boat's passengers are notified of this fact by the deckhand;

(c) The roe is sold to a licensed wholesale dealer; and

(d) The deckhand is licensed as provided in subsection (1) of this section and has the license in possession whenever salmon roe is sold.

NEW SECTION. Sec. 19. A new section is added to chapter 75.28 RCW to read as follows:

On January 1, 1993, the director shall adjust all fees under this chapter in accordance with the implicit price deflator published by the United States department of commerce. This section shall cease to exist on January 1, 1994, unless extended by law for an additional fixed period of time.

NEW SECTION. Sec. 20. A new section is added to chapter 75.28 RCW to read as follows:

All revenues generated from the license fee increases in sections 1 through 14 and 16 through 19 of this act shall be deposited in the general fund and shall be appropriated for the food fish and shellfish enhancement programs.

NEW SECTION. Sec. 21. The following acts or parts of acts are each repealed:

(1) Section 14, chapter 283, Laws of 1971 ex. sess., section 2, chapter 40, Laws of 1975-76 2nd ex. sess., section 111, chapter 46, Laws of 1983 1st ex. sess. and RCW 75.28.081;

(2) Section 2, chapter 300, Laws of 1983 and RCW 75.28.123;

(3) Section 75.28.285, chapter 12, Laws of 1955, section 1, chapter 27, Laws of 1965 ex. sess., section 3, chapter 31, Laws of 1983 1st ex. sess., section 127, chapter 46, Laws of 1983 1st ex. sess. and RCW 75.28.285; and

(4) Section 75.28.370, chapter 12, Laws of 1955, section 2, chapter 66, Laws of 1979, section 134, chapter 46, Laws of 1983 1st ex. sess. and RCW 75.28.370.

NEW SECTION, Sec. 22. This act shall take effect on January 1, 1990. The director of fisheries may immediately take such steps as are necessary to ensure that this act is implemented on its effective date."

On page 1, line 1 of the title, after "licenses;" strike the remainder of the title and insert "amending RCW 75.28.035, 75.28.095, 75.28.110, 75.28.113, 75.28.116, 75.28.120, 75.28.125, 75.28.130, 75.28.134, 75.28.140, 75.28.255, 75.28.280, 75.28.287, 75.28.290, 75.28.340, and 75.28.690; reenacting and amending RCW 75.28.300; adding new sections to chapter 75.28 RCW; repealing RCW 75.28.081, 75.28.123, 75.28.285, and 75.28.370; and providing an effective date."

Signed by Senators Metcalf, Owen; Representatives R. King, Morris, S. Wilson.

MOTION

On motion of Senator Newhouse, the Second Report of the Conference Committee on Substitute House Bill No. 2011 was adopted and the committee was granted the powers of Free Conference.

MESSAGE FROM THE HOUSE

April 21, 1989

Mr. President:

The House has passed ENGROSSED HOUSE BILL NO. 2237, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

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

INTRODUCTION AND FIRST READING

SB 6148 by Senators Nelson and McCaslin

AN ACT Relating to establishing a certificate of merit procedure in law suits alleging professional negligence; and adding a new section to chapter 4.24 RCW.

Referred to Committee on Law and Justice.

INTRODUCTION AND FIRST READING OF HOUSE BILL

EHB 2237 by Representative Anderson

Enacting the Antibigotry and Bias Act of 1989. (i.o.)

Referred to Committee on Law and Justice.

MOTION

At 5:23 p.m., on motion of Senator Newhouse, the Senate adjourned until 1:00 p.m., Sunday, April 23, 1989.

JOEL PRITCHARD, President of the Senate.

GORDON A. GOLOB, Secretary of the Senate.

ONE HUNDRED-FIFTH DAY

AFTERNOON SESSION

Senate Chamber, Olympia, Sunday, April 23, 1989

The Senate was called to order at 1:00 p.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Bauer, Craswell, DeJarnatt, Fleming, McCaslin and Wojahn. On motion of Senator Bender, Senators Bauer, DeJarnatt, Fleming and Wojahn were excused. On motion of Senator Anderson, Senator Craswell was excused.

The Sergeant at Arms Color Guard, consisting of Pages Kirsten Houtte and Nicole Boeck, presented the Colors. Major Wesley Sullivan, chaplain, United States Army of Fort Lewis, offered the prayer.

MOTION

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

MESSAGES FROM THE HOUSE

April 22, 1989

Mr. President:

The House has adopted the Report of the Free Conference Committee on ENGROSSED SUBSTITUTE HOUSE BILL NO. 2137 and has passed the bill as amended by the Free Conference Committee.

DENNIS KARRAS, Deputy Chief Clerk

April 22, 1989

Mr. President:

The House has adopted the Report of the Free Conference Committee on ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1793 and has passed the bill as amended by the Free Conference Committee.

DENNIS KARRAS, Deputy Chief Clerk

April 22, 1989

Mr. President:

The House has adopted the Report of the Free Conference Committee on ENGROSSED SUBSTITUTE HOUSE BILL NO. 1635 and has passed the bill as amended by the Free Conference Committee.

ALAN THOMPSON, Chief Clerk

April 22, 1989

Mr. President:

The House has adopted the Report of the Free Conference Committee on SECOND SUBSTITUTE HOUSE BILL NO. 1476 and has passed the bill as amended by the Free Conference Committee.

ALAN THOMPSON, Chief Clerk

April 22, 1989

Mr. President:

The House has adopted the Report of the Free Conference Committee on SUBSTITUTE HOUSE BILL NO. 1457 and has passed the bill as amended by the Free Conference Committee.

ALAN THOMPSON, Chief Clerk

April 22, 1989

Mr. President:

The Speaker has signed:
 SUBSTITUTE SENATE BILL NO. 5085.
 SUBSTITUTE SENATE BILL NO. 5108.
 SUBSTITUTE SENATE BILL NO. 5184.

SUBSTITUTE SENATE BILL NO. 5443,
SENATE BILL NO. 5536,
SUBSTITUTE SENATE BILL NO. 5566,
SUBSTITUTE SENATE BILL NO. 5663,
SUBSTITUTE SENATE BILL NO. 6009,
SENATE CONCURRENT RESOLUTION NO. 8415, and the same are herewith transmitted.

DENNIS KARRAS, Deputy Chief Clerk

April 22, 1989

Mr. President:

The Speaker has signed:

SUBSTITUTE SENATE BILL NO. 5071,
SENATE BILL NO. 5172,

SUBSTITUTE SENATE BILL NO. 5315, and the same are herewith transmitted.

DENNIS KARRAS, Deputy Chief Clerk

April 18, 1989

Mr. President:

The Speaker has signed:

SUBSTITUTE SENATE BILL NO. 5018,
SUBSTITUTE SENATE BILL NO. 5035,
SUBSTITUTE SENATE BILL NO. 5048,
SENATE BILL NO. 5121,

SUBSTITUTE SENATE BILL NO. 5144,
SUBSTITUTE SENATE BILL NO. 5173,
SUBSTITUTE SENATE BILL NO. 5191,
SUBSTITUTE SENATE BILL NO. 5196,
SENATE BILL NO. 5233,

SUBSTITUTE SENATE BILL NO. 5265,
SUBSTITUTE SENATE BILL NO. 5305,
SUBSTITUTE SENATE BILL NO. 5357,
SUBSTITUTE SENATE BILL NO. 5369,
SENATE BILL NO. 5466,

SUBSTITUTE SENATE BILL NO. 5474,
SENATE BILL NO. 5492,

SUBSTITUTE SENATE BILL NO. 5499,
SUBSTITUTE SENATE BILL NO. 5543,
SUBSTITUTE SENATE BILL NO. 5560,
SUBSTITUTE SENATE BILL NO. 5561,
SUBSTITUTE SENATE BILL NO. 5591,
SUBSTITUTE SENATE BILL NO. 5713,

SENATE BILL NO. 5736,

SUBSTITUTE SENATE BILL NO. 5776,

SUBSTITUTE SENATE BILL NO. 5810,

SUBSTITUTE SENATE BILL NO. 5819,

SUBSTITUTE SENATE BILL NO. 5850,

SUBSTITUTE SENATE BILL NO. 5859,

SUBSTITUTE SENATE BILL NO. 5866,

SUBSTITUTE SENATE BILL NO. 5889,

SENATE BILL NO. 5950,

SUBSTITUTE SENATE BILL NO. 5984,

SENATE BILL NO. 5991,

SENATE BILL NO. 6005,

SUBSTITUTE SENATE BILL NO. 6033,

SENATE BILL NO. 6076,

SUBSTITUTE SENATE JOINT RESOLUTION NO. 8202,

SENATE CONCURRENT RESOLUTION NO. 8412, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

April 22, 1989

Mr. President:

The House concurred in the Senate amendment (s) to the following listed bills and passed said bills as amended by the Senate:

SUBSTITUTE HOUSE BILL NO. 1305.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1864.

DENNIS KARRAS, Deputy Chief Clerk

April 22, 1989

Mr. President:

The House has passed SECOND SUBSTITUTE SENATE BILL NO. 5960, and the same is herewith transmitted.

DENNIS KARRAS, Deputy Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE SENATE BILL NO. 5221,

SUBSTITUTE SENATE BILL NO. 5288,

SUBSTITUTE SENATE BILL NO. 5314,

SECOND SUBSTITUTE SENATE BILL NO. 5375,

SUBSTITUTE SENATE BILL NO. 5759,

SUBSTITUTE SENATE BILL NO. 5827,

SENATE BILL NO. 5833,

SECOND SUBSTITUTE SENATE BILL NO. 6051.

SECOND READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Nelson, Gubernatorial Appointment No. 9061, Trudy Schmidli Sutherland, a member of the Clemency and Pardons Board, was confirmed.

APPOINTMENT OF TRUDY SCHMIDLI SUTHERLAND

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 41; absent, 4; excused, 4.

Voting yeas: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Kreidler, Lee, Madsen, Matson, McCaslin, Metcalf, Moore, Murray, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Stratton, Sutherland, Talmadge, Thorsness, Vognild, Warnke, West, Williams, Wjahn - 41.

Absent: Senators Johnson, McDonald, McMullen, Niemi - 4.

Excused: Senators DeJarnatt, Fleming, Smitherman, von Reichbauer - 4.

There being no objection, the President returned the Senate to the fourth order of business.

MESSAGE FROM THE HOUSE

April 22, 1989

Mr. President:

The Speaker ruled the Conference Report on SUBSTITUTE SENATE BILL NO. 5289 beyond the scope and object of the bill. The House requests further conference on the bill.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Newhouse, the Senate granted further conference to the Conference Committee on Substitute Senate Bill No. 5289.

PARLIAMENTARY INQUIRY

Senator Rasmussen: "A parliamentary question, Mr. President. We don't have any information on what the Speaker scoped on that bill, but I don't disagree with the scoping, the same as I approve of the President scoping."

REPLY BY THE PRESIDENT

President Pritchard: "We scoped it; we did the scoping here."

Senator Rasmussen: "We scoped it here?"

President Pritchard: "Yes."

Senator Rasmussen: "I thought he indicated the Speaker had scoped it?"

President Pritchard: "Did the message say the Speaker?"

REMARKS BY SENATOR METCALF

Senator Metcalf: "I believe that we scoped Substitute House Bill No. 2011, and the House scoped Substitute Senate Bill No. 5289. I can tell you just from what I've heard, I believe that the House scoped out the studies at the end of the bill. We had a study and a study committee and it's my understanding that that's what they scoped out."

REPLY BY THE PRESIDENT

President Pritchard: "I am advised by my attorney here, that that is correct."

MESSAGE FROM THE HOUSE

April 22, 1989

Mr. President:

The House has adopted the Report of the Conference Committee on SECOND SUBSTITUTE SENATE BILL NO. 5400 and has granted said committee the powers of Free Conference.

ALAN THOMPSON, Chief Clerk

REPORT OF CONFERENCE COMMITTEE

RE: 2SSB 5400

Relating to mental health systems.

April 21, 1989

Mr. President:

Mr. Speaker:

We of your Conference Committee to whom the above measure was referred, have had the same under consideration and we report that we are unable to agree and we respectfully request the powers of Free Conference in order to amend the measure as follows:

Adopt the following House Appropriations Committee striking amendment, as amended.
April 18, 1989:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 2, chapter 204, Laws of 1982 as amended by section 1, chapter 274, Laws of 1986 and RCW 71.24.015 are each amended to read as follows:

It is the intent of the legislature to establish a community mental health program which shall help people experiencing mental illness to retain a respected and productive position in the community. This will be accomplished through programs which provide((s)) for:

(1) Access to mental health services for adults and children of the state who are acutely mentally ill, seriously disturbed, or chronically mentally ill, which services recognize the special needs of underserved populations, including minorities, children, the elderly, disabled, and low-income persons. It is also the purpose of this chapter to ensure that children in need of mental health care and treatment receive the care and treatment appropriate to their developmental level, and to enable treatment decisions to be made in response to clinical needs and in accordance with sound professional judgment while also recognizing parents' rights to participate in treatment decisions for their children;

(2) Accountability of services through state-wide standards for ((management)) monitoring((:)) and reporting of information;

(3) Minimum service delivery standards;

(4) Priorities for the use of available resources for the care of the mentally ill;

(5) Coordination of services within the department, including those divisions within the department that provide services to children, between the department and the office of the superintendent of public instruction, and among state mental hospitals, county authorities, community mental health services, and other support services, which ((may)) shall to the maximum extent feasible also include the families of the mentally ill, and other service providers; and

(6) Coordination of services aimed at reducing duplication in service delivery and promoting complementary services among all entities that provide mental health services to adults and children.

It is the policy of the state to encourage the provision of a full range of treatment and rehabilitation services in the state for mental disorders. The legislature intends to encourage the development of county-based services with adequate local flexibility to assure eligible people in need of care access to the least-restrictive treatment alternative appropriate to their needs, and the availability of treatment components to assure continuity of care. To this end, counties are encouraged to enter into joint operating agreements with other counties to form regional systems of care which integrate planning, administration, and service delivery duties assigned to counties under chapters 71.05 and 71.24 RCW to consolidate administration, reduce administrative layering, and reduce administrative costs.

It is further the intent of the legislature to integrate the provision of services to provide continuity of care through all phases of treatment. To this end the legislature intends to promote active engagement with mentally ill persons and collaboration between families and service providers.

Sec. 2. Section 3, chapter 204, Laws of 1982 as amended by section 2, chapter 274, Laws of 1986 and RCW 71.24.025 are each amended to read as follows:

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

(1) "Acutely mentally ill" means a condition which is limited to a short-term severe crisis episode of:

(a) A mental disorder as defined in RCW 71.05.020(2) or, in the case of a child, as defined in RCW 71.34.020(12);

(b) Being gravely disabled as defined in RCW 71.05.020(1) or, in the case of a child, as defined in RCW 71.34.020(8); or

(c) Presenting a likelihood of serious harm as defined in RCW 71.05.020(3) or, in the case of a child, as defined in RCW 71.34.020(11).

(2) "Available resources" means those funds which shall be appropriated under this chapter by the legislature during any biennium for the purpose of providing community mental health programs under RCW 71.24.045. When regional support networks are established or after July 1, 1995, "available resources" means federal funds, except those provided according to Title XIX of the social security act, and state funds appropriated under this chapter or chapter 71.05 RCW by the legislature during any biennium for the purpose of providing residential services, resource management services, community support services, and other mental health services. This does not include funds appropriated for the purpose of operating and administering the state psychiatric hospitals, except as negotiated according to section 5(1)(d) of this act.

(3) "Licensed service provider" means an entity licensed (~~by the department~~) according to this chapter or chapter 71.05 RCW that meets state minimum standards or individuals licensed under chapter 18.57, 18.71, 18.83, or 18.88 RCW.

(4) "Child" means a person under the age of eighteen years.

(5) "Chronically mentally ill person" means a child or adult who has a mental disorder, in the case of a child as defined by chapter 71.34 RCW, and meets at least one of the following criteria:

(a) Has undergone two or more episodes of hospital care for a mental disorder within the preceding two years or, in the case of a child, has been placed by the department or its designee two or more times outside of the home, where the placements are related to a mental disorder, as defined in chapter 71.34 RCW, and where the placements progress toward a more restrictive setting. Placements by the department include but are not limited to placements by child protective services and child welfare services;

(b) Has experienced a continuous psychiatric hospitalization or residential treatment exceeding six months' duration within the preceding year;

(c) Has been unable to engage in any substantial gainful activity by reason of any mental disorder which has lasted for a continuous period of not less than twelve months. "Substantial gainful activity" shall be defined by the department by rule consistent with Public Law 92-603, as amended, and shall include school attendance in the case of a child; or

(d) In the case of a child, has been subjected to continual distress as indicated by repeated physical or sexual abuse or neglect.

(6) "Community mental health program" means all mental health services established by a county authority. After July 1, 1995, or when the regional support networks are established, "community mental health program" means all activities or programs using available resources.

(7) "Community support services" means services for acutely and chronically mentally ill persons and includes: (a) Discharge planning for clients leaving state mental hospitals, other acute care inpatient facilities, inpatient psychiatric facilities for persons under twenty-one years of age, and other children's mental health residential treatment facilities; (b) sufficient contacts with clients, families, schools, or significant others to provide for an effective program of community maintenance; and (c) medication monitoring. After July 1, 1995, or when regional support networks are established, for adults and children "community support services" means services authorized, planned, and coordinated through resource management

services including, at least, assessment, diagnosis, emergency crisis intervention available twenty-four hours, seven days a week, prescreening determinations for mentally ill persons being considered for placement in nursing homes as required by federal law, screening for patients being considered for admission to residential services, investigation, legal, and other nonresidential services under chapter 71.05 RCW, case management services, psychiatric treatment including medication supervision, counseling, psychotherapy, assuring transfer of relevant patient information between service providers, other services determined by regional support networks, and maintenance of a patient tracking system for chronically mentally ill persons.

(8) "County authority" means the board of county commissioners, county council, or county executive having authority to establish a community mental health program, or two or more of the county authorities specified in this subsection which have entered into an agreement to provide a community mental health program.

((6)) (9) "Department" means the department of social and health services.

((9)) (10) "Mental health services" means community services pursuant to RCW 71.24.035(5)(b) and other services provided by the state for the mentally ill. When regional support networks are established, or after July 1, 1995, "mental health services" shall include all services provided by regional support networks.

((10)) (11) "Mentally ill persons" and "the mentally ill" mean persons and conditions defined in subsections (1), (5), and ((12)) (15) of this section.

((11)) (12) "Regional support network" means a county authority or group of county authorities recognized by the secretary that enter into joint operating agreements to contract with the secretary pursuant to this chapter.

(13) "Residential services" means a facility or distinct part thereof which provides food((; clothing;)) and shelter, and may include ((day)) treatment services ((as defined in RCW 71.24.045 for acutely mentally ill, chronically mentally ill, or seriously disturbed persons as defined in this section. Such facilities include, but are not limited to, congregate care facilities providing mental health client services as stipulated by contract with the department beginning January 1, 1982)).

When regional support networks are established, or after July 1, 1995, for adults and children "residential services" means a complete range of residences and supports authorized by resource management services and which may involve a facility, a distinct part thereof, or services which support community living, for acutely mentally ill persons, chronically mentally ill persons, or seriously disturbed persons determined by the regional support network to be at risk of becoming acutely or chronically mentally ill. The services shall include at least evaluation and treatment services as defined in chapter 71.05 RCW, acute crisis respite care, long-term adaptive and rehabilitative care, and supervised and supported living services, and shall also include any residential services developed to service mentally ill persons in nursing homes.

(14) "Resource management services" mean the planning, coordination, and authorization of residential services and community support services administered pursuant to an individual service plan for acutely mentally ill adults and children, chronically mentally ill adults and children, or seriously disturbed adults and children determined by the regional support network at their sole discretion to be at risk of becoming acutely or chronically mentally ill. Resource management services include seven day a week, twenty-four hour a day availability of information regarding mentally ill adults' and children's enrollment in services and their individual service plan to county-designated mental health professionals, evaluation and treatment facilities, and others as determined by the regional support network.

((12)) (15) "Seriously disturbed person" means a person who:

(a) Is gravely disabled or presents a likelihood of serious harm to ((himself)) oneself or others as a result of a mental disorder as defined in chapter 71.05 RCW;

(b) Has been on conditional release status at some time during the preceding two years from an evaluation and treatment facility or a state mental health hospital;

(c) Has a mental disorder which causes major impairment in several areas of daily living;

(d) Exhibits suicidal preoccupation or attempts; or

(e) Is a child diagnosed by a mental health professional, as defined in RCW 71.05.020, as experiencing a mental disorder which is clearly interfering with the child's functioning in family or school or with peers or is clearly interfering with the child's personality development and learning.

((13)) (16) "Secretary" means the secretary of social and health services.

((14)) (17) "State minimum standards" means: (a) Minimum requirements for ((management and)) delivery of mental health services as established by departmental rules and necessary to implement this chapter, including but not limited to ((county administration;)) licensing service providers((; information, accountability, contracts;)) and services; ((and)) (b) minimum service requirements for licensed service providers for the provision of mental health services as established by departmental rules pursuant to chapter ((34.04)) 34.05 RCW as necessary to implement this chapter, including, but not limited to: Qualifications for staff providing services directly to mentally ill persons; the intended result of each service ((for those priority

groups identified in RCW 71.24.035(5)(b)); and the rights and responsibilities of persons receiving mental health services pursuant to this chapter; (c) minimum requirements for residential services as established by the department in rule based on clients' functional abilities and not solely on their diagnoses, limited to health and safety, staff qualifications, and program outcomes. Minimum requirements for residential services are those developed in collaboration with consumers, families, counties, regulators, and residential providers serving the mentally ill. Minimum requirements encourage the development of broad-range residential programs, including integrated housing and cross-systems programs where appropriate, and do not unnecessarily restrict programming flexibility; and (d) minimum standards for community support services and resource management services, including at least qualifications for resource management services, client tracking systems, and the transfer of patient information between service providers.

Sec. 3. Section 4, chapter 204, Laws of 1982 as last amended by section 1, chapter 105, Laws of 1987 and RCW 71.24.035 are each amended to read as follows:

(1) The department is designated as the state mental health authority.

(2) The secretary may provide for public, client, and licensed service provider participation in developing the state mental health program.

(3) The secretary shall provide for participation in developing the state mental health program for children and other underserved populations, by including ~~((children's))~~ representatives on any committee established to provide oversight to the state mental health program.

(4) The secretary shall be designated as the county authority if a county fails to meet state minimum standards or refuses to exercise responsibilities under RCW 71.24.045.

(5) The secretary shall:

(a) Develop a biennial state mental health program that incorporates county biennial needs assessments and county mental health service plans and state services for mentally ill adults and children. The secretary may also develop a six-year state mental health plan; .

(b) Assure that any county community mental health program provides access to treatment for the county's residents in the following order of priority: (i) The acutely mentally ill; (ii) the chronically mentally ill; and (iii) the seriously disturbed. Such programs shall provide:

(A) Outpatient services;

(B) Emergency care services for twenty-four hours per day;

(C) Day treatment for mentally ill persons which includes training in basic living and social skills, supported work, vocational rehabilitation, and day activities. Such services may include therapeutic treatment. In the case of a child, day treatment includes age-appropriate basic living and social skills, educational and prevocational services, day activities, and therapeutic treatment;

(D) Screening for patients being considered for admission to state mental health facilities to determine the appropriateness of admission;

(E) Consultation and education services; and

(F) Community support services ~~((for acutely and chronically mentally ill persons which include: (i) Discharge planning for clients leaving state mental hospitals, other acute care inpatient facilities, inpatient psychiatric facilities for persons under twenty-one years of age, and other children's mental health residential treatment facilities; (ii) sufficient contacts with clients, families, schools, or significant others to provide for an effective program of community maintenance; and (iii) medication monitoring.))~~;

(c) Develop and promulgate rules establishing state minimum standards for the ~~((management and))~~ delivery of mental health services including, but not limited to:

(i) Licensed service providers;

(ii) ~~((County administration))~~ Regional support networks; and

(iii) ~~((Information required to assure accountability of services delivered to the mentally ill; and~~

~~((iv)))~~ Residential and inpatient services, ~~((if a county chooses to provide such optional services))~~ evaluation and treatment services and facilities under chapter 71.05 RCW, resource management services, and community support services;

(d) ~~((Assure coordination of services consistent with state minimum standards for individuals who are released from a state hospital into the community to assure a continuum of care;~~

~~((e)))~~ Assure that the special needs of minorities, the elderly, disabled, children, and low-income persons are met within the priorities established in ~~((subsection (5)(b) of))~~ this section;

~~((f))~~ (e) Establish a standard contract or contracts, consistent with state minimum standards, which shall be used by the counties;

~~((g))~~ (f) Establish, to the extent possible, a standardized auditing procedure which minimizes paperwork requirements of county authorities and licensed service providers;

~~((h))~~ (g) Develop and maintain an information system to be used by the state ~~((and))~~, counties, and regional support networks when they are established which shall include a tracking method which allows the department and regional support networks to identify mental health clients' participation in any mental health service or public program on an immediate basis. The information system shall not include individual patient's case history files.

Confidentiality of client information and records shall be maintained as provided in this chapter and in RCW 71.05.390, 71.05.400, 71.05.410, 71.05.420, 71.05.430, and 71.05.440. The system shall be fully operational no later than January 1, 1993; PROVIDED, HOWEVER, That when a regional support network is established, the department shall have an operational interim tracking system for that network that will be adequate for the regional support network to perform its required duties under this chapter:

((#)) (h) License service providers who meet state minimum standards;

((f)) Establish criteria to evaluate the performance of counties in administering mental health programs as established under this chapter. Evaluation of community mental health services shall include all categories of illnesses treated, all types of treatment given, the number of people treated, and costs related thereto; and

((*) (i) Certify regional support networks that meet state minimum standards;

(j) Periodically inspect certified regional support networks and licensed service providers at reasonable times and in a reasonable manner; and

(k) Fix fees to be paid by evaluation and treatment centers to the secretary for the required inspections;

(l) Monitor and audit counties, regional support networks, and licensed service providers as needed to assure compliance with contractual agreements authorized by this chapter;

(m) Prior to September 1, ((1982)) 1989, adopt such rules as are necessary to implement the department's responsibilities under this chapter pursuant to chapter ((34.04)) 34.05 RCW; PROVIDED, That such rules shall be submitted to the appropriate committees of the legislature for review and comment prior to adoption; and

(n) Beginning July 1, 1989, and continuing through July 1, 1993, track by region and county the use and cost of state hospital and local evaluation and treatment facilities for seventy-two hour detention, fourteen, ninety, and one hundred eighty day commitments pursuant to chapter 71.05 RCW, voluntary care in state hospitals, and voluntary community inpatient care covered by the medical assistance program. Service use and cost reports shall be provided to regions in a timely fashion at six-month intervals.

(6) The secretary shall use available resources appropriated specifically for community mental health programs only for programs under RCW 71.24.045. After July 1, 1995, or when regional support networks are established, available resources may be used only for regional support networks.

(7) Each certified regional support network and licensed service provider shall file with the secretary, on request, such data, statistics, schedules, and information as the secretary reasonably requires. A certified regional support network or licensed service provider which, without good cause, fails to furnish any data, statistics, schedules, or information as requested, or files fraudulent reports thereof, may have its certification or license revoked or suspended.

(8) The secretary may suspend, revoke, limit, or restrict a certification or license, or refuse to grant a certification or license for failure to conform to the law, applicable rules and regulations, or applicable standards, or failure to meet the minimum standards established pursuant to this section.

(9) The superior court may restrain any regional support network or service provider from operating without certification or a license or any other violation of this section. The court may also review, pursuant to procedures contained in chapter 34.05 RCW, any denial, suspension, limitation, restriction, or revocation of certification or license, and grant other relief required to enforce the provisions of this chapter.

(10) Upon petition by the secretary, and after hearing held upon reasonable notice to the facility, the superior court may issue a warrant to an officer or employee of the secretary authorizing him or her to enter at reasonable times, and examine the records, books, and accounts of any regional support network or service provider refusing to consent to inspection or examination by the authority.

(11) The secretary shall adopt such rules as may be necessary to effectuate the intent and purposes of this chapter, which shall include but not be limited to certification and licensing and other action relevant to certifying regional support networks and licensing service providers.

(12) Notwithstanding the existence or pursuit of any other remedy, the secretary may, in the manner provided by law, upon the advice of the attorney general who shall represent the secretary in the proceedings, maintain an action in the name of the state for an injunction or other process against any person or governmental unit to restrain or prevent the establishment, conduct, or operation of a regional support network or service provider without certification or a license under this chapter.

(13) The standards for certification of evaluation and treatment facilities shall include standards relating to maintenance of good physical and mental health and other services to be afforded persons pursuant to this chapter and chapter 71.05 RCW, and shall otherwise assure the effectuation of the purposes and intent of this chapter and chapter 71.05 RCW.

(14)(a) The department, in consultation with affected parties, shall establish a distribution formula that reflects county needs assessments based on the number of persons who are acutely mentally ill, chronically mentally ill, and seriously disturbed as defined in chapter 71.24

RCW. The formula shall take into consideration the impact on counties of demographic factors in counties which result in concentrations of priority populations as defined in (~~chapter 71.24 RCW~~) subsection (15) of this section. These factors shall include the population concentrations resulting from commitments under the involuntary treatment act, chapter 71.05 RCW, to state psychiatric hospitals, as well as concentration in urban areas, at border crossings at state boundaries, and other significant demographic and workload factors.

(b) The department shall submit a proposed distribution formula in accordance with this section to the ways and means and (~~human services~~) health care and corrections committees of the senate and to the ways and means and human services committees of the house of representatives by (~~January 1, 1988~~) October 1, 1989. The formula shall also include a projection of the funding allocations that will result for each county, which specifies allocations according to priority populations, including the allocation for services to children and other underserved populations.

(15) To supersede duties assigned under subsection (5) (a) and (b) of this section, and to assure a county-based, integrated system of care for acutely mentally ill adults and children, chronically mentally ill adults and children, and seriously disturbed adults and children who are determined by regional support networks at their sole discretion to be at risk of becoming acutely or chronically mentally ill, the secretary shall encourage the development of regional support networks as follows:

By December 1, 1989, the secretary shall recognize regional support networks requested by counties or groups of counties.

All counties wishing to be recognized as a regional support network on December 1, 1989, shall submit their intentions regarding participation in the regional support networks by October 30, 1989, along with preliminary plans. Counties wishing to be recognized as a regional support network by January 1, 1993, shall submit their intentions by November 30, 1992, along with preliminary plans. The secretary shall assume all duties assigned to the nonparticipating counties under chapters 71.05 and 71.24 RCW on July 1, 1995. Such responsibilities shall include those which would have been assigned to the nonparticipating counties under regional support networks.

The implementation of regional support networks, or the secretary's assumption of all responsibilities under chapters 71.05 and 71.24 RCW, shall be included in all state and federal plans affecting the state mental health program including at least those required by this chapter, the medicaid program, and P.L. 99-660. Nothing in these plans shall be inconsistent with the intent and requirements of this chapter.

(16) The secretary shall:

(a) Disburse the first funds for the regional support networks that are ready to begin implementation by January 1, 1990, or within sixty days of approval of the biennial contract. The department must either approve or reject the biennial contract within sixty days of receipt.

(b) Enter into biennial contracts with regional support networks to begin implementation between January 1, 1990, and March 1, 1990, and complete implementation by June 1995. The contracts shall be consistent with available resources and plans submitted by participating regional support networks, and approved by the department.

(c) By July 1, 1993, allocate one hundred percent of available resources to regional support networks created by January 1, 1990, in a single grant. Regional support networks created by January 1, 1993, shall receive a single block grant by July 1, 1995. The grants shall include funds currently provided for all residential services, all services pursuant to chapter 71.05 RCW, and all community support services and shall be distributed in accordance with a formula submitted to the legislature by January 1, 1993, in accordance with subsection (14) of this section.

(d) By January 1, 1990, allocate available resources to regional support networks for community support services, resource management services, and residential services excluding evaluation and treatment facilities provided pursuant to chapter 71.05 RCW in a single grant using the distribution formula established in subsection (14) of this section.

(e) By March 1, 1990, or within sixty days of approval of the contract continuing through July 1, 1993, provide grants as specifically appropriated by the legislature to regional support networks for evaluation and treatment facilities for persons detained or committed for periods up to seventeen days according to chapter 71.05 RCW. For regional support networks created by January 1, 1993, provide grants as specifically appropriated by the legislature to regional support networks for evaluation and treatment facilities for persons detained or committed for periods up to seventeen days according to chapter 71.05 RCW through July 1, 1995.

(f) Notify regional support networks of their allocation of available resources at least sixty days prior to the start of a new biennial contract period.

(g) Study and report to the legislature by December 1, 1989, on expanding the use of federal Title XIX funds and the definition of institutions for mental diseases to provide services to persons who are acutely mentally ill, chronically mentally ill, or at risk of becoming so. The study shall also include an assessment of the impact of Title XIX funds and the definition of institutions for mental diseases on the use of state funds to provide needed mental health services to the chronically mentally ill.

(h) Deny funding allocations to regional support networks based solely upon formal findings of noncompliance with the terms of the regional support network's contract with the department. Written notice and at least thirty days for corrective action must precede any such action. In such cases, regional support networks shall have full rights to appeal under chapter 34.05 RCW.

(i) Identify in its departmental biennial operating and capital budget requests the funds requested by regional support networks to implement their responsibilities under this chapter.

(j) Contract to provide or, if requested, make grants to counties to provide technical assistance to county authorities or groups of county authorities to develop regional support networks.

(17) The department of social and health services, in cooperation with the state congressional delegation, shall actively seek waivers of federal requirements and such modifications of federal regulations as are necessary to allow federal medicaid reimbursement for services provided by free-standing evaluation and treatment facilities certified under chapter 71.05 RCW. The department shall periodically report its efforts to the health care and corrections committee of the senate and the human services committee of the house of representatives.

(18) The secretary shall establish a task force to examine the recruitment, training, and compensation of qualified mental health professionals in the community, which shall include the advantages and disadvantages of establishing a training academy, loan forgiveness program, or educational stipends offered in exchange for commitments of employment in mental health. The task force shall report back to the appropriate committees of the legislature by January 1, 1990.

Sec. 4. Section 5, chapter 204, Laws of 1982 as amended by section 5, chapter 274, Laws of 1986 and RCW 71.24.045 are each amended to read as follows:

The county authority shall:

(1) Submit biennial needs assessments beginning January 1, 1983, and mental health service plans which incorporate all services provided for by the county authority consistent with state minimum standards and which provide access to treatment for the county's residents including children and other underserved populations who are acutely mentally ill, chronically mentally ill, or seriously disturbed. The county program shall provide:

(a) Outpatient services;

(b) Emergency care services for twenty-four hours per day;

(c) Day treatment for mentally ill persons which includes training in basic living and social skills, supported work, vocational rehabilitation, and day activities. Such services may include therapeutic treatment. In the case of a child, day treatment includes age-appropriate basic living and social skills, educational and prevocational services, day activities, and therapeutic treatment;

(d) Screening for patients being considered for admission to state mental health facilities to determine appropriateness of admission;

(e) Consultation and education services;

(f) Residential and inpatient services, if the county chooses to provide such optional services; and

(g) Community support services ~~((for acutely and chronically mentally ill persons which include: (i) Discharge planning for clients leaving state mental hospitals; other acute care inpatient facilities; inpatient psychiatric facilities for persons under twenty-one years of age; and other children's mental health residential treatment facilities; (ii) sufficient contacts with clients, schools, families, or significant others to provide for an effective program of community maintenance; and (iii) medication monitoring)).~~

The county shall develop the biennial needs assessment based on clients to be served, services to be provided, and the cost of those services, and may include input from the public, clients, and licensed service providers. Each county authority may appoint a county mental health advisory board which shall review and provide comments on plans and policies developed by the county authority under this chapter. The composition of the board shall be broadly representative of the demographic character of the county and the mentally ill persons served therein. Length of terms of board members shall be determined by the county authority;

(2) Contract as needed with licensed service providers. The county authority may, in the absence of a licensed service provider entity, become a licensed service provider entity pursuant to minimum standards required for licensing by the department for the purpose of providing services not available from licensed service providers;

(3) Operate as a licensed service provider if it deems that doing so is more efficient and cost effective than contracting for services. When doing so, the county authority shall comply with rules promulgated by the secretary that shall provide measurements to determine when a county provided service is more efficient and cost effective. ~~((Whenever a county authority chooses to operate as a licensed service provider, the secretary shall act as the county authority for that service.))~~

(4) Monitor and perform biennial fiscal audits of licensed service providers who have contracted with the county to provide services required by this chapter. The monitoring and audits

shall be performed by means of a formal process which insures that the licensed service providers and professionals designated in this subsection meet the terms of their contracts, including the minimum standards of ~~((management and))~~ service delivery as established by the department:

(5) Assure that the special needs of minorities, the elderly, disabled, children, and low-income persons are met within the priorities established in ~~((RCW 71.24.035(5)(b)))~~ this chapter;

(6) Maintain patient tracking information in a central location ~~((for the chronically mentally ill))~~ as required for resource management services;

(7) Use not more than two percent of state-appropriated community mental health funds, which shall not include federal funds, to administer community mental health programs under RCW 71.24.155. PROVIDED, That county authorities serving a county or combination of counties whose population is equal to or greater than that of a county of the first class may be entitled to sufficient state-appropriated community mental health funds to employ up to one full-time employee or the equivalent thereof in addition to the two percent limit established in this subsection when such employee is providing staff services to a county mental health advisory board;

(8) Coordinate services for individuals who have received services through the community mental health system and who become patients at a state mental hospital.

NEW SECTION. Sec. 5. A new section is added to chapter 71.24 RCW to read as follows:

A county authority or a group of county authorities whose combined population is no less than forty thousand may enter into a joint operating agreement to form a regional support network. The roles and responsibilities of county authorities shall be determined by the terms of that agreement and the provisions of law. The state mental health authority may not determine the roles and responsibilities of county authorities as to each other under regional support networks by rule, except to assure that all duties required of regional support networks are assigned and that a single authority has final responsibility for all available resources and performance under the regional support network's contract with the secretary.

(1) Regional support networks shall within three months of recognition submit an overall six-year operating and capital plan, timeline, and budget and submit progress reports and an updated two-year plan biennially thereafter, to assume within available resources all of the following duties by July 1, 1995, instead of those presently assigned to counties under RCW 71.24.045(1):

(a) Administer and provide for the availability of all resource management services, residential services, and community support services.

(b) Administer and provide for the availability of all investigation, transportation, court-related, and other services provided by the state or counties pursuant to chapter 71.05 RCW.

(c) By July 1, 1993, provide within the boundaries of each regional support network evaluation and treatment services for at least eighty-five percent of persons detained or committed for periods up to seventeen days according to chapter 71.05 RCW. Regional support networks with populations of less than one hundred fifty thousand may contract to purchase evaluation and treatment services from other networks. For regional support networks that are created after June 30, 1991, the requirements of (c) of this subsection must be met by July 1, 1995.

(d) By July 1, 1993, administer a portion of funds appropriated by the legislature to house mentally ill persons in state institutions from counties within the boundaries of any regional support network, with the exception of mentally ill offenders, and provide for the care of all persons needing evaluation and treatment services for periods up to seventeen days according to chapter 71.05 RCW in appropriate residential services, which may include state institutions. The regional support networks shall reimburse the state for use of state institutions at a rate equal to that assumed by the legislature when appropriating funds for such care at state institutions during the biennium when reimbursement occurs. The duty of a state hospital to accept persons for evaluation and treatment under chapter 71.05 RCW is limited by the responsibilities assigned to regional support networks under this section. For regional support networks that are created after June 30, 1991, the requirements of (d) of this subsection must be met by July 1, 1995.

(e) In the 1991-93 biennium, regional support networks which were recognized in 1989 shall include within their contracts measurable progress toward implementing evaluation and treatment goals, including agreements to reduce the overall number of detentions and agreements to divert a portion of short-term commitments from state hospitals established in the regional network plan: PROVIDED, That such agreements will not be required until the 1991 legislature has reviewed the feasibility and practicality of such agreements and has concurred with the appropriateness of such agreements.

(f) Administer and provide for the availability of all other mental health services, which shall include patient counseling, day treatment, consultation, education services, and mental health services to children as provided in this chapter.

(g) Establish standards and procedures for reviewing individual service plans and determining when that person may be discharged from resource management services.

(2) Regional support networks shall assume all duties assigned to county authorities by this chapter and chapter 71.05 RCW.

(3) A regional support network may request that any state-owned land, building, facility, or other capital asset which was ever purchased, deeded, given, or placed in trust for the care of the mentally ill and which is within the boundaries of a regional support network be made available to support the operations of the regional support network. State agencies managing such capital assets shall give first priority to requests for their use pursuant to this chapter.

(4) Each regional support network shall appoint a mental health advisory board which shall review and provide comments on plans and policies developed under this chapter. The composition of the board shall be broadly representative of the demographic character of the region and the mentally ill persons served therein. Length of terms of board members shall be determined by the regional support network.

(5) Regional support networks shall assume all duties specified in their plans and joint operating agreements through biennial contractual agreements with the secretary.

(6) Counties or groups of counties participating in a regional support network are not subject to RCW 71.24.045(7). The office of financial management shall consider information gathered in studies required in this chapter and information about the experience of other states to propose a mental health services administrative cost lid to the 1991 legislature which shall include administrative costs of licensed service providers, the state psychiatric hospitals and the department.

(7) The first regional support network contract may include a pilot project to: Establish standards and procedures for (a) making referrals for comprehensive medical examinations and treatment programs for those whose mental illness is caused or exacerbated by organic disease, and (b) training staff in recognizing the relationship between mental illness and organic disease.

Sec. 6. Section 16, chapter 111, Laws of 1967 ex. sess. as amended by section 10, chapter 204, Laws of 1982 and RCW 71.24.160 are each amended to read as follows:

The county authority shall make satisfactory showing to the secretary that state funds shall in no case be used to replace local funds from any source being used to finance mental health services prior to January 1, ((1982)) 1990.

Sec. 7. Section 7, chapter 142, Laws of 1973 1st ex. sess. as amended by section 5, chapter 215, Laws of 1979 ex. sess. and RCW 71.05.020 are each amended to read as follows:

For the purposes of this chapter:

(1) "Gravely disabled" means a condition in which a person, as a result of a mental disorder: (a) is in danger of serious physical harm resulting from a failure to provide for his essential human needs of health or safety, or (b) manifests severe deterioration in routine functioning evidenced by repeated and escalating loss of cognitive or volitional control over his or her actions and is not receiving such care as is essential for his or her health or safety;

(2) "Mental disorder" means any organic, mental, or emotional impairment which has substantial adverse effects on an individual's cognitive or volitional functions;

(3) "Likelihood of serious harm" means either: (a) A substantial risk that physical harm will be inflicted by an individual upon his own person, as evidenced by threats or attempts to commit suicide or inflict physical harm on one's self, (b) a substantial risk that physical harm will be inflicted by an individual upon another, as evidenced by behavior which has caused such harm or which places another person or persons in reasonable fear of sustaining such harm, or (c) a substantial risk that physical harm will be inflicted by an individual upon the property of others, as evidenced by behavior which has caused substantial loss or damage to the property of others;

(4) "Peace officer" means a law enforcement official of a public agency or governmental unit, and includes persons specifically given peace officer powers by any state law, local ordinance, or judicial order of appointment;

(5) "Judicial commitment" means a commitment by a court pursuant to the provisions of this chapter;

(6) "Public agency" means any evaluation and treatment facility or institution, hospital, or sanitarium which is conducted for, or includes a department or ward conducted for, the care and treatment of persons who are mentally ill or deranged, if the agency is operated directly by, federal, state, county, or municipal government, or a combination of such governments;

(7) "Private agency" means any person, partnership, corporation, or association not defined as a public agency, whether or not financed in whole or in part by public funds, which constitutes an evaluation and treatment facility or private institution, hospital, or sanitarium, which is conducted for, or includes a department or ward conducted for the care and treatment of persons who are mentally ill;

(8) "Attending staff" means any person on the staff of a public or private agency having responsibility for the care and treatment of a patient;

(9) "Department" means the department of social and health services of the state of Washington;

(10) "Resource management services" has the meaning given in chapter 71.24 RCW;

(11) "Secretary" means the secretary of the department of social and health services, or his designee;

((+)) (12) "Mental health professional" means a psychiatrist, psychologist, psychiatric nurse, or social worker, and such other mental health professionals as may be defined by rules and regulations adopted by the secretary pursuant to the provisions of this chapter;

((+)) (13) "Professional person" shall mean a mental health professional, as above defined, and shall also mean a physician, registered nurse, and such others as may be defined by rules and regulations adopted by the secretary pursuant to the provisions of this chapter;

((+)) (14) "Psychiatrist" means a person having a license as a physician and surgeon in this state who has in addition completed three years of graduate training in psychiatry in a program approved by the American medical association or the American osteopathic association;

((+)) (15) "Psychologist" means a person who has been licensed as a psychologist pursuant to chapter 18.83 RCW;

((+)) (16) "Social worker" means a person with a master's or further advanced degree from an accredited school of social work or a degree from a graduate school deemed equivalent under rules and regulations adopted by the secretary;

((+)) (17) "Evaluation and treatment facility" means any facility which can provide directly, or by direct arrangement with other public or private agencies, emergency evaluation and treatment, outpatient care, and short term inpatient care to persons suffering from a mental disorder, and which is certified as such by the department of social and health services: PROVIDED, That a physically separate and separately operated portion of a state hospital may be designated as an evaluation and treatment facility: PROVIDED FURTHER, That a facility which is part of, or operated by, the department of social and health services or any federal agency will not require certification: AND PROVIDED FURTHER, That no correctional institution or facility, or jail, shall be an evaluation and treatment facility within the meaning of this chapter.

NEW SECTION. Sec. 8. A new section is added to chapter 71.05 RCW to read as follows:

The legislature intends that the procedures and services authorized in this chapter be integrated with those in chapter 71.24 RCW to the maximum extent necessary to assure a continuum of care to persons who are mentally ill or who have mental disorders, as defined in either or both this chapter and chapter 71.24 RCW. To this end, regional support networks established in accordance with chapter 71.24 RCW shall institute procedures which require timely consultation with resource management services by county-designated mental health professionals and evaluation and treatment facilities to assure that determinations to detain, commit, treat, or release persons with mental disorders under this chapter are made only after appropriate information regarding such person's treatment history and current treatment plan has been sought from resource management services.

Sec. 9. Section 22, chapter 142, Laws of 1973 1st ex. sess. as amended by section 10, chapter 145, Laws of 1974 ex. sess. and RCW 71.05.170 are each amended to read as follows:

Whenever the designated county mental health professional petitions for detention of a person whose actions constitute a likelihood of serious harm to himself or others, or who is gravely disabled, the facility providing seventy-two hour evaluation and treatment must immediately accept on a provisional basis the petition and the person. The facility shall then evaluate the person's condition and admit or release such person in accordance with RCW 71.05.210. The facility shall notify in writing the court and the designated county mental health professional of the date and time of the initial detention of each person involuntarily detained in order that a probable cause hearing shall be held no later than seventy-two hours after detention.

The duty of a state hospital to accept persons for evaluation and treatment under this section may be limited by chapter 71.24 RCW.

NEW SECTION. Sec. 10. As used in this chapter or chapter 71.24 or 10.77 RCW, the following words and phrases shall have the meanings indicated.

(1) "Registration records" include all the records of the department, regional support networks, treatment facilities, and other persons providing services to the department, county departments, or facilities which identify individuals who are receiving or who at any time have received services for mental illness.

(2) "Treatment records" include registration and all other records concerning individuals who are receiving or who at any time have received services for mental illness, which are maintained by the department, by regional support networks and their staffs, and by treatment facilities. Treatment records do not include notes or records maintained for personal use by an individual providing treatment services for the department, regional support networks, or a treatment facility if the notes or records are not available to others.

NEW SECTION. Sec. 11. (1) Informed consent for disclosure of information from court or treatment records to an individual, agency, or organization must be in writing and must contain the following information:

(a) The name of the individual, agency, or organization to which the disclosure is to be made;

(b) The name of the individual whose treatment record is being disclosed;

(c) The purpose or need for the disclosure;

- (d) The specific type of information to be disclosed;
- (e) The time period during which the consent is effective;
- (f) The date on which the consent is signed; and
- (g) The signature of the individual or person legally authorized to give consent for the individual.

(2) The files and records of court proceedings under chapter 71.05 RCW shall be closed but shall be accessible to any individual who is the subject of a petition and to the individual's attorney, guardian ad litem, resource management services, or service providers authorized to receive such information by resource management services.

NEW SECTION. Sec. 12. (1) Except as otherwise provided by law, all treatment records shall remain confidential. Treatment records may be released only to the persons designated in this section, or to other persons designated in an informed written consent of the patient.

(2) Treatment records of an individual may be released without informed written consent in the following circumstances:

(a) To an individual, organization, or agency as necessary for management or financial audits, or program monitoring and evaluation. Information obtained under this subsection shall remain confidential and may not be used in a manner that discloses the name or other identifying information about the individual whose records are being released.

(b) To the department, the director of regional support networks, or a qualified staff member designated by the director only when necessary to be used for billing or collection purposes. The information shall remain confidential.

(c) For purposes of research as permitted in chapter 42.48 RCW.

(d) Pursuant to lawful order of a court.

(e) To qualified staff members of the department, to the director of regional support networks, to resource management services responsible for serving a patient, or to service providers designated by resource management services as necessary to determine the progress and adequacy of treatment and to determine whether the person should be transferred to a less restrictive or more appropriate treatment modality or facility. The information shall remain confidential.

(f) Within the treatment facility where the patient is receiving treatment, confidential information may be disclosed to individuals employed, serving in bona fide training programs, or participating in supervised volunteer programs, at the facility when it is necessary to perform their duties.

(g) Within the department as necessary to coordinate treatment for mental illness, developmental disabilities, alcoholism, or drug abuse of individuals who are under the supervision of the department.

(h) To a licensed physician who has determined that the life or health of the individual is in danger and that treatment without the information contained in the treatment records could be injurious to the patient's health. Disclosure shall be limited to the portions of the records necessary to meet the medical emergency.

(i) To a facility that is to receive an individual who is involuntarily committed under chapter 71.05 RCW, or upon transfer of the individual from one treatment facility to another. The release of records under this subsection shall be limited to the treatment records required by law, a record or summary of all somatic treatments, and a discharge summary. The discharge summary may include a statement of the patient's problem, the treatment goals, the type of treatment which has been provided, and recommendation for future treatment, but may not include the patient's complete treatment record.

(j) Notwithstanding the provisions of RCW 71.05.390(7), to a correctional facility or a corrections officer who is responsible for the supervision of an individual who is receiving inpatient or outpatient evaluation or treatment. Every person who is under the supervision of the department of corrections who receives evaluation or treatment under chapter 9.94A RCW shall be notified of the provisions of this section by the individual's corrections officer. Release of records under this section is limited to:

(i) An evaluation report provided pursuant to a written supervision plan.

(ii) The discharge summary, including a record or summary of all somatic treatments, at the termination of any treatment provided as part of the supervision plan.

(iii) When an individual is returned from a treatment facility to a correctional facility, the information provided under (j)(iv) of this subsection.

(iv) Any information necessary to establish or implement changes in the individual's treatment plan or the level or kind of supervision as determined by resource management services. In cases involving a person transferred back to a correctional facility, disclosure shall be made to clinical staff only. In cases involving a person under supervision of the department of corrections, disclosure shall be made to the supervising corrections officer only.

(k) To the individual's counsel or guardian ad litem, without modification, at any time in order to prepare for involuntary commitment or recommitment proceedings, reexaminations, appeals, or other actions relating to detention, admission, commitment, or patient's rights under chapter 71.05 RCW.

(l) To a corrections officer of the department who has custody of or is responsible for the supervision of an individual who is transferred or discharged from a treatment facility.

(m) To staff members of the protection and advocacy agency or to staff members of a private, nonprofit corporation for the purpose of protecting and advocating the rights of persons with mental illness or developmental disabilities. Resource management services may limit the release of information to the name, birthdate, and county of residence of the patient, information regarding whether the patient was voluntarily admitted, or involuntarily committed, the date and place of admission, placement, or commitment, the name and address of a guardian of the patient, and the date and place of the guardian's appointment. Any staff member who wishes to obtain additional information shall notify the patient's resource management services in writing of the request and of the resource management services' right to object. The staff member shall send the notice by mail to the guardian's address. If the guardian does not object in writing within fifteen days after the notice is mailed, the staff member may obtain the additional information. If the guardian objects in writing within fifteen days after the notice is mailed, the staff member may not obtain the additional information.

(3) Whenever federal law or federal regulations restrict the release of information contained in the treatment records of any patient who receives treatment for alcoholism or drug dependency, the department may restrict the release of the information as necessary to comply with federal law and regulations.

NEW SECTION, Sec. 13. (1) Procedures shall be established by resource management services to provide reasonable and timely access to individual treatment records. However, access may not be denied at any time to records of all medications and somatic treatments received by the individual.

(2) Following discharge, the individual shall have a right to a complete record of all medications and somatic treatments prescribed during admission or commitment and to a copy of the discharge summary prepared at the time of his or her discharge. A reasonable and uniform charge for reproduction may be assessed.

(3) Treatment records may be modified prior to inspection to protect the confidentiality of other patients or the names of any other persons referred to in the record who gave information on the condition that his or her identity remain confidential. Entire documents may not be withheld to protect such confidentiality.

(4) At the time of discharge all individuals shall be informed by resource management services of their rights as provided in sections 10 through 18 of this act.

NEW SECTION, Sec. 14. Each time written information is released from a treatment record, the record's custodian shall make a notation in the record including the following: The name of the person to whom the information was released; the identification of the information released; the purpose of the release; and the date of the release. The patient shall have access to this release data.

NEW SECTION, Sec. 15. Nothing in this act shall be construed to interfere with communications between physicians or psychologists and patients and attorneys and clients.

NEW SECTION, Sec. 16. Any person, including the state or any political subdivision of the state, violating sections 10 through 18 of this act shall be subject to the provisions of RCW 71.05.440.

NEW SECTION, Sec. 17. Any person who requests or obtains confidential information pursuant to sections 10 through 18 of this act under false pretenses shall be guilty of a gross misdemeanor.

NEW SECTION, Sec. 18. The department shall adopt rules to implement sections 10 through 17 of this act.

Sec. 19. Section 2, chapter 107, Laws of 1987, section 1, chapter 337, Laws of 1987, section 16, chapter 370, Laws of 1987, section 1, chapter 404, Laws of 1987 and section 10, chapter 411, Laws of 1987 and RCW 42.17.310 are each reenacted and amended to read as follows:

(1) The following are exempt from public inspection and copying:

(a) Personal information in any files maintained for students in public schools, patients or clients of public institutions or public health agencies, or welfare recipients (~~prisoners, probationers, or parolees~~).

(b) Personal information in files maintained for employees, appointees, or elected officials of any public agency to the extent that disclosure would violate their right to privacy.

(c) Information required of any taxpayer in connection with the assessment or collection of any tax if the disclosure of the information to other persons would (i) be prohibited to such persons by RCW 82.32.330 or (ii) violate the taxpayer's right to privacy or result in unfair competitive disadvantage to the taxpayer.

(d) Specific intelligence information and specific investigative records compiled by investigative, law enforcement, and penology agencies, and state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy.

(e) Information revealing the identity of persons who file complaints with investigative, law enforcement, or penology agencies, other than the public disclosure commission, if disclosure would endanger any person's life, physical safety, or property: PROVIDED, That if at the time

the complaint is filed the complainant indicates a desire for disclosure or nondisclosure, such desire shall govern: PROVIDED, FURTHER, That all complaints filed with the public disclosure commission about any elected official or candidate for public office must be made in writing and signed by the complainant under oath.

(f) Test questions, scoring keys, and other examination data used to administer a license, employment, or academic examination.

(g) Except as provided by chapter 8.26 RCW, the contents of real estate appraisals, made for or by any agency relative to the acquisition or sale of property, until the project or prospective sale is abandoned or until such time as all of the property has been acquired or the property to which the sale appraisal relates is sold, but in no event shall disclosure be denied for more than three years after the appraisal.

(h) Valuable formulae, designs, drawings, and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss.

(i) Preliminary drafts, notes, recommendations, and intra-agency memorandums in which opinions are expressed or policies formulated or recommended except that a specific record shall not be exempt when publicly cited by an agency in connection with any agency action.

(j) Records which are relevant to a controversy to which an agency is a party but which records would not be available to another party under the rules of pretrial discovery for causes pending in the superior courts.

(k) Records, maps, or other information identifying the location of archaeological sites in order to avoid the looting or depredation of such sites.

(l) Any library record, the primary purpose of which is to maintain control of library materials, or to gain access to information, which discloses or could be used to disclose the identity of a library user.

(m) Financial information supplied by or on behalf of a person, firm, or corporation for the purpose of qualifying to submit a bid or proposal for (a) a ferry system construction or repair contract as required by RCW 47.60.680 through 47.60.750 or (b) highway construction or improvement as required by RCW 47.28.070.

(n) Railroad company contracts filed with the utilities and transportation commission under RCW 81.34.070, except that the summaries of the contracts are open to public inspection and copying as otherwise provided by this chapter.

(o) Financial and commercial information and records supplied by private persons pertaining to export services provided pursuant to chapter 53.31 RCW.

(p) Financial disclosures filed by private vocational schools under chapter 28C.10 RCW.

(q) Records filed with the utilities and transportation commission or attorney general under RCW 80.04.095 that a court has determined are confidential under RCW 80.04.095.

(r) Financial and commercial information and records supplied by businesses during application for loans or program services provided by chapters 43.31, 43.63A, and 43.168 RCW.

(s) Membership lists or lists of members or owners of interests of units in timeshare projects, subdivisions, camping resorts, condominiums, land developments, or common-interest communities affiliated with such projects, regulated by the department of licensing, in the files or possession of the department.

(t) Except as provided under *section 2 of this 1987 act (1987 c 404 § 2), all applications for public employment, including the names of applicants, resumes, and other related materials submitted with respect to an applicant.

(u) The residential addresses and residential telephone numbers of employees or volunteers of a public agency which are held by the agency in personnel records, employment or volunteer rosters, or mailing lists of employees or volunteers.

(v) The residential addresses and residential telephone numbers of the customers of a public utility contained in the records or lists held by the public utility of which they are customers.

(w) Information obtained by the board of pharmacy as provided in RCW 69.45.090.

(2) Except for information described in subsection (1)(c)(i) of this section and confidential income data exempted from public inspection pursuant to RCW 84.40.020, the exemptions of this section are inapplicable to the extent that information, the disclosure of which would violate personal privacy or vital governmental interests, can be deleted from the specific records sought. No exemption may be construed to permit the nondisclosure of statistical information not descriptive of any readily identifiable person or persons.

(3) Inspection or copying of any specific records exempt under the provisions of this section may be permitted if the superior court in the county in which the record is maintained finds, after a hearing with notice thereof to every person in interest and the agency, that the exemption of such records is clearly unnecessary to protect any individual's right of privacy or any vital governmental function.

(4) Agency responses refusing, in whole or in part, inspection of any public record shall include a statement of the specific exemption authorizing the withholding of the record (or part) and a brief explanation of how the exemption applies to the record withheld.

NEW SECTION. Sec. 20. A new section is added to chapter 72.23 RCW to read as follows:

(1) It is the intent of the legislature to improve the quality of service at state hospitals, eliminate overcrowding, and more specifically define the role of the state hospitals. The legislature intends that eastern and western state hospitals shall become clinical centers for handling the most complicated long-term care needs. Over the next six years, their involvement in providing short-term and acute care shall be diminished in accordance with the revised responsibilities for mental health care under chapter 71.24 RCW. The legislature finds that establishment of the eastern state hospital board, the western state hospital board, and institutes for the study and treatment of mental disorders at both eastern state hospital and western state hospital will be instrumental in implementing the legislative intent.

(2)(a) The eastern state hospital board and the western state hospital board are each established. Members of the boards shall be appointed by the governor with the consent of the senate. Each board shall include:

(i) The director of the institute for the study and treatment of mental disorders established at the hospital;

(ii) One family member of a current or recent hospital resident;

(iii) One consumer of services;

(iv) One community mental health service provider;

(v) Two citizens with no financial or professional interest in mental health services;

(vi) One representative of the regional support network in which the hospital is located;

(vii) One representative from the staff who is a physician;

(viii) One representative from the nursing staff;

(ix) One representative from the other professional staff;

(x) One representative from the nonprofessional staff; and

(xi) One representative of a minority community.

(b) At least one representative listed in (a) (viii), (ix), or (x) of this subsection shall be a union member.

(c) Members shall serve four-year terms. Members of the board shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060 and shall receive compensation as provided in RCW 43.03.240.

(3) The boards established under this section shall:

(a) Monitor the operation and activities of the hospital;

(b) Review and advise on the hospital budget;

(c) Make recommendations to the governor and the legislature for improving the quality of service provided by the hospital;

(d) Monitor and review the activities of the hospital in implementing the intent of the legislature set forth in this section;

(e) Report periodically to the governor and the legislature on the implementation of the legislative intent set forth in this section; and

(f) Consult with the secretary regarding persons the secretary may select as the superintendent of the hospital whenever a vacancy occurs.

(4)(a) There is established at eastern state hospital and western state hospital, institutes for the study and treatment of mental disorders. The institutes shall be operated by joint operating agreements between state colleges and universities and the department of social and health services. The institutes are intended to:

(i) Promote recruitment and retention of highly qualified professionals at the state hospitals;

(ii) Improve clinical care by exploring new, innovative, and scientifically based treatment models for persons presenting particularly difficult and complicated clinical syndromes;

(iii) Provide expanded training opportunities for existing staff at the state hospitals;

(iv) Promote bilateral understanding of treatment orientation, possibilities, and challenges between state hospital professionals and community mental health professionals.

(b) To accomplish these purposes the institutes may, within funds appropriated for this purpose:

(i) Enter joint operating agreements with state universities or other institutions of higher education to accomplish the placement and training of students and faculty in psychiatry, psychology, social work, occupational therapy, nursing, and other relevant professions at the state hospitals;

(ii) Design and implement clinical research projects to improve the quality and effectiveness of state hospital services and operations;

(iii) Enter into agreements with community mental health service providers to accomplish the exchange of professional staff between the state hospitals and community mental health service providers;

(iv) Establish a student loan forgiveness program to retain qualified professionals at the state hospitals when the superintendent has determined a shortage of such professionals exists.

(c) Notwithstanding any other provisions of law to the contrary, the institutes may enter into agreements with the department or the state hospitals which may involve changes in staffing necessary to implement improved patient care programs contemplated by this section.

(d) The institutes are authorized to seek and accept public or private gifts, grants, contracts, or donations to accomplish their purposes under this section.

(5) The department shall review the diagnoses and treatment history of hospital patients and create a plan to locate inappropriately placed persons into medicaid reimbursable nursing homes or other nonhospital settings. The plan shall be submitted to the legislature by June 30, 1990.

NEW SECTION. Sec. 21. The department of health, if created, or the office of financial management shall conduct a study of equitable and timely compensation for involuntary psychiatric services through a review of medical assistance rates paid to hospitals. The department, or office of financial management, shall submit a report and recommendations to the department of social and health services and appropriate legislative committees by December 1, 1989.

NEW SECTION. Sec. 22. (1) In order to determine the effectiveness of this act, it is necessary to have an independent evaluation of the transition to regional systems of care. The legislative budget committee shall prepare a plan to conduct a study of the effectiveness of the change in the mental health system initiated by this act. The primary goal of the study is to evaluate the progress of the regional support networks in meeting the statutory requirement of this act to serve at least eighty-five percent of the short-term commitments within their boundaries by July 1, 1993. A plan for study shall include, but is not limited to, the following considerations:

(a) Progress in implementing and complying with the intention of this act to create regional support networks:

(b) Effect on short-term commitments to the state hospitals;

(c) Effect on residential options in the community;

(d) Effect on delivery of services, both residential and nonresidential, in the community;

and

(e) Effect on continuity of services to the mentally ill.

(2) The plan for conducting a study, including start and completion dates, general research approaches, potential research problems, data requirements, necessary implementation authority, and cost estimates is to be provided to the appropriate policy and fiscal committees of the house of representatives and the senate by December 1, 1990. The plan may include proposals to use contract evaluators or other options for determining the most appropriate entity to complete the study, and shall identify ways to measure program progress and outcomes. The plan shall take into consideration a study completion date of December 1, 1992.

(3) In order to establish a beginning point for any future study of the effectiveness of the system changes initiated in this act, when the biennial contract is signed by the department of social and health services and a regional support network, the department shall forward a copy of the contract to the legislative budget committee.

NEW SECTION. Sec. 23. Sections 10 through 18 of this act shall take effect on July 1, 1995, or when regional support networks are established.

NEW SECTION. Sec. 24. Sections 10 through 18 of this act are each added to chapter 71.05 RCW.

NEW SECTION. Sec. 25. The following acts or parts of acts are each repealed:

(1) Section 4, chapter 274, Laws of 1986 and RCW 71.24.039; and

(2) Section 59, chapter 142, Laws of 1973 1st ex. sess. and RCW 71.05.540.

NEW SECTION. Sec. 26. If specific funding for the purposes of this act, referencing this act by bill number, is not provided by June 30, 1989, in the omnibus appropriations act, this act shall be null and void.

NEW SECTION. Sec. 27. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 1 of the title, after "systems;" strike the remainder of the title and insert "amending RCW 71.24.015, 71.24.025, 71.24.035, 71.24.045, 71.24.160, 71.05.020, and 71.05.170; reenacting and amending RCW 42.17.310; adding a new section to chapter 71.24 RCW; adding new sections to chapter 71.05 RCW; adding a new section to chapter 72.23 RCW; creating new sections; repealing RCW 71.24.039 and 71.05.540; prescribing penalties; providing an effective date; and declaring an emergency."

Further amend the House Appropriations Committee striking amendment, as amended, as follows:

On page 2, line 16, after "county-based" insert "and county-managed mental health"

On page 14, line 5, after "resources" strike "and plans submitted by participating regional support networks, and approved by the department" and insert ". No contract shall be approved that does not include progress toward meeting the goals of this 1989 act by taking responsibility for: (i) short-term commitments; (ii) residential care; and (iii) emergency response systems"

On page 19, after line 28, strike all of paragraph (e)

Reletter the remaining paragraphs accordingly.

On page 21, after line 5, insert "**NEW SECTION.** Sec. 6. A new section is added to chapter 71.24 RCW to read as follows:

The legislature finds that administration of chapter 71.05 RCW and this chapter can be most efficiently and effectively implemented as part of the regional support network defined in RCW 71.24.025. For this reason, the legislature intends that any enhanced program funding for

implementation of chapter 71.05 RCW or this chapter, except for funds allocated for implementation of mandatory statewide programs as required by federal statute, be made available primarily to those counties participating in regional support networks."

Renumber the remaining sections accordingly.

On page 24, line 25, after "section" strike "may" and insert "shall", and

On page 37, line 22, after "adding" strike "a new section" and insert "new sections"

Signed by Senators West, Niemi; Representatives Bristow, Moyer, Raiter.

MOTION

On motion of Senator Newhouse, the Report of the Conference Committee on Second Substitute Senate Bill No. 5400 was adopted and the committee was granted the powers of Free Conference.

MOTION

On motion of Senator Anderson, Senator McCaslin was excused.

REPORT OF CONFERENCE COMMITTEE

RE: EHB 1103

Revising provisions for motor vehicle warranties.

April 18, 1989

Mr. President:

Mr. Speaker:

We of your Conference Committee to whom the above measure was referred, have had the same under consideration and we recommend the following:

That the Senate Committee on Economic Development and Labor amendments adopted by the Senate on April 3, 1989, on page 4, line 25, and page 5, line 4, be adopted.

Signed by Senators Saling, Warnke, Thorsness; Representatives Jones, Wolfe.

MOTION

On motion of Senator Newhouse, the Report of the Conference Committee on Engrossed House Bill No. 1103 was adopted.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 1103, as recommended by the Conference Committee.

Debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1103, as recommended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 44; excused, 5.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sultherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams - 44.

Excused: Senators Craswell, DeJarnatt, Fleming, McCaslin, Wojahn - 5.

ENGROSSED HOUSE BILL NO. 1103, as recommended by the Conference Committee, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 22, 1989

Mr. President:

The House has adopted the Report of the Free Conference Committee on ENGROSSED SUBSTITUTE SENATE BILL NO. 5186 and has passed the bill as amended by the Free Conference Committee.

ALAN THOMPSON, Chief Clerk

REPORT OF FREE CONFERENCE COMMITTEE

RE: ESSB 5186

Relating to the Judicial Conduct Commission.

April 20, 1989

Mr. President:

Mr. Speaker:

We of your Free Conference Committee, have had the same under consideration and we recommend that the measure be amended as proposed under the request for Free Conference and that the bill do pass as amended by the Free Conference Committee.

(See Report of Conference Committee on Engrossed Substitute Senate Bill No. 5186 and the request for powers of Free Conference read in April 22, 1989.)

Signed by Senators Pullen, Talmadge; Representatives Appelwick, Padden.

MOTION

On motion of Senator Pullen, the Report of the Free Conference Committee on Engrossed Substitute Senate Bill No. 5186 was adopted.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5186, as amended by the Free Conference Committee.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5186, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 44; nays, 1; excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Gaspard, Hansen, Johnson, Kreidler, Lee, Madsen, Matson, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 44.

Voting nay: Senator Hayner - 1.

Excused: Senators Craswell, DeJarnatt, Fleming, McCaslin - 4.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5186, as amended by the Free Conference Committee, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 22, 1989

Mr. President:

The House has adopted the Report of the Free Conference Committee on SUBSTITUTE SENATE BILL NO. 5686 and has passed the bill as amended by the Free Conference Committee.

ALAN THOMPSON, Chief Clerk

REPORT OF FREE CONFERENCE COMMITTEE

RE: SSB 5686

Making major changes to agriculture statutes.

April 21, 1989

Mr. President:

Mr. Speaker:

We of your Free Conference Committee, have had the same under consideration and we recommend that the measure be amended as proposed under the request for Free Conference and that the bill do pass as amended by the Free Conference Committee.

(See Report of Conference Committee on Substitute Senate Bill No. 5686 and the request for powers of Free Conference read in April 22, 1989.)

Signed by Senators Barr, Newhouse, Madsen; Representatives Rayburn, Grant, Nealey.

MOTION

On motion of Senator Nelson, the Report of the Free Conference Committee on Substitute Senate Bill No. 5686 was adopted.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5686, as amended by the Free Conference Committee.

Debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5686, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Excused: Senators Craswell, DeJarnatt, Fleming - 3.

SUBSTITUTE SENATE BILL NO. 5686, as amended by the Free Conference Committee, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 20, 1989

Mr. President:

The House adheres to its position regarding the Senate amendments to SUBSTITUTE HOUSE BILL NO. 1251 and again asks the Senate to recede therefrom, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Nelson, the Senate adheres to its position regarding the Senate amendments to Substitute House Bill No. 1251 and once again asks the House to concur therein.

MESSAGE FROM THE HOUSE

April 22, 1989

Mr. President:

The House has adopted the Report of the Free Conference Committee on SENATE BILL NO. 5926 and has passed the bill as amended by the Free Conference Committee.

ALAN THOMPSON, Chief Clerk

REPORT OF FREE CONFERENCE COMMITTEE

RE: SB 5926

Relating to low-level radioactive waste.

April 21, 1989

Mr. President:

Mr. Speaker:

We of your Free Conference Committee, have had the same under consideration and we recommend that the measure be amended as proposed under the request for Free Conference and that the bill do pass as amended by the Free Conference Committee.

(See Report of Conference Committee on Senate Bill No. 5926 and the request for powers of Free Conference read in April 22, 1989.)

Signed by Senators Benitz, Williams, Bluechel; Representatives Nelson, Jesernig, Hankins.

MOTION

On motion of Senator Newhouse, the Report of the Free Conference Committee on Senate Bill No. 5926 was adopted.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5926, as amended by the Free Conference Committee.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5926, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 45; absent, 1; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Benitz, Bluechel, Cantu, Conner, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 45.

Absent: Senator Bender - 1.

Excused: Senators Craswell, DeJarnatt, Fleming - 3.

SENATE BILL NO. 5926, as amended by the Free Conference Committee, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 22, 1989

Mr. President:

The House has adopted the Report of the Conference Committee on ENGROSSED SUBSTITUTE HOUSE BILL NO. 1968 and has granted said committee the powers of Free Conference.

ALAN THOMPSON, Chief Clerk

REPORT OF FREE CONFERENCE COMMITTEE

RE: ESHB 1968

Establishing a plan for long-term care services.

April 21, 1989

Mr. President:

Mr. Speaker:

We of your Free Conference Committee, have had the same under consideration and we recommend that the measure be amended as proposed under the request for Free Conference and that the bill do pass as amended by the Free Conference Committee.

(See Report of Conference Committee on Engrossed Substitute House Bill No. 1968 and the request for powers of Free Conference read in April 22, 1989.)

Signed by Senators Smith, Kreidler, Johnson; Representatives Braddock, Morris, D. Sommers.

MOTION

On motion of Senator Newhouse, the twenty-four hour rule was suspended and the Report of the Free Conference Committee on Engrossed Substitute House Bill No. 1968 was adopted.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1968, as amended by the Free Conference Committee.

Debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1968, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 45; absent, 2; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 45.

Absent: Senators Amondson, McCaslin - 2.

Excused: Senators DeJarnatt, Fleming - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1968, as amended by the Free Conference Committee, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 22, 1989

Mr. President:

The House has adopted the Report of the Conference Committee on SECOND SUBSTITUTE SENATE BILL NO. 5372 and has granted said committee the powers of Free Conference.

ALAN THOMPSON, Chief Clerk

REPORT OF CONFERENCE COMMITTEE

RE: 2SSB 5372

Relating to marina pumpouts and boater safety and education.

April 22, 1989

Mr. President:

Mr. Speaker:

We of your Conference Committee to whom the above measure was referred, have had the same under consideration and we report that we are unable to agree and we respectfully request the powers of Free Conference in order to amend the measure as follows:

Reject all previous amendments, and adopt the following striking amendment:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds that the waters of Washington state provide a unique and valuable recreational resource to large and growing numbers of boaters. Proper stewardship of, and respect for, these waters requires that, while enjoying them for their scenic and recreational benefits, boaters must exercise care to assure that such activities do not contribute to the despoliation of these waters, and that watercraft be operated in a safe and responsible manner. The legislature has specifically addressed the topic of access to clean and safe waterways by requiring the 1987 boating safety study and by establishing the Puget Sound water quality authority.

The legislature finds that there is a need to educate Washington's boating community about safe and responsible actions on our waters and to increase the level and visibility of the enforcement of boating laws. To address the incidence of fatalities and injuries due to recreational boating on our state's waters, local and state efforts directed towards safe boating must be stimulated. To provide for safe waterways and public enjoyment, portions of the watercraft excise tax and boat registration fees should be made available for boating safety and other boating recreation purposes.

In recognition of the need for clean waterways, and in keeping with the Puget Sound water quality authority's 1987 management plan, the legislature finds that adequate opportunities for responsible disposal of boat sewage must be made available. There is hereby established a five-year initiative to install sewage pumpout or sewage dump stations at appropriate marinas.

To assure the use of these sewage facilities, a boater environmental education program must accompany the five-year initiative and continue to educate boaters about boat wastes and aquatic resources.

The legislature also finds that, in light of the increasing numbers of boaters utilizing state waterways, a program to acquire and develop sufficient waterway access facilities for boaters must be undertaken.

To support boating safety, environmental protection and education, and public access to our waterways, the legislature declares that a portion of the income from boating-related activities, as specified in RCW 82.49.030 and 88.02.040, should support these efforts.

NEW SECTION. Sec. 2. As used in this chapter, the following terms have the meanings indicated unless the context clearly requires otherwise.

(1) "Boat wastes" shall include, but are not limited to, sewage, garbage, marine debris, plastics, contaminated bilge water, cleaning solvents, paint scrapings or discarded petroleum products associated with the use of vessels.

(2) "Boater" means any person on a vessel on waters of the state of Washington.

(3) "Commission" means the Washington state parks and recreation commission.

(4) "Environmentally sensitive area" means a restricted body of water where discharge of untreated sewage from boats is especially detrimental because of limited flushing, shallow water, commercial or recreational shellfish, swimming areas, diversity of species, the absence of other pollution sources, or other characteristics.

(5) "Marina" means a facility providing boat moorage space, fuel, or commercial services. Commercial services include but are not limited to overnight or live-aboard boating accommodations.

(6) "Polluted area" means a body of water used by boaters that is contaminated by boat wastes at unacceptable levels, based on applicable water quality and shellfish standards.

(7) "Public entities" means all elected or appointed bodies, including tribal governments, responsible for collecting and spending public funds.

(8) "Sewage dump station" means any receiving chamber or tank designed to receive vessel sewage from a "porta-potty" or a portable container.

(9) "Sewage pumpout station" means a mechanical device, generally stationed on a dock, pier, float, barge, or other location convenient to boaters, designed to remove sewage waste from holding tanks on vessels.

(10) "Vessel" means every watercraft used or capable of being used as a means of transportation on the water, other than a seaplane.

NEW SECTION. Sec. 3. The commission, in consultation with the departments of ecology, fisheries, wildlife, natural resources, social and health services, and the Puget Sound water quality authority shall conduct a literature search and analyze pertinent studies to identify areas which are polluted or environmentally sensitive within the state's waters. Based on this review the commission shall designate appropriate areas as polluted or environmentally sensitive, for the purposes of this act only.

NEW SECTION. Sec. 4. (1) A marina which meets one or more of the following criteria shall be designated by the commission as appropriate for installation of a sewage pumpout or sewage dump station:

(a) The marina is located in an environmentally sensitive or polluted area; or

(b) The marina has one hundred twenty-five slips or more and there is a lack of sewage pumpouts within a reasonable distance.

(2) In addition to subsection (1) of this section, the commission may at its discretion designate a marina as appropriate for installation of a sewage pumpout or sewage dump station if there is a demonstrated need for a sewage pumpout or sewage dump station at the marina based on professionally conducted studies undertaken by federal, state, or local government, or the private sector; and it meets the following criteria:

(a) The marina provides commercial services, such as sales of food, fuel or supplies, or overnight or live-aboard moorage opportunities;

(b) The marina is located at a heavily used boating destination or on a heavily traveled route, as determined by the commission; or

(c) There is a lack of adequate sewage pumpout station capacity within a reasonable distance.

(3) Exceptions to the designation made under this section may be made by the commission if no sewer, septic, water, or electrical services are available at the marina.

(4) In addition to marinas, the commission may designate boat launches or boater destinations as appropriate for installation of a sewage pumpout or sewage dump station based on the criteria found in subsections (1) and (2) of this section.

NEW SECTION. Sec. 5. (1) Marinas and boat launches designated as appropriate for installation of a sewage pumpout or sewage dump station under section 4 of this act shall be eligible for funding support for installation of such facilities from funds specified in section 11 of this act. The commission shall notify owners or operators of all designated marinas and boat launches of the designation, and of the availability of funding to support installation of appropriate sewage disposal facilities. The commission shall encourage the owners and operators to apply for available funding.

(2) The commission shall contract with, or enter into an interagency agreement with another state agency to contract with, applicants based on the criteria specified below:

(a)(i) Contracts may be awarded to publicly owned, tribal, or privately owned marinas or boat launches.

(ii) Contracts may provide for state reimbursement to cover eligible costs as deemed reasonable by commission rule. Eligible costs include purchase, installation, or major renovation of the sewage pumpout or sewage dump stations, including sewer, water, electrical connections, and those costs attendant to the purchase, installation, and other necessary appurtenances, such as required pier space, as determined by the commission.

(iii) Ownership of the sewage pumpout or sewage dump station will be retained by the state through the commission in privately owned marinas. Ownership of the sewage pumpout or sewage dump station in publicly owned marinas will be held by the public entity.

(iv) Operation, normal and expected maintenance, and ongoing utility costs will be the responsibility of the marina or boat launch operator. The sewage pumpout or sewage dump station must be kept in operating condition and available for public use at all times during operating hours of the facility, excluding necessary maintenance periods.

(v) The marina owner agrees to allow the installation, existence and use of the sewage pumpout or sewage dump station by granting an easement at no cost for such purposes.

(b) Contracts awarded pursuant to (a) of this subsection shall be subject, for a period of at least ten years, to the following conditions:

(i) Any facility entering into a contract under this section must allow the boating public access to the sewage pumpout or sewage dump station during operating hours.

(ii) The applicant must agree to monitor and encourage the use of the sewage pumpout or sewage dump station, and to cooperate in any related boater environmental education program administered or approved by the commission.

(iii) The applicant must agree not to charge a fee for the use of the sewage pumpout or sewage dump station.

(iv) The applicant must agree to arrange and pay a reasonable fee for a periodic inspection of the sewage pumpout facility by the local health department or appropriate authority.

(v) Use of a free sewage pumpout or sewage dump station by the boating public shall be deemed to be included in the term "outdoor recreation" for the purposes of chapter 4.24 RCW.

NEW SECTION. Sec. 6. The department of ecology, in consultation with the commission, shall, for initiation of the state-wide program only, develop criteria for the design, installation, and operation of sewage pumpout and sewage dump stations, taking into consideration the ease of access to the station by the boating public. The department of ecology may adopt rules to administer the provisions of this section.

NEW SECTION. Sec. 7. The commission shall undertake a state-wide boater environmental education program concerning the effects of boat wastes. The boater environmental education program shall provide informational materials on proper boat waste disposal methods, environmentally safe boat maintenance practices, locations of sewage pumpout and sewage dump stations, and boat oil recycling facilities.

NEW SECTION. Sec. 8. The commission shall award grants to local government entities for boater environmental education or boat waste management planning. Grants shall be allocated according to criteria developed by the commission.

NEW SECTION. Sec. 9. The commission shall, in consultation with interested parties, review progress on installation of sewage pumpout and sewage dump stations, the boater environmental education program, and the boating safety program. The commission shall report its findings to the legislature by December 1994.

Sec. 10. Section 10, chapter 7, Laws of 1983 and RCW 82.49.030 are each amended to read as follows:

(1) The excise tax imposed under this chapter is due and payable to the department of licensing or its agents at the time of registration of a vessel. The department of licensing shall not issue or renew a registration for a vessel until the tax is paid in full.

(2) The excise tax collected under this chapter shall be deposited in the general fund.

(3) Until June 30, 1995, the watercraft excise tax revenues exceeding five million dollars in each fiscal year, but not exceeding six million dollars, may, subject to appropriation by the legislature, be used for the purposes specified in section 11 of this act.

NEW SECTION. Sec. 11. The amounts allocated in accordance with RCW 82.49.030(3) shall be expended upon appropriation in accordance with the following limitations:

(1) Thirty percent of the funds shall be appropriated to the interagency committee for outdoor recreation and be expended for use by state and local government for public recreational waterway boater access and boater destination sites. Priority shall be given to critical site acquisition. The interagency committee for outdoor recreation shall administer such funds as a competitive grants program. The amounts provided for in this subsection shall be evenly divided between state and local governments.

(2) Thirty percent of the funds shall be expended by the commission exclusively for sewage pumpout or sewage dump stations at publicly and privately owned marinas as provided for in sections 4 and 5 of this act.

(3) Twenty-five percent of the funds shall be expended for grants to state agencies and other public entities to enforce boating safety and registration laws and to carry out boating safety programs. The commission shall administer such grant program.

(4) Fifteen percent shall be expended for instructional materials, programs or grants to the public school system, public entities, or other nonprofit community organizations to support boating safety and boater environmental education or boat waste management planning. The commission shall administer this program.

Sec. 12. Section 17, chapter 7, Laws of 1983 and RCW 88.02.040 are each amended to read as follows:

The department shall provide for the issuance of vessel registrations and may appoint agents for collecting fees and issuing registration numbers and decals. Fees for vessel registrations collected by the director shall be deposited in the general fund; PROVIDED, That any amount above one million one hundred thousand dollars per fiscal year shall be allocated to counties by the state treasurer for boating safety/education and law enforcement programs. Eligibility for such allocation shall be contingent upon approval of the local boating safety program by the state parks and recreation commission. Fund allocation shall be based on the numbers of registered vessels by county of moorage. Each benefiting county shall be responsible for equitable distribution of such allocation to other jurisdictions with approved boating safety programs within said county. Any fees not allocated to counties due to the absence of an approved boating safety program, shall be allocated to the commission for awards to local governments to offset law enforcement and boating safety impacts of boaters recreating in jurisdictions other than where registered.

Sec. 13. Section 16, chapter 7, Laws of 1983 as last amended by section 1, chapter 452, Laws of 1985 and RCW 88.02.030 are each amended to read as follows:

Vessel registration is required under this chapter except for the following:

(1) Military or public vessels of the United States, except recreational-type public vessels;
 (2) Vessels owned by a state or subdivision thereof, used principally for governmental purposes and clearly identifiable as such;

(3) Vessels owned by a resident of a country other than the United States if the vessel is not physically located upon the waters of this state for a period of more than sixty days;

(4) Vessels owned by a resident of another state if the vessel is registered in accordance with the laws of the state in which the owner resides, but only to the extent that a similar exemption or privilege is granted under the laws of that state for vessels registered in this state: PROVIDED, That any vessel which is validly registered in another state and which is physically located in this state for a period of more than sixty days is subject to registration under this chapter;

(5) Vessels used as a ship's lifeboat;

(6) Vessels equipped with propulsion machinery of less than ten horse power that:

(a) Are owned by the owner of a vessel for which a valid vessel number has been issued;
 (b) Display the number of that numbered vessel followed by the suffix "1" in the manner prescribed by the department; and

(c) Are used as a tender for direct transportation between that vessel and the shore and for no other purpose;

(7) Vessels under sixteen feet in overall length which have no propulsion machinery of any type or which are not used on waters subject to the jurisdiction of the United States or on the high seas beyond the territorial seas for vessels owned in the United States and are powered by propulsion machinery of ten or less horsepower;

(8) Vessels with no propulsion machinery of any type for which the primary mode of propulsion is human power;

(9) Vessels which are temporarily in this state undergoing repair or alteration;

(10) Vessels primarily engaged in commerce which have or are required to have a valid marine document as a vessel of the United States, Commercial vessels which the department of revenue determines have the external appearance of vessels which would otherwise be required to register under this chapter, must display decals issued annually by the department of revenue that indicate the vessel's exempt status; and

(11) Vessels primarily engaged in commerce which are owned by a resident of a country other than the United States.

NEW SECTION. Sec. 14. The commission shall adopt rules as are necessary to carry out all sections of this act except for sections 6, 10, and 11(1)(a) of this act. The commission shall comply with all applicable provisions of chapter 34.05 RCW in adopting the rules.

NEW SECTION. Sec. 15. The interagency committee for outdoor recreation shall adopt rules as are necessary to carry out section 11(1)(a) and (2) of this act. The interagency committee for outdoor recreation shall comply with all applicable provisions of chapter 34.05 RCW in adopting the rules.

NEW SECTION. Sec. 16. A new section is added to chapter 75.10 RCW to read as follows:

Fisheries patrol officers are authorized to enforce all provisions of chapter 88.02 RCW and any rules adopted thereunder, and the provisions of RCW 43.51.400 and any rules adopted thereunder.

NEW SECTION. Sec. 17. On or before January 1, 1992, the department of fisheries shall report to the legislature on the number of citations issued or other enforcement actions taken regarding the provisions enumerated in section 16 of this act. The report shall provide an accounting of the registration fees, penalties, and other funds accruing of the state, and the expenses to the department in undertaking the enforcement actions.

NEW SECTION. Sec. 18. By January 1, 1991, the commission shall issue a report to the appropriate committees of the house of representatives and senate showing how funds have been allocated under sections 1 through 17 of this act and the extent to which the allocations have resulted in additional vessel registrations and increased watercraft excise tax revenues.

NEW SECTION. Sec. 19. Sections 1 through 9 and 11 of this act shall constitute a new chapter in Title 88 RCW.*

On page 1, line 1 of the title, after "boating;" strike the remainder of the title and insert "amending RCW 82.49.030, 88.02.040, and 88.02.030; adding a new section to chapter 75.10 RCW; adding a new chapter to Title 88 RCW; and creating new sections."

Signed by Senators Nelson, Talmadge, Bluechel: Representatives Belcher, G. Fisher.

MOTION

On motion of Senator Newhouse, the Report of the Conference Committee on Second Substitute Senate Bill No. 5372 was adopted and the committee was granted the powers of Free Conference.

President Pro Tempore Bluechel assumed the Chair.

MESSAGE FROM THE HOUSE

April 23, 1989

Mr. President:

The House has adopted the Report of the Free Conference Committee on ENGROSSED SUBSTITUTE SENATE BILL NO. 5911 and has passed the bill as amended by the Free Conference Committee.

ALAN THOMPSON, Chief Clerk

REPORT OF FREE CONFERENCE COMMITTEE

RE: ESSB 5911

Providing for the sale of state timber.

April 21, 1989

Mr. President:

Mr. Speaker:

We of your Free Conference Committee, have had the same under consideration and we recommend that the measure be amended as proposed under the request for Free Conference and that the bill do pass as amended by the Free Conference Committee.

(See Report of Conference Committee on Engrossed Substitute Senate Bill No. 5911 and the request for powers of Free Conference read in April 22, 1989.)

Signed by Senators Amondson, McMullen; Representatives Belcher, Raiter, Fuhrman.

MOTION

On motion of Senator Newhouse, the Report of the Free Conference Committee on Engrossed Substitute Senate Bill No. 5911 was adopted.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5911, as amended by the Free Conference Committee.

Debate ensued.

POINT OF INQUIRY

Senator McMullen: "Senator Amondson, does this bill provide for school trusts in the event court decisions remove some of these state lands from this use?"

Senator Amondson: "Yes, it does. Should the sustainable harvest be decreased due to decisions by others, the DNR shall offer additional timber sales from state lands."

Senator McMullen: "Does this bill affect the flow of timber from the state lands?"

Senator Amondson: "It will maintain those harvest levels as a sustained yield."

Senator McMullen: "The timber industry and state economy is being negatively impacted by the management program in the national forests. How does this bill help that?"

Senator Amondson: "National forest timber sales currently provide less wood fibre volume than is available to maintain a sustainable yield. With forty-six percent of our state's national forest lands already unavailable for harvesting, commercial timberlands must be managed for a true sustained yield. This bill instructs the joint select committee to develop responses to U.S. Forest Service management plans."

Senator McMullen: "Again, how will the state government respond to timber set asides?"

Senator Amondson: "This bill instructs the Governor and the DNR to prepare a joint response to U.S. Forest Service management plans that provides them with a single response from the state. Also, the Governor and DNR are to report quarterly to the appropriate legislative committees on how ongoing decisions outside state control affect our forest lands."

Further debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5911, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 46; absent, 1; excused, 2.

Voting yea: Senators Amondson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalfe, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Absent: Senator Anderson - 1.

Excused: Senators DeJarnatt, Fleming - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5911, as amended by the Free Conference Committee, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 22, 1989

Mr. President:

The House adheres to its position regarding the House amendments to ENGROSSED SENATE BILL NO. 5185 and once again asks the Senate to concur therein, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

Senator Newhouse moved that the Senate do concur in the House amendments to Engrossed Senate Bill No. 5185.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the motion by Senator Newhouse that the Senate do concur in the House amendments to Engrossed Senate Bill No. 5185.

The motion by Senator Newhouse carried and the Senate concurred in the House amendments to Engrossed Senate Bill No. 5185.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5185, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5185, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; nays, 1; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McDonald, McMullen, Metcalfe, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Voting nay: Senator McCaslin - 1.

Excused: Senators DeJarnatt, Fleming - 2.

ENGROSSED SENATE BILL NO. 5185, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 21, 1989

Mr. President:

The Speaker ruled the Senate amendments to HOUSE BILL NO. 2016 beyond the scope and object of the bill. The House refuses to concur in said amendments and asks the Senate to recede therefrom, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Saling, the Senate receded from its amendments to House Bill No. 2016.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Bill No. 2016, without the Senate amendments.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2016, without the Senate amendments, and the bill passed the Senate by the following vote: Yeas, 45; absent, 2; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vogt, von Reichbauer, Warnke, West, Williams, Wojahn - 45.

Absent: Senators Matson, McMullen - 2.

Excused: Senators DeJarnatt, Fleming - 2.

HOUSE BILL NO. 2016, without the Senate amendments, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 2:26 p.m., on motion of Senator Newhouse, the Senate was declared to be at ease.

The Senate was called to order at 3:29 p.m. by President Pritchard.

There being no objection, the President reverted the Senate to the third order of business.

MESSAGE FROM THE GOVERNOR

April 22, 1989

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to advise you that on April 22, 1989, Governor Gardner approved the following Senate Bills entitled:

Senate Bill No. 5023

Relating to proposed tariff changes.

Senate Bill No. 5143

Relating to ballot pages and the placement of candidates' names thereon.

Second Substitute Senate Bill No. 5174

Relating to a comprehensive state hydropower plan.

Substitute Senate Bill No. 5197

Relating to reporting of public officials' financial affairs.

Senate Bill No. 5368

Relating to urban arterials.

Senate Bill No. 5452

Relating to vehicle license fees.

Substitute Senate Bill No. 5469

Relating to alcoholism treatment facility patient records.

Substitute Senate Bill No. 5486

Relating to licenses for real estate brokers and salespersons.

Substitute Senate Bill No. 5501

Relating to indemnification of contract providers of health care services to the department of corrections.

Substitute Senate Bill No. 5553

Relating to regulation of excursion service carriers.

Senate Bill No. 5583

Relating to the Washington business corporation act.

Senate Bill No. 5595

Relating to distribution of drug samples.

Substitute Senate Bill No. 5681

Relating to asbestos projects.

Substitute Senate Bill No. 5868

Relating to hunting licenses for special big game hunts.

Sincerely,

TERRY SEBRING, Legal Counsel to the Governor

MOTIONS

On motion of Senator Newhouse, the Committee of Rules was relieved of further consideration of House Bill No. 2129.

On motion of Senator Newhouse, the rules were suspended and House Bill No. 2129 was advanced to second reading and placed on the second reading calendar.

MOTIONS

On motion of Senator Warnke, Senator Gaspard was excused.

On motion of Senator Anderson, Senators Hayner and McDonald were excused.

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

MESSAGE FROM THE HOUSE

April 22, 1989

Mr. President:

The House has adopted the Report of the Conference Committee on HOUSE BILL NO. 1354 and has granted said committee the powers of Free Conference.

ALAN THOMPSON, Chief Clerk

REPORT OF FREE CONFERENCE COMMITTEE

RE: HB 1354

Continuing the interagency committee for outdoor recreation.

April 21, 1989

Mr. President:

Mr. Speaker:

We of your Free Conference Committee, have had the same under consideration and we recommend that the measure be amended as proposed under the request for Free Conference and that the bill do pass as amended by the Free Conference Committee.

(See Report of Conference Committee on House Bill No. 1354 and the request for powers of Free Conference read in April 22, 1989.)

Signed by Senators Sellar, Kreidler: Representatives Fraser, Anderson, McLean.

MOTION

On motion of Senator Newhouse, the Report of the Free Conference Committee on House Bill No. 1354 was adopted.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1354, as amended by the Free Conference Committee.

Debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1354, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 33; nays, 11; absent, 1; excused, 4.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bender, Bluechel, Conner, Hansen, Johnson, Kreidler, Lee, Madsen, Matson, McMullen, Murray, Newhouse, Niemi, Owen, Patterson, Pullen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Vognild, von Reichbauer, Warnke, Williams, Wojahn - 33.

Voting nay: Senators Bailey, Benitz, Cantu, Craswell, Fleming, McCaslin, Metcalf, Moore, Nelson, Rasmussen, Thorsness - 11.

Absent: Senator West - 1.

Excused: Senators DeJarnatt, Gaspard, Hayner, McDonald - 4.

HOUSE BILL NO. 1354, as amended by the Free Conference Committee, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 21, 1989

Mr. President:

The House has passed ENGROSSED SENATE BILL NO. 6106 with the following amendments:

Strike everything after the enacting clause and insert the following:

***NEW SECTION.** Sec. 1. This act may be known and cited as the "maternity care access act of 1989."

NEW SECTION. Sec. 2. (1) The legislature finds that Washington state and the nation as a whole have a high rate of infant illness and death compared with other industrialized nations. This is especially true for minority and low-income populations. Premature and low weight births have been directly linked to infant illness and death. The availability of adequate maternity care throughout the course of pregnancy has been identified as a major factor in reducing infant illness and death. Further, the investment in preventive health care programs, such as maternity care, contributes to the growth of a healthy and productive society and is a sound approach to health care cost containment. The legislature further finds that access to maternity care for low-income women in the state of Washington has declined significantly in recent years and has reached a crisis level.

(2) It is the purpose of this chapter to provide, consistent with appropriated funds, maternity care necessary to ensure healthy birth outcomes for low-income families. To this end, a maternity care access system is established based on the following principles:

(a) The family is the fundamental unit in our society and should be supported through public policy.

(b) Access to maternity care for eligible persons should be made readily available in an expeditious manner through a single service entry point.

(c) Unnecessary barriers to maternity care for eligible persons should be removed.

(d) Access to preventive and other health care services should be available for low-income children.

(e) Each woman should be encouraged to and assisted in making her own informed decisions about her maternity care.

(f) Unnecessary barriers to the provision of maternity care by qualified health professionals should be removed.

(g) The system should be sensitive to cultural differences among eligible persons.

(h) To the extent possible, decisions about the scope, content, and delivery of services should be made at the local level involving a broad representation of community interests.

(i) The maternity care access system should be evaluated at appropriate intervals to determine effectiveness and need for modification.

(j) Maternity care services should be delivered in a cost-effective manner.

NEW SECTION. Sec. 3. The legislature reserves the right to amend or repeal all or any part of this chapter at any time and there shall be no vested private right of any kind against such amendment or repeal. All rights, privileges, or immunities conferred by this chapter or any acts done pursuant thereto shall exist subject to the power of the legislature to amend or repeal this chapter at any time.

NEW SECTION. Sec. 4. Unless the context clearly requires otherwise, the definitions in this section apply throughout sections 1 through 8 of this act:

(1) "At-risk eligible person" means an eligible person determined by the department to need special assistance in applying for and obtaining maternity care, including pregnant women who are substance abusers, pregnant and parenting adolescents, pregnant minority women, and other eligible persons who need special assistance in gaining access to the maternity care system.

(2) "County authority" means the board of county commissioners, county council, or county executive having the authority to participate in the maternity care access program or its designee. Two or more county authorities may enter into joint agreements to fulfill the requirements of this chapter.

(3) "Department" means the department of social and health services.

(4) "Eligible person" means a woman in need of maternity care or a child, who is eligible for medical assistance pursuant to chapter 74.09 RCW or the prenatal care program administered by the department.

(5) "Maternity care services" means inpatient and outpatient medical care, case management, and support services necessary during prenatal, delivery, and postpartum periods.

(6) "Support services" means, at least, public health nursing assessment and follow-up, health and childbirth education, psychological assessment and counseling, outreach services,

nutritional assessment and counseling, needed vitamin and nonprescriptive drugs, transportation, and child care. Support services may include alcohol and substance abuse treatment for pregnant women who are addicted or at risk of being addicted to alcohol or drugs to the extent funds are made available for that purpose by House Bill No. 1793, if enacted.

NEW SECTION. Sec. 5. In an effort to provide for healthy births, the department shall, consistent with the state budget act, develop a maternity care access program as follows:

(1) Provide maternity care services to low-income pregnant women and health care services to children in poverty to the maximum extent allowable under the medical assistance program, Title XIX of the federal social security act;

(2) Provide maternity care services to low-income women who are not eligible to receive such services under the medical assistance program, Title XIX of the federal social security act;

(3) By January 1, 1990, have the following procedures in place to improve access to maternity care services and eligibility determinations for pregnant women applying for maternity care services under the medical assistance program, Title XIX of the federal social security act:

(a) Use of a shortened and simplified application form;

(b) Outstationing department staff to make eligibility determinations;

(c) Establishing local plans at the county and regional level, coordinated by the department; and

(d) Conducting an interview for the purpose of determining medical assistance eligibility within five working days of the date of an application by a pregnant woman and making an eligibility determination within fifteen working days of the date of application by a pregnant woman;

(4) Establish a maternity care case management system that shall assist at-risk eligible persons with obtaining medical assistance benefits and receiving maternity care services, including transportation and child care services;

(5) Within available resources, establish appropriate reimbursement levels for maternity care providers;

(6) Implement a broad-based public education program that stresses the importance of obtaining maternity care early during pregnancy; and

(7) Study the desirability and feasibility of implementing the presumptive eligibility provisions set forth in section 9407 of the federal omnibus budget reconciliation act of 1986 and report to the appropriate committees of the legislature by December 1, 1989.

NEW SECTION. Sec. 6. (1) The department shall establish an alternative maternity care service delivery system, if it determines that a county or a group of counties is a maternity care distressed area. A maternity care distressed area shall be defined by the department, in rule, as a county or a group of counties where eligible women are unable to obtain adequate maternity care. The department shall include the following factors in its determination:

(a) Higher than average percentage of eligible persons in the distressed area who receive late or no prenatal care;

(b) Higher than average percentage of eligible persons in the distressed area who go out of the area to receive maternity care;

(c) Lower than average percentage of obstetrical care providers in the distressed area who provide care to eligible persons;

(d) Higher than average percentage of infants born to eligible persons per obstetrical care provider in the distressed area; and

(e) Higher than average percentage of infants that are of low birth weight, five and one-half pounds or two thousand five hundred grams, born to eligible persons in the distressed area.

(2) If the department determines that a maternity care distressed area exists, it shall notify the relevant county authority. The county authority shall, within one hundred twenty days, submit a brief report to the department recommending remedial action. The report shall be prepared in consultation with the department and its local community service offices, the local public health officer, community health clinics, health care providers, hospitals, the business community, labor representatives, and low-income advocates in the distressed area. A county authority may contract with a local nonprofit entity to develop the report. If the county authority is unwilling or unable to develop the report, it shall notify the department within thirty days, and the department shall develop the report for the distressed area.

(3) The department shall review the report and use it, to the extent possible, in developing strategies to improve maternity care access in the distressed area. The department may contract with or directly employ qualified maternity care health providers to provide maternity care services, if access to such providers in the distressed area is not possible by other means. In such cases, the department is authorized to pay that portion of the health care providers' malpractice liability insurance that represents the percentage of maternity care provided to eligible persons by that provider through increased medical assistance payments.

NEW SECTION. Sec. 7. To the extent that federal matching funds are available, the department or the department of health if one is created shall establish, in consultation with the health science programs of the state's colleges and universities, and community health clinics, a loan

repayment program that will encourage maternity care providers to practice in medically underserved areas in exchange for repayment of part or all of their health education loans.

Sec. 8. Section 4, chapter 30, Laws of 1967 ex. sess. as last amended by section 2, chapter 5, Laws of 1985 and RCW 74.09.510 are each amended to read as follows:

Medical assistance may be provided in accordance with eligibility requirements established by the department of social and health services, including the prohibition under RCW 74.09.532 through 74.09.536 against the knowing and willful assignment of property or cash for the purpose of qualifying for such assistance, as defined in the social security Title XIX state plan for mandatory categorically needy persons and: (1) Individuals who would be eligible for cash assistance except for their institutional status; (2) individuals who are under twenty-one years of age, who would be eligible for aid to families with dependent children, but do not qualify as dependent children and who are in (a) foster care, (b) subsidized adoption, (c) an intermediate care facility or an intermediate care facility for the mentally retarded, or (d) inpatient psychiatric facilities; (3) the aged, blind, and disabled who: (a) Receive only a state supplement, or (b) would not be eligible for cash assistance if they were not institutionalized; (4) individuals who would be eligible for but choose not to receive cash assistance; (5) ~~((pregnant women who would be eligible for aid to families with dependent children if the child had been born and was living with the mother during the month of the payment, and the pregnancy has been medically verified; (6)))~~ individuals who are enrolled in managed health care systems, who have otherwise lost eligibility for medical assistance, but who have not completed a current six-month enrollment in a managed health care system, and who are eligible for federal financial participation under Title XIX of the social security act; (6) children and pregnant women allowed by federal statute for whom funding is appropriated; and (7) other individuals eligible for medical services under RCW 74.09.035 and 74.09.700 for whom federal financial participation is available under Title XIX of the social security act.

NEW SECTION. Sec. 9. The department shall contract with an independent nonprofit entity to evaluate the effectiveness of the maternity care access program set forth in sections 1 through 7 of this act based on the principles set forth in section 2 of this act. The evaluation shall also address:

- (1) Characteristics of women receiving services, including health risk factors;
- (2) Services utilized by eligible women;
- (3) Birth outcomes of women receiving services;
- (4) Birth outcomes of women receiving services, by type of practitioner; and
- (5) Services utilized by eligible infants.

The department shall submit an evaluation report to the appropriate committees of the legislature by December 1, 1990.

NEW SECTION. Sec. 10. Sections 1 through 7 of this act shall be added to chapter 74.09 RCW and codified with the subchapter heading of "maternity care access program."

On page 1, line 1 of the title, after "services;" strike the remainder of the title and insert "amending RCW 74.09.510; adding new sections to chapter 74.09 RCW; and creating a new section."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Newhouse, the Senate did not concur in the House amendments to Engrossed Senate Bill No. 6106 and asks the House to recede therefrom.

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

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1542, by Committee on Health Care (originally sponsored by Representatives Braddock, Brooks, Locke, Cantwell, Day, Prentice, Morris, Sprenkle, Van Luvan, Beck, Silver, Baugher, Brough, Winsley, Brekke and P. King)

Creating a system making offenders accountable for legal financial obligations.

The bill was read the second time.

MOTIONS

Senator McDonald moved that the following Committee on Ways and Means amendment be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The purpose of this act is to create a system that: (1) Assists the courts in sentencing felony offenders regarding the offenders' legal financial obligations; (2) holds offenders accountable to victims, counties, cities, the state, municipalities, and society for the assessed costs associated with their crimes; and (3) provides remedies for an individual or other entities to recoup or at least defray a portion of the loss associated with the costs of felonious behavior.

Sec. 2. Section 11, chapter 145, Laws of 1988, section 1, chapter 153, Laws of 1988, section 2, chapter 154, Laws of 1988 and section 1, chapter 157, Laws of 1988 and RCW 9.94A.030 are each reenacted and amended to read as follows:

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

(1) "Commission" means the sentencing guidelines commission.

(2) "Community corrections officer" means an employee of the department who is responsible for carrying out specific duties in supervision of sentenced offenders and monitoring of sentence conditions.

(3) "Community custody" means that portion of an inmate's sentence of confinement in lieu of earned early release time served in the community subject to controls placed on the inmate's movement and activities by the department of corrections.

(4) "Community placement" means a one-year period during which the offender is subject to the conditions of community custody and/or postrelease supervision, which begins either upon completion of the term of confinement (postrelease supervision) or at such time as the offender is transferred to community custody in lieu of earned early release. Community placement may consist of entirely community custody, entirely postrelease supervision, or a combination of the two.

(5) "Community service" means compulsory service, without compensation, performed for the benefit of the community by the offender.

(6) "Community supervision" means a period of time during which a convicted offender is subject to crime-related prohibitions and other sentence conditions imposed pursuant to this chapter by a court. For first-time offenders, the supervision may include crime-related prohibitions and other conditions imposed pursuant to RCW 9.94A.120(5). For purposes of the interstate compact for out-of-state supervision of parolees and probationers, RCW 9.95.270, community supervision is the functional equivalent of probation and should be considered the same as probation by other states.

(7) "Confinement" means total or partial confinement as defined in this section.

(8) "Conviction" means an adjudication of guilt pursuant to Titles 10 or 13 RCW and includes a verdict of guilty, a finding of guilty, and acceptance of a plea of guilty.

(9) "Court-ordered legal financial obligation" means a sum of money that is ordered by a superior court of the state of Washington for legal financial obligations which include restitution to the victim, statutorily imposed crime victims' compensation fees as assessed pursuant to RCW 7.68.035, court costs, county or interlocal drug funds, court-appointed attorneys' fees, and costs of defense, fines, and any other financial obligation that is assessed to the offender as a result of a felony conviction. The legal financial obligation including those that are imposed on behalf of victims may be collected by the department of corrections and remitted to the court.

(10) "Crime-related prohibition" means an order of a court prohibiting conduct that directly relates to the circumstances of the crime for which the offender has been convicted, and shall not be construed to mean orders directing an offender affirmatively to participate in rehabilitative programs or to otherwise perform affirmative conduct.

~~((+))~~ (11) (a) "Criminal history" means the list of a defendant's prior convictions, whether in this state, in federal court, or elsewhere. The history shall include, where known, for each conviction (i) whether the defendant has been placed on probation and the length and terms thereof; and (ii) whether the defendant has been incarcerated and the length of incarceration.

(b) "Criminal history" includes a defendant's prior convictions in juvenile court if: (i) The conviction was for an offense which is a felony or a serious traffic offense and is criminal history as defined in RCW 13.40.020(6)(a); (ii) the defendant was fifteen years of age or older at the time the offense was committed; and (iii) with respect to prior juvenile class B and C felonies or serious traffic offenses, the defendant was less than twenty-three years of age at the time the offense for which he or she is being sentenced was committed.

~~((+))~~ (12) "Department" means the department of corrections.

~~((+))~~ (13) "Determinate sentence" means a sentence that states with exactitude the number of actual years, months, or days of total confinement, of partial confinement, of community supervision, the number of actual hours or days of community service work, or dollars or terms of a ~~(time or restitution)~~ legal financial obligation. The fact that an offender through "earned early release" can reduce the actual period of confinement shall not affect the classification of the sentence as a determinate sentence.

~~((+))~~ (14) "Disposable earnings" means that part of the earnings of an individual remaining after the deduction from those earnings of any amount required by law to be withheld. For the purposes of this definition, "earnings" means compensation paid or payable for personal

services, whether denominated as wages, salary, commission, bonuses, or otherwise, and, notwithstanding any other provision of law making the payments exempt from garnishment, attachment, or other process to satisfy a court-ordered legal financial obligation, specifically includes periodic payments pursuant to pension or retirement programs, or insurance policies of any type, but does not include payments made under Title 50 RCW, except as provided in RCW 50.40.020 and 50.40.050, or Title 74 RCW.

(15) "Drug offense" means:

(a) Any felony violation of chapter 69.50 RCW except possession of a controlled substance (RCW 69.50.401(d)) or forged prescription for a controlled substance (RCW 69.50.403);

(b) Any offense defined as a felony under federal law that relates to the possession, manufacture, distribution, or transportation of a controlled substance; or

(c) Any out-of-state conviction for an offense that under the laws of this state would be a felony classified as a drug offense under (a) of this subsection.

((14)) (16) "Escape" means:

(a) Escape in the first degree (RCW 9A.76.110), escape in the second degree (RCW 9A.76.120), willful failure to return from furlough (RCW 72.66.060), willful failure to return from work release (RCW 72.65.070), or willful failure to comply with any limitations on the inmate's movements while in community custody (RCW 72.09.310); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as an escape under (a) of this subsection.

((15)) (17) "Felony traffic offense" means:

(a) Vehicular homicide (RCW 46.61.520), vehicular assault (RCW 46.61.522), eluding a police officer (RCW 46.61.024), or felony hit-and-run injury-accident (RCW 46.52.020(4)); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a felony traffic offense under (a) of this subsection.

((16)) (18) "Fines" means the requirement that the offender pay a specific sum of money over a specific period of time to the court.

((17)) (19) (a) "First-time offender" means any person who is convicted of a felony (i) not classified as a violent offense or a sex offense under this chapter, or (ii) that is not the manufacture, delivery, or possession with intent to manufacture or deliver a controlled substance classified in schedule I or II that is a narcotic drug, and except as provided in (b) of this subsection, who previously has never been convicted of a felony in this state, federal court, or another state, and who has never participated in a program of deferred prosecution for a felony offense.

(b) For purposes of (a) of this subsection, a juvenile adjudication for an offense committed before the age of fifteen years is not a previous felony conviction.

((18)) (20) "Nonviolent offense" means an offense which is not a violent offense.

((19)) (21) "Offender" means a person who has committed a felony established by state law and is eighteen years of age or older or is less than eighteen years of age but whose case has been transferred by the appropriate juvenile court to a criminal court pursuant to RCW 13.40.110. Throughout this chapter, the terms "offender" and "defendant" are used interchangeably.

((20)) (22) "Partial confinement" means confinement for no more than one year in a facility or institution operated or utilized under contract by the state or any other unit of government, or, if home detention has been ordered by the court, in the residence of either the defendant or a member of the defendant's immediate family, for a substantial portion of each day with the balance of the day spent in the community. Partial confinement includes work release and home detention as defined in this section.

((21)) (23) "Postrelease supervision" is that portion of an offender's community placement that is not community custody.

((22)) (24) "Restitution" means the requirement that the offender pay a specific sum of money over a specific period of time to the court as payment of damages. The sum may include both public and private costs. The imposition of a restitution order does not preclude civil redress.

((23)) (25) "Serious traffic offense" means:

(a) Driving while intoxicated (RCW 46.61.502), actual physical control while intoxicated (RCW 46.61.504), reckless driving (RCW 46.61.500), or hit-and-run an attended vehicle (RCW 46.52.020(5)); or

(b) Any federal, out-of-state, county, or municipal conviction for an offense that under the laws of this state would be classified as a serious traffic offense under (a) of this subsection.

((24)) (26) "Serious violent offense" is a subcategory of violent offense and means:

(a) Murder in the first degree, homicide by abuse, murder in the second degree, assault in the first degree, kidnapping in the first degree, or rape in the first degree, or an attempt, criminal solicitation, or criminal conspiracy to commit one of these felonies; or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a serious violent offense under (a) of this subsection.

((25)) (27) "Sentence range" means the sentencing court's discretionary range in imposing a nonappealable sentence.

((26)) (28) "Sex offense" means:

(a) A felony that is a violation of chapter 9A.44 RCW or RCW 9A.64.020 or 9.68A.090 or that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit such crimes; or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a sex offense under (a) of this subsection.

((27)) (29) "Total confinement" means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for twenty-four hours a day, or pursuant to RCW 72.64.050 and 72.64.060.

((28)) (30) "Victim" means any person who has sustained physical or financial injury to person or property as a direct result of the crime charged.

((29)) (31) "Violent offense" means:

(a) Any of the following felonies, as now existing or hereafter amended: Any felony defined under any law as a class A felony or an attempt to commit a class A felony, criminal solicitation or criminal conspiracy to commit a class A felony, manslaughter in the first degree, manslaughter in the second degree, indecent liberties if committed by forcible compulsion, child molestation in the first degree, rape in the second degree, kidnapping in the second degree, arson in the second degree, assault in the second degree, extortion in the first degree, robbery in the second degree, vehicular assault, and vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a violent offense in (a) of this subsection; and

(c) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a violent offense under (a) or (b) of this subsection.

((30)) (32) "Work release" means a program of partial confinement available to offenders who are employed or engaged as a student in a regular course of study at school. Participation in work release shall be conditioned upon the offender attending work or school at regularly defined hours and abiding by the rules of the work release facility.

((31)) (33) "Home detention" means a program of partial confinement available to offenders wherein the offender is confined in a private residence subject to electronic surveillance. Home detention may not be imposed for offenders convicted of a violent offense, any sex offense, for the manufacture, delivery, or possession with intent to manufacture or deliver a controlled substance classified in schedule I or II that is a narcotic drug, reckless burning in the first or second degree as defined in RCW 9A.48.040 or 9A.48.050, assault in the third degree as defined in RCW 9A.36.031, unlawful imprisonment as defined in RCW 9A.40.040, burglary in the second degree as defined in RCW 9A.52.030, or harassment as defined in RCW 9A.46.020. Participation in a home detention program shall be conditioned upon: (a) The offender obtaining or maintaining current employment or attending a regular course of school study at regularly defined hours, (b) abiding by the rules of the home detention program, and (c) compliance with court-ordered (restitution) legal financial obligations.

NEW SECTION. Sec. 3. (1) Whenever a person is convicted of a felony, the court may order the payment of a legal financial obligation as part of the sentence. The court must on either the judgment and sentence or on a subsequent order to pay, designate the total amount of a legal financial obligation and segregate this amount among the separate assessments made for restitution, costs fines, and other assessments required by law. On the same order, the court is also to set a sum that the offender is required to pay on a monthly basis towards satisfying the legal financial obligation.

(2) All legal financial obligations that are ordered as a result of a conviction for a felony, may also be enforced in the same manner as a judgment in a civil action by the party or entity to whom the legal financial obligation is owed. Independent of the department, the party or entity to whom the legal financial obligation is owed shall have the authority to utilize any other remedies available to the party or entity to collect the legal financial obligation after the department's responsibility for collection has ceased.

(3) In order to assist the court in setting a monthly sum that the offender must pay during the period of supervision, the offender is required to report to the department for purposes of preparing a recommendation to the court. When reporting, the offender is required, under oath, to truthfully and honestly respond to all questions concerning present, past, and future earning capabilities and the location and nature of all property or financial assets. The offender is further required to bring any and all documents as requested by the department.

(4) After completing the investigation, the department shall make a report to the court on the amount of the monthly payment that the offender should be required to make towards a satisfied legal financial obligation.

(5) During the period of supervision, the department may make a recommendation to the court that the offender's monthly payment schedule be modified so as to reflect a change in financial circumstances. Also, during the period of supervision, the offender may be required at the request of the department to report to the department for the purposes of reviewing the

appropriateness of the collection schedule for the legal financial obligation. During this reporting, the offender is required under oath to truthfully and honestly respond to all questions concerning earning capabilities and the location and nature of all property or financial assets. Also, the offender is required to bring any and all documents as requested by the department in order to prepare the collection schedule.

(6) After the judgment and sentence or payment order is entered, the department shall for any period of supervision be authorized to collect the legal financial obligation from the offender. After the funds are collected by the department, the funds shall be remitted to the county clerk's office for the purposes of disbursement. The department is authorized to accept credit cards as payment for a legal financial obligation.

(7) The department or any obligee of the legal financial obligation may seek a mandatory wage assignment for the purposes of obtaining satisfaction for the legal financial obligation pursuant to section 9 of this act.

(8) The requirement that the offender pay a monthly sum towards a legal financial obligation constitutes a condition and term of community supervision and the offender is subject to the penalties as provided in RCW 9.94A.200 for noncompliance.

Sec. 4. Section 21, chapter 143, Laws of 1988, section 2, chapter 153, Laws of 1988 and section 3, chapter 154, Laws of 1988 and RCW 9.94A.120 are each reenacted and amended to read as follows:

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

(1) Except as authorized in subsections (2), (5), and (7) of this section, the court shall impose a sentence within the sentence range for the offense.

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

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

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

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

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

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

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

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

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

(f) Pay ~~((a fine))~~ all court-ordered legal financial obligations as provided in RCW 9.94A.030 and/or ~~((accomplish some))~~ perform community service work.

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

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

After receipt of the reports, the court shall then determine whether the offender and the community will benefit from use of this special sexual offender sentencing alternative. If the

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

- (i) Devote time to a specific employment or occupation;
- (ii) Undergo available outpatient sex offender treatment for up to two years, or inpatient sex offender treatment not to exceed the standard range of confinement for that offense. A community mental health center may not be used for such treatment unless it has an appropriate program designed for sex offender treatment;
- (iii) Remain within prescribed geographical boundaries and notify the court or the community corrections officer prior to any change in the offender's address or employment;
- (iv) Report as directed to the court and a community corrections officer;
- (v) Pay ~~((a fine, accomplish some;))~~ all court-ordered legal financial obligations as provided in RCW 9.94A.030, perform community service work, or any combination thereof; or
- (vi) Make recoupment to the victim for the cost of any counseling required as a result of the offender's crime.

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

(b) When an offender is convicted of any felony sexual offense committed before July 1, 1987, and is sentenced to a term of confinement of more than one year but less than six years, the sentencing court may, on its own motion or on the motion of the offender or the state, order the offender committed for up to thirty days to the custody of the secretary of social and health services for evaluation and report to the court on the offender's amenability to treatment at these facilities. If the secretary of social and health services cannot begin the evaluation within thirty days of the court's order of commitment, the offender shall be transferred to the state for confinement pending an opportunity to be evaluated at the appropriate facility. The court shall review the reports and may order that the term of confinement imposed be served in the sexual offender treatment program at the location determined by the secretary of social and health services or the secretary's designee, only if the report indicates that the offender is amenable to the treatment program provided at these facilities. The offender shall be transferred to the state pending placement in the treatment program. Any offender who has escaped from the treatment program shall be referred back to the sentencing court.

If the offender does not comply with the conditions of the treatment program, the secretary of social and health services may refer the matter to the sentencing court. The sentencing court shall commit the offender to the department of corrections to serve the balance of the term of confinement.

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

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

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

After June 30, 1993, this subsection (b) shall cease to have effect.

(c) When an offender commits any felony sexual offense on or after July 1, 1987, and is sentenced to a term of confinement of more than one year but less than six years, the sentencing court may, on its own motion or on the motion of the offender or the state, request the department of corrections to evaluate whether the offender is amenable to treatment and the department may place the offender in a treatment program within a correctional facility operated by the department.

Except for an offender who has been convicted of a violation of RCW 9A.44.040 or 9A.44.050, if the offender completes the treatment program before the expiration of his term of confinement, the department of corrections may request the court to convert the balance of confinement to community supervision and to place conditions on the offender including crime-related prohibitions and requirements that the offender perform any one or more of the following:

- (i) Devote time to a specific employment or occupation;
- (ii) Remain within prescribed geographical boundaries and notify the court or the community corrections officer prior to any change in the offender's address or employment;

- (iii) Report as directed to the court and a community corrections officer;
- (iv) Undergo available outpatient treatment.

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

Nothing in (c) of this subsection shall confer eligibility for such programs for offenders convicted and sentenced for a sexual offense committed prior to July 1, 1987.

(8) (a) When a court sentences a person to a term of total confinement to the custody of the department of corrections for an offense categorized as a sex offense, a serious violent offense, assault in the second degree, any crime against a person where it is determined in accordance with RCW 9.94A.125 that the defendant or an accomplice was armed with a deadly weapon at the time of commission, or any felony offense under chapter 69.50 or 69.52 RCW, committed on or after July 1, 1988, the court shall in addition to the other terms of the sentence, sentence the offender to a one-year term of community placement beginning either upon completion of the term of confinement or at such time as the offender is transferred to community custody in lieu of earned early release in accordance with RCW 9.94A.150(1). When the court sentences an offender under this section to the statutory maximum period of confinement then the community placement portion of the sentence shall consist entirely of such community custody to which the offender may become eligible, in accordance with RCW 9.94A.150(1). Any period of community custody actually served shall be credited against the community placement portion of the sentence.

(b) When a court sentences a person to a term of total confinement to the custody of the department of corrections for an offense categorized as a sex offense, a serious violent offense, assault in the second degree, any crime against a person where it is determined in accordance with RCW 9.94A.125 that the defendant or an accomplice was armed with a deadly weapon at the time of commission, or any felony offense under chapter 69.50 or 69.52 RCW, committed on or after July 1, 1988, unless a condition is waived by the court, the sentence shall include, in addition to the other terms of the sentence, a one-year term of community placement on the following conditions:

- (i) The offender shall report to and be available for contact with the assigned community corrections officer as directed;
- (ii) The offender shall work at department of corrections-approved education, employment, and/or community service;
- (iii) The offender shall not consume controlled substances except pursuant to lawfully issued prescriptions;
- (iv) An offender in community custody shall not unlawfully possess controlled substances; and
- (v) The offender shall pay ~~((community placement))~~ supervision fees as determined by the department of corrections.

(c) The court may also order any of the following special conditions:

- (i) The offender shall remain within, or outside of, a specified geographical boundary;
 - (ii) The offender shall not have direct or indirect contact with the victim of the crime or a specified class of individuals;
 - (iii) The offender shall participate in crime-related treatment or counseling services;
 - (iv) The offender shall not consume alcohol;
 - (v) The residence location and living arrangements of a sex offender shall be subject to the prior approval of the department of corrections; or
 - (vi) The offender shall comply with any crime-related prohibitions.
- (d) Prior to transfer to, or during, community placement, any conditions of community placement may be removed or modified so as not to be more restrictive by the sentencing court, upon recommendation of the department of corrections.

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

(10) If a sentence imposed includes ~~((a fine or restitution))~~ payment of a legal financial obligation, the sentence shall specify ~~((a reasonable manner and time in which the fine or restitution shall be paid. Restitution to victims shall be paid prior to any other payments of monetary obligations. In any sentence under this chapter the court may also require the offender to make such monetary payments, on such terms as it deems appropriate under the circumstances, as are necessary (a) to pay court costs, including reimbursement of the state for costs of extradition if return to this state by extradition was required. (b) to make recoupment of the cost of defense attorney's fees if counsel is provided at public expense. (c) to contribute to a county or interlocal drug fund, and (d) to make such other payments as provided by law))~~ the total amount of the legal financial obligation owed, and shall require the offender to pay a specified monthly sum toward that legal financial obligation. Restitution to victims shall be paid prior to any other payments of monetary obligations. Any legal financial obligation that is imposed by the court may be collected by the department, which shall deliver the amount

paid to the county clerk's office for credit. The offender's compliance with payment of ((monetary)) legal financial obligations shall be supervised by the department((The rate of payment shall be determined by the court or, in the absence of a rate determined by the court, the rate shall be set by the department)) for a period of ten years. All monetary payments ordered shall be paid no later than ten years after the ((most recent of either the)) last date of release from confinement pursuant to a felony conviction or the date the sentence was entered. Independent of the department, the party or entity to whom the legal financial obligation is owed shall have the authority to utilize any other remedies available to the party or entity to collect the legal financial obligation after the department's responsibility for collection has ceased. Nothing in this section makes the department, the state, or any of its employees, agents, or other persons acting on their behalf liable under any circumstances for the payment of these legal financial obligations. If an order includes restitution as one of the monetary assessments, the county clerk shall make disbursements to victims named in the order. ((The restitution to victims named in the order shall be paid prior to any payment for other penalties or monetary assessments.))

(1) Except as provided under RCW 9.94A.140(1) and 9.94A.142(1), a court may not impose a sentence providing for a term of confinement or community supervision or community placement which exceeds the statutory maximum for the crime as provided in chapter 9A.20 RCW.

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

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

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

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

(16) As a part of any sentence, the court may impose and enforce an order that relates directly to the circumstances of the crime for which the offender has been convicted, prohibiting the offender from having any contact with other specified individuals or a specific class of individuals for a period not to exceed the maximum allowable sentence for the crime, regardless of the expiration of the offender's term of community supervision.

(17) In any sentence of partial confinement, the court may require the defendant to serve the partial confinement in work release or in a program of home detention.

(18) All court-ordered legal financial obligations collected by the department and remitted to the county clerk shall be credited and paid where restitution is ordered. Restitution shall be paid prior to any other payments of monetary obligations.

Sec. 5. Section 14, chapter 137, Laws of 1981 as last amended by section 3, chapter 281, Laws of 1987 and RCW 9.94A.140 are each amended to read as follows:

(1) If restitution is ordered, the court shall determine the amount of restitution due at the sentencing hearing or within sixty days ((and may set the terms and conditions under which the defendant shall make restitution)). The court shall then set a minimum monthly payment that the offender is required to make towards the restitution that is ordered. The court should take into consideration the total amount of the restitution owed, the offender's present, past, and future ability to pay, as well as any assets that the offender may have. During the period of supervision, the community corrections officer may examine the offender to determine if there has been a change in circumstances that warrants an amendment of the monthly payment schedule. The community corrections officer may recommend a change to the schedule of payment and shall inform the court of the recommended change and the reasons for the change. The sentencing court may then reset the monthly minimum payments based on the report from the community corrections officer of the change in circumstances. Restitution ordered by a court pursuant to a criminal conviction shall be based on easily ascertainable damages for injury to or loss of property, actual expenses incurred for treatment for injury to persons, and lost wages resulting from injury. Restitution shall not include reimbursement for damages for mental anguish, pain and suffering, or other intangible losses, but may include the costs of counseling reasonably related to the offense. The amount of restitution shall not exceed double the amount of the offender's gain or the victim's loss from the commission of the crime. For the purposes of this section, the offender shall remain under the court's jurisdiction for a maximum term of ten years subsequent to the imposition of sentence. The portion of the

sentence concerning restitution may be modified as to amount, terms and conditions during the ten-year period, regardless of the expiration of the offender's term of community supervision and regardless of the statutory maximum for the crime. The offender's compliance with the restitution shall be supervised by the department for a maximum period of ten years.

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

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

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

Sec. 6. Section 10, chapter 443, Laws of 1985 as amended by section 4, chapter 281, Laws of 1987 and RCW 9.94A.142 are each amended to read as follows:

(1) When restitution is ordered, the court shall determine the amount of restitution due at the sentencing hearing or within sixty days (~~and shall set the terms and conditions under which the defendant shall make restitution~~). The court shall then set a minimum monthly payment that the offender is required to make towards the restitution that is ordered. The court should take into consideration the total amount of the restitution owed, the offender's present, past, and future ability to pay, as well as any assets that the offender may have. During the period of supervision, the community corrections officer may examine the offender to determine if there has been a change in circumstances that warrants an amendment of the monthly payment schedule. The community corrections officer may recommend a change to the schedule of payment and shall inform the court of the recommended change and the reasons for the change. The sentencing court may then reset the monthly minimum payments based on the report from the community corrections officer of the change in circumstances. Restitution ordered by a court pursuant to a criminal conviction shall be based on easily ascertainable damages for injury to or loss of property, actual expenses incurred for treatment for injury to persons, and lost wages resulting from injury. Restitution shall not include reimbursement for damages for mental anguish, pain and suffering, or other intangible losses, but may include the costs of counseling reasonably related to the offense. The amount of restitution shall not exceed double the amount of the offender's gain or the victim's loss from the commission of the crime. For the purposes of this section, the offender shall remain under the court's jurisdiction for a maximum term of ten years subsequent to the imposition of sentence. The portion of the sentence concerning restitution may be modified as to amount, terms and conditions during the ten-year period, regardless of the expiration of the offender's term of community supervision and regardless of the statutory maximum for the crime. The offender's compliance with the restitution shall be supervised by the department for a maximum period of ten years.

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

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

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

(5) This section shall apply to offenses committed after July 1, 1985.

Sec. 7. Section 20, chapter 137, Laws of 1981 as last amended by section 11, chapter 153, Laws of 1988 and by section 2, chapter 155, Laws of 1988 and RCW 9.94A.200 are each re-enacted and amended to read as follows:

(1) If an offender violates any condition or requirement of a sentence, the court may modify its order of judgment and sentence and impose further punishment in accordance with this section.

(2) If an offender fails to comply with any of the requirements or conditions of a sentence the following provisions apply:

(a) The court, upon the motion of the state, or upon its own motion, shall require the offender to show cause why the offender should not be punished for the noncompliance. The court may issue a summons or a warrant of arrest for the offender's appearance;

(b) The state has the burden of showing noncompliance by a preponderance of the evidence. If the court finds that the violation has occurred, it may order the offender to be confined for a period not to exceed sixty days for each violation, and may (i) convert a term of partial confinement to total confinement, (ii) convert community service obligation to total or partial confinement, or (iii) convert monetary obligations, except restitution and the crime victim penalty assessment, to community service hours at the rate of the state minimum wage as established in RCW 49.46.020 for each hour of community service. Any time served in confinement awaiting a hearing on noncompliance shall be credited against any confinement order by the court; and

(c) If the court finds that the violation was not willful, the court may modify its previous order regarding payment of (~~fines or other monetary payments~~) legal financial obligations and regarding community service obligations.

(3) Nothing in this section prohibits the filing of escape charges if appropriate.

Sec. 8. Section 2, chapter 207, Laws of 1982 as amended by section 15, chapter 209, Laws of 1984 and RCW 9.94A.270 are each amended to read as follows:

(1) Whenever a punishment imposed under this chapter requires community supervision services to be provided, the sentencing court shall require that the offender pay to the department of corrections the monthly assessment, prescribed under subsection (2) of this section, which shall be for the duration of the probation and which shall be considered as payment or part payment of the cost of providing probation supervision to the probationer. The court may exempt a person from the payment of all or any part of the assessment based upon any of the following factors:

(a) The offender has diligently attempted but has been unable to obtain employment that provides the offender sufficient income to make such payments.

(b) The offender is a student in a school, college, university, or a course of vocational or technical training designed to fit the student for gainful employment.

(c) The offender has an employment handicap, as determined by an examination acceptable to or ordered by the court.

(d) The offender's age prevents him from obtaining employment.

(e) The offender is responsible for the support of dependents and the payment of the assessment constitutes an undue hardship on the offender.

(f) Other extenuating circumstances as determined by the court.

(2) The department of corrections shall adopt a rule prescribing the amount of the assessment. The department may, if it finds it appropriate, prescribe a schedule of assessments that shall vary in accordance with the intensity or cost of the supervision. The department may not prescribe any assessment that is less than ten dollars nor more than fifty dollars.

(3) All amounts required to be paid under this section shall be collected by the department of corrections and deposited by the department in the (~~state general~~) dedicated fund established pursuant to section 26 of this act.

(4) This section shall not apply to probation services provided under an interstate compact pursuant to chapter 9.95 RCW or to probation services provided for persons placed on probation prior to June 10, 1982.

NEW SECTION. Sec. 9. A petition or motion seeking a mandatory wage assignment in a criminal action may be filed by the department or any obligee if the offender is more than thirty days past due in monthly payments in an amount equal to or greater than the amount payable for one month. The petition or motion shall include a sworn statement by the secretary or designee, or if filed solely by an obligee, by such obligee, stating the facts authorizing the issuance of the wage assignment order, including: (1) That the offender, stating his or her name and last known residence, is more than thirty days past due in payments in an amount equal to or greater than the amount payable for one month; (2) a description of the terms of the judgment and sentence and/or payment order requiring payment of a court-ordered legal financial obligation, the total amount remaining unpaid, and the amount past due; (3) the name and address of the offender's employer; (4) that notice by personal service, or any form of mail requiring a return receipt, has been provided to the offender at least fifteen days prior to the filing of a mandatory wage assignment, unless the judgment and sentence or the order for payment states that the department or obligee may seek a mandatory wage assignment without notice to the defendant. A copy of the judgment and sentence or payment order shall be attached to the petition or motion seeking the wage assignment.

NEW SECTION. Sec. 10. Upon receipt of a petition or motion seeking a mandatory wage assignment that complies with section 9 of this act, the court shall issue a wage assignment order as provided in section 12 of this act and including the information required in section 9 of this act, directed to the employer, and commanding the employer to answer the order on the forms served with the order that comply with section 14 of this act within twenty days after service of the order upon the employer.

NEW SECTION. Sec. 11. (1) The wage assignment order in section 10 of this act shall include: (a) The maximum amount or current amount owed on a court-ordered legal financial obligation, if any, to be withheld from the defendant's earnings each month, or from each earnings disbursement; and (b) the total amount of the arrearage or reimbursement judgment previously entered by the court, if any, together with interest, if any.

(2) The total amount to be withheld from the defendant's earnings each month, or from each earnings disbursement, shall not exceed twenty-five percent of the disposable earnings of the defendant. If the amounts to be paid toward the arrearage are specified in the payment order, then the maximum amount to be withheld is the sum of the current amount owed and the amount ordered to be paid toward the arrearage, or twenty-five percent of the disposable earnings of the defendant, whichever is less.

(3) If the defendant is subject to two or more attachments for payment of a court-ordered legal financial obligation on account of different obligees, the employer shall, if the nonexempt portion of the defendant's earnings is not sufficient to respond fully to all the attachments, apportion the defendant's nonexempt disposable earnings between or among the various obligees equally. Any obligee may seek a court order reapportioning the defendant's nonexempt disposable earnings upon notice to all interested parties. Notice shall be by personal service, or in the manner provided by the civil rules of superior court or applicable statute.

NEW SECTION. Sec. 12. The department shall develop a form and adopt rules for the wage assignment order.

NEW SECTION. Sec. 13. (1) An employer upon whom service of a wage assignment order has been made shall answer the order by sworn affidavit within twenty days after the date of service. The answer shall state whether the offender is employed by or receives earnings from the employer, whether the employer will honor the wage assignment order, and whether there are multiple attachments against the offender.

(2) If the employer possesses any earnings due and owing to the offender, the earnings subject to the wage assignment order shall be withheld immediately upon receipt of the wage assignment order. The employer shall deliver the withheld earnings to the department of corrections pursuant to the wage assignment order. The department will then remit the money to the clerk of the court from which the order originated. The employer shall make the first delivery no sooner than twenty days after receipt of the wage assignment order.

(3) The employer shall continue to withhold the ordered amounts from nonexempt earnings of the offender until notified that the wage assignment has been modified or terminated. The employer shall promptly notify the clerk of the court who entered the order when the employee is no longer employed.

(4) The employer may deduct a processing fee from the remainder of the employee's earnings after withholding under the wage assignment order, even if the remainder is exempt under section 11 of this act. The processing fee may not exceed: (a) Ten dollars for the first disbursement made by the employer to the clerk of the court; and (b) one dollar for each subsequent disbursement made under the wage assignment order.

(5) An order for wage assignment entered under this chapter shall have priority over any other wage assignment or garnishment, except for a wage assignment or garnishment for child support, or an order to withhold and deliver under chapter 74.20A RCW or any other collection action under chapter 26.18 or 26.23 RCW.

(6) An employer who fails to withhold earnings as required by a wage assignment order issued under this chapter may be held liable for the amounts disbursed to the offender in violation of the wage assignment order, and may be found by the court to be in contempt of court and may be punished as provided by law.

(7) No employer who complies with a wage assignment order issued under this chapter may be liable to the employee for wrongful withholding.

(8) No employer may discharge, discipline, or refuse to hire an employee because of the entry or service of a wage assignment order issued and executed under this chapter. A person who violates this subsection may be found by the court to be in contempt of court and may be punished as provided by law.

(9) An employer shall deliver a copy of the wage assignment order to the obligor as soon as is reasonably possible.

NEW SECTION. Sec. 14. The department shall develop a form and adopt rules for the wage assignment answer.

NEW SECTION. Sec. 15. (1) Service of the wage assignment order on the employer is invalid unless it is served with five answer forms in substantial conformance with section 14 of this act, together with stamped envelopes addressed to, respectively, the clerk of the court where the order was issued, the obligee's attorney, the petitioner, the department, and the obligor. The petitioner shall also include an extra copy of the wage assignment order for the employer to deliver to the obligor. Service on the employer shall be in person or by any form of mail requiring a return receipt.

(2) On or before the date of service of the wage assignment order on the employer, the petitioner shall mail or cause to be mailed by certified mail a copy of the wage assignment order to the obligor at the obligor's last known post office address; or, in the alternative, a copy

of the wage assignment order shall be served on the obligor in the same manner as a summons in a civil action on, before, or within two days after the date of service of the order on the employer. This requirement is not jurisdictional, but if the copy is not mailed or served as this subsection provides, or if any irregularity appears with respect to the mailing of service, the superior court, in its discretion, may quash the wage assignment order, upon motion of the obligor promptly made and supported by an affidavit showing that the defendant has suffered substantial injury due to the failure to mail or serve the copy.

NEW SECTION, Sec. 16. In a hearing to quash, modify, or terminate the wage assignment order, the court may grant relief only upon a showing that the wage assignment order causes extreme hardship or substantial injustice. Satisfaction by the defendant of all past-due payments subsequent to the issuance of the wage assignment order is not grounds to quash, modify, or terminate the wage assignment order. If a wage assignment order has been in operation for twelve consecutive months and the obligor's payment towards a court-ordered legal financial obligation is current, the court may terminate the order upon motion of the obligor unless the obligee or the department can show good cause as to why the wage assignment order should remain in effect.

NEW SECTION, Sec. 17. In any action to enforce legal financial obligations under this chapter, the prevailing party is entitled to a recovery of costs, including an award for reasonable attorneys' fees. An obligor may not be considered a prevailing party under this section unless the obligee has acted in bad faith in connection with the proceeding in question.

NEW SECTION, Sec. 18. For those individuals who, as a condition and term of their sentence imposed on or before July 1, 1989, have had financial obligations imposed, and who are not in compliance with the court order requiring payment of that legal financial obligation, no action shall be brought before the court from July 1, 1989, through and including December 31, 1989, to impose a penalty for their failure to pay. All individuals who, after December 31, 1989, have not taken the opportunity to bring their legal financial obligation current, shall be proceeded against pursuant to RCW 9.94A.200.

NEW SECTION, Sec. 19. Sections 3 and 9 through 18 of this act are each added to chapter 9.94A RCW.

Sec. 20. Section 1, chapter 207, Laws of 1982 and RCW 72.04A.120 are each amended to read as follows:

(1) Any person placed on parole shall be required to pay the monthly assessment, prescribed under subsection (2) of this section, which shall be for the duration of the parole and which shall be considered as payment or part payment of the cost of providing parole supervision to the parolee. The board may exempt a person from the payment of all or any part of the assessment based upon any of the following factors:

(a) The offender has diligently attempted but has been unable to obtain employment which provides the offender sufficient income to make such payments.

(b) The offender is a student in a school, college, university, or a course of vocational or technical training designed to fit the student for gainful employment.

(c) The offender has an employment handicap, as determined by an examination acceptable to or ordered by the board.

(d) The offender's age prevents him from obtaining employment.

(e) The offender is responsible for the support of dependents and the payment of the assessment constitutes an undue hardship on the offender.

(f) Other extenuating circumstances as determined by the board.

(2) The department of corrections shall adopt a rule prescribing the amount of the assessment. The department may, if it finds it appropriate, prescribe a schedule of assessments which shall vary in accordance with the intensity or cost of the supervision. The department may not prescribe any assessment which is less than ten dollars nor more than fifty dollars.

(3) Payment of the assessed amount shall constitute a condition of parole for purposes of the application of RCW 72.04A.090.

(4) All amounts required to be paid under this section shall be collected by the department of corrections and deposited by the department in the ~~((state general))~~ dedicated fund established pursuant to section 26 of this act.

(5) This section shall not apply to parole services provided under an interstate compact pursuant to chapter 9.95 RCW or to parole services provided for offenders paroled before June 10, 1982.

Sec. 21. Section 6, chapter 17, Laws of 1967 and RCW 72.65.060 are each amended to read as follows:

The earnings of a work release participant shall not be subject to garnishment, attachment, or execution while such earnings are either in the possession of the employer or any state officer authorized to hold such funds, except for payment of a court-ordered legal financial obligation as that term is defined in section 22 of this act.

NEW SECTION, Sec. 22. Unless a different meaning is plainly required by the context, the following words and phrases as hereafter used in this chapter shall have the following meanings:

(1) "Court-ordered legal financial obligation" means a sum of money that is ordered by a superior court of the state of Washington for payment of restitution to a victim, statutorily imposed crime victims compensation fee, court costs, a county or interlocal drug fund, court-appointed attorneys' fees and costs of defense, fines, and any other legal financial obligation that is assessed as a result of a felony conviction.

(2) "Department" means the department of corrections.

(3) "Offender" means an individual who is currently under the jurisdiction of the Washington state department of corrections, and who also has a court-ordered legal financial obligation as a result of a felony conviction.

(4) "Secretary" means the secretary of the department of corrections or the secretary's designee.

(5) "Superintendent" means the superintendent of a correctional facility under the jurisdiction of the Washington state department of corrections.

NEW SECTION. Sec. 23. The secretary shall be custodian of all funds of a convicted person that are in his or her possession upon admission to a state institution, or that are sent or brought to the person, or earned by the person while in custody, or that are forwarded to the superintendent on behalf of a convicted person. All such funds shall be deposited in the personal account of the convicted person within the institutional resident deposit account as established by the office of financial management pursuant to RCW 43.88.195, and the secretary shall have authority to disburse money from such person's personal account for the purposes of satisfying a court-ordered legal financial obligation. Unless specifically granted authority herein, at no time shall the withdrawal of funds for the payment of a legal financial obligation result in reducing the inmate's account to an amount less than the defined level of indigency to be determined by the department.

Further, unless specifically altered herein, court-ordered legal financial obligations shall be paid.

NEW SECTION. Sec. 24. (1) Except as otherwise provided herein, all court-ordered legal financial obligations shall take priority over any other statutorily imposed mandatory withdrawals from inmate's accounts.

(2) For those inmates who are on work release pursuant to chapter 72.65 RCW, before any legal financial obligations are withdrawn from the inmate's account, the inmate is entitled to payroll deductions that are required by law, or such payroll deductions as may reasonably be required by the nature of the employment unless any such amount which his or her work release plan specifies should be retained to help meet the inmate's needs, including costs necessary for his or her participation in the work release plan such as travel, meals, clothing, tools, and other incidentals.

(3) Before the payment of any court-ordered legal financial obligation is required, the department is entitled to reimbursement for any expenses advanced for vocational training pursuant to RCW 72.65.020(2), for expenses incident to a work release plan pursuant to RCW 72.65.090, payments for board and room charges for the work release participant, and payments that are necessary for the support of the work release participant's dependents, if any.

NEW SECTION. Sec. 25. Sections 22 through 24 of this act shall constitute a new chapter in Title 72 RCW.

NEW SECTION. Sec. 26. The cost of supervision fund is created in the custody of the state treasurer. All receipts from assessments made under RCW 9.94A.270 and 72.04A.120 shall be deposited into the fund. Expenditures from the fund may be used only to support the collection of legal financial obligations. Only the secretary of the department of corrections or the secretary's designee may authorize expenditures from the fund. The fund is subject to allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures.

NEW SECTION. Sec. 27. Except for sections 18, 22, 23, and 24 of this act, this act applies prospectively only and not retrospectively. It applies only to offenses committed on or after the effective date of this act.

NEW SECTION. Sec. 28. The department of corrections and the county clerks association shall develop compatible management and accounting systems that will result in increased collections of legal financial obligations and report their proposed systems to the senate health care and corrections committee and the house health care committee by December 1, 1989.

Sec. 29. Section 10, chapter 302, Laws of 1977 ex. sess. as last amended by section 1, chapter 281, Laws of 1987 and RCW 7.68.035 are each amended to read as follows:

(1) Whenever any person is found guilty in any superior court of having committed a crime, except as provided in subsection (2) of this section, there shall be imposed by the court upon such convicted person a penalty assessment. The assessment shall be in addition to any other penalty or fine imposed by law and shall be ~~(seventy)~~ one hundred dollars for each case or cause of action that includes one or more convictions of a felony or gross misdemeanor and ~~(forty-five)~~ seventy-five dollars for any case or cause of action that includes convictions of only one or more misdemeanors.

(2) The assessment imposed by subsection (1) of this section shall not apply to motor vehicle crimes defined in Title 46 RCW except those defined in the following sections: RCW 46.61.520, 46.61.522, 46.61.024, 46.52.090, 46.70.140, 46.65.090, 46.61.502, 46.61.504, 46.52.100, 46.20.410,

46.52.020, 46.10.130, 46.09.130, 46.61.525, 46.61.685, 46.61.530, 46.61.500, 46.61.015, 46.52.010, 46.44.180, 46.10.090(2), and 46.09.120(2).

(3) Whenever any person accused of having committed a crime posts bail in superior court pursuant to the provisions of chapter 10.19 RCW and such bail is forfeited, there shall be deducted from the proceeds of such forfeited bail a penalty assessment, in addition to any other penalty or fine imposed by law, equal to the assessment which would be applicable under subsection (1) of this section if the person had been convicted of the crime.

(4) Such penalty assessments shall be paid by the clerk of the superior court to the county treasurer who shall monthly transmit the money as provided in RCW 10.82.070. Each county shall deposit not less than one and seventy-five one-hundredths percent of the money it retains under RCW 10.82.070 and chapter 3.62 RCW and all money it receives under subsection (8) of this section into a fund maintained exclusively for the support of comprehensive programs to encourage and facilitate testimony by the victims of crimes and witnesses to crimes. A program shall be considered "comprehensive" only after approval of the department upon application by the county prosecuting attorney. The department shall approve as comprehensive only programs which:

(a) Provide comprehensive services to victims and witnesses of all types of crime with particular emphasis on serious crimes against persons and property. It is the intent of the legislature to make funds available only to programs which do not restrict services to victims or witnesses of a particular type or types of crime and that such funds supplement, not supplant, existing local funding levels;

(b) Are administered by the county prosecuting attorney either directly through the prosecuting attorney's office or by contract between the county and agencies providing services to victims of crime;

(c) Make a reasonable effort to inform the known victim or his surviving dependents of the existence of this chapter and the procedure for making application for benefits;

(d) Assist victims in the restitution and adjudication process; and

(e) Assist victims of violent crimes in the preparation and presentation of their claims to the department of labor and industries under this chapter.

Before a program in any county west of the Cascade mountains is submitted to the department for approval, it shall be submitted for review and comment to each city within the county with a population of more than one hundred fifty thousand. The department will consider if the county's proposed comprehensive plan meets the needs of crime victims in cases adjudicated in municipal, district or superior courts and of crime victims located within the city and county.

(5) Upon submission to the department of a letter of intent to adopt a comprehensive program, the prosecuting attorney shall retain the money deposited by the county under subsection (4) of this section until such time as the county prosecuting attorney has obtained approval of a program from the department. Approval of the comprehensive plan by the department must be obtained within one year of the date of the letter of intent to adopt a comprehensive program. The county prosecuting attorney shall not make any expenditures from the money deposited under subsection (4) of this section until approval of a comprehensive plan by the department. If a county prosecuting attorney has failed to obtain approval of a program from the department under subsection (4) of this section or failed to obtain approval of a comprehensive program within one year after submission of a letter of intent under this section, the county treasurer shall monthly transmit one hundred percent of the money deposited by the county under subsection (4) of this section to the state treasurer for deposit in the public safety and education account established under RCW 43.08.250.

(6) County prosecuting attorneys are responsible to make every reasonable effort to insure that the penalty assessments of this chapter are imposed and collected.

(7) Penalty assessments under this section shall also be imposed in juvenile offense dispositions under Title 13 RCW. Upon motion of a party and a showing of good cause, the court may modify the penalty assessment in the disposition of juvenile offenses under Title 13 RCW.

(8) Every city and town shall transmit monthly one and seventy-five one-hundredths percent of all money, other than money received for parking infractions, retained under RCW 3.46.120, 3.50.100, and 35.20.220 to the county treasurer for deposit as provided in subsection (4) of this section.

NEW SECTION. Sec. 30. (1) Sections 1 through 17, 19 through 21, 25, 26, and 28 of this act shall take effect July 1, 1990 unless otherwise directed by law.

(2) Sections 18, 22, 23, and 24 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1989.

NEW SECTION. Sec. 31. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Senator Pullen moved that the following amendment by Senators Pullen, West, Hayner, Wojahn and Talmadge to the Committee on Ways and Means amendment be adopted:

On page 1, beginning on line 14, strike all of sections 2 through 31 and insert the following:
 "Sec. 2. Section 11, chapter 145, Laws of 1988, section 1, chapter 153, Laws of 1988, section 2, chapter 154, Laws of 1988 and section 1, chapter 157, Laws of 1988 and RCW 9.94A.030 are each reenacted and amended to read as follows:

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

(1) "Collect," or any derivative thereof, "collect and remit," or "collect and deliver," when used with reference to the department of corrections, means that the department is responsible for monitoring and enforcing the offender's sentence with regard to the legal financial obligation, receiving payment thereof from the offender, and, consistent with current law, delivering daily the entire payment to the superior court clerk without depositing it in a departmental account.

(2) "Commission" means the sentencing guidelines commission.

~~((2))~~ (3) "Community corrections officer" means an employee of the department who is responsible for carrying out specific duties in supervision of sentenced offenders and monitoring of sentence conditions.

~~((3))~~ (4) "Community custody" means that portion of an inmate's sentence of confinement in lieu of earned early release time served in the community subject to controls placed on the inmate's movement and activities by the department of corrections.

~~((4))~~ (5) "Community placement" means a one-year period during which the offender is subject to the conditions of community custody and/or postrelease supervision, which begins either upon completion of the term of confinement (postrelease supervision) or at such time as the offender is transferred to community custody in lieu of earned early release. Community placement may consist of entirely community custody, entirely postrelease supervision, or a combination of the two.

~~((5))~~ (6) "Community service" means compulsory service, without compensation, performed for the benefit of the community by the offender.

~~((6))~~ (7) "Community supervision" means a period of time during which a convicted offender is subject to crime-related prohibitions and other sentence conditions imposed pursuant to this chapter by a court. For first-time offenders, the supervision may include crime-related prohibitions and other conditions imposed pursuant to RCW 9.94A.120(5). For purposes of the interstate compact for out-of-state supervision of parolees and probationers, RCW 9.95-.270, community supervision is the functional equivalent of probation and should be considered the same as probation by other states.

~~((7))~~ (8) "Confinement" means total or partial confinement as defined in this section.

~~((8))~~ (9) "Conviction" means an adjudication of guilt pursuant to Titles 10 or 13 RCW and includes a verdict of guilty, a finding of guilty, and acceptance of a plea of guilty.

~~((9))~~ (10) "Court-ordered legal financial obligation" means a sum of money that is ordered by a superior court of the state of Washington for legal financial obligations which may include restitution to the victim, statutorily imposed crime victims' compensation fees as assessed pursuant to RCW 7.68.035, court costs, county or interlocal drug funds, court-appointed attorneys' fees, and costs of defense, fines, and any other financial obligation that is assessed to the offender as a result of a felony conviction.

(11) "Crime-related prohibition" means an order of a court prohibiting conduct that directly relates to the circumstances of the crime for which the offender has been convicted, and shall not be construed to mean orders directing an offender affirmatively to participate in rehabilitative programs or to otherwise perform affirmative conduct.

~~((10))~~ (12) (a) "Criminal history" means the list of a defendant's prior convictions, whether in this state, in federal court, or elsewhere. The history shall include, where known, for each conviction (i) whether the defendant has been placed on probation and the length and terms thereof; and (ii) whether the defendant has been incarcerated and the length of incarceration.

(b) "Criminal history" includes a defendant's prior convictions in juvenile court if: (i) The conviction was for an offense which is a felony or a serious traffic offense and is criminal history as defined in RCW 13.40.020(6)(a); (ii) the defendant was fifteen years of age or older at the time the offense was committed; and (iii) with respect to prior juvenile class B and C felonies or serious traffic offenses, the defendant was less than twenty-three years of age at the time the offense for which he or she is being sentenced was committed.

~~((11))~~ (13) "Department" means the department of corrections.

~~((12))~~ (14) "Determinate sentence" means a sentence that states with exactitude the number of actual years, months, or days of total confinement, of partial confinement, of community supervision, the number of actual hours or days of community service work, or dollars or terms of a ~~(time or restitution)~~ legal financial obligation. The fact that an offender through "earned early release" can reduce the actual period of confinement shall not affect the classification of the sentence as a determinate sentence.

~~((+3))~~ (15) "Disposable earnings" means that part of the earnings of an individual remaining after the deduction from those earnings of any amount required by law to be withheld. For the purposes of this definition, "earnings" means compensation paid or payable for personal services, whether denominated as wages, salary, commission, bonuses, or otherwise, and, notwithstanding any other provision of law making the payments exempt from garnishment, attachment, or other process to satisfy a court-ordered legal financial obligation, specifically includes periodic payments pursuant to pension or retirement programs, or insurance policies of any type, but does not include payments made under Title 50 RCW, except as provided in RCW 50.40.020 and 50.40.050, or Title 74 RCW.

(16) "Drug offense" means:

(a) Any felony violation of chapter 69.50 RCW except possession of a controlled substance (RCW 69.50.401(d)) or forged prescription for a controlled substance (RCW 69.50.403);

(b) Any offense defined as a felony under federal law that relates to the possession, manufacture, distribution, or transportation of a controlled substance; or

(c) Any out-of-state conviction for an offense that under the laws of this state would be a felony classified as a drug offense under (a) of this subsection.

~~((+4))~~ (17) "Escape" means:

(a) Escape in the first degree (RCW 9A.76.110), escape in the second degree (RCW 9A.76.120), willful failure to return from furlough (RCW 72.66.060), willful failure to return from work release (RCW 72.65.070), or willful failure to comply with any limitations on the inmate's movements while in community custody (RCW 72.09.310); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as an escape under (a) of this subsection.

~~((+5))~~ (18) "Felony traffic offense" means:

(a) Vehicular homicide (RCW 46.61.520), vehicular assault (RCW 46.61.522), eluding a police officer (RCW 46.61.024), or felony hit-and-run injury-accident (RCW 46.52.020(4)); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a felony traffic offense under (a) of this subsection.

~~((+6))~~ (19) "Fines" means the requirement that the offender pay a specific sum of money over a specific period of time to the court.

~~((+7))~~ (20) (a) "First-time offender" means any person who is convicted of a felony (i) not classified as a violent offense or a sex offense under this chapter, or (ii) that is not the manufacture, delivery, or possession with intent to manufacture or deliver a controlled substance classified in schedule I or II that is a narcotic drug, and except as provided in (b) of this subsection, who previously has never been convicted of a felony in this state, federal court, or another state, and who has never participated in a program of deferred prosecution for a felony offense.

(b) For purposes of (a) of this subsection, a juvenile adjudication for an offense committed before the age of fifteen years is not a previous felony conviction.

~~((+8))~~ (21) "Nonviolent offense" means an offense which is not a violent offense.

~~((+9))~~ (22) "Offender" means a person who has committed a felony established by state law and is eighteen years of age or older or is less than eighteen years of age but whose case has been transferred by the appropriate juvenile court to a criminal court pursuant to RCW 13.40.110. Throughout this chapter, the terms "offender" and "defendant" are used interchangeably.

~~((20))~~ (23) "Partial confinement" means confinement for no more than one year in a facility or institution operated or utilized under contract by the state or any other unit of government, or, if home detention has been ordered by the court, in the residence of either the defendant or a member of the defendant's immediate family, for a substantial portion of each day with the balance of the day spent in the community. Partial confinement includes work release and home detention as defined in this section.

~~((21))~~ (24) "Postrelease supervision" is that portion of an offender's community placement that is not community custody.

~~((22))~~ (25) "Restitution" means the requirement that the offender pay a specific sum of money over a specific period of time to the court as payment of damages. The sum may include both public and private costs. The imposition of a restitution order does not preclude civil redress.

~~((23))~~ (26) "Serious traffic offense" means:

(a) Driving while intoxicated (RCW 46.61.502), actual physical control while intoxicated (RCW 46.61.504), reckless driving (RCW 46.61.500), or hit-and-run an attended vehicle (RCW 46.52.020(5)); or

(b) Any federal, out-of-state, county, or municipal conviction for an offense that under the laws of this state would be classified as a serious traffic offense under (a) of this subsection.

~~((24))~~ (27) "Serious violent offense" is a subcategory of violent offense and means:

(a) Murder in the first degree, homicide by abuse, murder in the second degree, assault in the first degree, kidnapping in the first degree, or rape in the first degree, or an attempt, criminal solicitation, or criminal conspiracy to commit one of these felonies; or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a serious violent offense under (a) of this subsection.

~~((25))~~ (28) "Sentence range" means the sentencing court's discretionary range in imposing a nonappealable sentence.

~~((26))~~ (29) "Sex offense" means:

(a) A felony that is a violation of chapter 9A.44 RCW or RCW 9A.64.020 or 9.68A.090 or that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit such crimes; or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a sex offense under (a) of this subsection.

~~((27))~~ (30) "Total confinement" means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for twenty-four hours a day, or pursuant to RCW 72.64.050 and 72.64.060.

~~((28))~~ (31) "Victim" means any person who has sustained physical or financial injury to person or property as a direct result of the crime charged.

~~((29))~~ (32) "Violent offense" means:

(a) Any of the following felonies, as now existing or hereafter amended: Any felony defined under any law as a class A felony or an attempt to commit a class A felony, criminal solicitation of or criminal conspiracy to commit a class A felony, manslaughter in the first degree, manslaughter in the second degree, indecent liberties if committed by forcible compulsion, child molestation in the first degree, rape in the second degree, kidnapping in the second degree, arson in the second degree, assault in the second degree, extortion in the first degree, robbery in the second degree, vehicular assault, and vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a violent offense in (a) of this subsection; and

(c) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a violent offense under (a) or (b) of this subsection.

~~((30))~~ (33) "Work release" means a program of partial confinement available to offenders who are employed or engaged as a student in a regular course of study at school. Participation in work release shall be conditioned upon the offender attending work or school at regularly defined hours and abiding by the rules of the work release facility.

~~((31))~~ (34) "Home detention" means a program of partial confinement available to offenders wherein the offender is confined in a private residence subject to electronic surveillance. Home detention may not be imposed for offenders convicted of a violent offense, any sex offense, for the manufacture, delivery, or possession with intent to manufacture or deliver a controlled substance classified in schedule I or II that is a narcotic drug, reckless burning in the first or second degree as defined in RCW 9A.48.040 or 9A.48.050, assault in the third degree as defined in RCW 9A.36.031, unlawful imprisonment as defined in RCW 9A.40.040, burglary in the second degree as defined in RCW 9A.52.030, or harassment as defined in RCW 9A.46.020. Participation in a home detention program shall be conditioned upon: (a) The offender obtaining or maintaining current employment or attending a regular course of school study at regularly defined hours, (b) abiding by the rules of the home detention program, and (c) compliance with court-ordered ~~(restitution)~~ legal financial obligations.

NEW SECTION. Sec. 3. (1) Whenever a person is convicted of a felony, the court may order the payment of a legal financial obligation as part of the sentence. The court must on either the judgment and sentence or on a subsequent order to pay, designate the total amount of a legal financial obligation and segregate this amount among the separate assessments made for restitution, costs fines, and other assessments required by law. On the same order, the court is also to set a sum that the offender is required to pay on a monthly basis towards satisfying the legal financial obligation.

(2) All legal financial obligations that are ordered as a result of a conviction for a felony, may also be enforced in the same manner as a judgment in a civil action by the party or entity to whom the legal financial obligation is owed. These obligations may be enforced at any time during the ten-year period following the offender's release from total confinement or within ten years of entry of the judgment and sentence, whichever period is longer. Independent of the department, the party or entity to whom the legal financial obligation is owed shall have the authority to utilize any other remedies available to the party or entity to collect the legal financial obligation.

(3) In order to assist the court in setting a monthly sum that the offender must pay during the period of supervision, the offender is required to report to the department for purposes of preparing a recommendation to the court. When reporting, the offender is required, under oath, to truthfully and honestly respond to all questions concerning present, past, and future earning capabilities and the location and nature of all property or financial assets. The offender is further required to bring any and all documents as requested by the department.

(4) After completing the investigation, the department shall make a report to the court on the amount of the monthly payment that the offender should be required to make towards a satisfied legal financial obligation.

(5) During the period of supervision, the department may make a recommendation to the court that the offender's monthly payment schedule be modified so as to reflect a change in financial circumstances. Also, during the period of supervision, the offender may be required at the request of the department to report to the department for the purposes of reviewing the appropriateness of the collection schedule for the legal financial obligation. During this reporting, the offender is required under oath to truthfully and honestly respond to all questions concerning earning capabilities and the location and nature of all property or financial assets. Also, the offender is required to bring any and all documents as requested by the department in order to prepare the collection schedule.

(6) After the judgment and sentence or payment order is entered, the department shall for any period of supervision be authorized to collect the legal financial obligation from the offender. Any amount collected by the department shall be remitted daily to the county clerk for the purposes of disbursements. The department is authorized to accept credit cards as payment for a legal financial obligation, and any costs incurred related to accepting credit card payments shall be the responsibility of the offender.

(7) The department or any obligee of the legal financial obligation may seek a mandatory wage assignment for the purposes of obtaining satisfaction for the legal financial obligation pursuant to section 9 of this act.

(8) The requirement that the offender pay a monthly sum towards a legal financial obligation constitutes a condition and term of community supervision and the offender is subject to the penalties as provided in RCW 9.94A.200 for noncompliance.

(9) The county clerk shall provide the department with individualized monthly billings for each offender with an unsatisfied legal financial obligation and shall provide the department with written notice of payments by such offenders no less frequently than weekly.

Sec. 4. Section 21, chapter 143, Laws of 1988, section 2, chapter 153, Laws of 1988 and section 3, chapter 154, Laws of 1988 and RCW 9.94A.120 are each reenacted and amended to read as follows:

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

(1) Except as authorized in subsections (2), (5), and (7) of this section, the court shall impose a sentence within the sentence range for the offense.

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

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

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

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

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

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

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

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

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

(f) Pay ~~((a fine))~~ all court-ordered legal financial obligations as provided in RCW 9.94A.030 and/or ((accomplish some)) perform community service work.

(6) If a sentence range has not been established for the defendant's crime, the court shall impose a determinate sentence which may include not more than one year of confinement, community service work, a term of community supervision not to exceed one year, and/or ((a

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

(7) (a) When an offender is convicted of a sex offense other than a violation of RCW 9A.44-.040 or RCW 9A.44.050 and has no prior convictions for a sex offense or any other felony sexual offenses in this or any other state, the sentencing court, on its own motion or the motion of the state or the defendant, may order an examination to determine whether the defendant is amenable to treatment.

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

- (i) Devote time to a specific employment or occupation;
- (ii) Undergo available outpatient sex offender treatment for up to two years, or inpatient sex offender treatment not to exceed the standard range of confinement for that offense. A community mental health center may not be used for such treatment unless it has an appropriate program designed for sex offender treatment;
- (iii) Remain within prescribed geographical boundaries and notify the court or the community corrections officer prior to any change in the offender's address or employment;
- (iv) Report as directed to the court and a community corrections officer;
- (v) Pay ~~((a fine, accomplish some-))~~ all court-ordered legal financial obligations as provided in RCW 9.94A.030, perform community service work, or any combination thereof; or
- (vi) Make recoupment to the victim for the cost of any counseling required as a result of the offender's crime.

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

(b) When an offender is convicted of any felony sexual offense committed before July 1, 1987, and is sentenced to a term of confinement of more than one year but less than six years, the sentencing court may, on its own motion or on the motion of the offender or the state, order the offender committed for up to thirty days to the custody of the secretary of social and health services for evaluation and report to the court on the offender's amenability to treatment at these facilities. If the secretary of social and health services cannot begin the evaluation within thirty days of the court's order of commitment, the offender shall be transferred to the state for confinement pending an opportunity to be evaluated at the appropriate facility. The court shall review the reports and may order that the term of confinement imposed be served in the sexual offender treatment program at the location determined by the secretary of social and health services or the secretary's designee, only if the report indicates that the offender is amenable to the treatment program provided at these facilities. The offender shall be transferred to the state pending placement in the treatment program. Any offender who has escaped from the treatment program shall be referred back to the sentencing court.

If the offender does not comply with the conditions of the treatment program, the secretary of social and health services may refer the matter to the sentencing court. The sentencing court shall commit the offender to the department of corrections to serve the balance of the term of confinement.

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

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

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

After June 30, 1993, this subsection (b) shall cease to have effect.

(c) When an offender commits any felony sexual offense on or after July 1, 1987, and is sentenced to a term of confinement of more than one year but less than six years, the sentencing court may, on its own motion or on the motion of the offender or the state, request the department of corrections to evaluate whether the offender is amenable to treatment and the

department may place the offender in a treatment program within a correctional facility operated by the department.

Except for an offender who has been convicted of a violation of RCW 9A.44.040 or 9A.44.050, if the offender completes the treatment program before the expiration of his term of confinement, the department of corrections may request the court to convert the balance of confinement to community supervision and to place conditions on the offender including crime-related prohibitions and requirements that the offender perform any one or more of the following:

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

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

Nothing in (c) of this subsection shall confer eligibility for such programs for offenders convicted and sentenced for a sexual offense committed prior to July 1, 1987.

(8) (a) When a court sentences a person to a term of total confinement to the custody of the department of corrections for an offense categorized as a sex offense, a serious violent offense, assault in the second degree, any crime against a person where it is determined in accordance with RCW 9.94A.125 that the defendant or an accomplice was armed with a deadly weapon at the time of commission, or any felony offense under chapter 69.50 or 69.52 RCW, committed on or after July 1, 1988, the court shall in addition to the other terms of the sentence, sentence the offender to a one-year term of community placement beginning either upon completion of the term of confinement or at such time as the offender is transferred to community custody in lieu of earned early release in accordance with RCW 9.94A.150(1). When the court sentences an offender under this section to the statutory maximum period of confinement then the community placement portion of the sentence shall consist entirely of such community custody to which the offender may become eligible, in accordance with RCW 9.94A.150(1). Any period of community custody actually served shall be credited against the community placement portion of the sentence.

(b) When a court sentences a person to a term of total confinement to the custody of the department of corrections for an offense categorized as a sex offense, a serious violent offense, assault in the second degree, any crime against a person where it is determined in accordance with RCW 9.94A.125 that the defendant or an accomplice was armed with a deadly weapon at the time of commission, or any felony offense under chapter 69.50 or 69.52 RCW, committed on or after July 1, 1988, unless a condition is waived by the court, the sentence shall include, in addition to the other terms of the sentence, a one-year term of community placement on the following conditions:

(i) The offender shall report to and be available for contact with the assigned community corrections officer as directed;

(ii) The offender shall work at department of corrections-approved education, employment, and/or community service;

(iii) The offender shall not consume controlled substances except pursuant to lawfully issued prescriptions;

(iv) An offender in community custody shall not unlawfully possess controlled substances; and

(v) The offender shall pay ~~((community placement))~~ supervision fees as determined by the department of corrections.

(c) The court may also order any of the following special conditions:

(i) The offender shall remain within, or outside of, a specified geographical boundary;

(ii) The offender shall not have direct or indirect contact with the victim of the crime or a specified class of individuals;

(iii) The offender shall participate in crime-related treatment or counseling services;

(iv) The offender shall not consume alcohol;

(v) The residence location and living arrangements of a sex offender shall be subject to the prior approval of the department of corrections; or

(vi) The offender shall comply with any crime-related prohibitions.

(d) Prior to transfer to, or during, community placement, any conditions of community placement may be removed or modified so as not to be more restrictive by the sentencing court, upon recommendation of the department of corrections.

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

(10) If a sentence imposed includes ~~((a fine or restitution))~~ payment of a legal financial obligation, the sentence shall specify ~~((a reasonable manner and time in which the fine or restitution shall be paid. Restitution to victims shall be paid prior to any other payments of monetary obligations. In any sentence under this chapter the court may also require the offender to make such monetary payments, on such terms as it deems appropriate under the circumstances, as are necessary (a) to pay court costs, including reimbursement of the state for costs of extradition if return to this state by extradition was required, (b) to make recoupment of the cost of defense attorney's fees if counsel is provided at public expense, (c) to contribute to a county or interlocal drug fund, and (d) to make such other payments as provided by law))~~ the total amount of the legal financial obligation owed, and shall require the offender to pay a specified monthly sum toward that legal financial obligation. Restitution to victims shall be paid prior to any other payments of monetary obligations. Any legal financial obligation that is imposed by the court may be collected by the department, which shall deliver the amount paid to the county clerk for credit. The offender's compliance with payment of ((monetary)) legal financial obligations shall be supervised by the department((The rate of payment shall be determined by the court or, in the absence of a rate determined by the court, the rate shall be set by the department)). All monetary payments ordered shall be paid no later than ten years after the ((most recent of either the)) last date of release from confinement pursuant to a felony conviction or the date the sentence was entered. Independent of the department, the party or entity to whom the legal financial obligation is owed shall have the authority to utilize any other remedies available to the party or entity to collect the legal financial obligation. Nothing in this section makes the department, the state, or any of its employees, agents, or other persons acting on their behalf liable under any circumstances for the payment of these legal financial obligations. If an order includes restitution as one of the monetary assessments, the county clerk shall make disbursements to victims named in the order. ((The restitution to victims named in the order shall be paid prior to any payment for other penalties or monetary assessments:))

(11) Except as provided under RCW 9.94A.140(1) and 9.94A.142(1), a court may not impose a sentence providing for a term of confinement or community supervision or community placement which exceeds the statutory maximum for the crime as provided in chapter 9A.20 RCW.

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

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

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

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

(16) As a part of any sentence, the court may impose and enforce an order that relates directly to the circumstances of the crime for which the offender has been convicted, prohibiting the offender from having any contact with other specified individuals or a specific class of individuals for a period not to exceed the maximum allowable sentence for the crime, regardless of the expiration of the offender's term of community supervision.

(17) In any sentence of partial confinement, the court may require the defendant to serve the partial confinement in work release or in a program of home detention.

(18) All court-ordered legal financial obligations collected by the department and remitted to the county clerk shall be credited and paid where restitution is ordered. Restitution shall be paid prior to any other payments of monetary obligations.

Sec. 5. Section 14, chapter 137, Laws of 1981 as last amended by section 3, chapter 281, Laws of 1987 and RCW 9.94A.140 are each amended to read as follows:

(1) If restitution is ordered, the court shall determine the amount of restitution due at the sentencing hearing or within sixty days ~~((and may set the terms and conditions under which the defendant shall make restitution)).~~ The court shall then set a minimum monthly payment that the offender is required to make towards the restitution that is ordered. The court should take into consideration the total amount of the restitution owed, the offender's present, past, and future ability to pay, as well as any assets that the offender may have. During the period of supervision, the community corrections officer may examine the offender to determine if there

has been a change in circumstances that warrants an amendment of the monthly payment schedule. The community corrections officer may recommend a change to the schedule of payment and shall inform the court of the recommended change and the reasons for the change. The sentencing court may then reset the monthly minimum payments based on the report from the community corrections officer of the change in circumstances. Restitution ordered by a court pursuant to a criminal conviction shall be based on easily ascertainable damages for injury to or loss of property, actual expenses incurred for treatment for injury to persons, and lost wages resulting from injury. Restitution shall not include reimbursement for damages for mental anguish, pain and suffering, or other intangible losses, but may include the costs of counseling reasonably related to the offense. The amount of restitution shall not exceed double the amount of the offender's gain or the victim's loss from the commission of the crime. For the purposes of this section, the offender shall remain under the court's jurisdiction for a maximum term of ten years subsequent to the imposition of sentence. The portion of the sentence concerning restitution may be modified as to amount, terms and conditions during the ten-year period, regardless of the expiration of the offender's term of community supervision and regardless of the statutory maximum for the crime. The offender's compliance with the restitution shall be supervised by the department.

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

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

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

Sec. 6. Section 10, chapter 443, Laws of 1985 as amended by section 4, chapter 281, Laws of 1987 and RCW 9.94A.142 are each amended to read as follows:

(1) When restitution is ordered, the court shall determine the amount of restitution due at the sentencing hearing or within sixty days (~~and shall set the terms and conditions under which the defendant shall make restitution~~). The court shall then set a minimum monthly payment that the offender is required to make towards the restitution that is ordered. The court should take into consideration the total amount of the restitution owed, the offender's present, past, and future ability to pay, as well as any assets that the offender may have. During the period of supervision, the community corrections officer may examine the offender to determine if there has been a change in circumstances that warrants an amendment of the monthly payment schedule. The community corrections officer may recommend a change to the schedule of payment and shall inform the court of the recommended change and the reasons for the change. The sentencing court may then reset the monthly minimum payments based on the report from the community corrections officer of the change in circumstances. Restitution ordered by a court pursuant to a criminal conviction shall be based on easily ascertainable damages for injury to or loss of property, actual expenses incurred for treatment for injury to persons, and lost wages resulting from injury. Restitution shall not include reimbursement for damages for mental anguish, pain and suffering, or other intangible losses, but may include the costs of counseling reasonably related to the offense. The amount of restitution shall not exceed double the amount of the offender's gain or the victim's loss from the commission of the crime. For the purposes of this section, the offender shall remain under the court's jurisdiction for a maximum term of ten years subsequent to the imposition of sentence. The portion of the sentence concerning restitution may be modified as to amount, terms and conditions during the ten-year period, regardless of the expiration of the offender's term of community supervision and regardless of the statutory maximum for the crime. The offender's compliance with the restitution shall be supervised by the department.

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

(3) In addition to any sentence that may be imposed, a defendant who has been found guilty of an offense involving fraud or other deceptive practice or an organization which has been found guilty of any such offense may be ordered by the sentencing court to give notice of the conviction to the class of persons or to the sector of the public affected by the conviction or

financially interested in the subject matter of the offense by mail, by advertising in designated areas or through designated media, or by other appropriate means.

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

(5) This section shall apply to offenses committed after July 1, 1985.

Sec. 7. Section 20, chapter 137, Laws of 1981 as last amended by section 11, chapter 153, Laws of 1988 and by section 2, chapter 155, Laws of 1988 and RCW 9.94A.200 are each reenacted and amended to read as follows:

(1) If an offender violates any condition or requirement of a sentence, the court may modify its order of judgment and sentence and impose further punishment in accordance with this section.

(2) If an offender fails to comply with any of the requirements or conditions of a sentence the following provisions apply:

(a) The court, upon the motion of the state, or upon its own motion, shall require the offender to show cause why the offender should not be punished for the noncompliance. The court may issue a summons or a warrant of arrest for the offender's appearance:

(b) The state has the burden of showing noncompliance by a preponderance of the evidence. If the court finds that the violation has occurred, it may order the offender to be confined for a period not to exceed sixty days for each violation, and may (i) convert a term of partial confinement to total confinement, (ii) convert community service obligation to total or partial confinement, or (iii) convert monetary obligations, except restitution and the crime victim penalty assessment, to community service hours at the rate of the state minimum wage as established in RCW 49.46.020 for each hour of community service. Any time served in confinement awaiting a hearing on noncompliance shall be credited against any confinement order by the court; and

(c) If the court finds that the violation was not willful, the court may modify its previous order regarding payment of ~~((fines or other monetary payments))~~ legal financial obligations and regarding community service obligations.

(3) Nothing in this section prohibits the filing of escape charges if appropriate.

Sec. 8. Section 2, chapter 207, Laws of 1982 as amended by section 15, chapter 209, Laws of 1984 and RCW 9.94A.270 are each amended to read as follows:

(1) Whenever a punishment imposed under this chapter requires community supervision services to be provided, the sentencing court shall require that the offender pay to the department of corrections the monthly assessment, prescribed under subsection (2) of this section, which shall be for the duration of the probation and which shall be considered as payment or part payment of the cost of providing probation supervision to the probationer. The court may exempt a person from the payment of all or any part of the assessment based upon any of the following factors:

(a) The offender has diligently attempted but has been unable to obtain employment that provides the offender sufficient income to make such payments.

(b) The offender is a student in a school, college, university, or a course of vocational or technical training designed to fit the student for gainful employment.

(c) The offender has an employment handicap, as determined by an examination acceptable to or ordered by the court.

(d) The offender's age prevents him from obtaining employment.

(e) The offender is responsible for the support of dependents and the payment of the assessment constitutes an undue hardship on the offender.

(f) Other extenuating circumstances as determined by the court.

(2) The department of corrections shall adopt a rule prescribing the amount of the assessment. The department may, if it finds it appropriate, prescribe a schedule of assessments that shall vary in accordance with the intensity or cost of the supervision. The department may not prescribe any assessment that is less than ten dollars nor more than fifty dollars.

(3) All amounts required to be paid under this section shall be collected by the department of corrections and deposited by the department in the ~~((state general))~~ dedicated fund established pursuant to section 26 of this act.

(4) This section shall not apply to probation services provided under an interstate compact pursuant to chapter 9.95 RCW or to probation services provided for persons placed on probation prior to June 10, 1982.

NEW SECTION. Sec. 9. A petition or motion seeking a mandatory wage assignment in a criminal action may be filed by the department or any obligee if the offender is more than thirty days past due in monthly payments in an amount equal to or greater than the amount payable for one month. The petition or motion shall include a sworn statement by the secretary or designee, or if filed solely by an obligee, by such obligee, stating the facts authorizing the issuance of the wage assignment order, including: (1) That the offender, stating his or her name and last known residence, is more than thirty days past due in payments in an amount equal to or greater than the amount payable for one month; (2) a description of the terms of the judgment and sentence and/or payment order requiring payment of a court-ordered legal financial obligation, the total amount remaining unpaid, and the amount past due; (3) the name

and address of the offender's employer; (4) that notice by personal service, or any form of mail requiring a return receipt, has been provided to the offender at least fifteen days prior to the filing of a mandatory wage assignment, unless the judgment and sentence or the order for payment states that the department or obligee may seek a mandatory wage assignment without notice to the defendant. A copy of the judgment and sentence or payment order shall be attached to the petition or motion seeking the wage assignment.

NEW SECTION. Sec. 10. Upon receipt of a petition or motion seeking a mandatory wage assignment that complies with section 9 of this act, the court shall issue a wage assignment order as provided in section 12 of this act and including the information required in section 9 of this act, directed to the employer, and commanding the employer to answer the order on the forms served with the order that comply with section 14 of this act within twenty days after service of the order upon the employer.

NEW SECTION. Sec. 11. (1) The wage assignment order in section 10 of this act shall include: (a) The maximum amount or current amount owed on a court-ordered legal financial obligation, if any, to be withheld from the defendant's earnings each month, or from each earnings disbursement; and (b) the total amount of the arrearage or reimbursement judgment previously entered by the court, if any, together with interest, if any.

(2) The total amount to be withheld from the defendant's earnings each month, or from each earnings disbursement, shall not exceed twenty-five percent of the disposable earnings of the defendant. If the amounts to be paid toward the arrearage are specified in the payment order, then the maximum amount to be withheld is the sum of the current amount owed and the amount ordered to be paid toward the arrearage, or twenty-five percent of the disposable earnings of the defendant, whichever is less.

(3) If the defendant is subject to two or more attachments for payment of a court-ordered legal financial obligation on account of different obligees, the employer shall, if the nonexempt portion of the defendant's earnings is not sufficient to respond fully to all the attachments, apportion the defendant's nonexempt disposable earnings between or among the various obligees equally. Any obligee may seek a court order reapportioning the defendant's nonexempt disposable earnings upon notice to all interested parties. Notice shall be by personal service, or in the manner provided by the civil rules of superior court or applicable statute.

NEW SECTION. Sec. 12. The department shall develop a form and adopt rules for the wage assignment order.

NEW SECTION. Sec. 13. (1) An employer upon whom service of a wage assignment order has been made shall answer the order by sworn affidavit within twenty days after the date of service. The answer shall state whether the offender is employed by or receives earnings from the employer, whether the employer will honor the wage assignment order, and whether there are multiple attachments against the offender.

(2) If the employer possesses any earnings due and owing to the offender, the earnings subject to the wage assignment order shall be withheld immediately upon receipt of the wage assignment order. The employer shall deliver the withheld earnings to the clerk of the court pursuant to the wage assignment order. The employer shall make the first delivery no sooner than twenty days after receipt of the wage assignment order.

(3) The employer shall continue to withhold the ordered amounts from nonexempt earnings of the offender until notified that the wage assignment has been modified or terminated. The employer shall promptly notify the clerk of the court who entered the order when the employee is no longer employed.

(4) The employer may deduct a processing fee from the remainder of the employee's earnings after withholding under the wage assignment order, even if the remainder is exempt under section 11 of this act. The processing fee may not exceed: (a) Ten dollars for the first disbursement made by the employer to the clerk of the court; and (b) one dollar for each subsequent disbursement made under the wage assignment order.

(5) An employer who fails to withhold earnings as required by a wage assignment order issued under this chapter may be held liable for the amounts disbursed to the offender in violation of the wage assignment order, and may be found by the court to be in contempt of court and may be punished as provided by law.

(6) No employer who complies with a wage assignment order issued under this chapter may be liable to the employee for wrongful withholding.

(7) No employer may discharge, discipline, or refuse to hire an employee because of the entry or service of a wage assignment order issued and executed under this chapter. A person who violates this subsection may be found by the court to be in contempt of court and may be punished as provided by law.

(8) An employer shall deliver a copy of the wage assignment order to the obligor as soon as is reasonably possible.

NEW SECTION. Sec. 14. The department shall develop a form and adopt rules for the wage assignment answer, and instructions for employers for preparing such answer.

NEW SECTION. Sec. 15. (1) Service of the wage assignment order on the employer is invalid unless it is served with five answer forms in substantial conformance with section 14 of this act, together with stamped envelopes addressed to, respectively, the clerk of the court where the

order was issued, the obligee's attorney, the petitioner, the department, and the obligor. The petitioner shall also include an extra copy of the wage assignment order for the employer to deliver to the obligor. Service on the employer shall be in person or by any form of mail requiring a return receipt.

(2) On or before the date of service of the wage assignment order on the employer, the petitioner shall mail or cause to be mailed by certified mail a copy of the wage assignment order to the obligor at the obligor's last known post office address; or, in the alternative, a copy of the wage assignment order shall be served on the obligor in the same manner as a summons in a civil action on, before, or within two days after the date of service of the order on the employer. This requirement is not jurisdictional, but if the copy is not mailed or served as this subsection provides, or if any irregularity appears with respect to the mailing of service, the superior court, in its discretion, may quash the wage assignment order, upon motion of the obligor promptly made and supported by an affidavit showing that the defendant has suffered substantial injury due to the failure to mail or serve the copy.

NEW SECTION. Sec. 16. In a hearing to quash, modify, or terminate the wage assignment order, the court may grant relief only upon a showing that the wage assignment order causes extreme hardship or substantial injustice. Satisfaction by the defendant of all past-due payments subsequent to the issuance of the wage assignment order is not grounds to quash, modify, or terminate the wage assignment order. If a wage assignment order has been in operation for twelve consecutive months and the obligor's payment towards a court-ordered legal financial obligation is current, the court may terminate the order upon motion of the obligor unless the obligee or the department can show good cause as to why the wage assignment order should remain in effect. The department shall notify the employer of any modification or termination of the wage assignment order.

NEW SECTION. Sec. 17. In any action to enforce legal financial obligations under this chapter, the prevailing party is entitled to a recovery of costs, including an award for reasonable attorneys' fees. An obligor may not be considered a prevailing party under this section unless the obligee has acted in bad faith in connection with the proceeding in question.

NEW SECTION. Sec. 18. For those individuals who, as a condition and term of their sentence imposed on or before July 1, 1989, have had financial obligations imposed, and who are not in compliance with the court order requiring payment of that legal financial obligation, no action shall be brought before the court from July 1, 1989, through and including December 31, 1989, to impose a penalty for their failure to pay. All individuals who, after December 31, 1989, have not taken the opportunity to bring their legal financial obligation current, shall be proceeded against pursuant to RCW 9.94A.200.

NEW SECTION. Sec. 19. Sections 3 and 9 through 18 of this act are each added to chapter 9.94A RCW.

Sec. 20. Section 1, chapter 207, Laws of 1982 and RCW 72.04A.120 are each amended to read as follows:

(1) Any person placed on parole shall be required to pay the monthly assessment, prescribed under subsection (2) of this section, which shall be for the duration of the parole and which shall be considered as payment or part payment of the cost of providing parole supervision to the parolee. The board may exempt a person from the payment of all or any part of the assessment based upon any of the following factors:

(a) The offender has diligently attempted but has been unable to obtain employment which provides the offender sufficient income to make such payments.

(b) The offender is a student in a school, college, university, or a course of vocational or technical training designed to fit the student for gainful employment.

(c) The offender has an employment handicap, as determined by an examination acceptable to or ordered by the board.

(d) The offender's age prevents him from obtaining employment.

(e) The offender is responsible for the support of dependents and the payment of the assessment constitutes an undue hardship on the offender.

(f) Other extenuating circumstances as determined by the board.

(2) The department of corrections shall adopt a rule prescribing the amount of the assessment. The department may, if it finds it appropriate, prescribe a schedule of assessments which shall vary in accordance with the intensity or cost of the supervision. The department may not prescribe any assessment which is less than ten dollars nor more than fifty dollars.

(3) Payment of the assessed amount shall constitute a condition of parole for purposes of the application of RCW 72.04A.090.

(4) All amounts required to be paid under this section shall be collected by the department of corrections and deposited by the department in the ~~((state general))~~ dedicated fund established pursuant to section 26 of this act.

(5) This section shall not apply to parole services provided under an interstate compact pursuant to chapter 9.95 RCW or to parole services provided for offenders paroled before June 10, 1982.

Sec. 21. Section 6, chapter 17, Laws of 1967 and RCW 72.65.060 are each amended to read as follows:

The earnings of a work release participant shall not be subject to garnishment, attachment, or execution while such earnings are either in the possession of the employer or any state officer authorized to hold such funds, except for payment of a court-ordered legal financial obligation as that term is defined in section 22 of this act.

NEW SECTION. Sec. 22. Unless a different meaning is plainly required by the context, the following words and phrases as hereafter used in this chapter shall have the following meanings:

(1) "Court-ordered legal financial obligation" means a sum of money that is ordered by a superior court of the state of Washington for payment of restitution to a victim, statutorily imposed crime victims compensation fee, court costs, a county or interlocal drug fund, court-appointed attorneys' fees and costs of defense, fines, and any other legal financial obligation that is assessed as a result of a felony conviction.

(2) "Department" means the department of corrections.

(3) "Offender" means an individual who is currently under the jurisdiction of the Washington state department of corrections, and who also has a court-ordered legal financial obligation as a result of a felony conviction.

(4) "Secretary" means the secretary of the department of corrections or the secretary's designee.

(5) "Superintendent" means the superintendent of a correctional facility under the jurisdiction of the Washington state department of corrections.

NEW SECTION. Sec. 23. The secretary shall be custodian of all funds of a convicted person that are in his or her possession upon admission to a state institution, or that are sent or brought to the person, or earned by the person while in custody, or that are forwarded to the superintendent on behalf of a convicted person. All such funds shall be deposited in the personal account of the convicted person within the institutional resident deposit account as established by the office of financial management pursuant to RCW 43.88.195, and the secretary shall have authority to disburse money from such person's personal account for the purposes of satisfying a court-ordered legal financial obligation to the court. Unless specifically granted authority herein, at no time shall the withdrawal of funds for the payment of a legal financial obligation result in reducing the inmate's account to an amount less than the defined level of indigency to be determined by the department.

Further, unless specifically altered herein, court-ordered legal financial obligations shall be paid.

NEW SECTION. Sec. 24. (1) Except as otherwise provided herein, all court-ordered legal financial obligations shall take priority over any other statutorily imposed mandatory withdrawals from inmate's accounts.

(2) For those inmates who are on work release pursuant to chapter 72.65 RCW, before any legal financial obligations are withdrawn from the inmate's account, the inmate is entitled to payroll deductions that are required by law, or such payroll deductions as may reasonably be required by the nature of the employment unless any such amount which his or her work release plan specifies should be retained to help meet the inmate's needs, including costs necessary for his or her participation in the work release plan such as travel, meals, clothing, tools, and other incidentals.

(3) Before the payment of any court-ordered legal financial obligation is required, the department is entitled to reimbursement for any expenses advanced for vocational training pursuant to RCW 72.65.020(2), for expenses incident to a work release plan pursuant to RCW 72.65.090, payments for board and room charges for the work release participant, and payments that are necessary for the support of the work release participant's dependents, if any.

NEW SECTION. Sec. 25. Sections 22 through 24 of this act shall constitute a new chapter in Title 72 RCW.

NEW SECTION. Sec. 26. The cost of supervision fund is created in the custody of the state treasurer. All receipts from assessments made under RCW 9.94A.270 and 72.04A.120 shall be deposited into the fund. Expenditures from the fund may be used only to support the collection of legal financial obligations. Only the secretary of the department of corrections or the secretary's designee may authorize expenditures from the fund. The fund is subject to allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures.

NEW SECTION. Sec. 27. Except for sections 18, 22, 23, and 24 of this act, this act applies prospectively only and not retrospectively. It applies only to offenses committed on or after the effective date of this act.

NEW SECTION. Sec. 28. The department of corrections and the county clerks association shall develop compatible management and accounting systems that will result in increased collections of legal financial obligations and report their proposed systems to the senate health care and corrections committee and the house health care committee by December 1, 1989.

Sec. 29. Section 10, chapter 302, Laws of 1977 ex. sess. as last amended by section 1, chapter 281, Laws of 1987 and RCW 7.68.035 are each amended to read as follows:

(1) Whenever any person is found guilty in any superior court of having committed a crime, except as provided in subsection (2) of this section, there shall be imposed by the court upon such convicted person a penalty assessment. The assessment shall be in addition to any

other penalty or fine imposed by law and shall be ((seventy)) one hundred dollars for each case or cause of action that includes one or more convictions of a felony or gross misdemeanor and ((forty-five)) seventy-five dollars for any case or cause of action that includes convictions of only one or more misdemeanors.

(2) The assessment imposed by subsection (1) of this section shall not apply to motor vehicle crimes defined in Title 46 RCW except those defined in the following sections: RCW 46.61.520, 46.61.522, 46.61.024, 46.52.090, 46.70.140, 46.65.090, 46.61.502, 46.61.504, 46.52.100, 46.20.410, 46.52.020, 46.10.130, 46.09.130, 46.61.525, 46.61.685, 46.61.530, 46.61.500, 46.61.015, 46.52.010, 46.44.180, 46.10.090(2), and 46.09.120(2).

(3) Whenever any person accused of having committed a crime posts bail in superior court pursuant to the provisions of chapter 10.19 RCW and such bail is forfeited, there shall be deducted from the proceeds of such forfeited bail a penalty assessment, in addition to any other penalty or fine imposed by law, equal to the assessment which would be applicable under subsection (1) of this section if the person had been convicted of the crime.

(4) Such penalty assessments shall be paid by the clerk of the superior court to the county treasurer who shall monthly transmit the money as provided in RCW 10.82.070. Each county shall deposit not less than one and seventy-five one-hundredths percent of the money it retains under RCW 10.82.070 and chapter 3.62 RCW and all money it receives under subsection (8) of this section into a fund maintained exclusively for the support of comprehensive programs to encourage and facilitate testimony by the victims of crimes and witnesses to crimes. A program shall be considered 'comprehensive' only after approval of the department upon application by the county prosecuting attorney. The department shall approve as comprehensive only programs which:

(a) Provide comprehensive services to victims and witnesses of all types of crime with particular emphasis on serious crimes against persons and property. It is the intent of the legislature to make funds available only to programs which do not restrict services to victims or witnesses of a particular type or types of crime and that such funds supplement, not supplant, existing local funding levels;

(b) Are administered by the county prosecuting attorney either directly through the prosecuting attorney's office or by contract between the county and agencies providing services to victims of crime;

(c) Make a reasonable effort to inform the known victim or his surviving dependents of the existence of this chapter and the procedure for making application for benefits;

(d) Assist victims in the restitution and adjudication process; and

(e) Assist victims of violent crimes in the preparation and presentation of their claims to the department of labor and industries under this chapter.

Before a program in any county west of the Cascade mountains is submitted to the department for approval, it shall be submitted for review and comment to each city within the county with a population of more than one hundred fifty thousand. The department will consider if the county's proposed comprehensive plan meets the needs of crime victims in cases adjudicated in municipal, district or superior courts and of crime victims located within the city and county.

(5) Upon submission to the department of a letter of intent to adopt a comprehensive program, the prosecuting attorney shall retain the money deposited by the county under subsection (4) of this section until such time as the county prosecuting attorney has obtained approval of a program from the department. Approval of the comprehensive plan by the department must be obtained within one year of the date of the letter of intent to adopt a comprehensive program. The county prosecuting attorney shall not make any expenditures from the money deposited under subsection (4) of this section until approval of a comprehensive plan by the department. If a county prosecuting attorney has failed to obtain approval of a program from the department under subsection (4) of this section or failed to obtain approval of a comprehensive program within one year after submission of a letter of intent under this section, the county treasurer shall monthly transmit one hundred percent of the money deposited by the county under subsection (4) of this section to the state treasurer for deposit in the public safety and education account established under RCW 43.08.250.

(6) County prosecuting attorneys are responsible to make every reasonable effort to insure that the penalty assessments of this chapter are imposed and collected.

(7) Penalty assessments under this section shall also be imposed in juvenile offense dispositions under Title 13 RCW. Upon motion of a party and a showing of good cause, the court may modify the penalty assessment in the disposition of juvenile offenses under Title 13 RCW.

(8) Every city and town shall transmit monthly one and seventy-five one-hundredths percent of all money, other than money received for parking infractions, retained under RCW 3.46.120, 3.50.100, and 35.20.220 to the county treasurer for deposit as provided in subsection (4) of this section.

NEW SECTION. Sec. 30. (1) Sections 1 through 17, 19 through 21, 25, 26, and 28 of this act shall take effect July 1, 1990 unless otherwise directed by law.

(2) Sections 18, 22, 23, and 24 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1989.

NEW SECTION. Sec. 31. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

POINT OF INQUIRY

Senator Rasmussen: "Senator Pullen, on page 26, line 13, it says, 'no employer who complies with the wage assignment order issued under this chapter may be liable to the employee for wrongful withholding.' My first question is, what chance does the employee have if a wrong notice is sent out--to recover?"

Senator Pullen: "Well, that's, of course, a difficult question to answer. I would think it would be very unlikely a wrong notice would be sent out and if a wrong notice were sent out, certainly the employee would have a number of options open to recover. This particular language simply says that the employer is not liable, but the employee would still have a number of options to make sure the recovery is made. For example, the employee would simply go to the department and point out that an error had been made and like most agencies, it would take a few days or a bit longer to get the paper work straightened out, but eventually it would be."

Senator Rasmussen: "You're an optimist, which is good. The other question I have is on line 16, it says, 'no employer may discharge, discipline, or refuse to hire an employee because of the entry or service of a wage assignment order issued and executed under this chapter. A person who violates this subsection, may be found guilty by the court or to be in contempt of court and may be punished provided by law.' How many times can they--employers--fire people once they were garnished? This, in effect, would be that they can't fire them at all. Of course, when you fire them the department can't collect any money."

Senator Pullen: "Yes, that's the intent of the language--to try to insure that the offender meets his financial obligations to the state and the taxpayers and victims of crimes. So, the intent of that language was to try to encourage the employer to keep the employee in a productive capacity."

Senator Rasmussen: "That says he has to. It doesn't say that they encourage him. He would be in contempt of court if he doesn't. Did the employers agree to that?"

Senator Pullen: "I have not heard of any objections to that language from any of the parties."

Senator Rasmussen: "Well, if they have no objection, I shouldn't. Thank you."

The President declared the question before the Senate to be the adoption of the amendment on page 1, beginning on line 14, to the striking Committee on Ways and Means amendment to Engrossed Substitute House Bill No. 1542.

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

The President declared the question before the Senate to be the adoption of the striking Committee on Ways and Means amendment, as amended, to Engrossed Substitute House Bill No. 1542.

The Committee on Ways and Means amendment, as amended, was adopted.

MOTIONS

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

On page 1, line 1 of the title, after "obligations;" strike the remainder of the title and insert "amending RCW 9.94A.140, 9.94A.142, 9.94A.270, 72.04A.120, and 72.65.060; reenacting and amending RCW 9.94A.030, 9.94A.120, 9.94A.200, and 7.68.035; adding new sections to chapter 9.94A RCW; adding a new chapter to Title 72 RCW; creating new sections; prescribing penalties; providing effective dates; and declaring an emergency."

On motion of Senator Pullen, the rules were suspended, Engrossed Substitute House Bill No. 1542, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

MOTIONS

On motion of Senator Anderson, Senators Patterson and Smith were excused.

On motion of Senator Bender, Senator McMullen was excused.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1542, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1542, as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 44; nays, 1; excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Pullen, Rasmussen, Rinehart, Saling, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognilid, von Reichbauer, Warnke, West, Williams, Wojahn - 44.

Voting nay: Senator Sellar - 1.

Excused: Senators DeJarnatt, McMullen, Patterson, Smith - 4.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1542, as amended by the Senate, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Pullen, Engrossed Substitute House Bill No. 1542, as amended by the Senate, was ordered immediately transmitted to the House of Representatives.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1737, by Committee on Appropriations (originally sponsored by Representatives H. Sommers, Locke and Appelwick) (by request of Department of Labor and Industries)

Revising provisions for crime victims' compensation.

The bill was read the second time.

MOTIONS

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

On page 11, line 2, after "(4)" strike all material through "viewer." on line 13, and insert "Adult entertainment materials and services" means those entertainment materials and services that are primarily oriented to an interest in sex, including but not limited to magazines, photographs, motion pictures, videotapes, videodiscs, cable television services, telephone services, audiotapes, computer programs, and paraphernalia. "Adult entertainment materials and services" does not include (a) books or magazines that contain no photographs or other graphics or (b) motion pictures, videotapes, videodiscs, or cable television services that do not contain any explicit sex of the type that would be rated "X" using the standards existing on January 1, 1989, of the Motion Picture Association of America, Inc. Any motion picture, videotape, videodisc, cable television service, or other visual medium that contains any explicit sex of the type that would be rated "X" using these standards shall be considered to be primarily oriented to an interest in sex."

Senator McDonald moved that the following amendment be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature intends that the department of labor and industries operate the crime victims' compensation program within the limits of the appropriation provided for this program.

Sec. 2. Section 3, chapter 122, Laws of 1973 1st ex. sess. as amended by section 12, chapter 443, Laws of 1985 and RCW 7.68.030 are each amended to read as follows:

It shall be the duty of the director to establish and administer a program of benefits to innocent victims of criminal acts within the terms and limitations of this chapter. In so doing, the director shall, in accordance with chapter ~~((3404))~~ 34.05 RCW, adopt rules and regulations necessary to the administration of this chapter, and the provisions contained in chapter 51.04 RCW, including but not limited to RCW 51.04.020, 51.04.030, 51.04.040, 51.04.050 and 51.04.100 as now or hereafter amended, shall apply where appropriate in keeping with the intent of this chapter. The director may apply for and, subject to appropriation, expend federal funds under Public Law 98-473 and any other federal program providing financial assistance to state crime victim compensation programs. The federal funds shall be deposited in the public safety and education account in the general fund and may be expended only for purposes authorized by applicable federal law.

NEW SECTION. Sec. 3. The director of the department of labor and industries shall institute a cap on medical benefits of one hundred thousand dollars per victim. The director shall, in cooperation with the department of social and health services, establish by October 1, 1989, a process to aid crime victims in identifying and applying for appropriate alternative benefit programs, if any, administered by the department of social and health services.

Sec. 4. Section 7, chapter 122, Laws of 1973 1st ex. sess. as last amended by section 8, chapter 281, Laws of 1987 and RCW 7.68.070 are each amended to read as follows:

The right to benefits under this chapter and the amount thereof will be governed insofar as is applicable by the provisions contained in chapter 51.32 RCW as now or hereafter amended except as provided in this section:

(1) The provisions contained in RCW 51.32.015, 51.32.030, 51.32.072, 51.32.073, 51.32.180, 51.32.190, and 51.32.200 as now or hereafter amended are not applicable to this chapter.

(2) Each victim injured as a result of a criminal act, including criminal acts committed between July 1, 1981, and January 1, 1983, or ~~((his))~~ the victim's family or dependents in case of death of the victim, are ~~((entitled to))~~ eligible to receive benefits in accordance with this chapter, and the rights, duties, responsibilities, limitations, and procedures applicable to a ~~((workman))~~ worker as contained in RCW 51.32.010 as now or hereafter amended are applicable to this chapter.

(3) The limitations contained in RCW 51.32.020 as now or hereafter amended are applicable to claims under this chapter. In addition thereto, no person or spouse, child, or dependent of such person is entitled to benefits under this chapter when the injury for which benefits are sought, was:

(a) The result of consent, provocation, or incitement by the victim;

(b) Sustained while the crime victim was engaged in the attempt to commit, or the commission of, a felony; or

(c) Sustained while the victim was confined in any county or city jail, federal jail or prison or in any other federal institution, or any state correctional institution maintained and operated by the department of social and health services or the department of corrections, prior to release from lawful custody; or confined or living in any other institution maintained and operated by the department of social and health services or the department of corrections.

(4) The benefits established upon the death of a ~~((workman))~~ worker and contained in RCW 51.32.050 as now or hereafter amended shall be the benefits obtainable under this chapter and provisions relating to payment contained in that section shall equally apply under this chapter: PROVIDED, That benefits for burial expenses shall not exceed the maximum cost used by the department of social and health services for the funeral and burial of a deceased indigent person under chapter 74.08 RCW in any claim: PROVIDED FURTHER, That if the criminal act results in the death of a victim who was not gainfully employed at the time of the criminal act, and who was not so employed for at least three consecutive months of the twelve months immediately preceding the criminal act:

(a) Benefits payable to an eligible surviving spouse, where there are no children of the victim at the time of the criminal act who have survived ~~((him))~~ the victim or where such spouse has legal custody of all of his or her children, shall be limited to burial expenses and a lump sum payment of seven thousand five hundred dollars without reference to number of children, if any;

(b) Where any such spouse has legal custody of one or more but not all of such children, then such burial expenses shall be paid, and such spouse shall receive a lump sum payment of three thousand seven hundred fifty dollars and any such child or children not in the legal custody of such spouse shall receive a lump sum of three thousand seven hundred fifty dollars to be divided equally among such child or children;

(c) If any such spouse does not have legal custody of any of the children, the burial expenses shall be paid and the spouse shall receive a lump sum payment of up to three thousand seven hundred fifty dollars and any such child or children not in the legal custody of the spouse shall receive a lump sum payment of up to three thousand seven hundred fifty dollars to be divided equally among the child or children;

(d) If no such spouse survives, then such burial expenses shall be paid, and each surviving child of the victim at the time of the criminal act shall receive a lump sum payment of three thousand seven hundred fifty dollars up to a total of two such children and where there are more than two such children the sum of seven thousand five hundred dollars shall be divided equally among such children.

No other benefits may be paid or payable under these circumstances.

(5) The benefits established in RCW 51.32.060 as now or hereafter amended for permanent total disability proximately caused by the criminal act shall be the benefits obtainable under this chapter, and provisions relating to payment contained in that section apply under this chapter: PROVIDED, That if a victim becomes permanently and totally disabled as a proximate result of the criminal act and was not gainfully employed at the time of the criminal act, the victim shall receive monthly during the period of the disability the following percentages, where applicable, of the average monthly wage determined as of the date of the criminal act pursuant to RCW 51.08.018 as now or hereafter amended:

(a) If married at the time of the criminal act, twenty-nine percent of the average monthly wage.

(b) If married with one child at the time of the criminal act, thirty-four percent of the average monthly wage.

(c) If married with two children at the time of the criminal act, thirty-eight percent of the average monthly wage.

(d) If married with three children at the time of the criminal act, forty-one percent of the average monthly wage.

(e) If married with four children at the time of the criminal act, forty-four percent of the average monthly wage.

(f) If married with five or more children at the time of the criminal act, forty-seven percent of the average monthly wage.

(g) If unmarried at the time of the criminal act, twenty-five percent of the average monthly wage.

(h) If unmarried with one child at the time of the criminal act, thirty percent of the average monthly wage.

(i) If unmarried with two children at the time of the criminal act, thirty-four percent of the average monthly wage.

(j) If unmarried with three children at the time of the criminal act, thirty-seven percent of the average monthly wage.

(k) If unmarried with four children at the time of the criminal act, forty percent of the average monthly wage.

(l) If unmarried with five or more children at the time of the criminal act, forty-three percent of the average monthly wage.

(6) The benefits established in RCW 51.32.080 as now or hereafter amended for permanent partial disability shall be the benefits obtainable under this chapter, and provisions relating to payment contained in that section equally apply under this chapter.

(7) The benefits established in RCW 51.32.090 as now or hereafter amended for temporary total disability shall be the benefits obtainable under this chapter, and provisions relating to payment contained in that section apply under this chapter: PROVIDED, That no person is eligible for temporary total disability benefits under this chapter if such person was not gainfully employed at the time of the criminal act, and was not so employed for at least three consecutive months of the twelve months immediately preceding the criminal act.

(8) The benefits established in RCW 51.32.095 as now or hereafter amended for continuation of benefits during vocational rehabilitation shall be benefits obtainable under this chapter, and provisions relating to payment contained in that section apply under this chapter: PROVIDED, That benefits shall not exceed five thousand dollars for any single injury.

(9) The provisions for lump sum payment of benefits upon death or permanent total disability as contained in RCW 51.32.130 as now or hereafter amended apply under this chapter.

(10) The provisions relating to payment of benefits to, for or on behalf of ~~(workmen)~~ workers contained in RCW 51.32.040, 51.32.055, 51.32.100, 51.32.110, 51.32.120, 51.32.135, 51.32.140, 51.32.150, 51.32.160, and 51.32.210 as now or hereafter amended are applicable to payment of benefits to, for or on behalf of victims under this chapter.

(11) No person or spouse, child, or dependent of such person is entitled to benefits under this chapter where the person making a claim for such benefits has refused to give reasonable cooperation to state or local law enforcement agencies in their efforts to apprehend and convict the perpetrator(s) of the criminal act which gave rise to the claim.

(12) In addition to other benefits provided under this chapter, victims of sexual assault are entitled to receive appropriate counseling. Fees for such counseling shall be determined by the department in accordance with RCW 51.04.030, subject to the limitations of RCW 7.68.080. Counseling services may include, if determined appropriate by the department, counseling of members of the victim's immediate family, other than the perpetrator of the assault.

(13) Except for medical benefits authorized under RCW 7.68.080, no more than fifteen thousand dollars shall be granted as a result of a single injury or death, except that benefits granted as the result of total permanent disability or death shall not exceed twenty thousand dollars.

(14) Notwithstanding other provisions of this chapter and Title 51 RCW, benefits payable for total temporary disability under subsection (7) of this section, shall be limited to ten thousand dollars.

(15) Any person who is responsible for the victim's injuries, or who would otherwise be unjustly enriched as a result of the victim's injuries, shall not be a beneficiary under this chapter.

(16) Crime victims' compensation is not available to pay for services covered under chapter 74.09 RCW or Title XIX of the federal social security act, except to the extent that the costs for such services exceed service limits established by the department of social and health services.

Sec. 5. Section 8, chapter 122, Laws of 1973 1st ex. sess. as last amended by section 2, chapter 98, Laws of 1986 and RCW 7.68.080 are each amended to read as follows:

The provisions of chapter 51.36 RCW as now or hereafter amended govern the provision of medical aid under this chapter to victims injured as a result of a criminal act, including criminal acts committed between July 1, 1981, and January 1, 1983, except that:

(1) The provisions contained in RCW 51.36.030, 51.36.040, and 51.36.080 as now or hereafter amended do not apply to this chapter;

(2) The specific provisions of RCW 51.36.020 as now or hereafter amended relating to supplying emergency transportation do not apply: PROVIDED, That when the injury to any victim is so serious as to require ~~(his)~~ the victim's being taken from the place of injury to a place of treatment, reasonable transportation costs to the nearest place of proper treatment shall be reimbursed from the fund established pursuant to RCW 7.68.090. Hospital, clinic, and medical charges along with all related fees under this chapter shall conform to regulations promulgated by the director. The director shall set these service levels and fees at a level no lower than those established by the department of social and health services under Title 74 RCW. In establishing fees for medical and other health care services, the director shall consider the director's duty to purchase health care in a prudent, cost-effective manner. The director shall establish rules adopted in accordance with chapter 34.05 RCW. Nothing in this chapter may be construed to require the payment of interest on any billing, fee, or charge.

Sec. 6. Section 223, chapter 7, Laws of 1987 1st ex. sess. as amended by section 218, chapter 289, Laws of 1988 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LABOR AND INDUSTRIES

General Fund Appropriation	\$	8,227,000
Public Safety and Education Account Appropriation	\$	(10,865,000) 17,457,000
Accident Fund Appropriation	\$	85,159,000
Electrical License Fund Appropriation	\$	9,907,000
Farm Labor Revolving Account Appropriation	\$	58,000
Medical Aid Fund Appropriation	\$	82,105,000
Plumbing Certificate Fund Appropriation	\$	660,000
Pressure Systems Safety Fund Appropriation	\$	1,148,000
Worker and Community Right to Know Fund Appropriation	\$	2,059,000
Total Appropriation	\$	(200,190,000) 206,781,000

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

(1) The department shall study the feasibility of establishing an independent ombudsman office to aid employers and employees, including self-insured employees, in dealing with the workers' compensation system. The study shall include an evaluation of the need for the office, the recommended functions of the office, and the mechanisms for oversight and funding. The department shall submit its findings and recommendations to the commerce and labor committees of the senate and house of representatives by January 11, 1988.

(2) The department shall evaluate the effectiveness of the workers' compensation vocational rehabilitation program, including the effectiveness of a worker resource center to provide injured worker adjustment services. The study shall be conducted in consultation with the workers' compensation advisory committee and interested groups representing injured workers, labor, and employers. The department shall submit its findings and recommendations to the commerce and labor committees of the senate and house of representatives by January 11, 1988.

(3) The department shall study, in cooperation with the employment security department and the department of social and health services, the potential impact in the state of a state minimum wage based on ninety percent of the federal poverty level. The results of the study shall be submitted to the commerce and labor committees of the senate and house of representatives by January 11, 1988.

(4) The department shall prepare a report on workers' compensation caseload information including, but not limited to, the average number of claims by type by adjudicator compared to optimal caseloads used in the private sector and any recommendations concerning improvement of caseloads. The report shall be submitted to the commerce and labor committees of the senate and house of representatives by January 11, 1988.

(5) All funds appropriated under this section for lease or lease development office space may be used to lease new office space only if the lease is for a period not exceeding three years and does not extend beyond June 30, 1991.

(6) The department shall establish an office of information and assistance to aid workers, employers, health care providers, and other department clients. The department shall report on the activities of the office to the appropriate committees of the legislature by January 1, 1989.

NEW SECTION, Sec. 7. The senate ways and means committee in consultation with the house of representatives appropriations committee shall conduct a study of the public safety and education account with special emphasis on the agencies and programs funded through the account, the crime victims' compensation program, and revenue collections for the public safety and education account.

Sec. 8. Section 1, chapter 32, Laws of 1985 and RCW 82.08.020 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, there is levied and there shall be collected a tax on each retail sale in this state equal to six and five-tenths percent of the selling price.

(2) There is levied and there shall be collected a tax on each retail sale of adult entertainment materials and services equal to eighteen percent of the selling price.

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

~~((3))~~ (4) The rates provided in this section ~~((applies))~~ apply to taxes imposed under chapter 82.12 RCW as provided in RCW 82.12.020.

Sec. 9. Section 82.08.010, chapter 15, Laws of 1961 as last amended by section 3, chapter 38, Laws of 1985 and RCW 82.08.010 are each amended to read as follows:

For the purposes of this chapter:

(1) "Selling price" means the consideration, whether money, credits, rights, or other property except trade-in property of like kind, expressed in the terms of money paid or delivered by a buyer to a seller without any deduction on account of the cost of tangible property sold, the cost of materials used, labor costs, interest, discount, delivery costs, taxes other than taxes imposed under this chapter if the seller advertises the price as including the tax or that the seller is paying the tax, or any other expenses whatsoever paid or accrued and without any deduction on account of losses; but shall not include the amount of cash discount actually taken by a buyer; and shall be subject to modification to the extent modification is provided for in RCW 82.08.080.

When tangible personal property is rented or leased under circumstances that the consideration paid does not represent a reasonable rental for the use of the articles so rented or leased, the "selling price" shall be determined as nearly as possible according to the value of such use at the places of use of similar products of like quality and character under such rules as the department of revenue may prescribe((:)).

(2) "Seller" means every person, including the state and its departments and institutions, making sales at retail or retail sales to a buyer or consumer, whether as agent, broker, or principal, except "seller" does not mean the state and its departments and institutions when making sales to the state and its departments and institutions((:)).

(3) "Buyer" and "consumer" include, without limiting the scope hereof, every individual, receiver, assignee, trustee in bankruptcy, trust, estate, firm, copartnership, joint venture, club, company, joint stock company, business trust, corporation, association, society, or any group of individuals acting as a unit, whether mutual, cooperative, fraternal, nonprofit, or otherwise, municipal corporation, quasi municipal corporation, and also the state, its departments and institutions and all political subdivisions thereof, irrespective of the nature of the activities engaged in or functions performed, and also the United States or any instrumentality thereof((:)).

(4) "Adult entertainment materials and services" means those entertainment materials and services that are primarily oriented to an interest in sex, including but not limited to magazines, photographs, motion pictures, videotapes, videodiscs, cable television services, telephone services, audiotapes, computer programs, and paraphernalia. "Adult entertainment materials and services" does not include (a) books or magazines that contain no photographs or other graphics or (b) motion pictures, videotapes, videodiscs, or cable television services that do not contain any explicit sex of the type that would be rated "X" using the standards existing on January 1, 1989, of the Motion Picture Association of America, Inc. Any motion picture, videotape, videodisc, cable television service, or other visual medium that contains any explicit sex of the type that would be rated "X" using these standards shall be considered to be primarily oriented to an interest in sex.

(5) The meaning attributed in chapter 82.04 RCW to the terms "tax year," "taxable year," "person," "company," "sale," "sale at retail," "retail sale," "sale at wholesale," "wholesale," "business," "engaging in business," "cash discount," "successor," "consumer," "in this state" and "within this state" shall apply equally to the provisions of this chapter.

NEW SECTION. Sec. 10. A new section is added to chapter 82.32 RCW to read as follows:

All revenues collected on sales and use of adult entertainment materials and services under chapter 82.08 or 82.12 RCW shall be deposited in the public safety and education account under RCW 43.08.250 and shall only be used for the purposes of crime victims' compensation, with an emphasis towards providing services, support, or therapy to those children who are victims of sexual abuse.

Sec. 11. Section 82.12.010, chapter 15, Laws of 1961 as last amended by section 1, chapter 132, Laws of 1985 and by section 1, chapter 222, Laws of 1985 and RCW 82.12.010 are each reenacted and amended to read as follows:

For the purposes of this chapter:

(1) "Value of the article used" shall mean the consideration, whether money, credit, rights, or other property except trade-in property of like kind, expressed in terms of money, paid or given or contracted to be paid or given by the purchaser to the seller for the article of tangible

personal property, the use of which is taxable under this chapter. The term includes, in addition to the consideration paid or given or contracted to be paid or given, the amount of any tariff or duty paid with respect to the importation of the article used. In case the article used is acquired by lease or by gift or is extracted, produced, or manufactured by the person using the same or is sold under conditions wherein the purchase price does not represent the true value thereof, the value of the article used shall be determined as nearly as possible according to the retail selling price at place of use of similar products of like quality and character under such rules and regulations as the department of revenue may prescribe.

In case the articles used are acquired by bailment, the value of the use of the articles so used shall be in an amount representing a reasonable rental for the use of the articles so bailed, determined as nearly as possible according to the value of such use at the places of use of similar products of like quality and character under such rules and regulations as the department of revenue may prescribe: PROVIDED, That in case any such articles of tangible personal property are used in respect to the construction, repairing, decorating, or improving of, and which become or are to become an ingredient or component of, new or existing buildings or other structures under, upon, or above real property of or for the United States, any instrumentality thereof, or a county or city housing authority created pursuant to chapter 35.82 RCW, including the installing or attaching of any such articles therein or thereto, whether or not such personal property becomes a part of the realty by virtue of installation, then the value of the use of such articles so used shall be determined according to the retail selling price of such articles, or in the absence of such a selling price, as nearly as possible according to the retail selling price at place of use of similar products of like quality and character or, in the absence of either of these selling price measures, such value may be determined upon a cost basis, in any event under such rules and regulations as the department of revenue may prescribe.

In the case of articles owned by a user engaged in business outside the state which are brought into the state for no more than ninety days in any period of three hundred sixty-five consecutive days and which are temporarily used for business purposes by the person in this state, the value of the article used shall be an amount representing a reasonable rental for the use of the articles, unless the person has paid tax under this chapter or chapter 82.08 RCW upon the full value of the article used, as defined in the first paragraph of this subsection.

In the case of articles manufactured or produced by the user and used in the manufacture or production of products sold or to be sold to the department of defense of the United States, the value of the articles used shall be determined according to the value of the ingredients of such articles.

In the case of an article manufactured or produced for purposes of serving as a prototype for the development of a new or improved product, the value of the article used shall be determined by: (a) The retail selling price of such new or improved product when first offered for sale; or (b) the value of materials incorporated into the prototype in cases in which the new or improved product is not offered for sale.

(2) "Value of the service used" shall mean the consideration paid, whether money, credit, rights, or other property, expressed in terms of money, paid or given or contracted to be paid or given by the purchaser to the seller for the service, the use of which is taxable under this chapter. If the service is received by gift or under conditions wherein the purchase price does not represent the true value of the service, the value of the service used shall be determined as nearly as possible according to the retail selling price at the place of use of similar services of like quality and character under rules prescribed by the department of revenue.

(3) "Use," "used," "using," or "put to use" shall have their ordinary meaning, and shall mean:

(a) With respect to personal property, the first act within this state by which the taxpayer takes or assumes dominion or control over the article of tangible personal property (as a consumer), and include installation, storage, withdrawal from storage, or any other act preparatory to subsequent actual use or consumption within this state; and

(b) With respect to an adult entertainment service which affords a benefit or is otherwise capable of use within this state, the use within this state of the service, regardless of the place of performance.

((3)) (4) "Taxpayer" and "purchaser" include all persons included within the meaning of the word "buyer" and the word "consumer" as defined in chapters 82.04 and 82.08 RCW((:));

((4)) (5) "Retailer" means every seller as defined in RCW 82.08.010 and every person engaged in the business of selling tangible personal property or adult entertainment services at retail and every person required to collect from purchasers the tax imposed under this chapter((:));

((5)) (6) The meaning ascribed to words and phrases in chapters 82.04 and 82.08 RCW, insofar as applicable, shall have full force and effect with respect to taxes imposed under the provisions of this chapter. "Consumer," in addition to the meaning ascribed to it in chapters 82.04 and 82.08 RCW insofar as applicable, shall also mean any person who distributes or displays, or causes to be distributed or displayed, any article of tangible personal property, except newspapers, the primary purpose of which is to promote the sale of products or services. In addition, "consumer" includes any person who purchases, acquires, or uses any adult

entertainment service other than for resale in the regular course of business. Resale of a service means a separately stated charge to another person for the service by a person who has paid or is obligated to pay an identical charge to one who has originally rendered the identical service.

Sec. 12. Section 82.12.020, chapter 15, Laws of 1961 as last amended by section 7, chapter 7, Laws of 1983 and RCW 82.12.020 are each amended to read as follows:

There is hereby levied and there shall be collected from every person in this state a tax or excise for the privilege of using within this state as a consumer any article of tangible personal property or adult entertainment service purchased at retail, or acquired by lease, gift, repossession, or bailment, or extracted or produced or manufactured by the person so using the same, or otherwise furnished to a person engaged in any business taxable under RCW 82.04-.280, subsections (2) or (7). This tax will not apply with respect to the use of any article of tangible personal property purchased, extracted, produced or manufactured outside this state until the transportation of such article has finally ended or until such article has become commingled with the general mass of property in this state. This tax shall apply to the use of every article of tangible personal property, including property acquired at a casual or isolated sale, and including byproducts used by the manufacturer thereof, except as hereinafter provided, irrespective of whether the article or similar articles are manufactured or are available for purchase within this state. Except as provided in RCW 82.12.0252, payment by one purchaser or user of tangible personal property or adult entertainment services of the tax imposed by chapter 82.08 or 82.12 RCW shall not have the effect of exempting any other purchaser or user of the same property or services from the taxes imposed by such chapters. The tax shall be levied and collected in an amount equal to the value of the article used or the value of the service used by the taxpayer multiplied by the rate in effect for the retail sales tax under RCW 82.08.020, as now or hereafter amended, in the county in which the article or service is used.

Sec. 13. Section 52, chapter 37, Laws of 1980 and RCW 82.12.0252 are each amended to read as follows:

The provisions of this chapter shall not apply in respect to the use of any article of tangible personal property or adult entertainment service purchased at retail or acquired by lease, gift or bailment if the sale thereof to, or the use thereof by, the present user or his bailor or donor has already been subjected to the tax under chapter 82.08 or 82.12 RCW and such tax has been paid by the present user or by his bailor or donor; or in respect to the use of property acquired by bailment and such tax has once been paid based on reasonable rental as determined by RCW 82.12.060 measured by the value of the article at time of first use multiplied by the tax rate imposed by chapter 82.08 or 82.12 RCW as of the time of first use; or in respect to the use of any article of tangible personal property acquired by bailment, if the property was acquired by a previous bailee from the same bailor for use in the same general activity and such original bailment was prior to June 9, 1961.

Sec. 14. Section 5, chapter 89, Laws of 1967 ex. sess. as amended by section 2, chapter 27, Laws of 1987 and RCW 82.12.035 are each amended to read as follows:

A credit shall be allowed against the taxes imposed by this chapter upon the use of tangible personal property or adult entertainment services in the state of Washington in the amount that the present user thereof or his or her bailor or donor has paid a retail sales or use tax with respect to such property or service to any other state of the United States, any political subdivision thereof, the District of Columbia, and any foreign country or political subdivision thereof, prior to the use of such property or services in Washington.

Sec. 15. Section 82.12.040, chapter 15, Laws of 1961 as last amended by section 1, chapter 48, Laws of 1986 and RCW 82.12.040 are each amended to read as follows:

(1) Every person who maintains in this state a place of business or a stock of goods, or engages in business activities within this state, shall obtain from the department a certificate of registration, and shall, at the time of making sales, or making transfers of either possession or title or both, of tangible personal property or adult entertainment services for use in this state, collect from the purchasers or transferees the tax imposed under this chapter. For the purposes of this chapter, the phrase "maintains in this state a place of business" shall include the solicitation of sales and/or taking of orders by sales agents or traveling representatives. For the purposes of this chapter, "engages in business activity within this state" includes every activity which is sufficient under the Constitution of the United States for this state to require collection of tax under this chapter. The department shall in rules specify activities which constitute engaging in business activity within this state, and shall keep the rules current with future court interpretations of the Constitution of the United States.

(2) Every person who engages in this state in the business of acting as an independent selling agent for persons who do not hold a valid certificate of registration, and who receives compensation by reason of sales of tangible personal property or adult entertainment services of his or her principals (~~made~~) for use in this state, shall, at the time such sales are made, collect from the purchasers the tax imposed under this chapter, and for that purpose shall be deemed a retailer as defined in this chapter.

(3) The tax required to be collected by this chapter shall be deemed to be held in trust by the retailer until paid to the department and any retailer who appropriates or converts the tax

collected to his or her own use or to any use other than the payment of the tax provided herein to the extent that the money required to be collected is not available for payment on the due date as prescribed shall be guilty of a misdemeanor. In case any seller fails to collect the tax herein imposed or having collected the tax, fails to pay the same to the department in the manner prescribed, whether such failure is the result of his or her own acts or the result of acts or conditions beyond his or her control, he or she shall nevertheless, be personally liable to the state for the amount of such tax.

(4) Any retailer who refunds, remits, or rebates to a purchaser, or transferee, either directly or indirectly, and by whatever means, all or any part of the tax levied by this chapter shall be guilty of a misdemeanor.

Sec. 16. Section 82.12.060, chapter 15, Laws of 1961 as last amended by section 54, chapter 278, Laws of 1975 1st ex. sess. and RCW 82.12.060 are each amended to read as follows:

In the case of installment sales and leases of personal property or adult entertainment services, the department, by regulation, may provide for the collection of taxes upon the installments of the purchase price, or amount of rental, as of the time the same fall due.

In the case of property acquired by bailment, the department, by regulation, may provide for payment of the tax due in installments based on the reasonable rental for the property as determined under RCW 82.12.010(1).

Sec. 17. Section 3, chapter 94, Laws of 1970 ex. sess. as last amended by section 31, chapter 3, Laws of 1983 2nd ex. sess. and RCW 82.14.020 are each amended to read as follows:

For purposes of this chapter:

(1) A retail sale consisting solely of the sale of tangible personal property shall be deemed to have occurred at the retail outlet at or from which delivery is made to the consumer;

(2) Except as provided in subsection (5) of this section, a retail sale consisting essentially of the performance of personal business or professional services or adult entertainment services shall be deemed to have occurred at the place at which such services were primarily performed;

(3) A retail sale consisting of the rental of tangible personal property shall be deemed to have occurred (a) in the case of a rental involving periodic rental payments, at the primary place of use by the lessee during the period covered by each payment, or (b) in all other cases, at the place of first use by the lessee;

(4) A retail sale within the scope of the second paragraph of RCW 82.04.050, and a retail sale of taxable personal property to be installed by the seller shall be deemed to have occurred at the place where the labor and services involved were primarily performed;

(5) A retail sale consisting of the providing to a consumer of telephone service, as defined in RCW 82.04.065, other than a sale of tangible personal property under subsection (1) of this section or a rental of tangible personal property under subsection (3) of this section, shall be deemed to have occurred at the situs of the telephone or other instrument through which the telephone service is rendered;

(6) "City" means a city or town;

(7) The meaning ascribed to words and phrases in chapters 82.04, 82.08 and 82.12 RCW, as now or hereafter amended, insofar as applicable, shall have full force and effect with respect to taxes imposed under authority of this chapter;

(8) "Taxable event" shall mean any retail sale, or any use of an article of tangible personal property, upon which a state tax is imposed pursuant to chapter 82.08 or 82.12 RCW, as they now exist or may hereafter be amended: PROVIDED, HOWEVER, That the term shall not include a retail sale taxable pursuant to RCW 82.08.150, as now or hereafter amended;

(9) "Treasurer or other legal depository" shall mean the treasurer or legal depository of a county or city.

NEW SECTION. Sec. 18. Sections 1 and 3 of this act are each added to chapter 7.68 RCW.

NEW SECTION. Sec. 19. Section 1, chapter 122, Laws of 1973 1st ex. sess., section 1, chapter 302, Laws of 1977 ex. sess. and RCW 7.68.010 are each repealed.

NEW SECTION. Sec. 20. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 21. Sections 1 through 7 of this act shall apply to all claims filed on or after July 1, 1989.

NEW SECTION. Sec. 22. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and sections 3 and 6 of this act shall take effect immediately. The remaining sections shall take effect July 1, 1989.*

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator McMullen, if this was a request of the Department of Labor and Industries and they are following the same rules that the Department of Labor and Industries does for injured workers, is the difference because we don't

have the money for the crime victims? They can't deviate, as I read the law, from the way it is handled for an injured worker or his survivors."

Senator McMullen: "Under the Workmen's Compensation Act of this state, if you are injured, you are entitled to those benefits, regardless of any other factor. You are entitled as an injured worker. Under this amendment, if you are a victim, you are entitled to those benefits if there is any money. If there is no money left in the fund, you are entitled to nothing under this bill."

Senator Rasmussen: "Why would the Governor request this then?"

Senator McMullen: "I don't speak for the Governor, Senator."

Senator Rasmussen: "Did the Governor request this and Joe Dear from the Department of Labor and Industries? The reason I'm asking is that I am confused."

Senator McMullen: "If the director chooses to make this a non-entitlement program, that is his prerogative. We should decide if that is good social policy and I submit it is not good social policy."

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

The President declared the question before the Senate to be the roll call on the adoption of the striking amendment by Senator McDonald to Engrossed Substitute House Bill No. 1737.

ROLL CALL

The Secretary called the roll and the amendment was adopted, the President voting 'aye', by the following vote: Yeas, 23; nays, 23; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Hansen, Hayner, Johnson, Lee, Matson, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Saling, Sellar, Thorsness, von Reichbauer, West - 23.

Voting nay: Senators Bauer, Bender, Conner, Fleming, Gaspard, Kreidler, Madsen, McMullen, Moore, Murray, Niemi, Owen, Pullen, Rasmussen, Rinehart, Smitherman, Stratton, Sutherland, Talmadge, Vognild, Warnke, Williams, Wojahn - 23.

Excused: Senators DeJarnatt, Patterson, Smith - 3.

MOTIONS

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

On page 1, line 1 of the title, after "compensation;" strike the remainder of the title and insert "amending RCW 7.68.030, 7.68.070, 7.68.080, 82.08.020, 82.08.010, 82.12.020, 82.12.0252, 82.12.035, 82.12.040, 82.12.060, and 82.14.020; amending section 223, chapter 7, Laws of 1987 1st ex. sess. as amended by section 218, chapter 289, Laws of 1988 (uncodified); reenacting and amending RCW 82.12.010; adding new sections to chapter 7.68 RCW; adding a new section to chapter 82.32 RCW; creating new sections; repealing RCW 7.68.010; providing an effective date; and declaring an emergency."

On motion of Senator McDonald, the rules were suspended, Engrossed Substitute House Bill No. 1737, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1737, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1737, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 27; nays, 20; absent, 1; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Hansen, Hayner, Johnson, Lee, Madsen, Matson, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Patterson, Pullen, Saling, Sellar, Smith, Thorsness, von Reichbauer, West - 27.

Voting nay: Senators Bauer, Bender, Conner, Fleming, Gaspard, Kreidler, McMullen, Moore, Murray, Niemi, Owen, Rasmussen, Rinehart, Smitherman, Stratton, Sutherland, Talmadge, Vognild, Williams, Wojahn - 20.

Absent: Senator Warnke - 1.

Excused: Senator DeJarnatt - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1737, as amended by the Senate, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the President returned the Senate to the fourth order of business.

MESSAGE FROM THE HOUSE

April 23, 1989

Mr. President:

The House has adopted the Second Report of the Conference Committee on SUBSTITUTE SENATE BILL NO. 5289 and has granted said committee the powers of Free Conference.

ALAN THOMPSON, Chief Clerk

SECOND REPORT OF CONFERENCE COMMITTEE

RE: SSB 5289

Relating to regional fisheries groups.

April 22, 1989

Mr. President:

Mr. Speaker:

We of your Conference Committee to whom the above measure was referred, have had the same under consideration and we report that we are unable to agree and we respectfully request the powers of Free Conference in order to amend the measure as follows:

Reject all previous amendments, and

Adopt the following striking amendment:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. The legislature finds that it is in the best interest of the salmon resource of the state to encourage the development of regional fisheries enhancement groups. The accomplishments of one existing group, the Grays Harbor fisheries enhancement task force, have been widely recognized as being exemplary. The legislature recognizes the potential benefits to the state that would occur if each region of the state had a similar group of dedicated citizens working to enhance the salmon resource.

The legislature authorizes the formation of regional fisheries enhancement groups. These groups shall be eligible for state financial support and shall be actively supported by the department of fisheries. The regional groups shall be operated on a strictly nonprofit basis, and shall seek to maximize the efforts of volunteer and private donations to improve the salmon resource for all citizens of the state.

NEW SECTION, Sec. 2. Any interested person may become a member of a regional fisheries enhancement group. To obtain funding from the regional fisheries enhancement group account, the membership of each group shall select its board members and chair by a democratic process. It is desirable for the group to have representation from all categories of fishermen that have interest in salmon within the region, as well as the general public.

The director shall appoint a department employee to serve as a liaison between the department and the group. The department liaison shall actively participate in the activities of the group and facilitate its operation in any way possible.

NEW SECTION, Sec. 3. Eight regional fisheries enhancement groups are authorized:

- (1) Columbia river, and its tributaries, above Bonneville dam;
- (2) Columbia river, and its tributaries, below Bonneville dam;
- (3) Grays Harbor;
- (4) Willapa Bay;
- (5) North Coast and the Straits of Juan de Fuca;
- (6) Puget Sound, and adjacent rivers and lakes, north of Everett;
- (7) Central Puget Sound between Everett and Tacoma; and
- (8) South Puget Sound, and adjacent rivers and lakes, south of Tacoma.

NEW SECTION, Sec. 4. Regional fisheries enhancement groups, consistent with the long-term regional policy statements developed under RCW 75.50.020, shall seek to:

- (1) Enhance the salmon resource of the state;
- (2) Maximize volunteer efforts and private donations to improve the salmon resource for all citizens;

(3) Assist the department in achieving the goal to double the state-wide salmon catch by the year 2000 under chapter 214, Laws of 1988; and

(4) Develop projects designed to supplement the fishery enhancement capability of the department of fisheries.

NEW SECTION, Sec. 5. The director shall cooperate fully with the regional fisheries enhancement groups authorized by this chapter. The director shall supply salmon eggs, technical information, surplus equipment, professional consultation, and any other assistance that can be provided to the group.

NEW SECTION, Sec. 6. The chair of each regional fisheries enhancement group shall coordinate with the department to assure that the department and the group are working in harmony toward mutually agreeable goals.

NEW SECTION, Sec. 7. (1) The legislature finds that the wise management and economic health of the state's recreational and commercial fishing industries are of paramount importance to the people of the state and to the economy of the state as a whole. The legislature finds that it is in the best social, economic, and cultural interest of the state to provide, maintain, and enhance recreational fishing opportunities in the state and offshore waters while maintaining and encouraging a healthy commercial fishing industry.

(2) Funding for regional fisheries enhancement groups shall be from a variety of funding sources.

(a) Start up grant - Each group is authorized to apply for a one time grant of eight thousand dollars per group. The grant will be administered by the director and shall be utilized for initial organizational and planning expenses.

(b) State loan - Each group may apply for state-funded enhancement loans. Loan applications shall be submitted to the salmon advisory council for initial recommendations. The director shall further review loan applications and then submit the applications to the legislature for approval. Payback of said loans shall be structured to coincide with probable income generated from the group's cost recovery program. Funds for enhancement loans shall be appropriated from the regional fisheries enhancement group account.

(c) Cost recovery - Sale of salmon carcasses and eggs under RCW 75.52.035 that return to group facilities.

(d) Operational grants - A surcharge of one dollar shall be collected annually on every recreational salmon license sold in the state. The revenues derived from this surcharge shall be placed in the regional fisheries enhancement group account hereby created in the state treasury. A surcharge of fifty dollars shall be collected annually on every commercial salmon fishing license and charter boat license sold in the state. The revenue from this surcharge shall be placed in the regional fisheries enhancement group account.

The director shall administer the regional fisheries enhancement group account. Operational grants are to be made to regional groups of up to ninety percent of the project costs to match direct and in-kind contributions secured by the regional group. The director may utilize up to ten percent of the account for department expenses.

(e) Private contributions - The groups are encouraged to conduct periodic fundraising activities.

NEW SECTION, Sec. 8. A new section is added to chapter 75.08 RCW to read as follows:

The director shall report annually to the senate environment and natural resources committee and the house fisheries and wildlife committee or their successor committees on the catch by commercial and sport fishers of the fishery resource resulting from enhancement efforts both by the department and volunteer cooperative projects. The first report shall be submitted by January 1, 1990.

NEW SECTION, Sec. 9. The sum of sixty-four thousand dollars, or as much thereof as may be necessary, is appropriated from the general fund to the department of fisheries for the biennium ending June 30, 1991, to carry out the purposes of start up grants to regional fisheries enhancement groups.

NEW SECTION, Sec. 10. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION, Sec. 11. Sections 1 through 7 of this act shall constitute a new chapter in Title 75 RCW."

On page 1, line 1 of the title, after "enhancement;" strike the remainder of the title and insert "adding a new chapter to Title 75 RCW; adding a new section to chapter 75.08 RCW; and making an appropriation."

Signed by Senators Metcalf, Owen, Anderson; Representatives R. King, Basich, S. Wilson.

MOTION

On motion of Senator Newhouse, the Second Report of the Conference Committee on Substitute Senate Bill No. 5289 was adopted and the committee was granted the powers of Free Conference.

SECOND REPORT OF FREE CONFERENCE COMMITTEE

RE: SHB 2011

Changing provisions regulating commercial fishing licenses.

April 20, 1989

Mr. President:

Mr. Speaker:

We of your Free Conference Committee, have had the same under consideration and we recommend that the measure be amended as proposed under the request for Free Conference and that the bill do pass as amended by the Free Conference Committee.

(See Second Report of Conference Committee on Substitute House Bill No. 2011 and the request for powers of Free Conference read in April 22, 1989.)

Signed by Senators Metcalf, Owen; Representatives R. King, Morris, S. Wilson.

MOTION

On motion of Senator Metcalf, the Report of the Second Free Conference Committee on Substitute House Bill No. 2011 was adopted.

POINT OF INQUIRY

Senator Sutherland: "Senator Metcalf, this piece of legislation repeals RCW 75.28.123, which deals with the Columbia River sturgeon setline licenses. Can you explain what has occurred since the current law was adopted and what is your understanding of the Washington Department of Fisheries authority's intent for the future related to Columbia River sturgeon setline fisheries?"

Senator Metcalf: "Yes, Senator Sutherland that is a good question and a valid one. The Department of Fisheries has sought to eliminate the sturgeon setline commercial fishing on the Columbia River pursuant to RCW 75.28.123. The sturgeon setline commercial fishery has been eliminated through department action in conjunction with the Columbia River Compact, which includes the state of Oregon.

"The repeal of RCW 75.28.123 by Substitute House Bill No. 2011 results in the elimination of the sturgeon commercial fishing setline endorsement because a setline sturgeon commercial fishery no longer exists. The repeal of RCW 75.28.123 does not authorize the reestablishment of a sturgeon setline commercial fishery in the Columbia River or anywhere else in the state of Washington. It is the intent of the Legislature that the sturgeon setline commercial fishery no longer occur in Washington State."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2011, as amended by the Free Conference Committee.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2011, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 32; nays, 14; absent, 2; excused, 1.

Voting yea: Senators Amondson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Conner, Fleming, Gaspard, Hansen, Johnson, Kreidler, Lee, Matson, McCaslin, McDonald, Metcalf, Murray, Newhouse, Niemi, Owen, Patterson, Saling, Sellar, Stratton, Sutherland, Talmadge, Thorsness, Vognild, Warnke, West - 32.

Voting nay: Senators Anderson, Cantu, Craswell, Madsen, McMullen, Moore, Nelson, Pullen, Rasmussen, Rinehart, Smitherman, von Reichbauer, Williams, Wojahn - 14.

Absent: Senators Hayner, Smith - 2.

Excused: Senator DeJarnatt - 1.

SUBSTITUTE HOUSE BILL NO. 2011, as amended by the Free Conference Committee, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 23, 1989

Mr. President:

The House has adopted the Report of the Free Conference Committee on SECOND SUBSTITUTE SENATE BILL NO. 5372 and has passed the bill as amended by the Free Conference Committee.

ALAN THOMPSON, Chief Clerk

REPORT OF FREE CONFERENCE COMMITTEE

RE: 2SSB 5372

Relating to marina pumpouts and boater safety and education.

April 22, 1989

Mr. President:

Mr. Speaker:

We of your Free Conference Committee, have had the same under consideration and we recommend that the measure be amended as proposed under the request for Free Conference and that the bill do pass as amended by the Free Conference Committee.

(See Report of Conference Committee on Second Substitute Senate Bill No. 5372 and the request for powers of Free Conference read in earlier today.)

Signed by Senators Nelson, Talmadge, Bluechel: Representatives Belcher, G. Fisher.

MOTION

Senator Newhouse moved that the twenty-four hour rule be suspended and the Report of the Free Conference Committee on Second Substitute Senate Bill No. 5372 be adopted.

POINT OF ORDER

Senator Rasmussen: "Mr. President, a point of order. I'd like to raise scope and object on the Free Conference Committee Report on Second Substitute Senate Bill No. 5372. I call the President's attention to Section 16, a new section was added to Chapter 75 which says, 'Fisheries patrol officers are authorized to enforce all provisions of Chapter 88.02 RCW and any rules adopted thereunder, and provisions of RCW 43.51.400 and any rules adopted thereunder.' This is enlarging the scope of the fisheries patrol officers. It should not be in this bill which is related to the Department of Ecology and the cleaning of the Clean Waters Act. At the present time, Mr. President, fisheries patrol officers have no authority to board on the high seas except to enforce fisheries violations. This would give them the authority to enforce all of 88.02 RCW which is related to navigation and so it enlarges the scope entirely out of the Department of Ecology and shouldn't be in this bill."

REMARKS BY SENATOR BLUECHEL

Senator Bluechel: "Mr. President, speaking in opposition to the scope and object. What Senator Rasmussen is referring to was in the Senate bill as it passed here originally. It would be pretty hard to scope something that was already in the Senate Bill. The issue that he directs himself to, is the one of granting authority for the Fisheries Department to board vessels. The issue in this case is simply that the fisheries patrol officers are authorized under the original bill--under this version of it--no changes to inspect for boater registration and safety. What is called 88.02 that Senator Rasmussen is referring to, is called Watercraft 88.02. It is watercraft registration and deals with enforcement of registration and safety. I think we're arguing a moot point when the Senate Bill already had it in it."

RULING BY THE PRESIDENT

President Pritchard: "Senator Rasmussen, the President believes that Senator Bluechel's comments are correct. It was in the Senate Bill, therefore, the President is going to rule that your point of order is not well taken."

The Report of the Free Conference Committee on Second Substitute Senate Bill No. 5372 was ruled in order.

The President declared the question before the Senate to be the motion by Senator Newhouse to suspend the twenty-four hour rule and adopt the Report of the Free Conference Committee on Second Substitute Senate Bill No. 5372.

The motion by Senator Newhouse carried and the twenty-four hour rule was suspended and the Report of the Free Conference Committee on Second Substitute Senate Bill No. 5372 was adopted.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 5372, as amended by the Free Conference Committee.

Debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5372, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 46; absent, 2; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Absent: Senators Hayner, McDonald - 2.

Excused: Senator DeJarnatt - 1.

SECOND SUBSTITUTE SENATE BILL NO. 5372, as amended by the Free Conference Committee, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 23, 1989

Mr. President:

The House has adopted the Report of the Free Conference Committee on SECOND SUBSTITUTE SENATE BILL NO. 5400 and has passed the bill as amended by the Free Conference Committee.

ALAN THOMPSON, Chief Clerk

REPORT OF FREE CONFERENCE COMMITTEE

RE: 2SSB 5400

Relating to mental health systems.

April 21, 1989

Mr. President:

Mr. Speaker:

We of your Free Conference Committee, have had the same under consideration and we recommend that the measure be amended as proposed under the request for Free Conference and that the bill do pass as amended by the Free Conference Committee.

(See Report of Conference Committee on Second Substitute Senate Bill No. 5400 and the request for powers of Free Conference read in earlier today.)

Signed by Senators West, Niemi: Representatives Bristow, Moyer, Raiter.

MOTION

On motion of Senator Nelson, the Report of the Free Conference Committee on Second Substitute Senate Bill No. 5400 was adopted.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 5400, as amended by the Free Conference Committee.

Debate ensued.

POINT OF INQUIRY

Senator West: "Senator Niemi, there are still some concerns about this bill on the part of some people and I would like to clear those up. Section 9 of the bill adds new language which reads, 'The duty of a state hospital to accept persons for evaluation and treatment under this section shall be limited to Chapter 71.24 RCW.' My question is, if regional support networks are not created statewide does that mean patients from counties, not part of regional support networks, cannot be admitted to the state hospitals and have to be assumed by the counties regardless?"

Senator Niemi: "No, that language is intended to apply only to regional support networks which have been created. If a regional support network is not in place for a given county, the state hospitals have an obligation to accept persons from that county."

Further debate ensued.

POINT OF INQUIRY

Senator Talmadge: "Senator Niemi, the Governor's office has taken the position that the monies that are provided for in the reform of mental health would be driven out to the counties who reduce the number of people that they were sending to the state hospitals for their care. Is that policy or that position of the Governor reflected anywhere in this bill?"

Senator Niemi: "Well, the difference between the Governor's position and the counties and Senator West's and mine and the Representatives has been the subject of negotiations over the last two or three weeks and I'm pleased to say that there's nothing in the bill that refers to bed distribution. Specifically, that language was finally agreed upon where the contracts for regional support networks will be approved by the department. Those contracts have to reflect a plan and the plan will be progress toward taking care of the short term acute care, taking care of residential needs and crisis intervention. Everyone is now happy with the language in the bill. There is no specific bed reduction formula in it."

Further debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator Niemi, what provisions are made regarding zoning? I see it proposes county regional. Are the county regional hospitals using present hospitals, building new ones, or does it relate to using congregate care homes as we have now?"

Senator Niemi: "I'm not sure I understand your question, Senator Rasmussen."

Senator Rasmussen: "The reason I'm asking is, we've lived through the time when Western State and Northern State were pretty good operating institutions, but they dissolved the farm out at Western State and abandoned Northern State. They were doing a job for the individuals that were there and much better than they are now, I might say. Now, you are going to take the patients that used to go to Western State out into the community. How do you propose to handle them?"

Senator Niemi: "Well, let me, if I do understand, and I'm still not sure I do, let me try to explain the intent of the bill. We have short term acute residential need and at present we are inundating both Western and Eastern, because the law mandates that Western and Eastern accept these people. With these people, it's a total of seventy-two hours plus fourteen days which is a total of a seventeen day stay. Those people more properly belong in the community. One of the big thrusts of this bill is to keep those people in the community--to give them funds and directions toward building up their own evaluation and treatment centers and contracting with their own hospitals to take care of these short term needs. These people don't belong in the state hospitals. Long term needs do. That's one of the inter-relationships. We aren't moving people from the hospitals to the community that belong in the community. We're just trying to help the communities keep the short term people that shouldn't be in the hospitals there. Was there another part to your question?"

Senator Rasmussen: "Well, yes, is it going to require new facilities? Does this present bill make changes like we tried to do in the day care so that the zoning could not keep them out?"

Senator Niemi: "Well, let me give you an example of the facilities that those communities that have done this have. King County for example, has what we call an Evaluation and Treatment Facility. They're from a private contractor. They have rehabilitated or rented another facility and for those people who cannot be held in these facilities, they contract with the hospitals for it. In the case of Pierce County, they probably would have some of those short term in Western if they wished to contract with Western or they could contract with local hospitals, or they could contract as King County does, with free standing local facilities.

"Possibly, they'd want to have some bonding within their community to build these things and then be reimbursed by the state for the care of them. There are many, many ways to solve this and what we are trying to say is that there isn't a way for everybody in the state to solve it. You can do it as you wish and as it suits your community. Pierce and Spokane are in different situations because they have state hospitals there and we expect a different solution."

Senator Rasmussen: "Thank you, Senator Niemi."

Further debate ensued.

MOTIONS

On motion of Senator Bender, Senator Gaspard was excused.

On motion of Senator Anderson, Senators Hayner and McDonald were excused.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5400, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 43; nays, 2; excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Hansen, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 43.

Voting nay: Senators Pullen, Rasmussen - 2.

Excused: Senators DeJarnatt, Gaspard, Hayner, McDonald - 4.

SECOND SUBSTITUTE SENATE BILL NO. 5400, as amended by the Free Conference Committee, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGES FROM THE HOUSE

April 23, 1989

Mr. President:

The House has adopted the Report of the Conference Committee on ENGROSSED HOUSE BILL NO. 1103 and has passed the bill as recommended by the Conference Committee.

ALAN THOMPSON, Chief Clerk

April 23, 1989

Mr. President:

The House has adopted the Report of the Free Conference Committee on ENGROSSED HOUSE BILL NO. 1968 and has passed the bill as amended by the Free Conference Committee.

ALAN THOMPSON, Chief Clerk

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

SECOND READING

HOUSE BILL NO. 2129, by Representatives Locke, R. Fisher, Brough, Prince, Cantwell, Ebersole, Belcher, Wang, Prentice, Leonard, Wineberry, Vekich and Anderson

Promoting diverse cultures and languages in Washington.

The bill was read the second time.

MOTION

Senator Moore moved that the following amendment be adopted:

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

*NEW SECTION. Sec. 3. The legislature recognizes that it is important for the students and future citizens of our state to become fluent in a foreign language, particularly the languages of Pacific Rim countries and Latin American countries.

NEW SECTION. Sec. 4. The superintendent of public instruction may grant funds, from moneys appropriated for this purpose, to one school district to conduct a foreign language program in Spanish or Japanese in at least one elementary school within the selected district. The program shall be conducted through the 1995-96 school year, as funds are available, in grades kindergarten through six.

NEW SECTION. Sec. 5. The superintendent of public instruction shall establish a procedure for accepting applications from districts to participate in the foreign language pilot program and establish criteria for selecting the district to receive funding. In selecting the district, the superintendent of public instruction shall consider the following factors:

- (1) The availability of existing district resources for the foreign language pilot project, including certificated teachers already employed by the district as instructors or consultants;
- (2) The availability of volunteers, who are native speakers of the language, as instructors;
- (3) Use of secondary school and foreign language students as tutors or aides; and
- (4) Diversity of format of the pilot program to assure that various methods of instruction, including the use of technology, will be able to be evaluated.

NEW SECTION. Sec. 6. (1) The superintendent of public instruction shall collect information about foreign language programs in elementary schools through the state clearinghouse for education information and shall disseminate such information, upon request, to school districts and other interested parties.

(2) The superintendent of public instruction shall evaluate the effectiveness of the foreign language pilot program and shall submit a progress report to the legislature on the program and its effectiveness by December 1, 1990. The final report on the program shall be presented to the legislature on December 1, 1995.

NEW SECTION. Sec. 7. Sections 3 through 6 of this act shall expire December 31, 1995.

NEW SECTION. Sec. 8. Sections 3 through 6 of this act are each added to chapter 28A.03 RCW.

NEW SECTION. Sec. 9. The sum of forty-nine thousand five hundred dollars, or as much thereof as may be necessary, is appropriated from the general fund to the superintendent of public instruction for the 1989-91 biennium to carry out the purposes of sections 3 through 6 of this act."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Moore on page 2, after line 3, to House Bill No. 2129.

The motion by Senator Moore failed and the amendment was not adopted on a rising vote.

MOTION

Senator Talmadge moved that the following amendment be adopted:

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

NEW SECTION. Sec. 3. The legislature finds that it is important to the economic future of Washington state to increase the number of students studying Pacific Rim languages. The legislature intends to increase the number of students studying Pacific Rim languages by four hundred percent in the next twelve years.

NEW SECTION. Sec. 4. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Conditional scholarship" means a loan that is forgiven in whole or in part if the recipient renders service as a teacher in the public schools of this state.

(2) "Institution of higher education" or "institution" means a college or university in the state of Washington which is accredited by an accrediting association recognized as such by rule of the higher education coordinating board.

(3) "Board" means the higher education coordinating board.

(4) "Eligible student" means a student who is registered for at least ten credit hours or the equivalent, is proficient in a Pacific Rim language, is a resident student as defined by RCW 28B.15.012 through 28B.15.015, and has a declared intention to complete an approved preparation program leading to initial teacher certification or required for earning additional endorsement, or a college or university graduate who meets the same credit hour requirements and is seeking additional teaching endorsement or initial teacher certification.

(5) "Pacific Rim language" includes but is not limited to Mandarin Chinese, Japanese, Korean, and Spanish.

(6) "Public school" means an elementary school, a middle school, junior high school, or high school within the public school system referred to in Article IX of the state Constitution.

(7) "Forgiven" or "to forgive" or "forgiveness" means to render service as a teacher at a public school in the state of Washington in lieu of monetary repayment.

(8) "Satisfied" means paid-in-full.

(9) "Participant" means an eligible student who has received a conditional scholarship under this chapter.

(10) "Proficient" means expert in speaking and writing a language.

NEW SECTION. Sec. 5. The Pacific Rim language teachers conditional scholarship program is established. The program shall be administered by the higher education coordinating board. In administering the program, the board shall have the following powers and duties:

(1) Select students to receive conditional scholarships, with the assistance of a screening committee composed of teachers and leaders in government, business and education;

(2) Adopt necessary rules and guidelines;

(3) Publicize the program;

(4) Collect and manage repayments from students who do not meet their teaching obligations under this chapter; and

(5) Solicit and accept grants and donations from public and private sources for the program.

NEW SECTION, Sec. 6. The higher education coordinating board shall establish a planning committee to develop criteria for the screening and selection of recipients of the conditional scholarships. These criteria shall emphasize the student's proficiency in a Pacific Rim language and expressed intention to teach that language.

NEW SECTION, Sec. 7. The board may award conditional scholarships to eligible students from the funds appropriated to the board for this purpose, or from any private donations, or any other funds given to the board for this program. The amount of the conditional scholarship awarded an individual shall not exceed three thousand dollars per academic year. Students are eligible to receive conditional scholarships for a maximum of five years.

NEW SECTION, Sec. 8. (1) Participants in the conditional scholarship program incur an obligation with the higher education coordinating board to repay the conditional scholarship by teaching for ten years in the public schools of the state of Washington or by repaying the conditional scholarship, with interest, within a ten-year period, under rules adopted by the board.

(2) The terms of the ten-year repayment period, including deferral of the interest, shall be consistent with the terms of the federal guaranteed loan program.

(3) The ten-year repayment period, with payments accruing monthly or quarterly as determined by the board, shall commence nine months from the date the participant completes or discontinues the course of study.

(4) Should the participant cease to teach at a public school in this state before the participant's repayment obligation is completed, payments on the unsatisfied portion of the principal and interest shall begin the next payment period and continue until the remainder of the participant's repayment obligation is satisfied.

(5) The board is responsible for collection of repayments made under this section and shall exercise due diligence in such collection, maintaining all necessary records to insure that maximum repayments are made. Collection and servicing of repayments under this section shall be pursued using the full extent of the law, including wage garnishment if necessary, and shall be performed by entities approved for such servicing by the Washington student loan guaranty association or its successor agency. The board is responsible to forgive all or parts of such repayments under the criteria established in this section and shall maintain all necessary records of forgiven payments.

(6) Receipts from the payment of principal or interest or any other subsidies to which the board as administrator is entitled, which are paid by or on behalf of participants under this section, shall be deposited with the higher education coordinating board and shall be used to cover the costs of granting the conditional scholarships, maintaining necessary records, and making collections under subsection (5) of this section. The board shall maintain accurate records of these costs, and all receipts beyond those necessary to pay such costs shall be used to grant conditional scholarships to eligible students.

Sec. 9. Section 28A.70.005, chapter 223, Laws of 1969 ex. sess. as last amended by section 1, chapter 97, Laws of 1988 and by section 3, chapter 172, Laws of 1988 and RCW 28A.70.005 are each reenacted and amended to read as follows:

(1) The state board of education shall establish, publish, and enforce rules and regulations determining eligibility for and certification of personnel employed in the common schools of this state, including certification for emergency or temporary, substitute or provisional duty and under such certificates or permits as the board shall deem proper or as otherwise prescribed by law.

(2) Not later than July 31, 1989, the state board shall adopt or amend rules relating to persons who apply for a consultant special certificate, as defined under state board rules, to teach a foreign language, pursuant to section 4(5) of this act. Except for applicants who are applying for certificates which restrict the holder of the certificate to the teaching of students who are sixteen years of age or older, the rules shall require that the initial application for certification shall require a background check of the applicant through the Washington state patrol criminal identification system at the applicant's expense.

(3) In establishing rules pertaining to the qualifications of instructors of sign language the state board shall consult with the national association of the deaf, "sign instructors guidance network" (s.i.g.n.), and the Washington state association of the deaf for evaluation and certification of sign language instructors.

(4) The superintendent of public instruction shall act as the administrator of any such rules and regulations and have the power to issue any certificates or permits and revoke the same in accordance with board rules and regulations.

NEW SECTION, Sec. 10. A new section is added to chapter 28A.03 RCW to read as follows:

The superintendent of public instruction shall encourage school districts to establish exchange programs for teachers with schools in Pacific Rim nations.

NEW SECTION, Sec. 11. Sections 3 through 8 of this act are each added to chapter 28B.80 RCW.

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

Debate ensued.

POINT OF INQUIRY

Senator Nelson: "Senator Talmadge, knowing that this is another bill, if you would care to look at your amendment, could we possibly clarify language on what would be the fourth page of your amendment which you now have as Section 9, line 24. Your citation of Section 2, paragraph 5, for the record, could we clarify that that should be Section 4, paragraph 5?"

Senator Talmadge: "Yes, that is absolutely correct, Senator Nelson."

Senator Nelson: "If we're going to pass these things, I would like to have them be somewhat correct when we insert them on a bill."

Senator Talmadge: "Certainly, that was certainly our intention in response to Senator Bluechel's concern. We voted for this bill unanimously as Substitute Senate Bill No. 5450 and sent it over to the House."

The President declared the question before the Senate to be the adoption of the amendment by Senator Talmadge on page 2, after line 3, to House Bill No. 2129.

The motion by Senator Talmadge carried and the amendment was adopted on a rising vote.

MOTIONS

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

On page 1, line 1, strike "and"

On page 1, line 2, after "sections;" insert "reenacting and amending RCW 28A.70.005; adding a new section to chapter 28A.03 RCW; adding new sections to chapter 28B.80 RCW; and declaring an emergency"

On motion of Senator Pullen, the rules were suspended, House Bill No. 2129, as amended by the Senate, was advanced to third reading; the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Saling: "Senator Pullen, I'm delighted with parts of this bill where it talks about foreign trade and international exchange and particularly that part which indicates that all citizens should become proficient in English, but I am concerned about the last paragraph in the first section of the bill that talks about requiring the state of Washington to encourage the use of diverse languages in government. I'm wondering about the intent of that particular section. Does that mean that we should have jury trials in a foreign language or does Section 2 take care of that particular problem?"

Senator Pullen: "Section 2 would take care of the concern that you just raised."

Senator Saling: "Thank you very much."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2129, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2129, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 30; nays, 14; absent, 1; excused, 4.

Voting yea: Senators Bauer, Bender, Bluechel, Conner, Fleming, Hansen, Kreidler, Lee, Madsen, Matson, McMullen, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Pullen, Rinehart, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 30.

Voting nay: Senators Amondson, Anderson, Bailey, Barr, Benitz, Cantu, Craswell, Johnson, McCaslin, Metcalf, Patterson, Rasmussen, Saling, Sellar - 14.

Absent: Senator Smith - 1.

Excused: Senators DeJarnatt, Gaspard, Hayner, McDonald - 4.

HOUSE BILL NO. 2129, as amended by the Senate, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

NOTICE FOR RECONSIDERATION

Having voted on the prevailing side, Senator West served notice that he would move to reconsider the vote by which House Bill No. 2129, as amended by the Senate, passed the Senate.

MOTION FOR IMMEDIATE RECONSIDERATION

Having voted on the prevailing side, Senator Vognild moved to immediately reconsider the vote by which House Bill No. 2129, as amended by the Senate, passed the Senate.

WITHDRAWAL OF MOTION FOR IMMEDIATE RECONSIDERATION

There being no objection, Senator Vognild withdrew the motion to immediately reconsider the vote by which House Bill No. 2129, as amended by the Senate, passed the Senate.

There being no objection, the President returned the Senate to the fourth order of business.

MESSAGE FROM THE HOUSE

April 23, 1989

Mr. President:

The House relieved the Conference Committee of further consideration on SUBSTITUTE SENATE BILL NO. 5241, receded from the House amendments and passed the bill without the House amendments, and the same is herewith transmitted.

DENNIS KARRAS, Deputy Chief Clerk

MOTION

On motion of Senator Newhouse, the Conference Committee was relieved of further consideration of Substitute Senate Bill No. 5241.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5241, without the House amendments.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5241, without the House amendments, and the bill passed the Senate by the following vote: Yeas, 44; absent, 1; excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Hansen, Johnson, Kreidler, Lee, Madsen, McCaslin, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 44.

Absent: Senator Matson - 1.

Excused: Senators DeJarnatt, Gaspard, Hayner, McDonald - 4.

SUBSTITUTE SENATE BILL NO. 5241, without the House amendments, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 23, 1989

Mr. President:

The House concurred in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 1251 and passed the bill as amended by the Senate.

ALAN THOMPSON, Chief Clerk

MESSAGE FROM THE HOUSE

April 23, 1989

Mr. President:

The House has passed ENGROSSED HOUSE BILL NO. 2222, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

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

INTRODUCTION AND FIRST READING OF HOUSE BILL

EHB 2222 by Representatives Vekich, Prentice, Patrick and Leonard

Regulating the use of pesticides and providing unemployment insurance and industrial welfare coverage for agricultural employees.

MOTION

On motion of Senator Newhouse, the rules were suspended and Engrossed Substitute House Bill No. 2222 was advanced to second reading and placed on the second reading calendar.

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

SECOND READING

ENGROSSED HOUSE BILL NO. 2222, by Representatives Vekich, Prentice, Patrick and Leonard

Regulating the use of pesticides and providing unemployment insurance and industrial welfare coverage for agricultural employees.

The bill was read the second time.

MOTION

Senator Barr moved that the following amendment by Senators Barr, Hansen, Madsen and Matson be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 3, chapter 190, Laws of 1971 ex. sess. as last amended by section 26, chapter 182, Laws of 1982 and RCW 15.58.030 are each amended to read as follows:

As used in this chapter the words and phrases defined in this section shall have the meanings indicated unless the context clearly requires otherwise.

(1) ("~~Pesticide~~" means, but is not limited to: (a) Any substance or mixture of substances intended to prevent, destroy, control, repel, or mitigate any insect, rodent, nematode, mollusk, fungus, weed and any other form of plant or animal life or virus (except virus on or in living man or other animal) which is normally considered to be a pest or which the director may declare to be a pest; (b) any substance or mixture of substances intended to be used as a plant regulator, defoliant or desiccant; (c) any substance or mixture of substances intended to be used as a spray adjuvant; and (d) any other substances intended for such use as may be named by the director by regulation.

(2) "~~Device~~" means any instrument or contrivance intended to trap, destroy, control, repel, or mitigate pests including devices used in conjunction with pesticides such as lindane vaporizers.

(3) "~~Insecticide~~" means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate any insect, other arthropod, or mollusk pest.

(4) "~~Fungicide~~" means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate any fungi.

(5) "~~Rodenticide~~" means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate rodents or any other vertebrate animal which the director may declare by regulation to be a pest.

(6) "~~Herbicide~~" means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate any weed, including algae and other aquatic weeds.

(7) "~~Nematocide~~" means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate nematodes.

(8) "~~Plant regulator~~" means any substance or mixture of substances intended through physiological action, to accelerate or retard the rate of growth or maturation, or to otherwise alter the behavior of ornamental or crop plants but shall not include substances insofar as they are intended to be used as plant nutrients, trace elements, nutritional chemicals, plant inoculants, or soil amendments.

(9) "~~Defoliant~~" means any substance or mixture of substances intended to cause the leaves or foliage to drop from a plant with or without causing abscission.

(10) "Desiccant" means any substance or mixture of substances intended to artificially accelerate the drying of plant tissues.

(11) "Spray adjuvant" means any wetting agent, spreading agent, deposit builder, adhesive, emulsifying agent, deflocculating agent, water modifier, or similar agent with or without toxic properties of its own intended to be used with any other pesticide as an aid to the application or to the effect thereof, and which is in a package or container separate from that of the pesticide with which it is to be used.

(12) "Pest" means, but is not limited to, any insect, other arthropod, fungus, rodent, nematode, mollusk, weed and any form of plant or animal life or virus (except virus on or in living man or other animal) which is normally considered to be a pest or which the director may declare by regulation to be a pest.

(13) "Nematode" means any invertebrate animal of the phylum nemathelminthes and class nematoda, that is, unsegmented round worms with elongated, fusiform, or saclike bodies covered with cuticle, and inhabiting soil, water, plants or plant parts; may also be called nemas or eelworms.

(14) "Arthropod" means any invertebrate animal that belongs to the phylum arthropoda, which in addition to insects, includes allied classes whose members are wingless and usually have more than six legs; for example, spiders, mites, ticks, centipedes, and isopod crustaceans.

(15) "Insects" means any of the numerous small invertebrate animals whose bodies, in the adult stage, are more or less obviously segmented with six legs and usually with two pairs of wings, belonging to the class insecta; for example, aphids, beetles, bugs, bees, and flies.

(16) "Fungi" means all non-chlorophyll-bearing thallophytes (that is, all non-chlorophyll-bearing plants of a lower order than mosses and liverworts); for example, rusts, smuts, mildews, molds, yeasts, and bacteria, except those on or in living man or other animals.

(17) "Weed" means any plant which grows where not wanted.

(18) "Mollusk" means any invertebrate animal characterized by a soft unsegmented body usually partially or wholly enclosed in a calcareous shell, having a foot and mantle; for example, slugs and snails.

(19) "Restricted use pesticide" means any pesticide or device which the director has found and determined subsequent to hearing under the provisions of chapter 17-21 RCW Washington pesticide application act or this chapter as enacted or hereafter amended, to be so injurious to persons, pollinating insects, bees, animals, crops, wildlife, or lands other than the pests it is intended to prevent, destroy, control, or mitigate that additional restrictions are required.

(20) "Distribute" means to offer for sale, hold for sale, sell, barter, or supply pesticides in this state.

(21) "Pesticide dealer" means any person who distributes any of the following pesticides:

(a) "Highly toxic pesticides" and/or

(b) "EPA restricted use pesticides" or "restricted use pesticides" which by regulation are restricted to distribution by licensed pesticide dealers only and/or

(c) Any other pesticide except spray adjuvants and those pesticides which are labeled and intended for home and garden use only.

(22) "Pesticide dealer manager" means the owner or other individual supervising pesticide distribution at one outlet holding a pesticide dealer license.

(23) "Pest control consultant" means any individual who offers or supplies technical advice, supervision or aid or makes recommendations to the user of:

(a) "Highly toxic pesticides" and/or

(b) "EPA restricted use pesticides" or "restricted use pesticides" which are restricted by regulation to distribution by licensed pesticide dealers only and/or

(c) Any other pesticides except spray adjuvants and those pesticides which are labeled and intended for home and garden use only.

(24) "Ingredient statement" means a statement of the name and percentage of each active ingredient together with the total percentage of the inert ingredients in the pesticide, and when the pesticide contains arsenic in any form, the ingredient statement shall also include percentages of total and water soluble arsenic, each calculated as elemental arsenic. PROVIDED, That in the case of a spray adjuvant the ingredient statement need contain only the names of the principal functioning agents and the total percentage of the constituents ineffective as spray adjuvants. If more than three functioning agents are present, only the three principal ones need be named.

(25) "Active ingredient" means any ingredient which will prevent, destroy, repel, control, or mitigate pests, or which will act as a plant regulator, defoliant, desiccant, or spray adjuvant.

(26) "Inert ingredient" means an ingredient which is not an active ingredient.

(27) "Antidote" means the most practical immediate treatment in case of poisoning and includes first aid treatment.

(28) "Person" means any individual, partnership, association, corporation, or organized group of persons whether or not incorporated.

(29) "Department" means the department of agriculture of the state of Washington.

(30) "Director" means the director of the department or his duly authorized representative.

(31) "Registrant" means the person registering any pesticide pursuant to the provisions of this chapter.

(32) "Label" means the written, printed, or graphic matter on, or attached to, the pesticide or device or the immediate container thereof, and the outside container or wrapper of the retail package.

(33) "Labeling" means all labels and other written, printed or graphic matter:

(a) Upon the pesticide or device or any of its containers or wrappers;

(b) Accompanying the pesticide, or referring to it in any other media used to disseminate information to the public; and

(c) To which reference is made on the label or in literature accompanying or referring to the pesticide or device except when accurate nonmisleading reference is made to current official publications of the department, United States department of agriculture; interior; health, education and welfare; state agricultural colleges; and other similar federal or state institutions or agencies authorized by law to conduct research in the field of pesticides.

(34) "Highly toxic" means any highly toxic pesticide as determined by the director under RCW 15.58.040.

(35) "Pesticide advisory board" means the pesticide advisory board as provided for in the Washington pesticide application act as enacted or hereafter amended.

(36) "Land" means all land and water areas, including airspace and all plants, animals, structures, buildings, devices and contrivances, appurtenant thereto or situated thereon, fixed or mobile, including any used for transportation.

(37) "Regulation" means rule or regulation.

(38) "EPA" means the United States environmental protection agency.

(39) "EPA restricted use pesticide" means any pesticide with restricted uses as classified for restricted use by the administrator, EPA.

(40) "FIFRA" means the federal insecticide, fungicide and rodenticide act as amended (61 Stat. 163, 7 U.S.C. Sec. 135).

(41) "Special local needs registration" means a registration issued by the director pursuant to provisions of section 24(c) of FIFRA.

(42) "Unreasonable adverse effects on the environment" means any unreasonable risk to man or the environment taking into account the economic, social and environmental costs and benefits of the use of any pesticide, or as otherwise determined by the director.

(43) "Master license system" means the mechanism established by chapter 19.02 RCW by which master licenses, endorsed for individual state-issued licenses, are issued and renewed utilizing a master application and a master license expiration date common to each renewable license endorsement)) "Active ingredient" means any ingredient which will prevent, destroy, repel, control, or mitigate pests, or which will act as a plant regulator, defoliant, desiccant, or spray adjuvant.

(2) "Antidote" means the most practical immediate treatment in case of poisoning and includes first aid treatment.

(3) "Arthropod" means any invertebrate animal that belongs to the phylum arthropoda, which in addition to insects, includes allied classes whose members are wingless and usually have more than six legs; for example, spiders, mites, ticks, centipedes, and isopod crustaceans.

(4) "Defoliant" means any substance or mixture of substances intended to cause the leaves or foliage to drop from a plant with or without causing abscission.

(5) "Department" means the Washington state department of agriculture.

(6) "Desiccant" means any substance or mixture of substances intended to artificially accelerate the drying of plant tissues.

(7) "Device" means any instrument or contrivance intended to trap, destroy, control, repel, or mitigate pests, or to destroy, control, repel or mitigate fungi, nematodes, or such other pests, as may be designated by the director, but not including equipment used for the application of pesticides when sold separately from the pesticides.

(8) "Director" means the director of the department or a duly authorized representative.

(9) "Distribute" means to offer for sale, hold for sale, sell, barter, or supply pesticides in this state.

(10) "EPA" means the United States environmental protection agency.

(11) "EPA restricted use pesticide" means any pesticide with restricted uses as classified for restricted use by the administrator, EPA.

(12) "FIFRA" means the federal insecticide, fungicide, and rodenticide act as amended (61 Stat. 163, 7 U.S.C. Sec. 136 et seq.).

(13) "Fungi" means all nonchlorophyll-bearing thallophytes (all nonchlorophyll-bearing plants of a lower order than mosses and liverworts); for example, rusts, smuts, mildews, molds, yeasts, and bacteria, except those on or in living persons or other animals.

(14) "Fungicide" means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate any fungi.

(15) "Herbicide" means any substance or mixture of substances intended to prevent, (16)

"Inert ingredient" means an ingredient which is not an active ingredient.

(17) "Ingredient statement" means a statement of the name and percentage of each active ingredient together with the total percentage of the inert ingredients in the pesticide, and when the pesticide contains arsenic in any form, the ingredient statement shall also include percentages of total and water soluble arsenic, each calculated as elemental arsenic. In the case of a spray adjuvant the ingredient statement need contain only the names of the principal functioning agents and the total percentage of the constituents ineffective as spray adjuvants. If more than three functioning agents are present, only the three principal ones need be named.

(18) "Insect" means any of the numerous small invertebrate animals whose bodies are more or less obviously segmented, and which for the most part belong to the class insecta, comprising six-legged, usually winged forms, for example, beetles, bugs, bees, flies, and to other allied classes of arthropods whose members are wingless and usually have more than six legs, for example, spiders, mites, ticks, centipedes, and isopod crustaceans.

(19) "Insecticide" means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate any insects which may be present in any environment whatsoever.

(20) "Label" means the written, printed, or graphic matter on, or attached to, the pesticide, device, or immediate container, and the outside container or wrapper of the retail package.

(21) "Labeling" means all labels and other written, printed, or graphic matter:

(a) Upon the pesticide, device, or any of its containers or wrappers;

(b) Accompanying the pesticide, or referring to it in any other media used to disseminate information to the public; and

(c) To which reference is made on the label or in literature accompanying or referring to the pesticide or device except when accurate nonmisleading reference is made to current official publications of the department, United States departments of agriculture; interior; education; health and human services; state agricultural colleges; and other similar federal or state institutions or agencies authorized by law to conduct research in the field of pesticides.

(22) "Land" means all land and water areas, including airspace and all plants, animals, structures, buildings, devices and contrivances, appurtenant thereto or situated thereon, fixed or mobile, including any used for transportation.

(23) "Master license system" means the mechanism established by chapter 19.02 RCW by which master licenses, endorsed for individual state-issued licenses, are issued and renewed using a master application and a master license expiration date common to each renewable license endorsement.

(24) "Nematocide" means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate nematodes.

(25) "Nematode" means any invertebrate animal of the phylum nemathelminthes and class nematoda, that is, unsegmented round worms with elongated, fusiform, or saclike bodies covered with cuticle, and inhabiting soil, water, plants or plant parts, may also be called nemas or eelworms.

(26) "Person" means any individual, partnership, association, corporation, or organized group of persons whether or not incorporated.

(27) "Pest" means, but is not limited to, any insect, rodent, nematode, snail, slug, weed and any form of plant or animal life or virus, except virus on or in a living person or other animal, which is normally considered to be a pest or which the director may declare to be a pest.

(28) "Pest control consultant" means any individual who sells or offers for sale at other than a licensed pesticide dealer outlet or location, or who offers or supplies technical advice, supervision, or aid, or makes recommendations to the user of:

(a) Highly toxic pesticides, as determined under RCW 15.58.040;

(b) EPA restricted use pesticides or restricted use pesticides which are restricted by rule to distribution by licensed pesticide dealers only; or

(c) Any other pesticide except those pesticides which are labeled and intended for home and garden use only.

(29) "Pesticide" means, but is not limited to:

(a) Any substance or mixture of substances intended to prevent, destroy, control, repel, or mitigate any insect, rodent, snail, slug, fungus, weed, and any other form of plant or animal life or virus, except virus on or in a living person or other animal which is normally considered to be a pest or which the director may declare to be a pest;

(b) Any substance or mixture of substances intended to be used as a plant regulator, defoliant or desiccant; and

(c) Any spray adjuvant.

(30) "Pesticide advisory board" means the pesticide advisory board as provided for in the Washington pesticide application act.

(31) "Pesticide dealer" means any person who distributes any of the following pesticides:

(a) Highly toxic pesticides, as determined under RCW 15.58.040;

(b) EPA restricted use pesticides or restricted use pesticides which are restricted by rule to distribution by licensed pesticide dealers only; or

(c) Any other pesticide except those pesticides which are labeled and intended for home and garden use only.

(32) "Pesticide dealer manager" means the owner or other individual supervising pesticide distribution at one outlet holding a pesticide dealer license.

(33) "Plant regulator" means any substance or mixture of substances intended through physiological action, to accelerate or retard the rate of growth or maturation, or to otherwise alter the behavior of ornamental or crop plants or their produce, but shall not include substances insofar as they are intended to be used as plant nutrients, trace elements, nutritional chemicals, plant inoculants, or soil amendments.

(34) "Registrant" means the person registering any pesticide under the provisions of this chapter.

(35) "Restricted use pesticide" means any pesticide or device which, when used as directed or in accordance with a widespread and commonly recognized practice, the director determines, subsequent to a hearing, requires additional restrictions for that use to prevent unreasonable adverse effects on the environment including people, lands, beneficial insects, animals, crops, and wildlife, other than pests.

(36) "Rodenticide" means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate rodents, or any other vertebrate animal which the director may declare by rule to be a pest.

(37) "Spray adjuvant" means any wetting agent, spreading agent, deposit builder, adhesive, emulsifying agent, defloculating agent, water modifier, or similar agent with or without toxic properties of its own, intended to be used with any other pesticide as an aid to the application or to the effect of the pesticide, and which is in a package or container separate from that of the pesticide with which it is to be used.

(38) "Special local needs registration" means a registration issued by the director pursuant to provisions of section 24(c) of FIFRA.

(39) "Unreasonable adverse effects on the environment" means any unreasonable risk to people or the environment taking into account the economic, social, and environmental costs and benefits of the use of any pesticide, or as otherwise determined by the director.

(40) "Weed" means any plant which grows where not wanted.

Sec. 2, Section 4, chapter 190, Laws of 1971 ex. sess. and RCW 15.58.040 are each amended to read as follows:

(1) The director shall administer and enforce the provisions of this chapter and ((regulations)) rules adopted ((hereunder)) under this chapter. All the authority and requirements provided for in chapter ((34.04)) 34.05 RCW (Administrative Procedure Act) and chapter ((42.32)) 42.30 RCW shall apply to this chapter in the adoption of ((regulations)) rules including those requiring due notice and a hearing for the adoption of permanent ((regulations)) rules.

(2) The director is authorized to adopt appropriate ((regulations)) rules for carrying out the purpose and provisions of this chapter, including but not limited to ((regulations)) rules providing for:

(a) Declaring as a pest any form of plant or animal life or virus which is injurious to plants, ((men)) people, animals (domestic or otherwise), land, articles, or substances;

(b) Determining that certain pesticides are highly toxic to ((man. The director shall in making this determination, be guided by the federal definition of highly toxic, as defined in Title 7, code of federal regulations 362.8 as issued or hereafter amended)) people. For the purpose of this chapter, highly toxic pesticide means any pesticide that conforms to the criteria in 40 C.F.R. Sec. 162.10 for toxicity category I due to oral inhalation or dermal toxicity. The director shall publish a list of all pesticides, determined to be highly toxic, by their common or generic name and their trade or brand name if practical. Such list shall be kept current and shall, upon request, be made available to any interested party;

(c) Determining standards for denaturing pesticides by color, taste, odor, or form;

(d) The collection and examination of samples of pesticides or devices;

(e) The safe handling, transportation, storage, display, distribution, and disposal of pesticides and their containers;

(f) Restricting or prohibiting the use of certain types of containers or packages for specific pesticides. These restrictions may apply to type of construction, strength, and/or size to alleviate danger of spillage, breakage, misuse, or any other hazard to the public. The director shall be guided by federal regulations concerning pesticide containers;

(g) Procedures in making of pesticide recommendations;

(h) Adopting a list of restricted use pesticides for the state or for designated areas within the state if the director determines that such pesticides may require ((regulations)) rules restricting or prohibiting their distribution or use. The director may include in the ((regulation)) rule the time and conditions of distribution or use of such restricted use pesticides and may, if ((he deems)) it is found necessary to carry out the purpose and provisions of this chapter, require that any or all restricted use pesticides shall be purchased, possessed, or used only under permit of the director and under ((his)) the director's direct supervision in certain areas and/or under certain conditions or in certain quantities or concentrations((- PROVIDED, That)). The director may require all persons issued such permits to maintain records as to the use of all the restricted use pesticides;

(i) Label requirements of all pesticides required to be registered under provisions of this chapter; and

(j) Regulating the labeling of devices.

(3) For the purpose of uniformity and to avoid confusion endangering the public health and welfare the director may adopt ~~((regulations))~~ rules in conformity with the primary pesticide standards, particularly as to labeling, established by the United States ~~((department of agriculture))~~ environmental protection agency or any other federal agency.

Sec. 3. Section 5, chapter 190, Laws of 1971 ex. sess. and RCW 15.58.050 are each amended to read as follows:

Every pesticide which is distributed within this state or delivered for transportation or transported in intrastate commerce or between points within this state through any point outside this state shall be registered with the director subject to the provisions of this chapter. Such registration shall be renewed annually prior to January 1: PROVIDED, That registration is not required if a pesticide is shipped from one plant or warehouse to another plant or warehouse operated by the same person and used solely at such plant or warehouse as a constituent part to make a pesticide which is registered under the provisions of this chapter ~~((if the pesticide is not sold and if the container thereof is plainly and conspicuously marked "For Experimental Use Only - Not To Be Sold" together with the manufacturer's name and address))~~; or if a written permit has been obtained from the director to ~~((sell))~~ distribute or use the specific pesticide for experimental purposes subject to restrictions and conditions set forth in the permit.

Sec. 4. Section 6, chapter 190, Laws of 1971 ex. sess. and RCW 15.58.060 are each amended to read as follows:

(1) The applicant for registration shall file a statement with the department which shall include:

(a) The name and address of the applicant and the name and address of the person whose name will appear on the label, if other than the applicant's;

(b) The name of the pesticide;

(c) The complete formula of the pesticide, including the active and inert ingredients: PROVIDED, That confidential business information of a proprietary nature is not made available to any other person and is exempt from disclosure as a public record, as provided by RCW 42.17.260;

~~((d))~~ (d) Other necessary information required for completion of the department's application for registration form; and

~~((e))~~ (e) A complete copy of the labeling accompanying the pesticide and a statement of all claims to be made for it, including the directions and precautions for use.

~~((f))~~ (f) ~~The director, when he deems it necessary in the administration of this chapter, may require the submission of the complete formula of any pesticide including the active and inert ingredients;~~

~~((g))~~ (g) The director may require a full description of the tests made and the results thereof upon which the claims are based.

~~((h))~~ (h) The director may prescribe other necessary information by ~~((regulation))~~ rule.

Sec. 5. Section 4, chapter 146, Laws of 1979 and RCW 15.58.065 are each amended to read as follows:

(1) In submitting data required by this chapter, the applicant may:

(a) Mark clearly any portions ~~((thereof))~~ which in ~~((his))~~ the applicant's opinion are trade secrets or commercial or financial information; and

(b) Submit such marked material separately from other material required to be submitted under this chapter.

(2) Notwithstanding any other provision of this chapter or other law, the director shall not make public information which in ~~((his))~~ the director's judgment should be privileged or confidential because it contains or relates to trade secrets or commercial or financial information except that, when necessary to carry out the provisions of this chapter, information relating to unpublished formulas of products acquired by authorization of this chapter may be revealed to any state or federal agency consulted and may be revealed at a public hearing or in findings of fact issued by the director when necessary under this chapter.

(3) If the director proposes to release for inspection information which the applicant or registrant believes to be protected from disclosure under subsection (2) of this section, ~~((he))~~ the director shall notify the applicant or registrant in writing, by certified mail. The director shall not thereafter make available for inspection such data until thirty days after receipt of the notice by the applicant or registrant. During this period, the applicant or registrant may institute an action in the superior court of Thurston county for a declaratory judgment as to whether such information is subject to protection under subsection (2) of this section.

Sec. 6. Section 7, chapter 190, Laws of 1971 ex. sess. as amended by section 2, chapter 95, Laws of 1983 and RCW 15.58.070 are each amended to read as follows:

(1) Any person desiring to register a pesticide with the department shall pay to the director an annual registration fee ~~((of twenty dollars))~~ for each pesticide registered by the department for such person. The registration fee for the registration of pesticides for any one person during a calendar year shall be: One hundred five dollars for each of the first twenty-five pesticides

registered; one hundred dollars for each of the twenty-sixth through one-hundredth pesticides registered; seventy-five dollars for each of the one hundred first through one hundred fiftieth pesticides registered; and fifty dollars for each additional pesticide registered. In addition, the department may establish by rule a registration fee not to exceed ten dollars for each registered product labeled and intended for home and garden use only. The revenue generated by the home and garden use only fees shall be deposited in the agriculture—local fund, to be used to assist in funding activities of the pesticide incident reporting and tracking review panel. All pesticide registrations expire on December 31st of each year.

(2) Any registration approved by the director and in effect on the 31st day of December for which a renewal application has been made and the proper fee paid, continues in full force and effect until the director notifies the applicant that the registration has been renewed, or otherwise denied in accord with the provision of RCW 15.58.110.

Sec. 7. Section 8, chapter 190, Laws of 1971 ex. sess. as amended by section 3, chapter 95, Laws of 1983 and RCW 15.58.080 are each amended to read as follows:

If the renewal of a pesticide registration is not filed before January 1st of each year, an additional fee of ~~((ten))~~ twenty-five dollars shall be assessed and added to the original fee. The additional fee shall be paid by the applicant before the registration renewal for that pesticide shall be issued unless the applicant furnishes an affidavit certifying that ~~((he))~~ the applicant did not distribute the unregistered pesticide during the period of nonregistration. The payment of the additional fee is not a bar to any prosecution for doing business without proper registry.

Sec. 8. Section 11, chapter 190, Laws of 1971 ex. sess. and RCW 15.58.110 are each amended to read as follows:

(1) If it does not appear to the director that the pesticide is such as to warrant the proposed claims for it or if the pesticide and its labeling and other material required to be submitted do not comply with the provisions of this chapter or ~~((regulations))~~ rules adopted ~~((thereunder he shall notify))~~ under this chapter, the registrant shall be notified of the manner in which the pesticide, labeling, or other material required to be submitted fails to comply with the provisions of this chapter so as to afford the applicant an opportunity to make the necessary corrections. If, upon receipt of such notice, the applicant does not make the corrections the director shall refuse to register the pesticide. The applicant may request a hearing as provided for in chapter ~~((34.04))~~ 34.05 RCW.

(2) The director may, when ~~((he))~~ the director determines that a pesticide or its labeling does not comply with the provisions of this chapter or the ~~((regulations))~~ rules adopted ~~((thereunder))~~ under this chapter, cancel the registration of a pesticide after a hearing in accordance with the provisions of chapter ~~((34.04))~~ 34.05 RCW.

Sec. 9. Section 12, chapter 190, Laws of 1971 ex. sess. and RCW 15.58.120 are each amended to read as follows:

The director may, when ~~((he))~~ the director determines that there is or may be an imminent hazard to the public health and welfare, suspend on ~~((his))~~ the director's own motion, the registration of a pesticide in conformance with the provisions of chapter ~~((34.04))~~ 34.05 RCW.

Sec. 10. Section 13, chapter 190, Laws of 1971 ex. sess. and RCW 15.58.130 are each amended to read as follows:

The term "misbranded" shall apply:

(1) To any pesticide or device if its labeling bears any statement, design, or graphic representation relative thereto or to its ingredients which is false or misleading in any particular;

(2) To any pesticide:

(a) If it is an imitation of or is offered for sale under the name of another pesticide;

(b) If its labeling bears any reference to registration under the provision of this chapter unless such reference be required by ~~((regulations))~~ rules under this chapter;

(c) If any word, statement, or other information, required by this chapter or ~~((regulations))~~ rules adopted ~~((thereunder))~~ under this chapter to appear on the label or labeling, is not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or graphic matter in the labeling), and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use;

(d) If the label does not bear:

(i) The name and address of the manufacturer, registrant or person for whom manufactured;

(ii) Name, brand or trademark under which the pesticide is sold;

(iii) An ingredient statement on that part of the immediate container and on the outside container or wrapper, if there be one, through which the ingredient statement on the immediate container cannot be clearly read, of the retail package which is presented or displayed under customary conditions of purchase: PROVIDED, That the director may permit the ingredient statement to appear prominently on some other part of the container, if the size or form of the container makes it impracticable to place it on the part of the retail package which is presented or displayed under customary conditions of purchase;

(iv) Directions for use and a warning or caution statement which are necessary and which if complied with would be adequate to protect the public and to prevent injury to the public,

including living ~~((man))~~ people, useful vertebrate animals, useful vegetation, useful invertebrate animals, wildlife, and land; and

(v) The weight or measure of the content, subject to the provisions of chapter 19.94 RCW (state weights and measures act) as enacted or hereafter amended.

(e) If that pesticide contains any substance or substances in quantities highly toxic to ~~((man))~~ people, determined as provided by RCW 15.58.040, unless the label bears, in addition to any other matter required by this chapter:

(i) The skull and crossbones;

(ii) The word "POISON" in red prominently displayed on a background of distinctly contrasting color; and

(iii) A statement of an antidote for the pesticide.

(f) If the pesticide container does not bear a label or if the label does not contain all the information required by this chapter or the ~~((regulations))~~ rules adopted under this chapter.

(3) To a spray adjuvant when the label fails to state the type or function of the principal functioning agents.

Sec. 11. Section 15, chapter 190, Laws of 1971 ex. sess. as last amended by section 25, chapter 45, Laws of 1987 and RCW 15.58.150 are each amended to read as follows:

(1) It is unlawful for any person to distribute within the state or deliver for transportation or transport in intrastate commerce or between points within this state through any point outside this state any of the following:

(a) Any pesticide which has not been registered pursuant to the provisions of this chapter;

(b) Any pesticide if any of the claims made for it or any of the directions for its use or other labeling differs from the representations made in connection with its registration, or if the composition of a pesticide differs from its composition as represented in connection with its registration: PROVIDED, That at the discretion of the director, a change in the labeling or formula of a pesticide may be made within a registration period without requiring reregistration of the product;

(c) Any pesticide unless it is in the registrant's or the manufacturer's unbroken immediate container and there is affixed to such container, and to the outside container or wrapper of the retail package, if there is one through which the required information on the immediate container cannot be clearly read, a label bearing the information required in this chapter and the ~~((regulations))~~ rules adopted under this chapter;

(d) Any pesticide including arsenicals, fluorides, fluosilicates, and/or any other white powdered pesticides unless they have been distinctly denatured as to color, taste, odor, or form if so required by ~~((regulation))~~ rule;

(e) Any pesticide which is adulterated or misbranded, or any device which is misbranded;

(f) Any pesticide in containers, violating ~~((regulations))~~ rules adopted pursuant to RCW 15.58.040(2)(f) or pesticides found in containers which are unsafe due to damage.

(2) It shall be unlawful:

(a) To sell or deliver any ~~((restricted use))~~ pesticide to any person who is required by law or ~~((regulations))~~ rules promulgated under such law to be certified, licensed, or have a permit to use or purchase (such restricted use pesticides) the pesticide unless such person or (his) the person's agent, to whom sale or delivery is made, has a valid certification, license, or permit to use or purchase the kind and quantity of such ((restricted use)) pesticide sold or delivered: PROVIDED, That, subject to conditions established by the director, such permit may be obtained immediately prior to sale or delivery from any person designated by the director;

(b) For any person to detach, alter, deface or destroy, wholly or in part, any label or labeling provided for in this chapter or ~~((regulations))~~ rules adopted under this chapter, or to add any substance to, or take any substance from, a pesticide in a manner that may defeat the purpose of this chapter or the ~~((regulations))~~ rules adopted thereunder;

(c) For any person to use or cause to be used any pesticide contrary to label directions or to regulations of the director if those regulations differ from or further restrict the label directions: PROVIDED, The compliance to the term "contrary to label directions" is enforced by the director consistent with the intent of this chapter;

(d) For any person to use for his or her own advantage or to reveal, other than to the director or proper officials or employees of the state, or to the courts of the state in response to a subpoena, or to physicians, or in emergencies to pharmacists and other qualified persons for use in the preparation of antidotes, any information relative to formulas of products acquired by authority of RCW 15.58.060;

(e) For any person to make false, misleading, or erroneous statements or reports concerning any pest during or after a structural pest inspection or in connection with any pesticide complaint or investigation.

Sec. 12. Section 16, chapter 190, Laws of 1971 ex. sess. and RCW 15.58.160 are each amended to read as follows:

When the director has reasonable cause to believe a pesticide or device is being distributed, stored, or transported in violation of any of the provisions of this chapter, or of any of the prescribed ~~((regulations))~~ rules under this chapter, ~~((he))~~ the director may issue and serve a written "stop sale, use or removal" order upon the owner or custodian of any such pesticide or

device. If the owner or custodian is not available for service of the order (~~(upon him)~~), the director may attach the order to the pesticide or device. The pesticide or device shall not be sold, used or removed until the provisions of this chapter have been complied with and the pesticide or device has been released in writing under conditions specified by the director, or the violation has been otherwise disposed of as provided in this chapter by a court of competent jurisdiction.

Sec. 13. Section 17, chapter 190, Laws of 1971 ex. sess. and RCW 15.58.170 are each amended to read as follows:

(1) After service of a "stop sale, use or removal" order is made upon any person, either that person or the director may file an action in a court of competent jurisdiction in the county in which a violation of this chapter or ~~((regulations))~~ rules adopted ~~((thereunder))~~ under this chapter is alleged to have occurred for an adjudication of the alleged violation. The court in such action may issue temporary or permanent injunctions mandatory or restraining, and such intermediate orders as it deems necessary or advisable. The court may order condemnation of any pesticide or device which does not meet the requirements of this chapter or ~~((regulations))~~ rules adopted ~~((thereunder))~~ under this chapter: PROVIDED, That no authority is granted hereunder to affect the sale or use of products on which legally approved pesticides have been legally used.

(2) If the pesticide or device is condemned, it shall, after entry of decree, be disposed of by destruction or sale as the court directs, and the proceeds, if such pesticide or device is sold, less cost including legal costs, shall be paid to the state treasury as provided in RCW 15.58.410: PROVIDED, That the pesticide or device shall not be sold contrary to the provisions of this chapter or ~~((regulations))~~ rules adopted ~~((thereunder))~~ under this chapter. Upon payment of costs and execution and delivery of a good and sufficient bond conditioned that the pesticide or device shall not be disposed of unlawfully, the court may direct that the pesticide or device be delivered to the owner thereof for relabeling or reprocessing as the case may be.

(3) When a decree of condemnation is entered against the pesticide, court costs, fees, and storage and other proper expenses shall be awarded against the person, if any, appearing as claimant of the pesticide.

Sec. 14. Section 18, chapter 190, Laws of 1971 ex. sess. as last amended by section 4, chapter 95, Laws of 1983 and RCW 15.58.180 are each amended to read as follows:

(1) Except as provided in subsections (4) and (5) of this section, it is unlawful for any person to act in the capacity of a pesticide dealer or advertise as or assume to act as a pesticide dealer without first having obtained an annual license from the director. The license shall expire on the master license expiration date. A license is required for each location or outlet located within this state from which pesticides are distributed. A manufacturer, registrant, or distributor who has no pesticide dealer outlet licensed within this state and who distributes such pesticides directly into this state shall obtain a pesticide dealer license for his or her principal out-of-state location or outlet, but such licensed out-of-state pesticide dealer is exempt from the pesticide dealer manager requirements.

(2) Application for a license shall be accompanied by a ~~((twenty))~~ thirty-dollar annual license fee and shall be made through the master license system and shall include the full name of the person applying for the license and the name of the individual within the state designated as the pesticide dealer manager. If the applicant is a partnership, association, corporation, or organized group of persons, the full name of each member of the firm or partnership or the names of the officers of the association or corporation shall be given on the application. The application shall further state the principal business address of the applicant in the state and elsewhere, the name of a person domiciled in this state authorized to receive and accept service of summons of legal notices of all kinds for the applicant, and any other necessary information prescribed by the director.

(3) It is unlawful for any licensed dealer outlet to operate without a pesticide dealer manager who has a license of qualification. The department shall be notified forthwith of any change in the pesticide dealer manager designee during the licensing period.

(4) This section does not apply to (a) a licensed pesticide applicator who sells pesticides only as an integral part of ~~((his))~~ the applicator's pesticide application service when such pesticides are dispensed only through apparatuses used for such pesticide application, or (b) any federal, state, county, or municipal agency that provides pesticides only for its own programs.

(5) A user of a pesticide may distribute a properly labelled pesticide to another user who is legally entitled to use that pesticide without obtaining a pesticide dealer's license if the exclusive purpose of distributing the pesticide is keeping it from becoming a hazardous waste as defined in chapter 70.105 RCW.

Sec. 15. Section 20, chapter 190, Laws of 1971 ex. sess. as amended by section 19, chapter 297, Laws of 1981 and RCW 15.58.200 are each amended to read as follows:

The director shall require each pesticide dealer manager to demonstrate to the director ~~((his))~~ knowledge of pesticide laws and ~~((regulations))~~ rules; pesticide hazards; and the safe distribution, use and application, and disposal of pesticides by satisfactorily passing a written examination after which the director shall issue a license of qualification. Application for a license shall be accompanied by a license fee of ~~((ten))~~ fifty dollars. ~~((The director shall charge~~

~~a five dollar examination fee for each examination administered on other than a regularly scheduled examination date;))~~ The pesticide dealer manager license shall ~~((be valid until revoked or until the director determines relicensing is necessary))~~ expire on the fifth December 31st after the date of issuance.

Sec. 16. Section 21, chapter 190, Laws of 1971 ex. sess. as amended by section 5, chapter 95, Laws of 1983 and RCW 15.58.210 are each amended to read as follows:

No individual may perform services as a pest control consultant without obtaining from the director an annual license, which license shall expire on the final day of February of each year. Application for a license shall be on a form prescribed by the director and shall be accompanied by a fee of ~~((twenty))~~ thirty dollars. Licensed commercial pesticide applicators and operators; licensed private-commercial applicators; licensed demonstration and research applicators; employees of federal, state, county, or municipal agencies when acting in their official capacities; and pesticide dealer managers and employees working under the direct supervision of the pesticide dealer manager and only at a licensed pesticide dealer's outlet, are exempt from this licensing provision.

Sec. 17. Section 22, chapter 190, Laws of 1971 ex. sess. as last amended by section 4, chapter 203, Laws of 1986 and RCW 15.58.220 are each amended to read as follows:

For the purpose of this section public pest control consultant means any individual who is employed by a governmental agency or unit to act as a pest control consultant as defined in RCW ~~((15.58.030(23)))~~ 15.58.030(28). No person shall act as a public pest control consultant on or after February 28, 1973 without first obtaining ~~((a nonfee))~~ an annual license from the director. ~~((Public pest control consultant licenses shall expire on the fifth December 31st from the date of issuance. PROVIDED. That all public pest control consultant licenses valid on December 31, 1985, shall expire on December 31, 1990;))~~ Application for a license shall be on a form prescribed by the director ~~((PROVIDED. That))~~ and shall be accompanied by an annual license fee of fifteen dollars. Federal and state employees whose principal responsibilities are in pesticide research, the jurisdictional health officer or ~~((his))~~ a duly authorized representative, public pest control consultants licensed and working in the health vector field, and public operators licensed under RCW 17.21.220 shall be exempt from this licensing provision.

Sec. 18. Section 23, chapter 190, Laws of 1971 ex. sess. and RCW 15.58.230 are each amended to read as follows:

The director shall require each applicant for a pest control consultant's license or a public pest control consultant's license to demonstrate to the director the applicant's knowledge of pesticide laws and regulations; pesticide hazards; and the safe distribution, use and application, and disposal of pesticides by satisfactorily passing a written examination for the classifications for which ~~((he))~~ the applicant has applied prior to issuing ~~((his))~~ the license. ~~((An examination fee of five dollars shall be charged when an examination is requested at other than a regularly scheduled examination date;))~~

NEW SECTION. Sec. 19. A new section is added to chapter 15.58 RCW to read as follows:

(1) If an application for renewal of a pesticide dealer license is not filed on or before the master license expiration date, the master license delinquency fee shall be assessed under chapter 19.02 RCW and shall be paid by the applicant before the renewal license is issued.

(2) If application for renewal of any license provided for in this chapter other than the pesticide dealer license is not filed on or before the expiration date of the license, a penalty equivalent to the license fee shall be assessed and added to the original fee, and shall be paid by the applicant before the renewal license is issued: PROVIDED, That such penalty shall not apply if the applicant furnishes an affidavit certifying that he or she has not acted as a licensee subsequent to the expiration of the license.

(3) Any license for which a renewal application has been made, all other requirements have been met, and the proper fee paid, continues in full force and effect until the director notifies the applicant that the license has been renewed or the application has been denied.

Sec. 20. Section 24, chapter 190, Laws of 1971 ex. sess. as amended by section 5, chapter 203, Laws of 1986 and RCW 15.58.240 are each amended to read as follows:

The director may classify licenses to be issued under the provisions of this chapter. Such classifications may include but not be limited to agricultural crops, ornamentals, or noncrop land herbicides. If the licensee has a classified license ~~((he))~~ the licensee shall be limited to practicing within these classifications. Each such classification shall be subject to separate testing procedures and requirements: PROVIDED, That no person shall be required to pay an additional license fee if ~~((such))~~ the person desires to be licensed in one or all of the license classifications provided for by the director under the authority of this section. The director may charge an examination fee established by the director by rule when an examination is necessary, before a license may be issued or when application for a license and examination is made at other than a regularly scheduled examination date. The director may renew any applicant's license under the classification for which the applicant is licensed, subject to reexamination or other recertification standards as determined by the director when deemed necessary because new knowledge or new classifications are required to carry out the responsibilities of the licensee.

NEW SECTION. Sec. 21. A new section is added to chapter 15.58 RCW to read as follows:

Unless revoked for cause by the director, any registration, license, or permit in effect on the effective date of this section shall continue in full force until its expiration date. Public pest control consultant and pesticide dealer manager licenses valid on December 31, 1985, shall expire on December 31, 1990, and public pest control and pesticide dealer manager licenses issued subsequent to December 31, 1985, and valid on December 31, 1986, shall expire on December 31, 1991.

Sec. 22. Section 25, chapter 190, Laws of 1971 ex. sess. and RCW 15.58.250 are each amended to read as follows:

Any person issued a license or permit under the provisions of this chapter may be required by the director to keep accurate records on a form prescribed by ~~((him))~~ the director which may contain the following information:

- (1) The delivery, movement or holding of any pesticide or device, including the quantity;
- (2) The date of shipment and receipt;
- (3) The name of consignor and consignee; and
- (4) Any other information, necessary for the enforcement of this chapter, as prescribed by the director.

The director shall have access to such records at any reasonable time to copy or make copies of such records for the purpose of carrying out the provisions of this chapter.

Sec. 23. Section 26, chapter 190, Laws of 1971 ex. sess. as amended by section 2, chapter 158, Laws of 1985 and RCW 15.58.260 are each amended to read as follows:

The director is authorized to impose a civil penalty and/or deny, suspend, or revoke any license, registration or permit provided for in this chapter subject to a hearing and in conformance with the provisions of chapter ~~((34.04))~~ 34.05 (Administrative Procedure Act) in any case in which the director finds there has been a failure or refusal to comply with the provisions of this chapter or rules adopted ~~((hereunder))~~ under this chapter.

Sec. 24. Section 28, chapter 190, Laws of 1971 ex. sess. and RCW 15.58.280 are each amended to read as follows:

The sampling and examination of pesticides or devices shall be made under the direction of the director for the purpose of determining whether or not they comply with the requirements of this chapter. The director is authorized, upon presentation of proper identification, to enter any distributor's premises, including any vehicle of transport, at all reasonable times in order to have access to pesticides or devices. If it appears from such examination that a pesticide or device fails to comply with the provisions of this chapter or ~~((regulations))~~ rules adopted ~~((thereunder))~~ under this chapter, and the director contemplates instituting criminal proceedings against any person, the director shall cause notice to be given to such person. Any person so notified shall be given an opportunity to present his views, either orally or in writing, with regard to the contemplated proceedings. If thereafter in the opinion of the director it appears that the provisions of this chapter or ~~((regulations))~~ rules adopted ~~((thereunder))~~ under this chapter have been violated by such person, the director shall refer a copy of the results of the analysis or the examination of such pesticide or device to the prosecuting attorney for the county in which the violation occurred.

Sec. 25. Section 29, chapter 190, Laws of 1971 ex. sess. and RCW 15.58.290 are each amended to read as follows:

Nothing in this chapter shall be construed as requiring the director to report for prosecution or for the institution of condemnation proceedings minor violations of this chapter when ~~((he))~~ the director believes that the public interest will be best served by a suitable notice of warning in writing.

Sec. 26. Section 33, chapter 190, Laws of 1971 ex. sess. and RCW 15.58.330 are each amended to read as follows:

Any person violating any provisions of this chapter or ~~((regulations))~~ rules adopted ~~((thereunder))~~ under this chapter is guilty of a misdemeanor.

Sec. 27. Section 1, chapter 158, Laws of 1985 and RCW 15.58.335 are each amended to read as follows:

Every person who fails to comply with this chapter or the rules adopted under it may be subjected to a civil penalty, as determined by the director, in an amount of not more than ~~((one))~~ seven thousand five hundred dollars for every such violation. Each and every such violation shall be a separate and distinct offense. Every person who, through an act of commission or omission, procures, aids, or abets in the violation shall be considered to have violated this section and may be subject to the civil penalty herein provided.

Sec. 28. Section 34, chapter 190, Laws of 1971 ex. sess. and RCW 15.58.340 are each amended to read as follows:

The director may bring an action to enjoin the violation or threatened violation of any provision of this chapter or any ~~((regulation))~~ rule made pursuant to this chapter in a court of competent jurisdiction of the county in which such violation occurs or is about to occur.

NEW SECTION, Sec. 29. A new section is added to chapter 15.58 RCW to read as follows:

Nothing in this chapter shall preclude any person aggrieved by a violation of this chapter from bringing suit in a court of competent jurisdiction for damages arising from the violation.

NEW SECTION, Sec. 30. A new section is added to chapter 15.58 RCW to read as follows:

By December 1, 1989, and each subsequent December 1, the department shall report to the appropriate committees of the house of representatives and the senate on the activities of the department under this chapter. The report shall include, at a minimum, a review of the department's enforcement activities, with the number of cases investigated and the number and amount of civil penalties assessed.

Sec. 31. Section 43, chapter 190, Laws of 1971 ex. sess. and RCW 15.58.910 are each amended to read as follows:

The repeal of RCW 15.57.010 through 15.57.930 and the enactment of this chapter shall not be deemed to have repealed any ((regulations)) rules adopted under the provisions of RCW 15.57.010 through 15.57.930 in effect immediately prior to such repeal and not inconsistent with the provisions of this chapter. All such ((regulations)) rules shall be considered to have been adopted under the provisions of this chapter.

NEW SECTION. Sec. 32. A new section is added to chapter 15.58 RCW to read as follows:

Each registration and licensing fee under this chapter is increased by a surcharge of five dollars to be deposited in the agriculture—local fund, provided that an additional one-time surcharge of five dollars shall be collected on January 1, 1990. The revenue raised by the imposition of this surcharge shall be used to assist in funding the pesticide incident reporting and tracking review panel, department of social and health services' pesticide investigations, and the department of agriculture's pesticide investigations.

Sec. 33. Section 2, chapter 249, Laws of 1961 as last amended by section 1, chapter 92, Laws of 1979 and RCW 17.21.020 are each amended to read as follows:

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

(1) "Department" means the department of agriculture of the state of Washington.

(2) "Director" means the director of the department or his duly appointed representative.

(3) "Person" means a natural person, individual, firm, partnership, corporation, company, society, association, or any organized group of persons whether incorporated or not, and every officer, agent or employee thereof. This term shall import either the singular or plural as the case may be.

(4) "Pest" means, but is not limited to, any insect, rodent, nematode, snail, slug, weed and any form of plant or animal life or virus, except virus on or in living man or other animal, which is normally considered to be a pest or which the director may declare to be a pest.

(5) "Pesticide" means, but is not limited to, (a) any substance or mixture of substances intended to prevent, destroy, control, repel, or mitigate any insect, rodent, nematode, snail, slug, fungus, weed and any other form of plant or animal life or virus, except virus on or in living man or other animal, which is normally considered to be a pest or which the director may declare to be a pest, and (b) any substance or mixture of substances intended to be used as a plant regulator, defoliant or desiccant, and (c) any spray adjuvant, such as a wetting agent, spreading agent, deposit builder, adhesive, emulsifying agent, deflocculating agent, water modifier, or similar agent with or without toxic properties of its own intended to be used with any other pesticide as an aid to the application or effect thereof, and sold in a package or container separate from that of the pesticide with which it is to be used.

(6) "Device" means any instrument or contrivance intended to trap, destroy, control, repel, or mitigate pests or to destroy, control, repel or mitigate fungi, nematodes or such other pests, as may be designated by the director, but not including equipment used for the application of pesticides when sold separately therefrom.

(7) "Fungicide" means any substance or mixture of substances intended to prevent, destroy, repel or mitigate any fungi.

(8) "Rodenticide" means any substance or mixture of substances intended to prevent, destroy, repel or mitigate rodents or any other vertebrate animal which the director may declare to be a pest.

(9) "Herbicide" means any substance or mixture of substances intended to prevent, destroy, repel or mitigate any weed.

(10) "Insecticide" means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate any insects which may be present in any environment whatsoever.

(11) "Nematocide" means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate nematodes.

(12) "Plant regulator" means any substance or mixture of substances intended through physiological action, to accelerate or retard the rate of growth or maturation, or to otherwise alter the behavior of ornamental or crop plants or the produce thereof, but shall not include substances insofar as they are intended to be used as plant nutrients, trace elements, nutritional chemicals, plant inoculants or soil amendments.

(13) "Defoliant" means any substance or mixture of substances intended to cause the leaves or foliage to drop from a plant with or without causing abscission.

(14) "Desiccant" means any substance or mixture of substances intended to artificially accelerate the drying of plant tissues.

(15) "Weed" means any plant which grows where not wanted.

(16) "Insect" means any of the numerous small invertebrate animals whose bodies are more or less obviously segmented, and which for the most part belong to the class insecta, comprising six-legged, usually winged forms, as, for example, beetles, bugs, bees, flies, and to other allied classes of arthropods whose members are wingless and usually have more than six legs, as, for example, spiders, mites, ticks, centipedes, and isopod crustaceans.

(17) "Fungi" means all nonchlorophyll-bearing thallophytes (that is, all nonchlorophyll-bearing plants of a lower order than mosses and liverworts) as, for example, rusts, smuts, mildews, molds, yeasts and bacteria, except those on or in living man or other animals.

(18) "Snails or slugs" include all harmful mollusks.

(19) "Nematode" means any of the nonsegmented roundworms harmful to plants.

(20) "Apparatus" means any type of ground, water or aerial equipment, device, or contrivance using motorized, mechanical or pressurized power and used to apply any pesticide on land and anything that may be growing, habitating or stored on or in such land, but shall not include any pressurized hand-sized household device used to apply any pesticide or any equipment, device or contrivance of which the person who is applying the pesticide is the source of power or energy in making such pesticide application, or any other small equipment, device, or contrivance that is transported in a piece of equipment licensed under this chapter as an apparatus.

(21) "Restricted use pesticide" means any pesticide use which, when used as directed or in accordance with a widespread and commonly recognized practice, the director determines, subsequent to a hearing, requires additional restrictions for that use to prevent unreasonable adverse effects on the environment including man, lands, beneficial insects, animals, crops, and wildlife, other than pests.

(22) "Engage in business" means any application of pesticides by any person upon lands or crops of another.

(23) "Agricultural crop" means a food intended for human consumption, or a food for livestock the products of which are intended for human consumption, which food shall require cultural treatment of the land for its production.

(24) "Board" means the pesticide advisory board.

(25) "Land" means all land and water areas, including airspace, and all plants, animals, structures, buildings, devices and contrivances, appurtenant thereto or situated thereon, fixed or mobile, including any used for transportation.

(26) "Agricultural commodity" means any plant, or part thereof, or animal, or animal product, produced by a person (including farmers, ranchers, vineyardists, plant propagators, Christmas tree growers, aquaculturists, floriculturists, orchardists, foresters, or other comparable persons) primarily for sale, consumption, propagation, or other use by man or animals.

(27) "Certified applicator" means any individual who is licensed as a pesticide applicator, pesticide operator, public operator, private-commercial applicator, or certified private applicator, or any other individual who is certified by the director to use or supervise the use of any pesticide which is classified by the EPA as a restricted use pesticide or by the state as restricted to use by certified applicators, only.

(28) "Direct supervision" by certified private applicators shall mean that the designated restricted use pesticide shall be applied for purposes of producing any agricultural commodity on land owned or rented by him or his employer, by a competent person acting under the instructions and control of a certified private applicator who is available if and when needed, even though such certified private applicator is not physically present at the time and place the pesticide is applied. The certified private applicator shall have direct management responsibility and familiarity of the pesticide, manner of application, pest, and land to which the pesticide is being applied. Direct supervision by all other certified applicators means direct on-the-job supervision.

(29) "EPA" means the United States environmental protection agency.

(30) "EPA restricted use pesticide" means any pesticide with restricted uses as classified for restricted use by the administrator, EPA.

(31) "FIFRA" means the federal insecticide, fungicide and rodenticide act, as amended (61 Stat. 163, 7 U.S.C. Sec. 135).

(32) "Private applicator" means a certified applicator who uses or is in direct supervision of the use of (a) any EPA restricted use pesticide, or (b) any restricted use pesticide restricted to use only by certified applicators by the director, for the purposes of producing any agricultural commodity and for any associated noncrop application on land owned or rented by him or his employer or if applied without compensation other than trading of personal services between producers of agricultural commodities on the land of another person.

(33) "Private-commercial applicator" means a certified applicator who uses or supervises the use of (a) any EPA restricted use pesticide or (b) any restricted use pesticide restricted to use only by certified applicators for purposes other than the production of any agricultural commodity on lands owned or rented by him or his employer.

(34) "Unreasonable adverse effects on the environment" means any unreasonable risk to man or the environment taking into account the economic, social and environmental costs and benefits of the use of any pesticide, or as otherwise determined by the director.) "Agricultural

commodity" means any plant or part of a plant, or animal, or animal product, produced by a person (including farmers, ranchers, vineyardists, plant propagators, Christmas tree growers, aquaculturists, floriculturists, orchardists, foresters, or other comparable persons) primarily for sale, consumption, propagation, or other use by people or animals.

(2) "Apparatus" means any type of ground, water, or aerial equipment, device, or contrivance using motorized, mechanical, or pressurized power and used to apply any pesticide on land and anything that may be growing, habitating, or stored on or in such land, but shall not include any pressurized hand-sized household device used to apply any pesticide, or any equipment, device, or contrivance of which the person who is applying the pesticide is the source of power or energy in making such pesticide application, or any other small equipment, device, or contrivance that is transported in a piece of equipment licensed under this chapter as an apparatus.

(3) "Arthropod" means any invertebrate animal that belongs to the phylum arthropoda, which in addition to insects, includes allied classes whose members are wingless and usually have more than six legs; for example, spiders, mites, ticks, centipedes, and isopod crustaceans.

(4) "Certified applicator" means any individual who is licensed as a commercial pesticide applicator, commercial pesticide operator, public operator, private-commercial applicator, demonstration and research applicator, or certified private applicator, or any other individual who is certified by the director to use or supervise the use of any pesticide which is classified by the EPA as a restricted use pesticide or by the state as restricted to use by certified applicators only.

(5) "Commercial pesticide applicator" means any person who engages in the business of applying pesticides to the land of another.

(6) "Commercial pesticide operator" means any employee of a commercial pesticide applicator who uses or supervises the use of any pesticide and who is required to be licensed under provisions of this chapter.

(7) "Defoliant" means any substance or mixture of substances intended to cause the leaves or foliage to drop from a plant with or without causing abscission.

(8) "Department" means the Washington state department of agriculture.

(9) "Desiccant" means any substance or mixture of substances intended to artificially accelerate the drying of plant tissues.

(10) "Device" means any instrument or contrivance intended to trap, destroy, control, repel, or mitigate pests, or to destroy, control, repel, or mitigate fungi, nematodes, or such other pests, as may be designated by the director, but not including equipment used for the application of pesticides when sold separately from the pesticides.

(11) "Direct supervision" by certified private applicators shall mean that the designated restricted use pesticide shall be applied for purposes of producing any agricultural commodity on land owned or rented by the applicator or the applicator's employer, by a competent person acting under the instructions and control of a certified private applicator who is available if and when needed, even though such certified private applicator is not physically present at the time and place the pesticide is applied. The certified private applicator shall have direct management responsibility and familiarity of the pesticide, manner of application, pest, and land to which the pesticide is being applied. Direct supervision by all other certified applicators means direct on-the-job supervision. Direct supervision of an aerial apparatus means the pilot of the aircraft must be appropriately certified.

(12) "Director" means the director of the department or a duly authorized representative.

(13) "Engage in business" means any application of pesticides by any person upon lands or crops of another.

(14) "EPA" means the United States environmental protection agency.

(15) "EPA restricted use pesticide" means any pesticide with restricted uses as classified for restricted use by the administrator, EPA.

(16) "FIFRA" means the federal insecticide, fungicide and rodenticide act as amended (61 Stat. 163, 7 U.S.C. Sec. 136 et seq.).

(17) "Fungi" means all nonchlorophyll-bearing thallophytes (all nonchlorophyll-bearing plants of lower order than mosses and liverworts); for example, rusts, smuts, mildews, molds, yeasts, and bacteria, except those on or in a living person or other animals.

(18) "Fungicide" means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate any fungi.

(19) "Herbicide" means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate any weed.

(20) "Insect" means any of the numerous small invertebrate animals whose bodies are more or less obviously segmented, and which for the most part belong to the class insecta, comprising six-legged, usually winged forms, as, for example, beetles, bugs, bees, flies, and to other allied classes of arthropods whose members are wingless and usually have more than six legs, for example, spiders, mites, ticks, centipedes, and isopod crustaceans.

(21) "Insecticide" means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate any insects which may be present in any environment whatsoever.

(22) "Land" means all land and water areas, including airspace and all plants, animals, structures, buildings, devices, and contrivances, appurtenant to or situated on, fixed or mobile, including any used for transportation.

(23) "Nematocide" means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate nematodes.

(24) "Nematode" means any invertebrate animal of the phylum nemathelminthes and class nematoda, that is, unsegmented round worms with elongated, fusiform, or saclike bodies covered with cuticle, and inhabiting soil, water, plants or plant parts, may also be called nemas or eelworms.

(25) "Person" means any individual, partnership, association, corporation, or organized group of persons whether or not incorporated.

(26) "Pest" means, but is not limited to, any insect, rodent, nematode, snail, slug, weed, and any form of plant or animal life or virus, except virus on or in a living person or other animal, which is normally considered to be a pest, or which the director may declare to be a pest.

(27) "Pesticide" means, but is not limited to:

(a) Any substance or mixture of substances intended to prevent, destroy, control, repel, or mitigate any insect, rodent, snail, slug, fungus, weed, and any other form of plant or animal life or virus except virus on or in a living person or other animal which is normally considered to be a pest or which the director may declare to be a pest;

(b) Any substance or mixture of substances intended to be used as a plant regulator, defoliant or desiccant; and

(c) Any spray adjuvant, such as a wetting agent, spreading agent, deposit builder, adhesive, emulsifying agent, deflocculating agent, water modifier, or similar agent with or without toxic properties of its own intended to be used with any other pesticide as an aid to the application or effect thereof, and sold in a package or container separate from that of the pesticide with which it is to be used.

(28) "Pesticide advisory board" means the pesticide advisory board as provided for in this chapter.

(29) "Plant regulator" means any substance or mixture of substances intended through physiological action, to accelerate or retard the rate of growth or maturation, or to otherwise alter the behavior of ornamental or crop plants or their produce, but shall not include substances insofar as they are intended to be used as plant nutrients, trace elements, nutritional chemicals, plant inoculants, or soil amendments.

(30) "Private applicator" means a certified applicator who uses or is in direct supervision of the use of (a) any EPA restricted use pesticide; or (b) any restricted use pesticide restricted to use only by certified applicators by the director, for the purposes of producing any agricultural commodity and for any associated noncrop application on land owned or rented by the applicator or the applicator's employer or if applied without compensation other than trading of personal services between producers of agricultural commodities on the land of another person.

(31) "Private-commercial applicator" means a certified applicator who uses or supervises the use of (a) any EPA restricted use pesticide or (b) any restricted use pesticide restricted to use only by certified applicators for purposes other than the production of any agricultural commodity on lands owned or rented by the applicator or the applicator's employer.

(32) "Restricted use pesticide" means any pesticide or device which, when used as directed or in accordance with a widespread and commonly recognized practice, the director determines, subsequent to a hearing, requires additional restrictions for that use to prevent unreasonable adverse effects on the environment including people, lands, beneficial insects, animals, crops, and wildlife, other than pests.

(33) "Rodenticide" means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate rodents, or any other vertebrate animal which the director may declare by rule to be a pest.

(34) "Snails or slugs" include all harmful mollusks.

(35) "Unreasonable adverse effects on the environment" means any unreasonable risk to people or the environment taking into account the economic, social, and environmental costs and benefits of the use of any pesticide, or as otherwise determined by the director.

(36) "Weed" means any plant which grows where not wanted.

Sec. 34, Section 3, chapter 249, Laws of 1961 as last amended by section 26, chapter 45, Laws of 1987 and RCW 17.21.030 are each amended to read as follows:

The director shall administer and enforce the provisions of this chapter and rules adopted hereunder.

(1) The director shall adopt rules:

(a) Governing the application and use, or prohibiting the use, or possession for use, of any pesticide;

(b) Governing the time when, and the conditions under which restricted use pesticides shall or shall not be used in different areas, which areas may be prescribed by the director, in the state;

(c) Providing that any or all restricted use pesticides shall be purchased, possessed or used only under permit of the director and under the director's direct supervision in certain areas and/or under certain conditions or in certain quantities of concentrations; however, any person licensed to sell such pesticides may purchase and possess such pesticides without a permit;

~~(d) (Providing that all permittees shall keep records as required of licensees under RCW 17.21.100))~~ Establishing recordkeeping requirements for licensees, permittees, and certified applicators;

(e) Fixing and collecting examination fees; (and)

(f) Establishing testing procedures, licensing classifications, and requirements for licenses and permits as provided by this chapter; and

~~(g) Fixing and collecting permit fees.~~

(2) The director may adopt any other rules necessary to carry out the purpose and provisions of this chapter.

Sec. 35. Section 4, chapter 249, Laws of 1961 and RCW 17.21.040 are each amended to read as follows:

All rules adopted under the provisions of this chapter shall be subject to the provisions of chapter ~~((34.04))~~ 34.05 RCW as enacted or hereafter amended, concerning the adoption of rules.

Sec. 36. Section 5, chapter 249, Laws of 1961 as amended by section 4, chapter 158, Laws of 1985 and RCW 17.21.050 are each amended to read as follows:

All hearings for the imposition of a civil penalty and/or the suspension, denial or revocation of a license issued under the provisions of this chapter shall be subject to the provisions of chapter ~~((34.04))~~ 34.05 RCW ~~((as enacted or hereafter amended, concerning contested cases)).~~

Sec. 37. Section 7, chapter 249, Laws of 1961 as last amended by section 21, chapter 297, Laws of 1981 and RCW 17.21.070 are each amended to read as follows:

It shall be unlawful for any person to engage in the business of applying pesticides to the land of another without a commercial pesticide applicator(*) license. ~~((Application for such a license shall be made on or before January 1st of each year. Such))~~ Application for the license shall be accompanied by a fee of one hundred twenty-five dollars and in addition ((thereto)) a fee of ten dollars for each apparatus, exclusive of one, used by the applicant in the application of pesticides: PROVIDED, That the provisions of this section shall not apply to any person employed only to operate any apparatus used for the application of any pesticide, and in which such person has no financial interest or other control over such apparatus other than its day to day mechanical operation for the purpose of applying any pesticide. Commercial pesticide applicator licenses shall expire on December 31st following their issuance.

Sec. 38. Section 8, chapter 249, Laws of 1961 as amended by section 4, chapter 177, Laws of 1967 and RCW 17.21.080 are each amended to read as follows:

Application for a commercial pesticide applicator(*) license provided for in RCW 17.21.070 shall be on a form prescribed by the director and shall include the following:

(1) The full name of the person applying for such license.

(2) If the applicant is an individual, receiver, trustee, firm, partnership, association, corporation, or any other organized group of persons whether incorporated or not, the full name of each member of the firm or partnership, or the names of the officers of the association, corporation or group.

(3) The principal business address of the applicant in the state and elsewhere.

(4) The name of a person whose domicile is in the state, and who is authorized to receive and accept services of summons and legal notice of all kinds for the applicant.

(5) The model, make, horsepower, and size of any apparatus used by the applicant to apply pesticides.

(6) License classification or classifications the applicant is applying for.

(7) Any other necessary information prescribed by the director.

Sec. 39. Section 10, chapter 249, Laws of 1961 as last amended by section 28, chapter 45, Laws of 1987 and RCW 17.21.100 are each amended to read as follows:

(1) Except as provided in subsection (7) of this section, pesticide applicators licensed under the provisions of this chapter and all persons applying pesticides to more than one acre of agricultural land in a calendar year, including public entities engaged in roadside spraying of pesticides, shall keep records on a form prescribed by the director which shall include the following:

~~((1))~~ The name of the person for whom the pesticide was applied.

~~((2))~~ (a) The location of the land where the pesticide was applied.

~~((3))~~ (b) The year, month, day and time the pesticide was applied.

~~((4))~~ The trade name and/or the common name)) (c) The product name used on the registered label and the United States environmental protection agency registration number, if applicable, of the pesticide which was applied.

~~((5))~~ (d) The crop or site to which the pesticide was applied.

(e) The amount of pesticide applied per acre or other appropriate measure.

(f) The concentration of pesticide that was applied.

(g) The number of acres, or other appropriate measure, to which the pesticide was applied.

(h) The licensed applicator's name, address, and telephone number and the name of the individual or individuals making the application.

(i) The direction and estimated velocity of the wind at the time the pesticide was applied: PROVIDED, That this subsection ((does)) (i) shall not apply to applications of baits in bait stations and pesticide applications within structures.

~~((6))~~ (i) Any other reasonable information required by the director.

~~((7))~~ (2) Records shall be updated on the same day that a pesticide is applied.

(3) Such records shall be kept for a period of ((three)) seven years from the date of the application of the pesticide to which such records refer, and the director shall, upon request in writing, be furnished with a copy of such records forthwith by the licensee: PROVIDED, That the director may require the submission of such records within thirty days of the application of any restricted use pesticide in prescribed areas controlling the use of such restricted use pesticide.

(4) The pesticide records shall be readily available to: The department; treating medical personnel initiating diagnostic testing or therapy for a patient with a suspected case of pesticide poisoning; the department of social and health services; the pesticide incident reporting and tracking panel; and, in the case of an industrial insurance claim filed under Title 51 RCW with the department of labor and industries, the employee or the employee's designated representative and the department of labor and industries.

(5) If a request for information is made under subsection (4) of this section from an applicator referred to in subsection (1) of this section and the applicator refuses to provide a copy of the records, the department shall be notified of the request and the applicator's refusal. Within seven working days, the department shall request that the applicator provide the department with all pertinent copies, except that in a medical emergency the request shall be made within two working days. The applicator shall provide copies of the records to the department within twenty-four hours after the department's request.

(6) The department of agriculture and the department of labor and industries shall jointly adopt, by rule, one form that satisfies the information requirements of this section and section 77 of this act. Records kept on the prescribed form under section 77 of this act may be used to comply with this section.

(7) This section shall not apply to the owner or operator of a dairy farm with respect to his or her application of pesticides to the farm.

Sec. 40. Section 11, chapter 249, Laws of 1961 as last amended by section 22, chapter 297, Laws of 1981 and RCW 17.21.110 are each amended to read as follows:

It shall be unlawful for any person to act as an employee of a commercial pesticide applicator and apply pesticides manually or as the operator directly in charge of any apparatus which is licensed or should be licensed under the provisions of this chapter for the application of any pesticide, without having obtained ~~((an operator's))~~ a commercial pesticide operator license from the director. ((Such an operator's)) The commercial pesticide operator license shall be in addition to any other license or permit required by law for the operation or use of any such apparatus. ((Any person applying for such an operator's license shall file an application on a form prescribed by the director on or before January 1st of each year. Such application shall state the classifications the applicant is applying for and whether the applicant intends to apply pesticides manually or to operate either a ground or aerial apparatus, or both, for the application of pesticides.)) Application for a license to apply pesticides manually and/or to operate ground apparatuses shall be accompanied by a license fee of ~~((twenty))~~ thirty dollars. Application for a license to operate an aerial apparatus shall be accompanied by a license fee of ~~((twenty))~~ thirty dollars. The provisions of this section shall not apply to any individual who ~~((has passed the examination provided for in RCW 17.21.090, and))~~ is a licensed commercial pesticide applicator. Commercial pesticide operator licenses shall expire on December 31st following their issuance.

Sec. 41. Section 6, chapter 92, Laws of 1979 and RCW 17.21.122 are each amended to read as follows:

It shall be unlawful for any person to act as a private-commercial applicator without having obtained a private-commercial applicator~~((s))~~ license from the director. ~~((Any person applying for such private-commercial applicator's license shall file an application on a form prescribed by the director. Such application shall state the classifications the applicant is applying for and the method in which these pesticides are to be applied.))~~ Application for a private-commercial applicator license ~~((to apply pesticides))~~ shall be accompanied by a license fee of ~~((twenty))~~ fifty dollars before a license may be issued. ~~((The))~~ Private-commercial applicator licenses issued by the director shall ~~((be valid until revoked or until the director determines that recertification is necessary))~~ expire on the fifth December 31st after the date of issuance.

Sec. 42. Section 8, chapter 92, Laws of 1979 and RCW 17.21.126 are each amended to read as follows:

It shall be unlawful for any person to act as a private applicator without first complying with the certification requirements determined by the director as necessary to prevent unreasonable adverse effects on the environment, including injury to the applicator or other persons, for that specific pesticide use. Certification standards to determine the individual's competency with respect to the use and handling of the pesticide or class of pesticides the private applicator is to be certified to use shall be relative to hazards according to RCW 17.21.030 as now or hereafter amended. In determining these standards the director shall take into consideration standards of the EPA and is authorized to adopt by ~~((regulation))~~ rule these standards. ~~((A))~~ Application for private applicator certification shall be accompanied by a license fee of fifteen dollars before a certification may be issued. Private applicator certification issued by the director shall ~~((be valid until revoked or the director determines that a recertification is necessary))~~ expire on December 31st following issuance: PROVIDED, That private applicator certifications valid on July 1, 1989, shall expire on December 31, 1989. If the director does not qualify ~~((the))~~ a private applicator under this section, ~~((he))~~ the director shall inform the applicant in writing.

Sec. 43. Section 26, chapter 297, Laws of 1981 as amended by section 30, chapter 45, Laws of 1987 and RCW 17.21.129 are each amended to read as follows:

Except as provided in RCW 17.21.203(1), it is unlawful for a person to use or supervise the use of any pesticide which is restricted to use by certified applicators, on small experimental plots for research purposes when no charge is made for the pesticide and its application, without a demonstration and research applicator's license.

~~((Demonstration and research applicators shall be subject to the record-keeping requirements of RCW 17.21.160. The director shall not issue a demonstration and research license until the applicant has passed an examination to demonstrate (1) the applicant's ability to apply pesticides in the classifications the applicant has applied for, and (2) the applicant's knowledge of the nature and effect of pesticides applied manually or used in such apparatuses under such classifications.))~~

A license fee of ~~((twenty))~~ fifty dollars shall be paid before a demonstration and research license may be issued. ~~((The director shall charge an examination fee established by the director by rule for each examination administered on other than a regularly scheduled examination date.))~~ The demonstration and research applicator's(*) license shall ~~((be valid until revoked or until the director determines that recertification is necessary))~~ expire on the first December 31st after the date of issuance.

NEW SECTION, Sec. 44. A new section is added to chapter 17.21 RCW to read as follows:

Any person applying for a license or certification authorized under the provisions of this chapter shall file an application on a form prescribed by the director. The application shall state the license or certification and the classification(s) the applicant is applying for and the method in which the pesticides are to be applied. Application for a license to apply pesticides shall be accompanied by the required fee. Renewal applications shall be filed on or before January 1st of the appropriate year.

NEW SECTION, Sec. 45. A new section is added to chapter 17.21 RCW to read as follows:

(1) The director shall not issue a commercial pesticide applicator license until the applicant, if he or she is the sole owner of the business, or if there is more than one owner, the person managing the business, has passed an examination. The director shall not issue a commercial pesticide operator, public operator, private commercial applicator, or demonstration and research applicator license until the applicant has passed an examination. Such examinations shall require the applicant to demonstrate to the director knowledge of:

(a) How to apply pesticides under the classification he or she has applied for, manually or with the various apparatuses that he or she may operate;

(b) The nature and effect of pesticides he or she may apply under such classifications; and

(c) Any other matter the director determines to be a necessary subject for examination.

(2) The director shall charge an examination fee established by the director by rule when an examination is necessary before a license may be issued or when application for such license and examination is made at other than a regularly scheduled examination date as provided for by the director.

(3) The director may prescribe separate testing procedures and requirements for each license.

Sec. 46. Section 13, chapter 249, Laws of 1961 as amended by section 10, chapter 203, Laws of 1986 and RCW 17.21.130 are each amended to read as follows:

Any license, permit, or certification provided for in this chapter may be revoked or suspended, and any license, permit, or certification application may be denied by the director for cause.

Sec. 47. Section 14, chapter 249, Laws of 1961 and RCW 17.21.140 are each amended to read as follows:

(1) If the application for renewal of any license provided for in this chapter is not filed on or prior to January 1st ~~((in any year))~~ following the expiration date of the license, a penalty of twenty-five ~~((percent))~~ dollars for the commercial pesticide applicator's license, and a penalty equivalent to the license fee for any other license, shall be assessed and added to the original

fee and shall be paid by the applicant before the renewal license shall be issued: PROVIDED, That such penalty shall not apply if the applicant furnishes an affidavit certifying that he or she has not acted as a ~~((pesticide applicator or operator))~~ licensee subsequent to the expiration of ~~((his))~~ the license.

(2) Any license for which a timely renewal application has been made, all other requirements have been met, and the proper fee paid, continues in full force and effect until the director notifies the applicant that the license has been renewed or the application has been denied.

Sec. 48. Section 15, chapter 249, Laws of 1961 as last amended by section 4, chapter 191, Laws of 1971 ex. sess. and RCW 17.21.150 are each amended to read as follows:

~~((The director may deny, suspend, or revoke a license provided for in this chapter if he determines that an applicant or licensee has committed))~~ A person who has committed any of the following acts ~~((each of which))~~ is declared to be ~~((a))~~ in violation of this chapter:

(1) Made false or fraudulent claims through any media, misrepresenting the effect of materials or methods to be utilized;

(2) Applied worthless or improper materials;

(3) Operated a faulty or unsafe apparatus;

(4) Operated in a faulty, careless, or negligent manner;

(5) Refused or neglected to comply with the provisions of this chapter, the rules adopted hereunder, or of any lawful order of the director;

(6) Refused or neglected to keep and maintain the records required by ~~((this chapter))~~ rule, or to make reports when and as required;

(7) Made false or fraudulent records, invoices, or reports;

(8) Engaged in the business of applying a pesticide without having ~~((a licensed applicator or operator))~~ an appropriately licensed person in direct "on-the-job" supervision;

(9) Operated an unlicensed apparatus or an apparatus without a license plate issued for that particular apparatus;

(10) Used fraud or misrepresentation in making an application for a license or renewal of a license;

(11) Is not qualified to perform the type of pest control under the conditions and in the locality in which he or she operates or has operated, regardless of whether or not he or she has previously passed ~~((an))~~ a pesticide license examination ~~((provided for in RCW 17-21-090 and 17-21-120))~~;

(12) Aided or abetted a licensed or an unlicensed person to evade the provisions of this chapter, combined or conspired with such a licensed or an unlicensed person to evade the provisions of this chapter, or allowed one's license to be used by an unlicensed person;

(13) Knowingly made false, misleading or erroneous statements or reports during or after an inspection concerning any infestation or infection of pests found on land or in connection with any pesticide complaint or investigation: ~~((or))~~

(14) Impersonated any state, county or city inspector or official; or

(15) Used or supervised the use of a pesticide restricted to use by certified applicators without having a certified applicator in direct supervision.

Sec. 49. Section 16, chapter 249, Laws of 1961 as amended by section 9, chapter 177, Laws of 1967 and RCW 17.21.160 are each amended to read as follows:

The director shall not issue a commercial pesticide applicator~~((s))~~ license until the applicant has furnished evidence of financial responsibility with the director consisting either of a surety bond; or a liability insurance policy or certification thereof, protecting persons who may suffer legal damages as a result of the operations of the applicant: PROVIDED, That such surety bond or liability insurance policy need not apply to damages or injury to agricultural crops, plants or land being worked upon by the applicant. The director shall not accept a surety bond or liability insurance policy except from authorized insurers in this state or if placed as a surplus line as provided for in chapter 48.15 RCW, as enacted or hereafter amended.

Sec. 50. Section 18, chapter 249, Laws of 1961 as last amended by section 31, chapter 45, Laws of 1987 and RCW 17.21.180 are each amended to read as follows:

The ~~((applicator's))~~ commercial pesticide applicator license shall, whenever the licensee's surety bond or insurance policy is reduced below the requirements of RCW 17.21.170, be automatically suspended until such licensee's surety bond or insurance policy again meets the requirements of RCW 17.21.170: PROVIDED, That the director may pick up such licensee's license plates during such period of automatic suspension and return them only at such time as the said licensee has furnished the director with written proof that he or she is in compliance with the provisions of RCW 17.21.170.

Sec. 51. Section 19, chapter 249, Laws of 1961 and RCW 17.21.190 are each amended to read as follows:

Any person suffering property loss or damage resulting from the use or application by others of any pesticide ~~((must))~~ shall file with the director a verified report of loss setting forth, so far as known to the claimant, the following:

(1) The name and address of the claimant.

(2) The type, kind, property alleged to be injured or damaged.

(3) The name of the person applying the pesticide and allegedly responsible.

(4) The name of the owner or occupant of the property for whom such application of the pesticide was made.

The report (~~((must))~~) shall be filed within (~~((sixty))~~) thirty days from the time that the property loss or damage becomes known to the claimant. If a growing crop is alleged to have been damaged, the report (~~((must))~~) shall be filed prior to harvest of fifty percent of that crop, unless the loss or damage was not then known. The department shall establish time periods by rule to determine investigation response time. Time periods shall range from immediate to forty-eight hours to initiate an investigation, depending on the severity of the damage.

The filing of such report or the failure to file such a report need not be alleged in any complaint which might be filed in a court of law, and the failure to file the report shall not be considered any bar to the maintenance of any criminal or civil action.

The failure to file such a report shall not be a violation of this chapter. However, if the person failing to file such report is the only one (~~((injured))~~) suffering loss from such use or application of a pesticide by a pesticide applicator or operator, the director may refuse to (~~((hold a hearing for the denial, suspension, or revocation of such pesticide applicator's or operator's license until such report is filed))~~) act upon the complaint.

Sec. 52. Section 20, chapter 249, Laws of 1961 as last amended by section 3, chapter 92, Laws of 1979 and RCW 17.21.200 are each amended to read as follows:

The provisions of this chapter relating to commercial pesticide applicator licenses and requirements for their issuance shall not apply to any forest landowner, or his or her employees, applying pesticides with ground apparatus or manually, on his or her own lands or any lands or rights of way under his or her control or to any farmer owner of ground apparatus applying pesticides for himself or herself or other farmers on an occasional basis not amounting to a principal or regular occupation(~~((PROVIDED, That such owner))~~) or to any grounds maintenance person conducting grounds maintenance on an occasional basis not amounting to a regular occupation. However, persons exempt under this section shall not use pesticides restricted to use by certified applicators and shall not advertise or publicly hold ((himself)) themselves out as ((a)) pesticide applicators.

Sec. 53. Section 22, chapter 249, Laws of 1961 as last amended by section 11, chapter 203, Laws of 1986 and RCW 17.21.220 are each amended to read as follows:

(1) All state agencies, municipal corporations, and public utilities or any other governmental agency shall be subject to the provisions of this chapter and rules adopted thereunder concerning the application of pesticides(~~((PROVIDED, That the operators applying any pesticide restricted to use by certified applicators or in charge of any apparatuses used by any state agencies, municipal corporations and public utilities or any governmental agencies shall be subject to the provisions of RCW 17.21.100, 17.21.110 and 17.21.120. PROVIDED FURTHER, That the director shall issue a limited public operator license without a fee to such operators which shall be valid only when such operators are acting as employees of a state agency, municipal corporation, public utility, or other government agency. AND PROVIDED FURTHER, That))~~).

(2) It shall be unlawful for any employee of a state agency, municipal corporation, public utility, or any other government agency to use or to supervise the use of any pesticide restricted to use by certified applicators, or any pesticide by means of an apparatus, without having obtained a public operator license from the director. A license fee of fifteen dollars shall be paid before a public operator license may be issued. The license fee shall not apply to public operators licensed and working in the health vector field. Public operator licenses shall expire on December 31st following the date of issuance. The public operator license shall be valid only when the operator is acting as an employee of a government agency.

(3) The jurisdictional health officer or his or her duly authorized representative is exempt from this licensing provision when applying pesticides not restricted to use by certified applicators to control pests other than weeds. (~~((Public operator licenses shall expire on the fifth December 31 from the date of issuance. All public operator licenses valid on December 31, 1985, shall expire on December 31, 1990.~~)).

(~~((2))~~) (4) Such agencies, municipal corporations and public utilities shall be subject to legal recourse by any person damaged by such application of any pesticide, and such action may be brought in the county where the damage or some part thereof occurred.

Sec. 54. Section 23, chapter 249, Laws of 1961 as last amended by section 8, chapter 36, Laws of 1988 and RCW 17.21.230 are each amended to read as follows:

There is hereby created a pesticide advisory board consisting of three licensed pesticide applicators residing in the state (one shall be licensed to operate ground apparatus, one shall be licensed to operate aerial apparatus, and one shall be licensed for structural pest control), one licensed pest control consultant, one licensed pesticide dealer manager, one entomologist in public service, one toxicologist in public service, one (~~((plant pathologist in public service))~~) pesticide coordinator from Washington State University, one member from the agricultural chemical industry, one member from the food processing industry, one member representing agricultural labor, one health care practitioner in private practice, one member from the environmental community, and two producers of agricultural crops or products on which pesticides are applied or which may be affected by the application of pesticides. Such members

shall be appointed by the governor for terms of four years and may be appointed for successive four year terms at the discretion of the governor. The governor may remove any member of the pesticide advisory board prior to the expiration of his or her term of appointment for cause. The pesticide advisory board shall also include the following nonvoting members: The director of the department of labor and industries or ~~(his)~~ a duly authorized representative, the environmental health specialist from the division of health of the department of social and health services, the supervisor of the ~~((grain and))~~ chemical division of the department, and the directors, or their appointed representatives, of the departments of wildlife, fisheries, natural resources, and ecology.

Sec. 55. Section 24, chapter 249, Laws of 1961 and RCW 17.21.240 are each amended to read as follows:

Upon the death, resignation or removal for cause of any member of the pesticide advisory board, the governor shall fill such vacancy, within thirty days of its creation, for the remainder of its term in the manner herein prescribed for appointment to the board.

Sec. 56. Section 25, chapter 249, Laws of 1961 and RCW 17.21.250 are each amended to read as follows:

The pesticide advisory board shall advise the director on any or all problems relating to the use and application of pesticides in the state.

Sec. 57. Section 26, chapter 249, Laws of 1961 and RCW 17.21.260 are each amended to read as follows:

The pesticide advisory board shall elect one of its members chairman. The members of the board shall meet at such time and at such place as shall be specified by the call of the director, chairman or a majority of the board.

Sec. 58. Section 27, chapter 249, Laws of 1961 as amended by section 24, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 17.21.270 are each amended to read as follows:

No person appointed to the pesticide advisory board shall receive a salary or other compensation as a member of the board: PROVIDED, That each member of the board shall receive travel expenses in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended for each day spent in actual attendance at or traveling to and from meetings of the board or special assignments for the board.

Sec. 59. Section 28, chapter 249, Laws of 1961 as last amended by section 183, chapter 202, Laws of 1987 and RCW 17.21.280 are each amended to read as follows:

All moneys collected under the provisions of this chapter shall be paid to the director for use exclusively in the enforcement of this chapter ~~((All moneys held by the director for the enforcement of chapter 17.20 RCW shall be retained by the director for the enforcement of this chapter))~~: PROVIDED, That all fees, fines, forfeitures and penalties collected or assessed by a district court because of the violation of a state law shall be remitted as provided in chapter 3.62 RCW as now exists or is later amended.

Sec. 60. Section 29, chapter 249, Laws of 1961 as amended by section 15, chapter 177, Laws of 1967 and RCW 17.21.290 are each amended to read as follows:

All licensed apparatuses shall be identified by a license plate furnished by the director, at no cost to the licensee, which plate shall be affixed in a location and manner upon such apparatus as prescribed by the director. ~~((The licensee shall also place on two sides of each licensed apparatus so as to be readily visible to the public, letters not less than one inch high stating the classification or classifications for which such licensee is licensed.))~~

Sec. 61. Section 3, chapter 158, Laws of 1985 and RCW 17.21.315 are each amended to read as follows:

Every person who fails to comply with this chapter or the rules adopted under it may be subjected to a civil penalty, as determined by the director, in an amount of not more than ~~((one))~~ seven thousand five hundred dollars for every such violation. Each and every such violation shall be a separate and distinct offense. Every person who, through an act of commission or omission, procures, aids, or abets in the violation shall be considered to have violated this section and may be subject to the civil penalty herein provided.

Sec. 62. Section 10, chapter 191, Laws of 1971 ex. sess. and RCW 17.21.320 are each amended to read as follows:

(1) For purpose of carrying out the provisions of this chapter the director may enter upon any public or private premises at reasonable times, in order:

(a) To have access for the purpose of inspecting any equipment subject to this chapter and such premises on which such equipment is kept or stored;

(b) To inspect lands actually or reported to be exposed to pesticides;

(c) To inspect storage or disposal areas;

(d) To inspect or investigate complaints of injury to humans or land; or

(e) To sample pesticides being applied or to be applied.

(2) Should the director be denied access to any land where such access was sought for the purposes set forth in this chapter, ~~((he))~~ the director may apply to any court of competent jurisdiction for a search warrant authorizing access to such land for said purposes. The court may upon such application, issue the search warrant for the purposes requested.

(3) It shall be the duty of each prosecuting attorney to whom any violation of this chapter is reported, to cause appropriate proceedings to be instituted and prosecuted in a court of competent jurisdiction without delay.

(4) The director may bring an action to enjoin the violation or threatened violation of any provision of this chapter or any rule made pursuant to this chapter in the superior court of the county in which such violation occurs or is about to occur.

NEW SECTION, Sec. 63. A new section is added to chapter 17.21 RCW to read as follows:

(1) A person aggrieved by a violation of this chapter or the rules adopted under this chapter:

(a) May request an inspection of the area in which the violation is believed to have occurred. If there are reasonable grounds to believe that a violation has occurred, the department shall conduct an inspection as soon as practicable. However, the director may refuse to act on a request for inspection concerning only property loss or damage if the person suffering property damage fails to file a timely report of loss under RCW 17.21.190. If an inspection is conducted, the person requesting the inspection shall:

(i) Be promptly notified in writing of the department's decision concerning the assessment of any penalty pursuant to the inspection; and

(ii) Be entitled, on request, to have his or her name protected from disclosure in any communication with persons outside the department and in any record published, released, or made available pursuant to this chapter;

(b) Shall be notified promptly, on written application to the director, of any penalty or other action taken by the department pursuant to an investigation of the violation under this chapter; and

(c) May request, within ten days from the service of a final order fixing a penalty for the violation, that the director reconsider the entire matter if it is alleged that the penalty is inappropriate. If the person is aggrieved by a decision of the director on reconsideration, the person may request an adjudicative proceeding under chapter 34.05 RCW. However, the procedures for a brief adjudicative proceeding may not be used unless agreed to by the person requesting the adjudicative proceeding. During the adjudicative proceeding under (c) of this subsection, the presiding officer shall consider the interests of the person requesting the adjudicative proceeding.

(2) Nothing in this chapter shall preclude any person aggrieved by a violation of this chapter from bringing suit in a court of competent jurisdiction for damages arising from the violation.

NEW SECTION, Sec. 64. A new section is added to chapter 17.21 RCW to read as follows:

By December 1, 1989, and each subsequent December 1, the department shall report to the appropriate committees of the house of representatives and the senate on the activities of the department under this chapter. The report shall include, at a minimum: (1) A review of the department's pesticide incident investigation and enforcement activities, with the number of cases investigated and the number and amount of civil penalties assessed; and (2) a summary of the pesticide residue food monitoring program with information on the food samples tested and results of the tests, a listing of the pesticides for which no testing is done, and other pertinent information.

Sec. 65, Section 32, chapter 249, Laws of 1961 and RCW 17.21.910 are each amended to read as follows:

Unless revoked for cause by the director, any license issued under the provisions of this chapter ((17-20-RCW)) and in effect on ((the effective date of this act)) June 7, 1961, shall continue in full force and effect until its expiration date ((as if it had been issued under the requirements of RCW 17-21-990 and satisfied all requirements for obtaining such license, unless revoked prior thereto for cause by the director subsequent to a hearing.

The director shall prorate the cost of any license provided for in this chapter for the license period beginning with the effective date of this act and ending December 31, 1961); PRO-VIDED, That public operator, private commercial applicator and demonstration and research applicator licenses in effect on December 31, 1985, shall expire on December 31, 1990, and any public operator, private commercial applicator and demonstration and research applicator licenses issued after December 31, 1985, and in effect on December 31, 1986, shall expire on December 31, 1991.

NEW SECTION, Sec. 66. A new section is added to chapter 17.21 RCW to read as follows:

Each registration and licensing fee under this chapter is increased by a surcharge of five dollars to be deposited in the agriculture—local fund, provided that an additional one-time surcharge of five dollars shall be collected on January 1, 1990. The revenue raised by the imposition of this surcharge shall be used to assist in funding the pesticide incident reporting and tracking review panel, department of social and health services' pesticide investigations, and the department of agriculture's pesticide investigations.

NEW SECTION, Sec. 67. A new section is added to chapter 70.104 RCW to read as follows:

The legislature finds that heightened concern regarding health and environmental impacts from pesticide use and misuse has resulted in an increased demand for full-scale health investigations, assessment of resource damages, and health effects information.

Increased reporting, comprehensive unbiased investigation capability, and enhanced community education efforts are required to maintain this state's responsibilities to provide for public health and safety.

It is the intent of the legislature that the various state agencies responsible for pesticide regulation coordinate their activities in a timely manner to ensure adequate monitoring of pesticide use and protection of workers and the public from the effects of pesticide misuse.

NEW SECTION, Sec. 68. A new section is added to chapter 70.104 RCW to read as follows:

(1) There is hereby created a pesticide incident reporting and tracking review panel consisting of the following members:

(a) The directors, secretaries, or designees of the departments of labor and industries, agriculture, natural resources, wildlife, and ecology;

(b) The director of the department of social and health services or his or her designee, who shall serve as the coordinating agency for the review panel;

(c) The chair of the department of environmental health of the University of Washington, or his or her designee;

(d) The pesticide coordinator and specialist of the cooperative extension at Washington State University or his or her designee;

(e) A representative of the Washington poison control center network;

(f) A practicing toxicologist and a member of the general public, who shall each be appointed by the governor for terms of two years and may be appointed for a maximum of four terms at the discretion of the governor. The governor may remove either member prior to the expiration of his or her term of appointment for cause. Upon the death, resignation, or removal for cause of a member of the review panel, the governor shall fill such vacancy, within thirty days of its creation, for the remainder of the term in the manner herein prescribed for appointment to the review panel.

(2) The review panel shall be chaired by the secretary of the department of social and health services, or designee. The members of the review panel shall meet at least monthly at a time and place specified by the chair, or at the call of a majority of the review panel.

NEW SECTION, Sec. 69. A new section is added to chapter 70.104 RCW to read as follows:

The responsibilities of the review panel shall include, but not be limited to:

(1) Establishing guidelines for centralizing the receipt of information relating to actual or alleged health and environmental incidents involving pesticides;

(2) Reviewing and making recommendations for procedures for investigation of pesticide incidents, which shall be implemented by the appropriate agency unless a written statement providing the reasons for not adopting the recommendations is provided to the review panel;

(3) Monitoring the time periods required for response to reports of pesticide incidents by the departments of agriculture, social and health services, and labor and industries;

(4) At the request of the chair or any panel member, reviewing pesticide incidents of unusual complexity or those that cannot be resolved;

(5) Identifying inadequacies in state and/or federal law that result in insufficient protection of public health and safety, with specific attention to advising the appropriate agencies on the adequacy of pesticide reentry intervals established by the federal environmental protection agency and registered pesticide labels to protect the health and safety of farmworkers. The panel shall establish a priority list for reviewing reentry intervals, which considers the following criteria:

(a) Whether the pesticide is being widely used in labor-intensive agriculture in Washington;

(b) Whether another state has established a reentry interval for the pesticide that is longer than the existing federal reentry interval;

(c) The toxicity category of the pesticide under federal law;

(d) Whether the pesticide has been identified by a federal or state agency or through a scientific review as presenting a risk of cancer, birth defects, genetic damage, neurological effects, blood disorders, sterility, menstrual dysfunction, organ damage, or other chronic or subchronic effects; and

(e) Whether reports or complaints of ill effects from the pesticide have been filed following worker entry into fields to which the pesticide has been applied; and

(6) Reviewing and approving an annual report prepared by the department of social and health services to the governor, agency heads, and members of the legislature, with the same available to the public. The report shall include, at a minimum:

(a) A summary of the year's activities;

(b) A synopsis of the cases reviewed;

(c) A separate descriptive listing of each case in which adverse health or environmental effects due to pesticides were found to occur;

(d) A tabulation of the data from each case;

(e) An assessment of the effects of pesticide exposure in the workplace;

(f) The identification of trends, issues, and needs; and

(g) Any recommendations for improved pesticide use practices.

NEW SECTION, Sec. 70. A new section is added to chapter 70.104 RCW to read as follows:

Nothing in sections 67 through 69 of this act shall be construed to affect in any manner the administration of Title 51 RCW by the department of labor and industries.

Sec. 71. Section 3, chapter 41, Laws of 1971 ex. sess. and RCW 70.104.030 are each amended to read as follows:

(1) The department of social and health services shall investigate all suspected human cases of pesticide poisoning and such cases of suspected pesticide poisoning of animals that may relate to human illness. The department shall establish time periods by rule to determine investigation response time. Time periods shall range from immediate to forty-eight hours to initiate an investigation, depending on the severity of the case or suspected case of pesticide poisoning.

In order to adequately investigate such cases, the department of social and health services shall have the power to:

(a) Take all necessary samples and human or animal tissue specimens for diagnostic purposes: PROVIDED, That tissue, if taken from a living human, shall be taken from a living human only with the consent of a person legally qualified to give such consent;

(b) Secure any and all such information as may be necessary to adequately determine the nature and causes of any case of pesticide poisoning.

(2) The state department of social and health services shall, by rule and regulation adopted pursuant to the Administrative Procedure Act, chapter ~~((34.04))~~ 34.05 RCW, as it now exists or is hereafter amended, and, in any event, with due notice and a hearing for the adoption of permanent rules, establish procedures for the prevention of any recurrence of poisoning and the department shall immediately notify the department of agriculture, the department of labor and industries, and other appropriate agencies of the results of its investigation for such action as the ~~((department of agriculture or such))~~ other departments or agencies deem appropriate. The notification of such investigations and their results may include recommendations for further action by the appropriate department or agency.

NEW SECTION, Sec. 72. A new section is added to chapter 70.104 RCW to read as follows:

(1) Any attending physician or other health care provider recognized as primarily responsible for the diagnosis and treatment of a patient or, in the absence of a primary health care provider, the health care provider initiating diagnostic testing or therapy for a patient shall report a case or suspected case of pesticide poisoning to the department of social and health services in the manner prescribed by, and within the reasonable time periods established by, rules of the state board of health. Time periods established by the board shall range from immediate reporting to reporting within seven days depending on the severity of the case or suspected case of pesticide poisoning. The reporting requirements shall be patterned after other board rules establishing requirements for reporting of diseases or conditions. Confidentiality requirements shall be the same as the confidentiality requirements established for other reportable diseases or conditions. The board rules shall determine what information shall be reported. Reports shall be made on forms provided to health care providers by the department of social and health services. For purposes of any oral reporting, the department of social and health services shall make available a toll-free telephone number.

(2) Within a reasonable time period as established by board rules, the department of social and health services shall investigate the report of a case or suspected case of pesticide poisoning to document the incident. The department shall report the results of the investigation to the health care provider submitting the original report.

(3) Cases or suspected cases of pesticide poisoning shall be reported by the department of social and health services to the pesticide reporting and tracking review panel within the time periods established by state board of health rules.

(4) Upon request of the primary health care provider, pesticide applicators or employers shall make available to that provider any available information on pesticide applications which may have affected the health of the provider's patient. This information is to be used only for the purposes of providing health care services to the patient.

(5) Any failure of the primary health care provider to make the reports required under this section may be cause for the department of social and health services to submit information about such nonreporting to the applicable disciplining authority for the provider under RCW 18.130.040.

(6) No cause of action shall arise as the result of: (a) The failure to report under this section; or (b) any report submitted to the department of social and health services under this section.

(7) For the purposes of this section, a suspected case of pesticide poisoning is a case in which the diagnosis is thought more likely than not to be pesticide poisoning.

NEW SECTION, Sec. 73. A new section is added to chapter 70.104 RCW to read as follows:

The department of social and health services, after seeking advice from the state board of health, local health officers, and state and local medical associations, shall develop a program of medical education to alert physicians and other health care providers to the symptoms, diagnosis, treatment, and reporting of pesticide poisonings.

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

(1) Section 19, chapter 190, Laws of 1971 ex. sess., section 28, chapter 182, Laws of 1982 and RCW 15.58.190;

(2) Section 45, chapter 190, Laws of 1971 ex. sess. and RCW 15.58.930;

(3) Section 9, chapter 249, Laws of 1961, section 5, chapter 177, Laws of 1967, section 2, chapter 191, Laws of 1971 ex. sess., section 7, chapter 203, Laws of 1986, section 27, chapter 45, Laws of 1987 and RCW 17.21.090;

(4) Section 12, chapter 249, Laws of 1961, section 7, chapter 177, Laws of 1967, section 8, chapter 203, Laws of 1986, section 29, chapter 45, Laws of 1987 and RCW 17.21.120; and

(5) Section 7, chapter 92, Laws of 1979 and RCW 17.21.124.

NEW SECTION. Sec. 75. Section 18, chapter 177, Laws of 1967, section 6, chapter 191, Laws of 1971 ex. sess., section 5, chapter 92, Laws of 1979 and RCW 17.21.205 are each repealed effective January 1, 1990.

NEW SECTION. Sec. 76. A new section is added to chapter 49.70 RCW to read as follows:

(1) If a pesticide having a reentry interval of greater than twenty-four hours is applied to a labor-intensive agricultural crop, the pesticide-treated area shall be posted with warning signs in accordance with the requirements of this section.

(2) When pesticide warning signs are required under this section, the employer shall post signs visible from all usual points of entry to the pesticide-treated area. If there are no usual points of entry or the area is adjacent to an unfenced public right of way, signs shall be posted (a) at each corner of the pesticide-treated area, and (b) at intervals not exceeding six hundred feet, or (c) at other locations approved by the department that provide maximum visibility.

(3) The signs shall be posted no sooner than twenty-four hours before the scheduled application of the pesticide, remain posted during application and throughout the applicable reentry interval, and be removed within two days after the expiration of the applicable reentry interval and before employee reentry is permitted.

(4) Signs shall be legible for the duration of use. Signs shall contain a prominent symbol approved by the department of agriculture and the department of labor and industries by rule, and wording shall be in English and Spanish or other languages as required by the department. Signs shall meet the minimum specifications of rules adopted by the department, which rules shall include, at a minimum, size and lettering requirements.

NEW SECTION. Sec. 77. A new section is added to chapter 49.70 RCW to read as follows:

(1) An employer who applies or stores pesticides in connection with the production of an agricultural crop shall compile and maintain a workplace pesticide list by crop for each pesticide that is applied to a crop or stored in a work area. The workplace pesticide list shall be kept on a form prescribed by the department and shall contain at least the following information:

(a) The location of the land where the pesticide was applied or site where the pesticide was stored;

(b) The year, month, day, and time the pesticide was applied;

(c) The product name used on the registered label and the United States environmental protection agency registration number, if applicable, of the pesticide that was applied or stored;

(d) The crop or site to which the pesticide was applied;

(e) The amount of pesticide applied per acre, or other appropriate measure;

(f) The concentration of pesticide that was applied;

(g) The number of acres, or other appropriate measure, to which pesticide was applied;

(h) If applicable, the licensed applicator's name, address, and telephone number and the name of the individual or individuals making the application; and

(i) The direction and estimated velocity of the wind at the time the pesticide was applied; PROVIDED, That this subsection (i) shall not apply to applications of baits in bait stations and pesticide applications within structures.

(2) The employer shall update the workplace pesticide list on the same day that a pesticide is applied or is first stored in a work area.

(3) The workplace pesticide list may be prepared for the workplace as a whole or for each work area and must be readily available to employees and their designated representatives. New or newly assigned employees shall be made aware of the pesticide chemical list before working with pesticides or in a work area containing pesticides.

(4) An employer subject to this section shall maintain one form for each crop, work area, or workplace as a whole, as appropriate, and shall add information to the form as different pesticides are applied or stored. The forms shall be accessible and available for copying and shall be stored in a location suitable to preserve their physical integrity. The employer shall maintain and preserve the forms required under this section for no less than seven years. The records shall include an estimation of the total amount of each pesticide listed on the forms.

(5) After the effective date of this section, if an employer has failed to maintain and preserve the forms as required, the employer shall be subject to any applicable penalties authorized under this chapter or chapter 49.17 RCW.

(6) If activities for which forms are maintained cease at a workplace, the forms shall be filed with the department. If an employer subject to this section is succeeded or replaced in that function by another person, the person who succeeds or replaces the employer shall retain the forms as required by this section but is not liable for violations committed by the former

employer under this chapter or rules adopted under this chapter, including violations relating to the retention and preservation of forms.

(7) The employer shall provide copies of the forms, on request, to an employee or the employee's designated representative in the case of an industrial insurance claim filed under Title 51 RCW with the department of labor and industries, treating medical personnel, the pesticide incident reporting and tracking review panel, or department representative. The designated representative or treating medical personnel are not required to identify the employee represented or treated. The department shall keep the name of any affected employee confidential in accordance with RCW 49.17.080(1). If an employee, a designated representative, treating medical personnel, or the pesticide incident reporting and tracking review panel requests a copy of a form and the employer refuses to provide a copy, the requester shall notify the department of the request and the employer's refusal. Within seven working days, the department shall request that the employer provide the department with all pertinent copies, except that in a medical emergency the request shall be made within two working days. The employer shall provide copies of the form to the department within twenty-four hours after the department's request.

(8) The department of labor and industries and the department of agriculture shall jointly adopt, by rule, one form that satisfies the information requirements of this section and RCW 17.21.100. Records kept by the employer on the prescribed form under RCW 17.21.100 may be used to comply with the workplace pesticide list information requirements under this section.

Sec. 78. Section 16, chapter 35, Laws of 1945 as last amended by section 2, chapter 292, Laws of 1977 ex. sess. and RCW 50.04.150 are each amended to read as follows:

Except as otherwise provided in RCW 50.04.155, the term "employment" shall not include service performed in agricultural labor ((except as otherwise provided in RCW 50.04.155)) by individuals who are enrolled as students and regularly attending classes, or are between two successive academic years or terms, at an elementary school, a secondary school, or an institution of higher education as defined in RCW 50.44.037 and in the case of corporate farms not covered under RCW 50.04.155, the provisions regarding family employment in RCW 50.04.180 shall apply.

Agricultural labor is defined as services performed:

(1) On a farm, in the employ of any person, in connection with the cultivation of the soil, or in connection with raising or harvesting any agricultural or horticultural commodity, including raising, shearing, feeding, caring for, training, and management of livestock, bees, poultry, and furbearing animals and wild life, or in the employ of the owner or tenant or other operator of a farm in connection with the operation, management, conservation, improvement, or maintenance of such farm and its tools and equipment; or

(2) In packing, packaging, grading, storing, or delivering to storage, or to market or to a carrier for transportation to market, any agricultural or horticultural commodity; but only if such service is performed as an incident to ordinary farming operations. The exclusions from the term "employment" provided in this paragraph shall not be deemed to be applicable with respect to commercial packing houses, commercial storage establishments, commercial canning, commercial freezing, or any other commercial processing or with respect to services performed in connection with the cultivation, raising, harvesting and processing of oysters or raising and harvesting of mushrooms or in connection with any agricultural or horticultural commodity after its delivery to a terminal market for distribution for consumption.

Sec. 79. Section 5, chapter 205, Laws of 1984 as last amended by section 3, chapter 171, Laws of 1987 and RCW 50.29.025 are each amended to read as follows:

The contribution rate for each employer shall be determined under this section.

(1) A fund balance ratio shall be determined by dividing the balance in the unemployment compensation fund as of the June 30th immediately preceding the rate year by the total remuneration paid by all employers subject to contributions during the second calendar year preceding the rate year and reported to the department by the following March 31st. The division shall be carried to the fourth decimal place with the remaining fraction, if any, disregarded. The fund balance ratio shall be expressed as a percentage.

(2) The interval of the fund balance ratio, expressed as a percentage, shall determine which tax schedule in subsection (5) of this section shall be in effect for assigning tax rates for the rate year. The intervals for determining the effective tax schedule shall be:

Fund Balance Ratio Expressed as a Percentage	Effective Tax Schedule
3.40 and above	A
2.90 to 3.39	B
2.40 to 2.89	C
1.90 to 2.39	D
1.40 to 1.89	E
Less than 1.40	F

(3) An array shall be prepared, listing all qualified employers in ascending order of their benefit ratios. The array shall show for each qualified employer: (a) Identification number; (b)

benefit ratio; (c) taxable payrolls for the four calendar quarters immediately preceding the computation date and reported to the department by the cut-off date; (d) a cumulative total of taxable payrolls consisting of the employer's taxable payroll plus the taxable payrolls of all other employers preceding him or her in the array; and (e) the percentage equivalent of the cumulative total of taxable payrolls.

(4) Each employer in the array shall be assigned to one of twenty rate classes according to the percentage intervals of cumulative taxable payrolls set forth in subsection (5) of this section: PROVIDED, That if an employer's taxable payroll falls within two or more rate classes, the employer and any other employer with the same benefit ratio shall be assigned to the lowest rate class which includes any portion of the employer's taxable payroll.

(5) The contribution rate for each employer in the array shall be the rate specified in the following table for the rate class to which he or she has been assigned, as determined under subsection (4) of this section, within the tax schedule which is to be in effect during the rate year:

Percent of Cumulative Taxable Payrolls		Rate Class	Schedule of Contribution Rates for Effective Tax Schedule					
From	To		A	B	C	D	E	F
0.00	5.00	1	0.48	0.58	0.98	1.48	1.88	2.48
5.01	10.00	2	0.48	0.78	1.18	1.68	2.08	2.68
10.01	15.00	3	0.58	0.98	1.38	1.78	2.28	2.88
15.01	20.00	4	0.78	1.18	1.58	1.98	2.48	3.08
20.01	25.00	5	0.98	1.38	1.78	2.18	2.68	3.18
25.01	30.00	6	1.18	1.58	1.98	2.38	2.78	3.28
30.01	35.00	7	1.38	1.78	2.18	2.58	2.98	3.38
35.01	40.00	8	1.58	1.98	2.38	2.78	3.18	3.58
40.01	45.00	9	1.78	2.18	2.58	2.98	3.38	3.78
45.01	50.00	10	1.98	2.38	2.78	3.18	3.58	3.98
50.01	55.00	11	2.28	2.58	2.98	3.38	3.78	4.08
55.01	60.00	12	2.48	2.78	3.18	3.58	3.98	4.28
60.01	65.00	13	2.68	2.98	3.38	3.78	4.18	4.48
65.01	70.00	14	2.88	3.18	3.58	3.98	4.38	4.68
70.01	75.00	15	3.08	3.38	3.78	4.18	4.58	4.78
75.01	80.00	16	3.28	3.58	3.98	4.38	4.68	4.88
80.01	85.00	17	3.48	3.78	4.18	4.58	4.88	4.98
85.01	90.00	18	3.88	4.18	4.58	4.88	4.98	5.18
90.01	95.00	19	4.28	4.58	4.98	5.08	5.18	5.38
95.01	100.00	20	5.40	5.40	5.40	5.40	5.40	5.40

(6) The contribution rate for each employer not qualified to be in the array shall be ((a) rate equal to the average industry tax rate as determined by the commissioner; however, the rate may not be less than one percent; PROVIDED, That)) as follows:

(a) Employers who do not meet the definition of "qualified employer" by reason of failure to pay contributions when due shall be assigned the contribution rate of five and four-tenths percent;

(b) The contribution rate for employers exempt as of December 31, 1989, who are newly covered under the section 78, chapter ..., Laws of 1989, (section 78 of this act) amendment to RCW 50.04.150 and not yet qualified to be in the array shall be 2.5 percent for employers whose standard industrial code is "016", "017", "018", "021", or "081"; and

(c) For all other employers not qualified to be in the array, the contribution rate shall be a rate equal to the average industry rate as determined by the commissioner; however, the rate may not be less than one percent. Assignment of employers by the commissioner to industrial classification, for purposes of this subsection, shall be in accordance with established classification practices found in the "Standard Industrial Classification Manual" issued by the federal office of management and budget to the third digit provided in the Standard Industrial Classification code.

Sec. 80. Section 78, chapter 35, Laws of 1945 as last amended by section 6, chapter 33, Laws of 1977 ex. sess. and RCW 50.20.100 are each amended to read as follows:

Suitable work for an individual is employment in an occupation in keeping with the individual's prior work experience, education, or training and if the individual has no prior work experience, special education, or training for employment available in the general area, then employment which the individual would have the physical and mental ability to perform, and for individuals with base year work experience in agricultural labor, any agricultural labor available from any employer shall be deemed suitable unless it meets the conditions in RCW 50.20.110 or the commissioner finds elements of specific work opportunity unsuitable for a particular individual. In determining whether work is suitable for an individual, the commissioner shall also consider the degree of risk involved to the individual's health, safety, and morals, the

individual's physical fitness, the individual's length of unemployment and prospects for securing local work in the individual's customary occupation, the distance of the available work from the individual's residence, and such other factors as the commissioner may deem pertinent, including state and national emergencies.

Sec. 81. Section 6, chapter 205, Laws of 1984 and RCW 50.29.062 are each amended to read as follows:

Predecessor and successor employer contribution rates shall be computed in the following manner:

(1) If the successor is an employer at the time of the transfer, his or her contribution rate shall remain unchanged for the remainder of the rate year in which the transfer occurs. From and after January 1 following the transfer, the successor's contribution rate for each rate year shall be based on his or her experience with payrolls and benefits including the experience of the acquired business or portion of a business from the date of transfer, as of the regular computation date for that rate year.

(2) If the successor is not an employer at the time of the transfer, he or she shall pay contributions at the rate class assigned to the predecessor employer at the time of the transfer for the remainder for that rate year and continuing until such time as he or she qualifies for a different rate in his or her own right.

(3) If the successor is not an employer at the time of the transfer and simultaneously acquires the business or a portion of the business of two or more employers in different rate classes, his or her rate from the date the transfer occurred until the end of that rate year and until he or she qualifies in his or her own right for a new rate, shall be the highest rate class applicable at the time of the acquisition to any predecessor employer who is a party to the acquisition.

(4) The contribution rate on any payroll retained by a predecessor employer shall remain unchanged for the remainder of the rate year in which the transfer occurs.

(5) In all cases, from and after January 1 following the transfer, the predecessor's contribution rate for each rate year shall be based on his or her experience with payrolls and benefits as of the regular computation date for that rate year including the experience of the acquired business or portion of business up to the date of transfer: PROVIDED, That if all of the predecessor's business is transferred to a successor or successors, the predecessor shall not be a qualified employer until he or she satisfies the requirements of a "qualified employer" as set forth in RCW 50.29.010.

NEW SECTION. Sec. 82. (1) It is the intent of the legislature that the department assist agricultural employers in mitigating the costs of the state's unemployment insurance program. The department shall work with members of the agricultural community to: Improve understanding of the program's operation; increase compliance with work-search requirements; provide prompt notification of potential claims against an employer's experience rating; inform employers of their rights; inform employers of the actions necessary to appeal a claim and to protect their rights; and reduce claimant and employer fraud. These efforts shall include:

- (a) Conducting employer workshops and community seminars;
- (b) Developing new educational materials; and
- (c) Developing forms that use lay language.

(2) The employment security department, the department of labor and industries, the department of licensing, and the department of revenue shall develop a plan to implement voluntary combined reporting for agricultural employers by January 1, 1991. The departments shall submit the plan to the legislature by January 10, 1990, and include recommendations for legislation necessary to standardize and simplify statutory coverage and other requirements. Such standardization shall be as consistent with federal requirements as possible.

The departments shall consult with representatives of agricultural employer and labor associations and general business associations in the development of the plan and legislation. The departments shall ensure that they accommodate the needs of small agricultural employers in particular.

(3) The department shall report to the appropriate standing committees of the legislature by January 10, 1990, 1991, and 1992 and include a description of the activities of the department to carry out the intents of this section and provide quantitative data where possible on the effectiveness of the activities undertaken by the department to comply with the intents of this section during the previous calendar year.

NEW SECTION. Sec. 83. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Agricultural employment" or "employment" means employment in agricultural labor as defined in RCW 50.04.150.

(2) "Department" means the department of labor and industries.

(3) "Employer" means any person, firm, corporation, partnership, business trust, legal representative, or other business entity that engages in any agricultural activity in this state and employs one or more employees.

(4) "Employee" means a person employed in agricultural employment, and includes a person who is working under an independent contract the essence of which is personal labor

in agricultural employment whether by way of manual labor or otherwise. However, "employee" shall not include immediate family members of the officers of any corporation, partnership, sole proprietorship, or other business entity, or officers of any closely held corporation engaged in agricultural production of crops or livestock.

(5) "Minor" means an employee who is under the age of eighteen years.

NEW SECTION. Sec. 84. (1) Each employer required to keep employment records under RCW 49.46.070, shall retain such records for three years.

(2) Each employer shall furnish to each employee at the time the employee's wages are paid an itemized statement showing the pay basis in hours or days worked, the rate or rates of pay, the gross pay, and all deductions from the pay for the respective pay period.

NEW SECTION. Sec. 85. The department shall establish an advisory committee on agricultural labor to develop recommendations for rules to provide labor standards for agricultural employment of minors. The advisory committee shall be composed of: A representative of the department of labor and industries; a representative of the department of agriculture; representatives of the agricultural employer and employee communities; and one legislator from each caucus of the house of representatives and the senate, to be appointed by the speaker of the house of representatives and president of the senate, respectively.

Based upon the recommendations of the advisory committee and considerations as to the nature of agricultural employment and usual crop cultural and harvest requirements, the director shall adopt rules under chapter 34.05 RCW which only address the following:

(1) The employment of minors, providing for annual notification to the department of intent to hire minors, and including provisions that both encourage school attendance and provide flexible hours that will meet the requirements of agricultural employment; and

(2) The provision of rest and meal periods for agricultural employees, taking into account naturally occurring work breaks where possible. The initial rules shall be adopted no later than July 1, 1990.

NEW SECTION. Sec. 86. Any violation of the provisions of this chapter or rules adopted hereunder shall be a class I civil infraction. The director shall have the authority to issue and enforce civil infractions according to chapter 7.80 RCW.

NEW SECTION. Sec. 87. Sections 83 through 86 of this act shall constitute a new chapter in Title 49 RCW.

NEW SECTION. Sec. 88. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 89. If any part of this act is found to be in conflict with federal requirements which are a prescribed condition to the allocation of federal funds to the state or the eligibility of employers in this state for federal unemployment tax credits, the conflicting part of this act is hereby declared to be inoperative solely to the extent of the conflict, and such finding or determination shall not affect the operation of the remainder of this act. The rules under this act shall meet federal requirements which are a necessary condition to the receipt of federal funds by the state or the granting of federal unemployment tax credits to employers in this state.

NEW SECTION. Sec. 90. Sections 69 and 71 through 73 of this act shall take effect on January 1, 1990.

NEW SECTION. Sec. 91. Sections 78 through 81 of this act shall take effect on January 1, 1990.

NEW SECTION. Sec. 92. Section 76 of this act shall take effect on July 1, 1990."

MOTION

On motion of Senator Barr, the following amendment by Senators Barr, Hansen, Matson and Madsen to the striking amendment was adopted:

On page 55, line 2, after "chapter" insert ": PROVIDED, That in any appeal proceeding the identity of the aggrieved person who requests the inspection shall be disclosed to the alleged violator of the act upon request of the alleged violator"

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Barr, Hansen, Madsen and Matson, as amended, to Engrossed House Bill No. 2222.

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

MOTION

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

On page 1, line 1 of the title, after "programs;" strike the remainder of the title and insert "amending RCW 15.58.030, 15.58.040, 15.58.050, 15.58.060, 15.58.065, 15.58.070, 15.58.080, 15.58.110, 15.58.120, 15.58.130, 15.58.150, 15.58.160, 15.58.170, 15.58.180, 15.58.200, 15.58.210, 15.58.220, 15.58.230, 15.58.240, 15.58.250, 15.58.260, 15.58.280, 15.58.290, 15.58.330, 15.58.335, 15.58.340, 15.58.910, 17.21.020, 17.21.030, 17.21.040, 17.21.050, 17.21.070, 17.21.080, 17.21.100, 17.21.110,

17.21.122, 17.21.126, 17.21.129, 17.21.130, 17.21.140, 17.21.150, 17.21.160, 17.21.180, 17.21.190, 17.21.200, 17.21.220, 17.21.230, 17.21.240, 17.21.250, 17.21.260, 17.21.270, 17.21.280, 17.21.290, 17.21.315, 17.21.320, 17.21.910, 70.104.030, 50.04.150, 50.29.025, 50.20.100, and 50.29.062; adding new sections to chapter 15.58 RCW; adding new sections to chapter 17.21 RCW; adding new sections to chapter 49.70 RCW; adding new sections to chapter 70.104 RCW; adding a new chapter to Title 49 RCW; creating new sections; repealing RCW 15.58.190, 15.58.930, 17.21.090, 17.21.120, 17.21.124, and 17.21.205; prescribing penalties; and providing effective dates."

MOTION

On motion of Senator Barr, the rules were suspended, Engrossed House Bill No. 2222, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 2222, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2222, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 35; nays, 10; excused, 4.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Cantu, Conner, Fleming, Hansen, Johnson, Kreidler, Lee, Madsen, Matson, McMullen, Metcalf, Moore, Murray, Niemi, Owen, Paterson, Rasmussen, Rinehart, Saling, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognlid, von Reichbauer, Warnke, West, Williams, Wojahn - 35.

Voting nay: Senators Amondson, Anderson, Benitz, Bluechel, Craswell, McCaslin, Nelson, Newhouse, Pullen, Sellar - 10.

Excused: Senators DeJarnatt, Gaspard, Hayner, McDonald - 4.

ENGROSSED HOUSE BILL NO. 2222, as amended by the Senate, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of House Bill No. 1656 and the pending Committee on Financial Institutions and Insurance striking amendment, deferred on April 21, 1989.

EDITOR'S NOTE: The Committee on Financial Institutions and Insurance amendment was moved for adoption April 12, 1989, and a point of order raised on the scope and object of the committee amendment. No ruling was made. The bill was referred to the Committee on Rules April 18, 1989; relieved of the Committee on Rules and placed on second reading April 21, 1989.

MOTION

On motion of Senator von Reichbauer and there being no objection, the Committee on Financial Institutions and Insurance striking amendment was withdrawn.

MOTIONS

On motion of Senator Nelson, the following amendment by Senators Nelson and Talmadge was adopted:

Strike everything after the enacting clause and insert the following:

***NEW SECTION. Sec. 1. PUBLIC OFFERING STATEMENT—CONDOMINIUM SECURITIES.** If an interest in a condominium is currently registered with the securities and exchange commission of the United States, a declarant satisfies all requirements relating to the preparation of a public offering statement of this chapter if the declarant delivers to the purchaser a copy of the public offering statement filed with the securities and exchange commission. An interest in a condominium is not a security under the provisions of chapter 21.20 RCW.

NEW SECTION. Sec. 2. EXPRESS WARRANTIES OF QUALITY. (1) Express warranties made by any seller to a purchaser of a unit, if relied upon by the purchaser, are created as follows:

(a) Any written affirmation of fact or promise which relates to the unit, its use, or rights appurtenant thereto, area improvements to the condominium that would directly benefit the unit, or the right to use or have the benefit of facilities not located in the condominium creates an express warranty that the unit and related rights and uses will conform to the affirmation or promise;

(b) Any model or written description of the physical characteristics of the condominium at the time the purchase agreement is executed, including plans and specifications of or for improvements, creates an express warranty that the condominium will conform to the model or description except pursuant to RCW 64.____ (section 4-103(1)(v), chapter 43, Laws of 1989):

(c) Any written description of the quantity or extent of the real property comprising the condominium, including plats or surveys, creates an express warranty that the condominium will conform to the description, subject to customary tolerances; and

(d) A written provision that a buyer may put a unit only to a specified use is an express warranty that the specified use is lawful.

(2) Neither formal words, such as "warranty" or "guarantee," nor a specific intention to make a warranty are necessary to create an express warranty of quality, but a statement purporting to be merely an opinion or commendation of the real estate or its value does not create a warranty. A purchaser may not rely on any representation or express warranty unless it is contained in the public offering statement or made in writing signed by the declarant or declarant's agent identified in the public offering statement.

(3) Any conveyance of a unit transfers to the purchaser all express warranties of quality made by previous sellers.

NEW SECTION. Sec. 3. STATUTE OF LIMITATIONS FOR WARRANTIES. (1) A judicial proceeding for breach of any obligation arising under RCW 64.____ or 64.____ (section 4-111 or 4-112, chapter 43, Laws of 1989) must be commenced within four years after the cause of action accrues.

(2) Subject to subsection (3) of this section, a cause of action for breach of warranty of quality, regardless of the purchaser's lack of knowledge of the breach, accrues:

(a) As to a unit, at the time the purchaser to whom the warranty is first made enters into possession if a possessory interest was conveyed or at the time of acceptance of the instrument of conveyance if a nonpossessory interest was conveyed; and

(b) As to each common element, at the time the common element is completed or, if later: (i) As to a common element that may be added to the condominium or portion thereof, at the time the first unit therein is conveyed to a bona fide purchaser; or (ii) as to a common element within any other portion of the condominium, at the time the first unit in the condominium is conveyed to a bona fide purchaser.

(3) If a warranty of quality explicitly extends to future performance or duration of any improvement or component of the condominium, the cause of action accrues at the time the breach is discovered or at the end of the period for which the warranty explicitly extends, whichever is earlier.

NEW SECTION. Sec. 4. SUBSTANTIAL COMPLETION OF UNITS. In the case of a sale of a unit where delivery of a public offering statement is required, a contract of sale may be executed, but no interest in that unit may be conveyed until the declaration is recorded.

NEW SECTION. Sec. 5. STUDY COMMITTEE. A statutory committee is created to:

(1) Review the Washington condominium act, and consider comments concerning the act;
 (2) Draft recommended revisions to the act; and
 (3) Prepare written comments on the act to be included in the Senate or House Journals. The committee shall consist of the following members:

(a) One member each of the majority and minority parties of the senate, appointed by the president of the senate;

(b) One member each of the majority and minority parties of the house of representatives, appointed by the speaker of the house of representatives;

(c) Four members of the drafting subcommittee of the senate judiciary condominium task force;

(d) One member appointed by the Washington land title association;

(e) One member appointed by the Washington mortgage bankers association;

(f) One member appointed by the Washington association of realtors;

(g) One member appointed by the Washington chapter of the community associations institute;

(h) One member appointed by the homebuilders association of Washington state;

(i) One member appointed by the Washington state bar association;

(j) One member appointed by the Washington association of county officials; and

(k) Two members appointed by the governor.

The committee shall report to the senate law and justice committee and the house judiciary committee before March 1, 1990.

This section shall expire March 1, 1990.

NEW SECTION. Sec. 6. CAPTIONS. Section captions as used in this act do not constitute any part of the law.

NEW SECTION. Sec. 7. EFFECTIVE DATE. Sections 1 through 4 of this act shall take effect July 1, 1990."

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

On page 1, line 1 of the title, after "lands;" strike the remainder of the title and insert "creating new sections; and providing an effective date."

MOTION

On motion of Senator Nelson, the rules were suspended, House Bill No. 1656, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1656, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1656, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; absent, 1; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 45.

Absent: Senator Smith - 1.

Excused: Senators DeJarnatt, Hayner, McDonald - 3.

HOUSE BILL NO. 1656, as amended by the Senate, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the President returned the Senate to the fourth order of business.

MESSAGE FROM THE HOUSE

April 23, 1989

Mr. President:

The House has adopted:

HOUSE CONCURRENT RESOLUTION NO. 4415,

HOUSE CONCURRENT RESOLUTION NO. 4418, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

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

INTRODUCTION AND FIRST READING OF HOUSE BILLS

HCR 4415 by Representatives Day, O'Brien, Ebersole, S. Wilson, Schmidt, Anderson, Dorn, Rasmussen, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Delliwo, Doty, Ferguson, G. Fisher, R. Fisher, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, J. King, P. King, R. King, Kremen, Leonard, Locke, May, McLean, R. Meyers, Miller, Morris, Moyer, H. Myers, Nealey, Nelson, Nutley, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rayburn, Rector, Rust, Sayan, Schoon, Scott, Silver, Smith, D. Sommers, H. Sommers, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, K. Wilson, Wineberry, Winsley, Wolfe, Wood, Youngsman and Zellinsky

Resolving to name a Pierce County overpass after P. J. "Jim" Gallagher.

HOLD.

HCR 4418 by Representatives Hine, Miller, R. Fisher and Anderson

Resolving to appoint a joint select committee to develop legislation on campaign financing.

Referred to Committee on Rules.

MOTION

On motion of Senator Nelson, the rules were suspended and House Concurrent Resolution No. 4415 was advanced to second reading and read the second time.

On motion of Senator Nelson, the rules were suspended and House Concurrent Resolution No. 4415 was advanced to third reading, the second reading considered the third and the concurrent resolution was adopted.

Senator Rasmussen spoke to House Concurrent Resolution No. 4415.

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

MOTION

On motion of Senator von Reichbauer, the following resolution was adopted:

SENATE RESOLUTION 1989-8691

by Senators von Reichbauer, McMullen, Newhouse, Gaspard, Sellar, Vognild, Talmadge, McDonald, Fleming, Hayner, West, McCaslin, Johnson, Lee, Bender, Bluechel, Benitz, Smith, Williams, Conner, Hansen, Nelson, Owen, Madsen, Murray, Rasmussen, Bauer, Stratton, Pullen, Smitherman, Sutherland, Kreidler, Wojahn, Craswell, Patterson, Thorsness, Metcalf, Cantu, Bailey, Matson, Anderson and Saling

WHEREAS, The state of Washington enjoys a tremendous variety of geographical and cultural amenities which lend themselves to the development of a successful tourism base; and

WHEREAS, Tourism is an efficient and lucrative industry which brings significant economic benefits to the state of Washington and its residents; and

WHEREAS, The state of Washington has earned an excellent reputation for hosting major events, such as the National Collegiate Athletic Association Mens' and Womens' National Basketball Championships, National Basketball Association All-Star game, and Major League Baseball All-Star game, and by such performance has prompted consideration as a site for future such events; and

WHEREAS, The National Football League's Super Bowl Championship game is the premier sporting event in the United States, and one that provides its host region with nearly unprecedented exposure around the world; and

WHEREAS, The Super Bowl game is estimated to bring in an economic benefit in the range of one hundred seventy-five million dollars, and therefore, is of direct benefit to the people of the state; and

WHEREAS, The city of Seattle and representatives of Washington's public and private sector, in the spirit of cooperation, have formed a Seattle Super Bowl Host Committee which is most desirous of hosting the Super Bowl game in 1992; and

WHEREAS, The Seattle Super Bowl Host Committee's objective is to do whatever is necessary to ensure the National Football League of a most successful and enjoyable setting for its 1992 Super Bowl game;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the state of Washington, recognizing the tremendous honor of being considered as a Super Bowl site, and in support of the work and objectives of the Seattle Super Bowl Host Committee, extends to the National Football League a sincere invitation to enjoy Seattle, and the many diverse attractions that exist in the great state of Washington, as a site for the 1992 Super Bowl game; and

BE IT FURTHER RESOLVED, That the Senate create a select committee comprised of three members of the Senate to assist the Seattle Super Bowl Host Committee in the promotion and pursuit of Washington State being selected as host of the 1992 Super Bowl game; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the Seattle Super Bowl Host Committee.

MOTION

At 6:22 p.m., on motion of Senator Newhouse, the Senate recessed until 7:30 p.m.

The Senate was called to order at 7:53 p.m. by President Pritchard.

MESSAGE FROM THE HOUSE

April 23, 1989

Mr. President:

The House has adopted the Report of the Free Conference Committee on HOUSE BILL NO. 1354 and has passed the bill as amended by the Free Conference Committee.

ALAN THOMPSON, Chief Clerk

MESSAGE FROM THE HOUSE

April 23, 1989

Mr. President:

The House has adopted the Second Report of the Free Conference Committee on SUBSTITUTE HOUSE BILL NO. 2011 and has passed the bill as amended by the Free Conference Committee.

ALAN THOMPSON, Chief Clerk

MESSAGE FROM THE HOUSE

April 23, 1989

Mr. President:

The House has adopted the Second Report of the Free Conference Committee on SUBSTITUTE SENATE BILL NO. 5289 and has passed the bill as amended by the Free Conference Committee.

ALAN THOMPSON, Chief Clerk

SECOND REPORT OF FREE CONFERENCE COMMITTEE

RE: SSB 5289

Relating to regional fisheries groups.

April 22, 1989

Mr. President:

Mr. Speaker:

We of your Free Conference Committee, have had the same under consideration and we recommend that the measure be amended as proposed under the request for Free Conference and that the bill do pass as amended by the Free Conference Committee.

(See Second Report of Conference Committee on Substitute Senate Bill No. 5289 and the request for powers of Free Conference read in earlier today.)

Signed by Senators Metcalf, Owen, Anderson; Representatives R. King, Basich, S. Wilson.

MOTION

On motion of Senator Newhouse, the Second Report of the Free Conference Committee on Substitute Senate Bill No. 5289 was adopted.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5289, as amended by the Free Conference Committee.

Debate ensued.

POINT OF INQUIRY

Senator Moore: "Senator Metcalf, does this bill have any resemblance to the one that originally went through here?"

Senator Metcalf: "Yes, it does. It has a lot of resemblance."

Senator Moore: "Then I would like to ask this question if I might, Mr. President. As a follow-up, if you're for the sportsman, you vote 'yes' or do you vote 'no?'"

Senator Metcalf: "If you're for the sportsman, you vote 'yes.' If you're for the commercial fisherman, you vote 'yes.' If you're for tourism, you vote 'yes.' If you're for jobs creation, you vote 'yes.'"

Senator Moore: "And so, if you are in favor of good government, you vote 'yes?'"

Senator Metcalf: "That is true. This isn't a bill between the sports and--"

Senator Moore: "Oh, thank you, Senator Metcalf."

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5289, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 45; nays, 2; absent, 1; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalif, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Thorsness, Vognlid, von Reichbauer, Warnke, West, Williams, Wojahn - 45.

Voting nay: Senators Amondson, Sutherland - 2.

Absent: Senator Lee - 1.

Excused: Senator DeJarnatt - 1.

SUBSTITUTE SENATE BILL NO. 5289, as amended by the Free Conference Committee, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator West, the motion to reconsider the vote by which House Bill No. 2129, as amended by the Senate, passed the Senate, was withdrawn.

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

MOTION

Senator Amondson moved that the following resolution be adopted:

SENATE RESOLUTION 1989-8687

by Senators Amondson, Anderson, Conner and McMullen

WHEREAS, The state of Washington is known throughout the nation and around the world for its abundance of bountiful forest lands rich in timber and other natural resources; and

WHEREAS, Over the past century, the Evergreen State forests have been tamed by loggers and mill workers, have provided thousands of timber-related jobs, and have contributed to the economic well-being of the state as a whole, generating revenue to help educate our children and provide care for the less fortunate; and

WHEREAS, Loggers and mill workers and their families have established a unique and hardworking ethic, and through great sacrifice, even at the peril of their very lives, have built a heritage of hope and pride during the past one hundred years; and

WHEREAS, The Washington State Legislature, during the year 1989, and as part of the State's Centennial Celebration, desires to recognize and honor the work of the people in Washington's forest communities;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the state of Washington, That assistance and support of existing staff be extended to the Washington State Centennial Logging Show which is to be fully funded by private sources and held on May 20, 1989; and

BE IT FURTHER RESOLVED, That a Washington State Centennial Logging Show steering committee be established in the Senate. The committee shall be comprised of two members from each caucus, to be appointed by the respective caucus leaders, for the purpose of oversight and coordination of the events of May 20, 1989. The committee shall cease to exist on May 21, 1989.

MOTION

On motion of Senator Talmadge, the appointment of the two members of each caucus will be made by the President of the Senate, rather than the two caucus leaders.

The President declared the question before the Senate to be the adoption of Senate Resolution 1989-8687, as amended.

Senate Resolution 1989-8687, as amended, was adopted.

MOTION

On motion of Senator Conner, the following resolution was adopted:

SENATE RESOLUTION 1989-8685

by Senators Conner, Owen, Fleming, Craswell, Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, DeJarnatt, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams and Wojahn

WHEREAS, Senator Gordon Sandison celebrated his seventieth birthday this last February 20th, and that most of his adult life he has been dedicated to public service in the highest order; and

WHEREAS, He started as a dedicated young teacher and high school football coach in Seattle before the Second World War when his team played against football coaching legends like John A. Cherberg; and

WHEREAS, He then volunteered for service in the United States Marine Corps during the war, where he served valiantly in the South Pacific receiving the Navy Cross and Bronze Star for heroism and two Purple Hearts; and

WHEREAS, Returning to his childhood home in Port Angeles, he was appointed in October of 1947, to the House of Representatives from the 24th District where he served with great distinction serving until his election to the Senate in 1958; and

WHEREAS, He continued his devotion to public service in the Senate where he served as Chairman of the Higher Education Committee for eighteen years, during which time he was the prime sponsor of the legislation to create the Evergreen State College and he is considered by many as the father of the state community college system, and also serving twice as Chairman of the Western Interstate Commission on Higher Education; and

WHEREAS, He led his caucus through many sessions as Majority Caucus Chair and was well known for his strong bi-partisan beliefs in forging coalitions always for the betterment of the people of the state of Washington, and served in that capacity until 1977; and

WHEREAS, He served as the Director of the State Department of Fisheries from 1977 to 1981 during one of the departments most turbulent times, again he served the people of this state with integrity and honor, always forging coalitions and solving problems always with interest of the people of the state foremost on his mind; and

WHEREAS, He now serves the people of this state as a member of the Board of Trustees of Western Washington University and has done so faithfully since 1981, capping a forty-two year career of public service, and doing so with the style and grace we have all come to expect from such a devoted public servant as he; and

WHEREAS, His wife, Muriel, has given of her husband for these past forty-two years and has raised their five sons while Gordon was in Olympia seeing to the affairs of the state, and has time and again proved herself a most gracious lady no matter what the demands on her family may have been;

NOW, THEREFORE, BE IT RESOLVED, That the President and the members of the Washington State Senate rise to salute Senator Gordon Sandison and his wife, Muriel, for their years of devoted service to the people of the state of Washington and for their noble example of a life well lived. With this salute comes the eternal thanks of a grateful people of the state. The Washington State Senate recognizes that those who spend their lives in public service give up a tremendous amount of time in terms of their family and that is a debt that will remain forever unpaid, however this recognition by the Senate comes with the hope that the remainder of Gordon and Muriel's life together will be fruitful and filled with the happiness they so richly deserve; and

BE IT FURTHER RESOLVED, That the Senate directs that copies of this resolution be transmitted to Senator Gordon Sandison and his wife, Muriel, as well as their five sons.

Senators von Reichbauer, Fleming and Owen spoke to Senate Resolution 1989-8685.

MOTION

Senator Smitherman moved that the following resolution be adopted:

SENATE RESOLUTION 1989-8660

by Senator Smitherman

WHEREAS, Small issue bonds are the cornerstone of state and local government economic development efforts to create and retain jobs and to promote growth in the economy; and

WHEREAS, Small issue bonds have stimulated the creation of five hundred seventy-one jobs in the state of Washington's economy that otherwise would not exist; and

WHEREAS, Small issue bonds provide needed capital at rates and terms vital to small and medium size businesses in their efforts to modernize and expand manufacturing facilities; and

WHEREAS, Small issue bonds support growth in the manufacturing sector, with seventy percent of all United States manufactured goods subject to foreign competition; and

WHEREAS, Small issue bonds are now only available to smaller manufacturers, a sector which accounted for eighty-seven percent of manufacturing job growth from 1976-1982 and for a disproportionately high level of product innovations; and

WHEREAS, Recent tax law provisions controlling federal expenditures through volume cap limitations have substantially addressed concerns about the uses of this financing tool; and

WHEREAS, Recent tax law provisions have also reduced the market incentives available to support the purchase of these issues, thereby increasing the need for state and local efforts to "match" the tax exemption with market support programs, such as guarantees or other credit enhancement measures, and other programs; and

WHEREAS, This federal, state, and local partnership is advancing important national priorities by facilitating capital formation for the smaller manufacturing sector through small issue bonds;

NOW, THEREFORE, BE IT RESOLVED, That the Legislature of the state of Washington urges the Congress and the Administration to extend the December 31, 1989, sunset on small issue bonds; and

BE IT FURTHER RESOLVED, That the Legislature of the state of Washington is continuing its efforts to ensure that small issue bonds are used effectively and are supported by other state and local programs and efforts to achieve these same objectives.

POINT OF INQUIRY

Senator Rasmussen: "Senator Smitherman, I was not aware that Congress had put a limit on small issue bonds. I thought that anybody could issue bonds that wanted to, if they could convince the people to pay for them. My understanding that the limit Congress put on was tax free--industrial bonds--with the deficit they have, they were trying to curb the deficit a little bit. We have some of those small companies like Weyerhaeuser, Simpson, Exxon, and a few of those small companies who were issuing industrialization bonds and tax exempt. That's what Congress attempted to slow up a little bit by putting a cap on them. Is that correct?"

Senator Smitherman: "That is correct. I wasn't speaking to the fact that Congress had said we should not do small issue bonds. Well, there is a sunset on small issue bonds per se that would be coming up December 31 of this year. What I'm trying to do is say that we need to continue. It did come up--what we need to do is continue the program, because it is proven so worthy in terms of providing for expansion and for modernization of small manufacturing firms. Now, you were speaking to another type of issue for the larger companies and that's something that's quite aside. You're talking about the tax exempt bonds. We aren't talking about the same thing here."

Senator Rasmussen: "That's my question. I'm not aware that Congress has put any limit on the bonds of any company that wants to issue them or even attempt to as long as they are ordinary bonds. Is that correct?"

Senator Smitherman: "Senator, these are a little different from ordinary bonds. These are for the people who normally wouldn't be able to participate in getting bonding for small issues. The larger issue types of things are taken care of. What

this simply does, I'll put it this way, there have been caps. There have been all types of fences put around the program of small issue bonds to assure that they are not issued to people who are going to be failing in business and that type of thing. I think that is your major concern. What this tries to do is make a reasonable program. Congress has attempted to make a reasonable program out of what is left of small issue bonds, but they have also sunsetted the program. I'm asking them not to sunset it and that's what this particular resolution is about."

Senator Rasmussen: "Thank you, Senator Smitherman. I just didn't want it to get out that these companies couldn't issue whatever bonds they wanted to, as long as they issue them on their own credit, not ours."

The President declared the question before the Senate to be the adoption of Senate Resolution 1989-8660.

The motion by Senator Smitherman carried and the resolution was adopted.

There being no objection, the President returned the Senate to the fourth order of business.

MESSAGE FROM THE HOUSE

April 22, 1989

Mr. President:

The House has adopted ENGROSSED SENATE CONCURRENT RESOLUTION NO. 8403 with the following amendments:

On page 1, beginning on line 18 after "That a" strike "joint select committee" and insert "legislative task force"

On page 1, line 21 after "sector. The" strike "committee" and insert "task force"

On page 1, line 27 after "That the" strike "committee" and insert "task force"

On page 2, line 8 after "with the" strike "committee" and insert "task force"

On page 2, line 10 after "That the" strike "committee" and insert "task force".

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator West, the Senate concurred in the House amendments to Engrossed Senate Concurrent Resolution No. 8403.

The President declared the question before the Senate to be the adoption of Engrossed Senate Concurrent Resolution No. 8403, as amended by the House.

Debate ensued.

Engrossed Senate Concurrent Resolution No. 8403, as amended by the House, was adopted.

MOTION

At 8:33 p.m., on motion of Senator Newhouse, the Senate was declared to be at ease.

The Senate was called to order at 9:25 p.m. by President Pritchard.

MESSAGE FROM THE HOUSE

April 23, 1989

Mr. President:

The Speaker has ruled the Senate amendments to HOUSE BILL NO. 2129 beyond the scope and object of the bill. The House refuses to concur and asks the Senate to recede therefrom, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

Senator Pullen moved that the Senate do recede from its amendments to House Bill No. 2129.

Debate ensued.

POINT OF INQUIRY

Senator Fleming: "Senator Pullen--Clark Kent--I'd like to know where you left your phone booth?"

Senator Pullen: "Senator Fleming, I told you I was going to move very, very quickly, just like Superman to a kinder, gentler legislative body."

The President declared the question before the Senate to be the motion by Senator Pullen that the Senate recede from its amendments to House Bill No. 2129.

The motion by Senator Pullen carried and the Senate receded from its amendments to House Bill No. 2129.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2129, without the Senate amendments.

Debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2129, without the Senate amendments, and the bill passed the Senate by the following vote: Yeas, 35; nays, 8; absent, 5; excused, 1.

Voting yea: Senators Amondson, Bailey, Barr, Bauer, Bender, Cantu, Conner, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McDonald, Metcalf, Moore, Murray, Nelson, Newhouse, Owen, Pullen, Rinehart, Smitherman, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 35.

Voting nay: Senators Anderson, Craswell, McCaslin, Patterson, Rasmussen, Saling, Sellar, Stratton - 8.

Absent: Senators Benitz, Bluechel, McMullen, Niemi, Smith - 5.

Excused: Senator DeJarnatt - 1.

HOUSE BILL NO. 2129, without the Senate amendments, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 23, 1989

Mr. President:

The House has passed SECOND SUBSTITUTE SENATE BILL NO. 5073, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SENATE BILL NO. 5185,

SUBSTITUTE SENATE BILL NO. 5186,

SUBSTITUTE SENATE BILL NO. 5686,

SECOND SUBSTITUTE SENATE BILL NO. 5960.

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

INTRODUCTION AND FIRST READING

SCR 8416 by Senators Hayner, Sellar, Vognild and Warnke

Resolving to adjourn sine die.

MOTIONS

On motion of Senator Newhouse, the rules were suspended, Senate Concurrent Resolution No. 8416 was advanced to second reading and read the second time.

On motion of Senator Newhouse, the rules were suspended, Senate Concurrent Resolution No. 8416 was advanced to third reading, the second reading considered the third and the concurrent resolution was adopted.

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

MOTION

On motion of Senator Hayner, the following resolution was adopted:

SENATE RESOLUTION 1989-8693

by Senators Hayner, Sellar, Vognild and Warnke

WHEREAS, The Regular Session of the Fifty-first Legislature is drawing to a close; and

WHEREAS, It is necessary to provide for the completion of the work of the Senate after its adjournment and during the interim period between the close of the Regular Session of the Fifty-first Legislature and the convening of the next session;

NOW, THEREFORE, BE IT RESOLVED, That the Senate Facilities and Operations Committee shall have full authority and direction over the authorization and execution of any personal services contracts or subcontracts that necessitate the expenditure of Senate appropriations; and

BE IT FURTHER RESOLVED, That the Senate Facilities and Operations Committee may, as they deem appropriate, authorize out-of-state travel for which members and staff may receive therefor their actual necessary expenses, and such per diem as may be authorized by law, to be paid upon receipt of their vouchers out of funds appropriated for legislative expenses; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate and the Senate Facilities and Operations Committee be, and they hereby are, authorized to retain such employees as they may deem necessary and that said employees be allowed such rate of pay therefor as the Secretary of the Senate and the Senate Facilities and Operations Committee shall deem proper; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate be, and he hereby is, authorized and directed to make out and execute the necessary vouchers upon which warrants for legislative expenses and expenditures shall be drawn from funds provided therefor; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate be, and hereby is, authorized and directed to have a copy of the Senate Journal of the Regular Session of the Fifty-first Legislature, together with a suitable index therefor prescribed by the State Printer; and

BE IT FURTHER RESOLVED, That the President Pro Tempore of the Senate, the Vice President Pro Tempore of the Senate, the Senate Majority and Minority Leaders, the Majority and Minority Floor Leaders, the Majority and Minority Assistant Floor Leaders, the Majority Deputy Leader, the Majority and Minority Whips, the Majority and Minority Assistant Whips, and Majority and Minority Caucus Chairs and Caucus Vice Chairs, the Chairman of the Senate Facilities and Operations Committee, the Secretary of the Senate and the Assistant Secretary of the Senate are each authorized to attend the annual meetings of the National Conference of State Legislatures and the Council of State Governments, and to receive therefor their actual necessary expenses, and such per diem as may be authorized by law, to be paid upon receipt of their vouchers out of funds appropriated for legislative expenses; and

BE IT FURTHER RESOLVED, That the Rules Committee is authorized to assign subject matters to standing committees for study during the interims, and the Majority Leader is authorized to create special committees as may be necessary to carry out the functions of the Senate in an orderly manner and appoint members thereto with the approval of the Facilities and Operations Committee; and

BE IT FURTHER RESOLVED, That all keys distributed by the Secretary of the Senate's office be returned to the Secretary of the Senate; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate is authorized to express the sympathy of the Senate by sending flowers in the event of a bereavement in a Senator's family; and

BE IT FURTHER RESOLVED, That such use of the Senate facilities is permitted upon such terms as the Secretary of the Senate shall deem proper.

MOTION

On motion of Senator Newhouse, the following resolution was adopted:

SENATE RESOLUTION 1989-8690

by Senators Hayner, Sellar, Vognild and Warnke

BE IT RESOLVED, By the Senate, That a committee consisting of three members of the senate be appointed to notify the House that the Legislature is about to adjourn SINE DIE.

APPOINTMENT OF SPECIAL COMMITTEE TO NOTIFY
HOUSE OF ADJOURNMENT SINE DIE

Under the provisions of Senate Resolution 1989-8690, the President appointed Senators Amondson, Smitherman and Thorsness to notify the House of Representatives that the Senate is about to adjourn SINE DIE.

MOTION

On motion of Senator Newhouse, the appointees were confirmed.
The committee retired to the House of Representatives.

SIGNED BY THE PRESIDENT

The President has signed:

SECOND SUBSTITUTE SENATE BILL NO. 5073,
SUBSTITUTE SENATE BILL NO. 5241,
SUBSTITUTE SENATE BILL NO. 5289,
SECOND SUBSTITUTE SENATE BILL NO. 5372,
SECOND SUBSTITUTE SENATE BILL NO. 5400,
SUBSTITUTE SENATE BILL NO. 5911,
SENATE BILL NO. 5926,
SENATE CONCURRENT RESOLUTION NO. 8403.

There being no objection, the President returned the Senate to the fourth order of business.

MESSAGE FROM THE HOUSE

April 23, 1989

Mr. President:

The Speaker has signed:

SECOND SUBSTITUTE SENATE BILL NO. 5073,
SUBSTITUTE SENATE BILL NO. 5241,
SUBSTITUTE SENATE BILL NO. 5289,
SECOND SUBSTITUTE SENATE BILL NO. 5372,
SECOND SUBSTITUTE SENATE BILL NO. 5400,
SUBSTITUTE SENATE BILL NO. 5911,
SENATE BILL NO. 5926,

SENATE CONCURRENT RESOLUTION NO. 8403, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MESSAGE FROM THE HOUSE

April 23, 1989

Mr. President:

The Speaker has signed HOUSE BILL NO. 2129, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

SIGNED BY THE PRESIDENT

The President has signed:
HOUSE BILL NO. 2129.

COMMITTEE FROM THE HOUSE NOTIFYING
THE SENATE OF ADJOURNMENT SINE DIE

The Sergeant at Arms announced the arrival of the committee from the House of Representatives composed of Representatives Brumsickle, Kremen and Morris. The committee appeared before the bar of the Senate to notify the Senate that the House is about to adjourn SINE DIE.

The report was received and the committee returned to the House of Representatives.

MESSAGE FROM THE HOUSE

April 18, 1989

Mr. President:

The Speaker has signed:

HOUSE BILL NO. 1020,

HOUSE BILL NO. 1043,

HOUSE BILL NO. 1157,

HOUSE BILL NO. 1189,

SUBSTITUTE HOUSE BILL NO. 1221,

SUBSTITUTE HOUSE BILL NO. 1369,

HOUSE BILL NO. 1438,

HOUSE BILL NO. 1502,

SUBSTITUTE HOUSE BILL NO. 1553,

SUBSTITUTE HOUSE BILL NO. 1568,

SUBSTITUTE HOUSE BILL NO. 1574,

HOUSE BILL NO. 1769,

SUBSTITUTE HOUSE BILL NO. 1889,

HOUSE BILL NO. 2001,

HOUSE CONCURRENT RESOLUTION NO. 4408, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MESSAGE FROM THE HOUSE

April 19, 1989

Mr. President:

The Speaker has signed:

SUBSTITUTE HOUSE BILL NO. 1408,

SUBSTITUTE HOUSE BILL NO. 1415,

HOUSE BILL NO. 1445,

HOUSE BILL NO. 1664,

HOUSE BILL NO. 1698,

HOUSE BILL NO. 1772,

HOUSE BILL NO. 1777,

SUBSTITUTE HOUSE BILL NO. 1965, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

HOUSE BILL NO. 1020,

HOUSE BILL NO. 1043,

HOUSE BILL NO. 1157,

HOUSE BILL NO. 1189,

SUBSTITUTE HOUSE BILL NO. 1221,

SUBSTITUTE HOUSE BILL NO. 1369,

HOUSE BILL NO. 1438,

HOUSE BILL NO. 1502,

SUBSTITUTE HOUSE BILL NO. 1553,

SUBSTITUTE HOUSE BILL NO. 1568,

SUBSTITUTE HOUSE BILL NO. 1574,

HOUSE BILL NO. 1769,

SUBSTITUTE HOUSE BILL NO. 1889,

HOUSE BILL NO. 2001,

HOUSE CONCURRENT RESOLUTION NO. 4408.

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE HOUSE BILL NO. 1408,

SUBSTITUTE HOUSE BILL NO. 1415,

HOUSE BILL NO. 1445.

HOUSE BILL NO. 1664.
 HOUSE BILL NO. 1698.
 HOUSE BILL NO. 1772.
 HOUSE BILL NO. 1777.
 SUBSTITUTE HOUSE BILL NO. 1965.

MESSAGE FROM THE HOUSE

April 23, 1989

Mr. President:

The House has adopted HOUSE CONCURRENT RESOLUTION NO. 4416, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

MESSAGE FROM THE HOUSE

April 23, 1989

Mr. President:

The House has adopted HOUSE CONCURRENT RESOLUTION NO. 4417, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

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

INTRODUCTION AND FIRST READING OF HOUSE BILLS

HCR 4416 by Representatives Ebersole and Ballard

Notifying the Governor that the Legislature is about to adjourn sine die.

HOLD.

HCR 4417 by Representatives Ebersole and Ballard

Providing for transmittal of bills, resolutions, and memorials upon adjournment of the Legislature.

HOLD.

MOTIONS

On motion of Senator Newhouse, the rules were suspended, House Concurrent Resolution No. 4416 was advanced to second reading and read the second time.

On motion of Senator Newhouse, the rules were suspended, House Concurrent Resolution No. 4416 was advanced to third reading, the second reading considered the third and the concurrent resolution was adopted.

APPOINTMENT OF SPECIAL COMMITTEE TO NOTIFY
GOVERNOR OF ADJOURNMENT SINE DIE

Under the provisions of House Concurrent Resolution No. 4416, the President appointed Senators Anderson, Murray and West to join with a like committee from the House of Representatives to notify the Governor that the Legislature is about to adjourn SINE DIE.

MOTION

On motion of Senator Newhouse, the appointees were confirmed.

MOTIONS

On motion of Senator Newhouse, the rules were suspended, House Concurrent Resolution No. 4417 was advanced to second reading and read the second time.

On motion of Senator Newhouse, the rules were suspended, House Concurrent Resolution No. 4417 was advanced to third reading, the second reading considered the third and the concurrent resolution was adopted.

There being no objection, the President returned the Senate to the fourth order of business.

MESSAGE FROM THE HOUSE

April 23, 1989

Mr. President:

The Speaker has signed:

SUBSTITUTE SENATE BILL NO. 5221,
SUBSTITUTE SENATE BILL NO. 5288,
SUBSTITUTE SENATE BILL NO. 5314,
SECOND SUBSTITUTE SENATE BILL NO. 5375,
SUBSTITUTE SENATE BILL NO. 5759,
SUBSTITUTE SENATE BILL NO. 5827,
SENATE BILL NO. 5833,
SECOND SUBSTITUTE SENATE BILL NO. 6051, and the same are herewith

transmitted

ALAN THOMPSON, Chief Clerk

MESSAGE FROM THE HOUSE

April 23, 1989

Mr. President:

The Speaker has signed:

SUBSTITUTE HOUSE BILL NO. 1071,
SUBSTITUTE HOUSE BILL NO. 1086,
SUBSTITUTE HOUSE BILL NO. 1208,
SUBSTITUTE HOUSE BILL NO. 1217,
SUBSTITUTE HOUSE BILL NO. 1301,
SUBSTITUTE HOUSE BILL NO. 1444,
SUBSTITUTE HOUSE BILL NO. 1560,
SUBSTITUTE HOUSE BILL NO. 1569,
SUBSTITUTE HOUSE BILL NO. 1582,
HOUSE BILL NO. 1645,
HOUSE BILL NO. 1841,
SUBSTITUTE HOUSE BILL NO. 1983,
SUBSTITUTE HOUSE BILL NO. 2041,
SUBSTITUTE HOUSE BILL NO. 2066, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MESSAGE FROM THE HOUSE

April 23, 1989

Mr. President:

The Speaker has signed HOUSE CONCURRENT RESOLUTION NO. 4415, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

MESSAGE FROM THE HOUSE

April 19, 1989

Mr. President:

The Speaker has signed:

HOUSE BILL NO. 1047,
SUBSTITUTE HOUSE BILL NO. 1051,
SUBSTITUTE HOUSE BILL NO. 1397,
HOUSE BILL NO. 1412,
HOUSE BILL NO. 1518,
HOUSE BILL NO. 1520,
SUBSTITUTE HOUSE BILL NO. 1619,
HOUSE BILL NO. 1631,
SUBSTITUTE HOUSE BILL NO. 1671,
SUBSTITUTE HOUSE BILL NO. 1756,
SUBSTITUTE HOUSE BILL NO. 1759,
HOUSE BILL NO. 1778,
HOUSE BILL NO. 1904,
SUBSTITUTE HOUSE BILL NO. 1958,
SUBSTITUTE HOUSE BILL NO. 2000,

SUBSTITUTE HOUSE BILL NO. 2014,
 HOUSE BILL NO. 2053,
 SUBSTITUTE HOUSE BILL NO. 2070,
 SUBSTITUTE HOUSE BILL NO. 2136,
 HOUSE BILL NO. 2142,
 HOUSE BILL NO. 2168, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:
 HOUSE CONCURRENT RESOLUTION NO. 4415.

SIGNED BY THE PRESIDENT

The President signed:
 HOUSE BILL NO. 1047,
 SUBSTITUTE HOUSE BILL NO. 1051,
 SUBSTITUTE HOUSE BILL NO. 1397,
 HOUSE BILL NO. 1412,
 HOUSE BILL NO. 1518,
 HOUSE BILL NO. 1520,
 SUBSTITUTE HOUSE BILL NO. 1619,
 HOUSE BILL NO. 1631,
 SUBSTITUTE HOUSE BILL NO. 1671,
 SUBSTITUTE HOUSE BILL NO. 1756,
 SUBSTITUTE HOUSE BILL NO. 1759,
 HOUSE BILL NO. 1778,
 HOUSE BILL NO. 1904,
 SUBSTITUTE HOUSE BILL NO. 1958,
 SUBSTITUTE HOUSE BILL NO. 2000,
 SUBSTITUTE HOUSE BILL NO. 2014,
 HOUSE BILL NO. 2053,
 SUBSTITUTE HOUSE BILL NO. 2070,
 SUBSTITUTE HOUSE BILL NO. 2136,
 HOUSE BILL NO. 2142,
 HOUSE BILL NO. 2168.

SIGNED BY THE PRESIDENT

The President signed:
 SUBSTITUTE HOUSE BILL NO. 1071,
 SUBSTITUTE HOUSE BILL NO. 1086,
 SUBSTITUTE HOUSE BILL NO. 1208,
 SUBSTITUTE HOUSE BILL NO. 1217,
 SUBSTITUTE HOUSE BILL NO. 1301,
 SUBSTITUTE HOUSE BILL NO. 1444,
 SUBSTITUTE HOUSE BILL NO. 1560,
 SUBSTITUTE HOUSE BILL NO. 1569,
 SUBSTITUTE HOUSE BILL NO. 1582,
 HOUSE BILL NO. 1645,
 HOUSE BILL NO. 1841,
 SUBSTITUTE HOUSE BILL NO. 1983,
 SUBSTITUTE HOUSE BILL NO. 2041,
 SUBSTITUTE HOUSE BILL NO. 2066.

MESSAGE FROM THE HOUSE

April 23, 1989

Mr. President:
 The Speaker has signed:
 SENATE BILL NO. 5185,
 SUBSTITUTE SENATE BILL NO. 5186,
 SUBSTITUTE SENATE BILL NO. 5686.

SECOND SUBSTITUTE SENATE BILL NO. 5960, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MESSAGE FROM THE HOUSE

April 23, 1989

Mr. President:

The House has adopted SENATE CONCURRENT RESOLUTION NO. 8416, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SENATE CONCURRENT RESOLUTION NO. 8416.

REPORT OF SPECIAL COMMITTEE APPOINTED TO NOTIFY
THE HOUSE OF ADJOURNMENT SINE DIE

The Sergeant at Arms announced the return of the special committee composed of Senators Amondson, Smitherman and Thorsness who were appointed under the provisions of Senate Resolution 1989-8690. The committee reported they had notified the House that the Senate is about to adjourn SINE DIE.

The report was received and the committee was discharged.

REPORT OF SPECIAL COMMITTEE APPOINTED TO NOTIFY
THE GOVERNOR OF ADJOURNMENT SINE DIE

The Sergeant at Arms announced the return of the special committee composed of Senators Anderson, Murray and West who were appointed under the provisions of House Concurrent Resolution No. 4416. The committee reported they joined with a like committee from the House of Representatives and notified the Governor that the Legislature is about to adjourn SINE DIE.

The report was received and the committee was discharged.

MESSAGE FROM THE HOUSE

April 23, 1989

Mr. President:

The House concurred in the Senate amendment(s) to the following listed bills and passed said bills as amended by the Senate:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1542,

HOUSE BILL NO. 1656,

ENGROSSED HOUSE BILL NO. 2222.

ALAN THOMPSON, Chief Clerk

MESSAGE FROM THE HOUSE

April 22, 1989

Mr. President:

The Speaker has signed:

SUBSTITUTE HOUSE BILL NO. 1028,

SUBSTITUTE HOUSE BILL NO. 1031,

HOUSE BILL NO. 1070,

SUBSTITUTE HOUSE BILL NO. 1097,

SUBSTITUTE HOUSE BILL NO. 1133,

SECOND SUBSTITUTE HOUSE BILL NO. 1180,

SUBSTITUTE HOUSE BILL NO. 1254,

SUBSTITUTE HOUSE BILL NO. 1305,

HOUSE BILL NO. 1334,

SUBSTITUTE HOUSE BILL NO. 1457,

SECOND SUBSTITUTE HOUSE BILL NO. 1476,

HOUSE BILL NO. 1478,

SUBSTITUTE HOUSE BILL NO. 1558,

SUBSTITUTE HOUSE BILL NO. 1635,

SUBSTITUTE HOUSE BILL NO. 1711,

HOUSE BILL NO. 1768.

SECOND SUBSTITUTE HOUSE BILL NO. 1793,
 SUBSTITUTE HOUSE BILL NO. 1864,
 HOUSE BILL NO. 1917,
 HOUSE BILL NO. 2016,
 SUBSTITUTE HOUSE BILL NO. 2024,
 HOUSE BILL NO. 2060,
 HOUSE BILL NO. 2131,
 SUBSTITUTE HOUSE BILL NO. 2137,
 HOUSE BILL NO. 2155,
 HOUSE BILL NO. 2167, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MESSAGE FROM THE HOUSE

April 23, 1989

Mr. President:

The Speaker has signed HOUSE CONCURRENT RESOLUTION NO. 4417, and the same is herewith transmitted.

MESSAGE FROM THE HOUSE

April 23, 1989

Mr. President:

The Speaker has signed HOUSE CONCURRENT RESOLUTION NO. 4416, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

MESSAGE FROM THE HOUSE

April 23, 1989

Mr. President:

The Speaker has signed SENATE CONCURRENT RESOLUTION NO. 8416, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

MESSAGE FROM THE HOUSE

April 23, 1989

Mr. President:

The Speaker has signed:
 SUBSTITUTE HOUSE BILL NO. 1956,
 SUBSTITUTE HOUSE BILL NO. 2020, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MESSAGE FROM THE HOUSE

April 23, 1989

Mr. President:

The Speaker has signed:
 HOUSE BILL NO. 1103,
 SUBSTITUTE HOUSE BILL NO. 1251,
 HOUSE BILL NO. 1354,
 SUBSTITUTE HOUSE BILL NO. 1542,
 HOUSE BILL NO. 1656,
 SUBSTITUTE HOUSE BILL NO. 1968,
 SUBSTITUTE HOUSE BILL NO. 2011,
 HOUSE BILL NO. 2222, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:
 HOUSE BILL NO. 1103,
 SUBSTITUTE HOUSE BILL NO. 1251,
 HOUSE BILL NO. 1354,
 SUBSTITUTE HOUSE BILL NO. 1968,
 SUBSTITUTE HOUSE BILL NO. 2011.

SIGNED BY THE PRESIDENT

The President signed:
SUBSTITUTE HOUSE BILL NO. 1542,
HOUSE BILL NO. 1656,
HOUSE BILL NO. 2222.

SIGNED BY THE PRESIDENT

The President signed:
HOUSE CONCURRENT RESOLUTION NO. 4416.

SIGNED BY THE PRESIDENT

The President signed:
HOUSE CONCURRENT RESOLUTION NO. 4417.

SIGNED BY THE PRESIDENT

The President signed:
SUBSTITUTE HOUSE BILL NO. 1956,
SUBSTITUTE HOUSE BILL NO. 2020.

SIGNED BY THE PRESIDENT

The President signed:
SUBSTITUTE HOUSE BILL NO. 1028,
SUBSTITUTE HOUSE BILL NO. 1031,
HOUSE BILL NO. 1070,
SUBSTITUTE HOUSE BILL NO. 1097,
SUBSTITUTE HOUSE BILL NO. 1133,
SECOND SUBSTITUTE HOUSE BILL NO. 1180,
SUBSTITUTE HOUSE BILL NO. 1254,
SUBSTITUTE HOUSE BILL NO. 1305,
HOUSE BILL NO. 1334,
SUBSTITUTE HOUSE BILL NO. 1457,
SECOND SUBSTITUTE HOUSE BILL NO. 1476,
HOUSE BILL NO. 1478,
SUBSTITUTE HOUSE BILL NO. 1558,
SUBSTITUTE HOUSE BILL NO. 1635,
SUBSTITUTE HOUSE BILL NO. 1711,
HOUSE BILL NO. 1768,
SECOND SUBSTITUTE HOUSE BILL NO. 1793,
SUBSTITUTE HOUSE BILL NO. 1864,
HOUSE BILL NO. 1917,
HOUSE BILL NO. 2016,
SUBSTITUTE HOUSE BILL NO. 2024,
HOUSE BILL NO. 2060,
HOUSE BILL NO. 2131,
SUBSTITUTE HOUSE BILL NO. 2137,
HOUSE BILL NO. 2155,
HOUSE BILL NO. 2167.

MESSAGE FROM THE HOUSE

April 23, 1989

Mr. President:

Under the provisions of HOUSE CONCURRENT RESOLUTION NO. 4417, the House returns herewith the following Senate Bills:

SUBSTITUTE SENATE BILL NO. 5001,
SECOND SUBSTITUTE SENATE BILL NO. 5002,
SUBSTITUTE SENATE BILL NO. 5004,
SUBSTITUTE SENATE BILL NO. 5012,
SUBSTITUTE SENATE BILL NO. 5013,
SUBSTITUTE SENATE BILL NO. 5021,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5026,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5027.

SUBSTITUTE SENATE BILL NO. 5039,
SENATE BILL NO. 5052,
SUBSTITUTE SENATE BILL NO. 5058,
SENATE BILL NO. 5059,
SUBSTITUTE SENATE BILL NO. 5061,
SENATE BILL NO. 5064,
SECOND SUBSTITUTE SENATE BILL NO. 5065,
SUBSTITUTE SENATE BILL NO. 5067,
SUBSTITUTE SENATE BILL NO. 5070,
SENATE BILL NO. 5072,
SUBSTITUTE SENATE BILL NO. 5075,
SUBSTITUTE SENATE BILL NO. 5087,
SENATE BILL NO. 5091,
SENATE BILL NO. 5092,
ENGROSSED SENATE BILL NO. 5094,
SENATE BILL NO. 5096,
SUBSTITUTE SENATE BILL NO. 5106,
SUBSTITUTE SENATE BILL NO. 5109,
SUBSTITUTE SENATE BILL NO. 5116,
SUBSTITUTE SENATE BILL NO. 5117,
ENGROSSED SENATE BILL NO. 5119,
SUBSTITUTE SENATE BILL NO. 5125,
SENATE BILL NO. 5129,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5130,
SUBSTITUTE SENATE BILL NO. 5131,
SUBSTITUTE SENATE BILL NO. 5132,
SENATE BILL NO. 5133,
SENATE BILL NO. 5134,
SUBSTITUTE SENATE BILL NO. 5135,
SENATE BILL NO. 5136,
SUBSTITUTE SENATE BILL NO. 5140,
SECOND SUBSTITUTE SENATE BILL NO. 5145,
SUBSTITUTE SENATE BILL NO. 5146,
SUBSTITUTE SENATE BILL NO. 5148,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5149,
SENATE BILL NO. 5155,
SUBSTITUTE SENATE BILL NO. 5166,
ENGROSSED SENATE BILL NO. 5169,
SUBSTITUTE SENATE BILL NO. 5175,
SENATE BILL NO. 5176,
SECOND SUBSTITUTE SENATE BILL NO. 5177,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5178,
SUBSTITUTE SENATE BILL NO. 5179,
SUBSTITUTE SENATE BILL NO. 5181,
SECOND SUBSTITUTE SENATE BILL NO. 5182,
SENATE BILL NO. 5183,
SUBSTITUTE SENATE BILL NO. 5195,
SECOND SUBSTITUTE SENATE BILL NO. 5203,
ENGROSSED SENATE BILL NO. 5204,
SUBSTITUTE SENATE BILL NO. 5206,
SENATE BILL NO. 5209,
ENGROSSED SENATE BILL NO. 5218,
SUBSTITUTE SENATE BILL NO. 5220,
SENATE BILL NO. 5222,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5225,
ENGROSSED SENATE BILL NO. 5226,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5227,
ENGROSSED SENATE BILL NO. 5232,
SUBSTITUTE SENATE BILL NO. 5248,
SENATE BILL NO. 5253,
SENATE BILL NO. 5262,

SECOND SUBSTITUTE SENATE BILL NO. 5268,
SECOND SUBSTITUTE SENATE BILL NO. 5269,
SENATE BILL NO. 5276,
ENGROSSED SENATE BILL NO. 5284,
SUBSTITUTE SENATE BILL NO. 5285,
SUBSTITUTE SENATE BILL NO. 5290,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5294,
SENATE BILL NO. 5298,
SUBSTITUTE SENATE BILL NO. 5299,
SUBSTITUTE SENATE BILL NO. 5307,
SENATE BILL NO. 5309,
SENATE BILL NO. 5312,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5318,
SUBSTITUTE SENATE BILL NO. 5319,
SUBSTITUTE SENATE BILL NO. 5324,
ENGROSSED SENATE BILL NO. 5328,
ENGROSSED SENATE BILL NO. 5335,
SUBSTITUTE SENATE BILL NO. 5336,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5338,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5339,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5352,
SENATE BILL NO. 5354,
SENATE BILL NO. 5356,
ENGROSSED SENATE BILL NO. 5364,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5366,
SUBSTITUTE SENATE BILL NO. 5367,
SENATE BILL NO. 5371,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5373,
SENATE BILL NO. 5374,
SUBSTITUTE SENATE BILL NO. 5377,
SUBSTITUTE SENATE BILL NO. 5379,
SUBSTITUTE SENATE BILL NO. 5383,
SENATE BILL NO. 5384,
SUBSTITUTE SENATE BILL NO. 5385,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5386,
SENATE BILL NO. 5401,
SUBSTITUTE SENATE BILL NO. 5420,
SUBSTITUTE SENATE BILL NO. 5430,
SENATE BILL NO. 5431,
SUBSTITUTE SENATE BILL NO. 5435,
SUBSTITUTE SENATE BILL NO. 5450,
ENGROSSED SENATE BILL NO. 5451,
SENATE BILL NO. 5456,
ENGROSSED SENATE BILL NO. 5478,
SUBSTITUTE SENATE BILL NO. 5479,
SENATE BILL NO. 5484,
SENATE BILL NO. 5487,
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SUBSTITUTE SENATE BILL NO. 5491,
SUBSTITUTE SENATE BILL NO. 5503,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5516,
ENGROSSED SENATE BILL NO. 5519,
SUBSTITUTE SENATE BILL NO. 5521,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5522,
SUBSTITUTE SENATE BILL NO. 5524,
SUBSTITUTE SENATE BILL NO. 5525,
SUBSTITUTE SENATE BILL NO. 5533,
SUBSTITUTE SENATE BILL NO. 5542,
SUBSTITUTE SENATE BILL NO. 5547,
SUBSTITUTE SENATE BILL NO. 5567,
SUBSTITUTE SENATE BILL NO. 5581,

SUBSTITUTE SENATE BILL NO. 5594,
ENGROSSED SENATE BILL NO. 5597,
SENATE BILL NO. 5615,
SENATE BILL NO. 5616,
ENGROSSED SENATE BILL NO. 5622,
ENGROSSED SENATE BILL NO. 5631,
SUBSTITUTE SENATE BILL NO. 5633,
SUBSTITUTE SENATE BILL NO. 5647,
SUBSTITUTE SENATE BILL NO. 5651,
SUBSTITUTE SENATE BILL NO. 5654,
SUBSTITUTE SENATE BILL NO. 5656,
SENATE BILL NO. 5657,
ENGROSSED SENATE BILL NO. 5677,
SENATE BILL NO. 5685,
SUBSTITUTE SENATE BILL NO. 5688,
SENATE BILL NO. 5690,
SUBSTITUTE SENATE BILL NO. 5691,
SENATE BILL NO. 5699,
SENATE BILL NO. 5700,
SUBSTITUTE SENATE BILL NO. 5702,
SENATE BILL NO. 5705,
SUBSTITUTE SENATE BILL NO. 5723,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5729,
ENGROSSED SENATE BILL NO. 5734,
SUBSTITUTE SENATE BILL NO. 5754,
SUBSTITUTE SENATE BILL NO. 5772,
SENATE BILL NO. 5789,
SENATE BILL NO. 5797,
SENATE BILL NO. 5798,
ENGROSSED SENATE BILL NO. 5821,
SUBSTITUTE SENATE BILL NO. 5830,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5835,
ENGROSSED SENATE BILL NO. 5842,
SUBSTITUTE SENATE BILL NO. 5843,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5855,
SUBSTITUTE SENATE BILL NO. 5864,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5872,
SENATE BILL NO. 5888,
SUBSTITUTE SENATE BILL NO. 5893,
SENATE BILL NO. 5895,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5897,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5917,
SUBSTITUTE SENATE BILL NO. 5927,
ENGROSSED SENATE BILL NO. 5929,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5931,
SUBSTITUTE SENATE BILL NO. 5948,
SUBSTITUTE SENATE BILL NO. 5952,
SUBSTITUTE SENATE BILL NO. 5964,
SENATE BILL NO. 5966,
SENATE BILL NO. 5992,
SUBSTITUTE SENATE BILL NO. 5993,
SENATE BILL NO. 6002,
SENATE BILL NO. 6032,
SENATE BILL NO. 6034,
ENGROSSED SENATE BILL NO. 6045,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6052,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6074,
SENATE BILL NO. 6091,
ENGROSSED SENATE BILL NO. 6106,
SUBSTITUTE SENATE BILL NO. 6145,
SENATE JOINT MEMORIAL NO. 8000.

SENATE JOINT MEMORIAL NO. 8003,
SENATE JOINT MEMORIAL NO. 8005,
SENATE JOINT MEMORIAL NO. 8006,
SENATE JOINT MEMORIAL NO. 8013,
SUBSTITUTE SENATE JOINT MEMORIAL NO. 8014,
SENATE JOINT MEMORIAL NO. 8015,
SENATE JOINT RESOLUTION NO. 8201,
SUBSTITUTE SENATE JOINT RESOLUTION NO. 8207,
SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 8400,
SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 8404,
SENATE CONCURRENT RESOLUTION NO. 8411, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

RETURN OF BILLS TO HOUSE OF REPRESENTATIVES

Under the provisions of HOUSE CONCURRENT RESOLUTION NO. 4417, the Senate returned the following bills to the House of Representatives:

HOUSE BILL NO. 1001,
HOUSE BILL NO. 1002,
HOUSE BILL NO. 1003,
SUBSTITUTE HOUSE BILL NO. 1004,
SUBSTITUTE HOUSE BILL NO. 1005,
SUBSTITUTE HOUSE BILL NO. 1011,
SUBSTITUTE HOUSE BILL NO. 1013,
HOUSE BILL NO. 1021,
HOUSE BILL NO. 1022,
HOUSE BILL NO. 1035,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1037,
SUBSTITUTE HOUSE BILL NO. 1041,
SUBSTITUTE HOUSE BILL NO. 1044,
HOUSE BILL NO. 1053,
ENGROSSED HOUSE BILL NO. 1055,
ENGROSSED HOUSE BILL NO. 1058,
HOUSE BILL NO. 1066,
ENGROSSED HOUSE BILL NO. 1073,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1078,
ENGROSSED HOUSE BILL NO. 1080,
ENGROSSED HOUSE BILL NO. 1081,
ENGROSSED HOUSE BILL NO. 1082,
SUBSTITUTE HOUSE BILL NO. 1088,
HOUSE BILL NO. 1106,
ENGROSSED HOUSE BILL NO. 1109,
HOUSE BILL NO. 1110,
HOUSE BILL NO. 1118,
SUBSTITUTE HOUSE BILL NO. 1119,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1123,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1127,
ENGROSSED HOUSE BILL NO. 1129,
SUBSTITUTE HOUSE BILL NO. 1136,
ENGROSSED HOUSE BILL NO. 1154,
HOUSE BILL NO. 1156,
ENGROSSED HOUSE BILL NO. 1158,
SUBSTITUTE HOUSE BILL NO. 1160,
SUBSTITUTE HOUSE BILL NO. 1161,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1165,
ENGROSSED HOUSE BILL NO. 1172,
SECOND SUBSTITUTE HOUSE BILL NO. 1174,
ENGROSSED HOUSE BILL NO. 1175,
HOUSE BILL NO. 1176,
HOUSE BILL NO. 1177,
HOUSE BILL NO. 1182.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1190,
ENGROSSED HOUSE BILL NO. 1196,
SUBSTITUTE HOUSE BILL NO. 1197,
HOUSE BILL NO. 1215,
ENGROSSED HOUSE BILL NO. 1222,
HOUSE BILL NO. 1223,
HOUSE BILL NO. 1224,
HOUSE BILL NO. 1225,
ENGROSSED HOUSE BILL NO. 1226,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1237,
HOUSE BILL NO. 1240,
SUBSTITUTE HOUSE BILL NO. 1257,
SUBSTITUTE HOUSE BILL NO. 1261,
SUBSTITUTE HOUSE BILL NO. 1263,
SUBSTITUTE HOUSE BILL NO. 1264,
ENGROSSED HOUSE BILL NO. 1267,
HOUSE BILL NO. 1270,
HOUSE BILL NO. 1272,
SUBSTITUTE HOUSE BILL NO. 1278,
SUBSTITUTE HOUSE BILL NO. 1280,
ENGROSSED HOUSE BILL NO. 1283,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1291,
HOUSE BILL NO. 1292,
SUBSTITUTE HOUSE BILL NO. 1293,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1294,
ENGROSSED HOUSE BILL NO. 1298,
HOUSE BILL NO. 1307,
HOUSE BILL NO. 1308,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1321,
HOUSE BILL NO. 1323,
SUBSTITUTE HOUSE BILL NO. 1326,
HOUSE BILL NO. 1328,
SUBSTITUTE HOUSE BILL NO. 1329,
ENGROSSED HOUSE BILL NO. 1343,
ENGROSSED HOUSE BILL NO. 1352,
ENGROSSED HOUSE BILL NO. 1360,
HOUSE BILL NO. 1374,
SECOND SUBSTITUTE HOUSE BILL NO. 1378,
ENGROSSED HOUSE BILL NO. 1383,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1392,
SUBSTITUTE HOUSE BILL NO. 1393,
SUBSTITUTE HOUSE BILL NO. 1398,
HOUSE BILL NO. 1404,
SUBSTITUTE HOUSE BILL NO. 1405,
ENGROSSED HOUSE BILL NO. 1406,
HOUSE BILL NO. 1417,
ENGROSSED HOUSE BILL NO. 1423,
ENGROSSED HOUSE BILL NO. 1433,
HOUSE BILL NO. 1447,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1450,
SUBSTITUTE HOUSE BILL NO. 1452,
HOUSE BILL NO. 1453,
HOUSE BILL NO. 1465,
SUBSTITUTE HOUSE BILL NO. 1475,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1479,
ENGROSSED HOUSE BILL NO. 1488,
SUBSTITUTE HOUSE BILL NO. 1495,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1496,
HOUSE BILL NO. 1505,
SUBSTITUTE HOUSE BILL NO. 1509,
SUBSTITUTE HOUSE BILL NO. 1521.

SUBSTITUTE HOUSE BILL NO. 1554,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1557,
SUBSTITUTE HOUSE BILL NO. 1562,
SUBSTITUTE HOUSE BILL NO. 1565,
HOUSE BILL NO. 1570,
HOUSE BILL NO. 1571,
SUBSTITUTE HOUSE BILL NO. 1577,
ENGROSSED HOUSE BILL NO. 1578,
ENGROSSED HOUSE BILL NO. 1579,
ENGROSSED HOUSE BILL NO. 1580,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1581,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1584,
ENGROSSED HOUSE BILL NO. 1587,
ENGROSSED HOUSE BILL NO. 1596,
SUBSTITUTE HOUSE BILL NO. 1601,
HOUSE BILL NO. 1602,
SUBSTITUTE HOUSE BILL NO. 1608,
HOUSE BILL NO. 1620,
HOUSE BILL NO. 1621,
ENGROSSED HOUSE BILL NO. 1623,
SUBSTITUTE HOUSE BILL NO. 1624,
HOUSE BILL NO. 1629,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1643,
ENGROSSED HOUSE BILL NO. 1646,
ENGROSSED HOUSE BILL NO. 1648,
HOUSE BILL NO. 1657,
SUBSTITUTE HOUSE BILL NO. 1661,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1663,
ENGROSSED HOUSE BILL NO. 1665,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1666,
SUBSTITUTE HOUSE BILL NO. 1668,
SUBSTITUTE HOUSE BILL NO. 1669,
ENGROSSED HOUSE BILL NO. 1673,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1676,
HOUSE BILL NO. 1682,
SUBSTITUTE HOUSE BILL NO. 1688,
ENGROSSED HOUSE BILL NO. 1697,
SUBSTITUTE HOUSE BILL NO. 1701,
ENGROSSED HOUSE BILL NO. 1702,
ENGROSSED HOUSE BILL NO. 1703,
ENGROSSED HOUSE BILL NO. 1715,
ENGROSSED HOUSE BILL NO. 1724,
HOUSE BILL NO. 1730,
HOUSE BILL NO. 1731,
SUBSTITUTE HOUSE BILL NO. 1741,
SUBSTITUTE HOUSE BILL NO. 1746,
HOUSE BILL NO. 1747,
HOUSE BILL NO. 1771,
SUBSTITUTE HOUSE BILL NO. 1788,
HOUSE BILL NO. 1791,
SUBSTITUTE HOUSE BILL NO. 1792,
SUBSTITUTE HOUSE BILL NO. 1797,
SUBSTITUTE HOUSE BILL NO. 1814,
HOUSE BILL NO. 1816,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1822,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1825,
SUBSTITUTE HOUSE BILL NO. 1828,
ENGROSSED HOUSE BILL NO. 1836,
ENGROSSED HOUSE BILL NO. 1839,
ENGROSSED HOUSE BILL NO. 1855,
ENGROSSED HOUSE BILL NO. 1865,

ENGROSSED HOUSE BILL NO. 1870,
ENGROSSED HOUSE BILL NO. 1881,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1883,
HOUSE BILL NO. 1890,
SUBSTITUTE HOUSE BILL NO. 1891,
HOUSE BILL NO. 1895,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1910,
SUBSTITUTE HOUSE BILL NO. 1911,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1941,
HOUSE BILL NO. 1950,
HOUSE BILL NO. 1957,
SUBSTITUTE HOUSE BILL NO. 1963,
SUBSTITUTE HOUSE BILL NO. 1964,
SUBSTITUTE HOUSE BILL NO. 1979,
ENGROSSED HOUSE BILL NO. 1984,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2023,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2030,
SUBSTITUTE HOUSE BILL NO. 2031,
HOUSE BILL NO. 2035,
ENGROSSED HOUSE BILL NO. 2059,
SUBSTITUTE HOUSE BILL NO. 2071,
SUBSTITUTE HOUSE BILL NO. 2076,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2084,
HOUSE BILL NO. 2098,
HOUSE BILL NO. 2103,
HOUSE BILL NO. 2110,
HOUSE BILL NO. 2126,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2140,
SUBSTITUTE HOUSE BILL NO. 2151,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2159,
ENGROSSED HOUSE BILL NO. 2177,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2198,
SUBSTITUTE HOUSE BILL NO. 2201,
ENGROSSED HOUSE BILL NO. 2237,
HOUSE JOINT MEMORIAL NO. 4002,
HOUSE JOINT MEMORIAL NO. 4003,
HOUSE JOINT MEMORIAL NO. 4006,
HOUSE JOINT MEMORIAL NO. 4012,
HOUSE JOINT MEMORIAL NO. 4014,
SUBSTITUTE HOUSE JOINT MEMORIAL NO. 4016,
SUBSTITUTE HOUSE JOINT MEMORIAL NO. 4017,
ENGROSSED HOUSE JOINT MEMORIAL NO. 4019,
ENGROSSED HOUSE JOINT RESOLUTION NO. 4200,
ENGROSSED HOUSE JOINT RESOLUTION NO. 4203,
SUBSTITUTE HOUSE JOINT RESOLUTION NO. 4204,
ENGROSSED SUBSTITUTE HOUSE JOINT RESOLUTION NO. 4220,
ENGROSSED HOUSE JOINT CONCURRENT RESOLUTION NO. 4403,
HOUSE CONCURRENT RESOLUTION NO. 4411,
HOUSE CONCURRENT RESOLUTION NO. 4418.

MOTION

On motion of Senator Newhouse, the Senate Journal for the one hundred-fifth day of the 1989 Regular Session of the Fifty-first Legislature was approved.

MOTION

At 10:19 p.m., on motion of Senator Newhouse, the 1989 Regular Session of the Fifty-first Legislature adjourned SINE DIE.

JOEL PRITCHARD, President of the Senate.
GORDON A. GOLOB, Secretary of the Senate.

SENATE JOURNAL

—1989—

FIRST SPECIAL SESSION

FIFTY-FIRST LEGISLATURE

STATE OF WASHINGTON

AT

OLYMPIA, the State Capitol

Convened April 24, 1989
Adjourned Sine Die May 10, 1989

Compiled, Edited and Indexed by
GORDON A. GOLOB, *Secretary of the Senate*



MARY WILEY
Minute and Journal Clerk

JOEL PRITCHARD, *President of the Senate*
ALAN BLUECHEL, *President Pro Tempore*
ELLEN CRASWELL, *Vice President Pro Tempore*

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Caucus ChairGEORGE L. SELLAR
Majority Floor LeaderIRV NEWHOUSE
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**JOURNAL OF THE SENATE
STATE OF WASHINGTON
1989 FIRST SPECIAL SESSION
FIFTY-FIRST LEGISLATURE**

FIRST DAY

MORNING SESSION

Senate Chamber, Olympia, Monday, April 24, 1989

The Senate was called to order at 10:00 a.m. by Lieutenant Governor Joel Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators DeJarnatt, Niemi, Owen, Rinehart and Wojahn. On motion of Senator Warnke, Senators DeJarnatt, Niemi, Owen, Rinehart and Wojahn were excused.

The Sergeant at Arms Color Guard, consisting of Pages Ian Craig and Gretchen Engell, presented the Colors. The Reverend David McMartin, senior pastor of the Evangelical Free Church of Tumwater, offered the prayer.

**MESSAGE FROM THE GOVERNOR
PROCLAMATION BY THE GOVERNOR**

WHEREAS, in accordance with Article II, Section 12 (Amendment 68), the 1989 Regular Session adjourned April 23, 1989, the 105th day of the session without finishing its essential tasks; and

WHEREAS, it is therefore necessary for me to convene a Special Session for the purposes of adequately addressing matters related to the 1989-91 Operating Budget, 1989-91 Transportation Budget with adequate funding, Supplemental Budget for 1987-89, Capital Budget for 1989-91 and necessary bond bills, First Steps Program, ADATSA Program, Department of Health, Washington Futures, Model Conservation Standards, bills in dispute as of the close of the Regular Session, and any other matters the Legislature may wish to address.

NOW, THEREFORE, I, Booth Gardner, Governor of the state of Washington, by virtue of the authority vested in me by Article II, Section 12 (Amendment 68), and Article III, Section 7 of the State Constitution, do hereby convene the Legislature of the state of Washington on Monday, the 24th day of April, 1989, at 10:00 a.m. in Special Session in the Capitol at Olympia for the purposes stated herein.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington, to be affixed at Olympia this 23rd day of April, A.D., Nineteen Hundred and Eighty-Nine.

BOOTH GARDNER, Governor

(Seal)

By the Governor:

RALPH MUNRO, Secretary of State

MOTION

On motion of Senator Newhouse, the following resolution was adopted:

SENATE RESOLUTION 1989-8698

by Senators Hayner, Sellar, Vognild and Warnke

BE IT RESOLVED, That a committee of three be appointed to notify the House that the Senate is now organized and ready to transact business.

APPOINTMENT OF SPECIAL COMMITTEE

Under the provisions of Senate Resolution 1989-8698, the President appointed Senators Saling, Sutherland and Bailey to notify the House of Representatives that the Senate is organized and ready to transact business.

MOTION

On motion of Senator Newhouse, the appointees were confirmed. The committee retired to the House of Representatives.

COMMITTEE FROM THE HOUSE

A committee from the House of Representatives composed of Representatives Horn, Prentice and Phillips appeared before the bar of the Senate and notified the Senate that the House is organized and ready to transact business.

The report was received and the committee returned to the House of Representatives.

REPORT OF SPECIAL COMMITTEE

The special committee composed of Senators Saling, Sutherland and Bailey appeared before the bar of the Senate. Under the provisions of Senate Resolution 1989-8698, the House of Representatives was notified that the Senate is organized and ready to transact business.

The report was received and the committee was discharged.

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

INTRODUCTION AND FIRST READING

SCR 8421 by Senators Hayner, Sellar, Vognild and Warnke

Notifying the Governor that the Legislature is organized and ready to conduct business.

MOTIONS

On motion of Senator Newhouse, the rules were suspended, Senate Concurrent Resolution No. 8421 was advanced to second reading and read the second time.

On motion of Senator Newhouse, the rules were suspended, Senate Concurrent Resolution No. 8421 was advanced to third reading, the second reading considered the third and the resolution was adopted.

APPOINTMENT OF SPECIAL COMMITTEE

In accordance with Senate Concurrent Resolution No. 8421, the President appointed Senators Cantu, Rasmussen and Lee to join with a like committee from the House of Representatives to notify the Governor that the Legislature is organized and ready to transact business.

MOTION

On motion of Senator Newhouse, the appointees were confirmed.

At 10:37 a.m., there being no objection, the President declared the Senate to be at ease.

The Senate was called to order at 10:43 a.m. by President Pritchard.

REPORT OF SPECIAL COMMITTEE

The special committee composed of Senators Cantu, Rasmussen and Lee appeared before the bar of the Senate to report that the Governor had been notified, under the provisions of Senate Concurrent Resolution No. 8421, that the Legislature is organized and ready to transact business.

The report was received and the committee was discharged.

MOTION

At 10:49 a.m., on motion of Senator Newhouse, the Senate recessed until 1:30 p.m.

The Senate was called to order at 2:20 p.m. by President Pritchard.

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

MESSAGE FROM THE HOUSE

April 24, 1989

Mr. President:

The House has adopted HOUSE CONCURRENT RESOLUTION NO. 4419, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

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

INTRODUCTION AND FIRST READING OF HOUSE BILL

HCR 4419 by Representatives Ebersole and Ballard

Reintroducing legislation from 1989 Regular Session.

MOTIONS

On motion of Senator Newhouse, the rules were suspended, House Concurrent Resolution No. 4419 was advanced to second reading and read the second time.

On motion of Senator Newhouse, the rules were suspended, House Concurrent Resolution No. 4419 was advanced to third reading, the second reading considered the third and the concurrent resolution was adopted.

There being no objection, the President returned the Senate to the third order of business.

MESSAGE FROM THE SECRETARY OF STATE

The Honorable
President of the Senate
The Legislature of the State of Washington
Olympia, Washington
Mr. President:

We respectfully transmit for your consideration the following bill which has been partially vetoed by the Governor, together with the official veto message of the Governor setting forth his objections to the sections or items of the bill as required by Article III, section 12, of the Washington State Constitution.

Section 6, of Second Substitute Senate Bill No. 5011, the remainder of which has been designated Chapter 87, Laws of 1989.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of the state of Washington at Olympia, this twentieth day of April, 1989.

(Seal)

RALPH MUNRO, Secretary of State

By DONALD F. WHITING, Assistant
Secretary of State

PARTIAL VETO MESSAGE ON SECOND SUBSTITUTE SENATE BILL NO. 5011

April 20, 1989

To the Honorable, the Senate
of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to section 6, Second Substitute Senate Bill No. 5011, entitled:

"AN ACT Relating to providing for allocation of assets of an institutionalized spouse."

Section 6 requires the submission of a biennial report on the number of persons impacted by the laws relating to transfer of assets between spouses. This section imposes new duties for which no funds have been appropriated, and would

require the Department of Social and Health Services to reformat information already available to the legislative fiscal committees.

With the exception of section 6, Second Substitute Senate Bill No. 5011 is approved.

Respectfully submitted,
Booth Gardner, Governor

MESSAGE FROM THE SECRETARY OF STATE

The Honorable
President of the Senate
The Legislature of the State of Washington
Olympia, Washington
Mr. President:

We respectfully transmit for your consideration the following bill which has been partially vetoed by the Governor, together with the official veto message of the Governor setting forth his objections to the sections or items of the bill as required by Article III, section 12, of the Washington State Constitution.

Sections 1 and 2, of Substitute Senate Bill No. 5127, the remainder of which has been designated Chapter 84, Laws of 1989.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of the state of Washington at Olympia, this twentieth day of April, 1989.

(Seal)

RALPH MUNRO, Secretary of State

By DONALD F. WHITING, Assistant
Secretary of State

PARTIAL VETO MESSAGE ON SUBSTITUTE SENATE BILL NO. 5127

April 20, 1989

To the Honorable, the Senate
of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 1 and 2, Substitute Senate Bill No. 5127, entitled:

"AN ACT Relating to boundary review boards."

Sections 1 and 2 of Substitute Senate Bill No. 5127 would eliminate the authority of boundary review boards to disapprove a proposed city or town incorporation or disincorporation.

I recognize there are some communities in the state that are dissatisfied with recent incorporation decisions of boundary review boards. However, I am not convinced that the answer to this problem is simply to eliminate the board's authority in this critical area. One of the purposes of Chapter 36.93, which created boundary review boards, was to provide a method to guide and control the creation and growth of municipalities in metropolitan areas. By deleting the boards' authority over incorporations, the purpose of this act would be frustrated.

The State has a legitimate interest in ensuring that municipal boundaries are rational and that statutory objectives are adhered to in the incorporation process. The authority of boundary review boards to review and act on incorporations is the established method of achieving that goal. Without such authority, there is some risk of proliferation of small municipalities and governmental fragmentation at the local level. Additionally, annexations often need to be amended to ensure they do not just include the property tax rich area while excluding poorer valuation residential areas which require public services.

Neighboring jurisdictions are usually affected directly by municipal incorporations. Review of these actions by boundary review boards ensures that multi-jurisdictional issues are considered before a vote is taken.

Notwithstanding the concerns with sections 1 and 2 of the bill, I recognize that boundary review boards may not be the best approach for all counties to address these important growth issues. For that reason, I requested legislation this session

(House Bill No. 1174) that would provide a mechanism for the dissolution of boundary review boards if a local government service agreement is in place. That bill has not yet been acted upon by the Legislature.

With the exception of sections 1 and 2, Substitute Senate Bill No. 5127 is approved.

Respectfully submitted,
Booth Gardner, Governor

MESSAGE FROM THE SECRETARY OF STATE

The Honorable
President of the Senate
The Legislature of the State of Washington
Olympia, Washington
Mr. President:

We respectfully transmit for your consideration the following bill which has been partially vetoed by the Governor, together with the official veto message of the Governor setting forth his objections to the sections or items of the bill as required by Article III, section 12, of the Washington State Constitution.

Sections 8 and 12, of Senate Bill No. 5156, the remainder of which has been designated Chapter 85, Laws of 1989.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of the state of Washington at Olympia, this twentieth day of April, 1989.

(Seal)

RALPH MUNRO, Secretary of State

By DONALD F. WHITING, Assistant
Secretary of State

PARTIAL VETO MESSAGE ON SENATE BILL NO. 5156

April 20, 1989

To the Honorable, the Senate
of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 8 and 12, Senate Bill No. 5156, entitled:

"AN ACT Relating to Cedar River sockeye salmon."

The concept behind this bill is to provide a mechanism to mitigate for the sockeye salmon habitat losses caused by the Landsburg diversion dam. Embodied in the concept of mitigation is that the complete cost, including the long-term operation and maintenance of the mitigation project, shall be borne by the party with the responsibility to mitigate. In this case, the City of Seattle has agreed not only to fund all phases leading up to and including construction, but also to deposit \$2.5 million in a trust account so that interest can be used to fund operation and maintenance.

The acceptability of this project to the State to fully mitigate for the sockeye losses caused by the diversion dam shall be judged not only on the success of the spawning channel but also on whether the trust account is adequate to fully finance the long-term operation and maintenance of the channel. It is in the best interest of the City of Seattle to negotiate with the State on methods which could reduce the expenditures from this trust account, so that in the future the fund is sufficient to cover inflationary costs as well as unanticipated costs.

I feel strongly that the decision-making process leading up to the construction of the spawning channel must recognize the relationship between the State and the Muckleshoot Tribe. The process must involve the Tribe in the planning, design, construction and operation of the spawning channel. This project can proceed only so long as consistent with the protection of treaty fishing rights. Finally, it should be noted that any decision made by the State pursuant to this legislation does not affect claims the Muckleshoot Tribe may have against the City of Seattle for damages to the Cedar River fisheries resources.

The expedition of permits in section 8 implies that state agencies are somehow above the permitting processes. This policy sends an inappropriate message that the review should be preferential or incomplete. The emergency clause in section 12 is not warranted by any exigent circumstances.

I believe this legislation, with the exception of sections 8 and 12, is an example of a process, that if successful, will enhance fishing opportunities in this state and will address a current impediment to increasing the Cedar River sockeye run.

Therefore, with the exception of sections 8 and 12, Senate Bill No. 5156 is approved.

Respectfully submitted,
Booth Gardner, Governor

MESSAGE FROM THE SECRETARY OF STATE

The Honorable
President of the Senate
The Legislature of the State of Washington
Olympia, Washington
Mr. President:

We respectfully transmit for your consideration the following bill which has been partially vetoed by the Governor, together with the official veto message of the Governor setting forth his objections to the sections or items of the bill as required by Article III, section 12, of the Washington State Constitution.

Sections 4-105, 4-111, 4-114, 4-118, and 4-121, of Substitute Senate Bill No. 5208, the remainder of which has been designated Chapter 43, Laws of 1989.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of the state of Washington at Olympia, this nineteenth day of April, 1989.

(Seal)

RALPH MUNRO, Secretary of State

PARTIAL VETO MESSAGE ON SUBSTITUTE SENATE BILL NO. 5208

April 18, 1989

To the Honorable, the Senate
of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 4-105, 4-111, 4-114, 4-118, and 4-121, Substitute Senate Bill No. 5208 entitled:

"AN ACT Relating to Condominiums."

The Washington Condominium Act (WCA) sets forth in statute a single and comprehensive body of law governing the development, ownership and management of condominiums. In doing this, the interests of lenders, developers, builders, realtors and local governments have been adequately protected. The interests of purchasers have not fared as well.

For example, Substitute Senate Bill No. 5208 expands warranties of quality. However, section 4-111 is written in such a way that the "express" warranty of quality purports to give much more protection than it does. This provision is substantially less protective than the uniform act already in law. One limitation in this section takes away a purchaser's right to rely on the promoter's reservation of development rights, even though it is made in the public offering statement. Therefore, I have vetoed this section.

Although I support increased flexibility and certainty for developers, these changes must be accompanied by requirements for full disclosure and protection for consumers. Condominium purchasers have a right to rely on information they receive and to know if new buildings or subdivisions may be developed, or if certain portions of the development may be withdrawn from the project. For this reason, I am not approving section 4-105, which exempts condominium promoters from important disclosure requirements.

Section 4-114 specifies the statute of limitations for warranties regarding condominium quality. Under this section, purchasers would receive less time to seek

relief for breach of warranty than under existing law. This section allows warranties to expire within four years of the original purchase, regardless of whether the defect is apparent. Under current law, the statute of limitations runs for warranties three years after discovery of the defect, rather than from the date of the first purchase.

Section 4-118 of the Act removes the requirement that a unit be "substantially completed" before the conveyance is completed. This allows the seller to have use of the funds before the purchaser is able to use the property, detracting from the rights of individual purchasers.

Section 4-121 recreates the 1987 statutory committee, which presented the first draft to the legislature. I am vetoing this section because there is no apparent need for a group such as this, and consumer representation is clearly inadequate. The state has far too many boards, commissions and committees already and creation of yet another one for such a questionable purpose is unnecessary.

Substitute Senate Bill No. 5208 clarifies Washington State law on condominiums. Recent changes in lifestyle have increased the prevalence of this type of real estate transaction, thereby increasing the need for more certainty in the law regarding these transactions. However, it is not in the public's interest to use this bill as a vehicle to reduce important consumer protection rights granted through existing law. For this reason I have vetoed the above mentioned sections of Substitute Senate Bill No. 5208.

With the exception of sections 4-105, 4-111, 4-114, 4-118, and 4-121, Substitute Senate Bill No. 5208 is approved.

Respectfully submitted,
Booth Gardner, Governor

MESSAGE FROM THE SECRETARY OF STATE

The Honorable
President of the Senate
The Legislature of the State of Washington
Olympia, Washington
Mr. President:

We respectfully transmit for your consideration the following bill which has been partially vetoed by the Governor, together with the official veto message of the Governor setting forth his objections to the sections or items of the bill as required by Article III, section 12, of the Washington State Constitution.

Section 5, of Senate Bill No. 5874, the remainder of which has been designated Chapter 82, Laws of 1989.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of the state of Washington at Olympia, this twentieth day of April, 1989.

(Seal)

RALPH MUNRO, Secretary of State

PARTIAL VETO MESSAGE ON SENATE BILL NO. 5874

April 19, 1989

To the Honorable, the Senate
of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to section 5, Senate Bill No. 5874, entitled:

"AN ACT Relating to maritime commemorative observance."

This bill transfers authority for planning celebrations of certain maritime historical events from the Centennial Commission to the Washington State Historical Society. Section 5 contains an emergency clause requiring the Act to take effect immediately.

The emergency clause eliminates the possibility of a smooth transition as planning authority shifts from one entity to another. I am advised that the Washington State Historical Society intends to work with all interested parties and to build on

the planning activities begun by the Centennial Commission. Removal of the emergency clause facilitates this coordination.

With the exception of section 5, Senate Bill No. 5874 is approved.

Respectfully submitted,
Booth Gardner, Governor

MESSAGE FROM THE SECRETARY OF STATE

The Honorable
President of the Senate
The Legislature of the State of Washington
Olympia, Washington
Mr. President:

We respectfully transmit for your consideration the following bill which has been partially vetoed by the Governor, together with the official veto message of the Governor setting forth his objections to the sections or items of the bill as required by Article III, section 12, of the Washington State Constitution.

Section 1, of Senate Bill No. 6012, the remainder of which has been designated Chapter 86, Laws of 1989.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of the state of Washington at Olympia, this twentieth day of April, 1989.

(Seal)

RALPH MUNRO, Secretary of State

By DONALD F. WHITING, Assistant
Secretary of State

PARTIAL VETO MESSAGE ON SENATE BILL NO. 6012

April 20, 1989

To the Honorable, the Senate
of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to section 1, Senate Bill No. 6012, entitled:

"AN ACT Relating to the leasing of surplus school property."

Section 1 of this bill would remove the restriction requiring school districts to "include provisions which permit the recapture of the leased or rented surplus property of the district should such property be needed for school purposes in the future." The stated intent of this bill is to clarify the law so school districts can enter into long-term leases of surplus property to be used for condominiums or office buildings.

The restriction in existing law is good public policy. It should not be repealed. We should not be encouraging school districts to be in the real estate business when there are current demands for school district buildings and funding of school projects.

Each year the Legislature struggles with providing enough capital funding to school districts to keep up with demands for new construction. It seems inconsistent to allow districts to lock up buildings and property in long-term leases, when there is apparently no intent nor ability to ever reclaim these for school purposes. If there is no foreseeable school use, the district should surplus and sell the properties so the funds are available for other district uses.

The existing statute provides enough flexibility so school districts can rent or lease property when it is not needed immediately. However, the existing law wisely prohibits long-term commitments which bind future school boards and limit their ability to meet the changing needs of the community.

With the exception of section 1, Senate Bill No. 6012 is approved.

Respectfully submitted,
Booth Gardner, Governor

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

MESSAGE FROM THE HOUSE

April 24, 1989

Mr. President:

The House has adopted SENATE CONCURRENT RESOLUTION NO. 8421, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SENATE CONCURRENT RESOLUTION NO. 8421.

MOTIONS

On motion of Senator Newhouse, the Committee on Rules was relieved of further consideration of Substitute Senate Bill No. 5521.

On motion of Senator Newhouse, Substitute Senate Bill No. 5521 was placed on today's third reading calendar.

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

SECOND READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Nelson, Gubernatorial Appointment No. 9081, Judge Anthony Wartnik, as a member of the Child Support Schedule Commission, was confirmed.

MOTIONS

On motion of Senator Anderson, Senators Benitz, Hayner, Matson, McDonald, Metcalf, Pullen, Saling and West were excused.

On motion of Senator Bender, Senators Gaspard and Hansen were excused.

APPOINTMENT OF JUDGE ANTHONY WARTNIK

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 35; absent, 1; excused, 13.

Voting yeas: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Bluechel, Cantu, Conner, Craswell, Fleming, Johnson, Kreidler, Lee, Madsen, McCaslin, McMullen, Moore, Murray, Nelson, Newhouse, Rasmussen, Rinehart, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, Williams, Wojahn - 35.

Absent: Senator Patterson - 1.

Excused: Senators Benitz, DeJarnatt, Gaspard, Hansen, Hayner, Matson, McDonald, Metcalf, Niemi, Owen, Pullen, Saling, West - 13.

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

THIRD READING

SUBSTITUTE SENATE BILL NO. 5521, by Committee on Ways and Means (originally sponsored by Senators McDonald and Gaspard (by request of Governor Gardner)

Adopting the capital budget.

The bill was read the third time.

Debate ensued.

MOTION

On motion of Senator Anderson, Senator Patterson was excused.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5521.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5521 and the bill passed the Senate by the following vote: Yeas, 32; nays, 3; excused, 14.

Voting yea: Senators Amondson, Anderson, Bailey, Bauer, Bender, Bluechel, Cantu, Conner, Craswell, Fleming, Johnson, Kreidler, Lee, Madsen, McCasin, McMullen, Moore, Murray, Nelson, Newhouse, Rasmussen, Rinehart, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, Warnke, Wojahn - 32.

Voting nay: Senators Barr, Vognild, Williams - 3.

Excused: Senators Benitz, DeJarnatt, Gaspard, Hansen, Hayner, Matson, McDonald, Metcalf, Niemi, Owen, Patterson, Pullen, Saling, West - 14.

SUBSTITUTE SENATE BILL NO. 5521, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

MOTION

On motion of Senator Williams, the following resolution was adopted:

SENATE RESOLUTION 1989-8697

by Senator Williams

WHEREAS, The Western Viking newspaper, formerly known as The Washington Posten, is one of the oldest newspapers in Washington; and

WHEREAS, The first copy of The Washington Posten was printed on May 17, 1889, commemorating Norway's Constitution Day; and

WHEREAS, The Western Viking newspaper will celebrate its one hundredth anniversary this year with the centennial edition coming out on May 17; and

WHEREAS, The newspaper is the only Norwegian-American weekly newspaper to be printed without interruption for one hundred years; and

WHEREAS, The newspaper originally published the anniversary editions in Norwegian, but has decided to print the Centennial edition in English; and

WHEREAS, The early Norwegian immigrants in Seattle were very grateful to Frank Oleson and his brother Richard for launching the newspaper; and

WHEREAS, Descendants of those original Norwegians continue to enjoy the newspaper and appreciate that it is still published; and

WHEREAS, This historic event coincides with the one hundredth anniversary of the founding of Ballard, Washington; and

WHEREAS, The city of Ballard's annual parade and celebration on May 17th (Syttende Mai) is patterned after such celebrations in Norway; and

WHEREAS, Norwegian-Americans have contributed much to the culture and well-being of America;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognizes and pays tribute to Henning C. and Ragnhild M. Boe, who are the current owners of the paper and have edited and published it for thirty years; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Mr. and Mrs. Henning Boe.

MOTION

On motion of Senator Newhouse, Engrossed Senate Joint Resolution No. 8218 and Senate Joint Resolution No. 8219, on the third reading calendar, and Senate Bill No. 5247, Senate Bill No. 5249 and Senate Concurrent Resolution No. 8414, on the second reading calendar, were referred to the Committee on Rules,

MOTION

At 2:42 p.m., on motion of Senator Newhouse, the Senate adjourned until 1:30 p.m., Wednesday, April 26, 1989.

JOEL PRITCHARD, President of the Senate.
GORDON A. GOLOB, Secretary of the Senate.

THIRD DAY

AFTERNOON SESSION

Senate Chamber, Olympia, Wednesday, April 26, 1989

The Senate was called to order at 1:30 p.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Bender, Benitz, Conner, DeJarnatt, Fleming, Lee, McMullen, Pullen and Vognild. There being no objection, the President excused Senator DeJarnatt.

The Sergeant at Arms Color Guard, consisting of Pages Bobby McBride and Kevin Rus, presented the Colors. The Reverend David McMartin, senior pastor of the Evangelical Free Church of Tumwater, offered the prayer.

MOTION

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

MESSAGES FROM THE HOUSE

April 24, 1989

Mr. President:

The Speaker has signed SENATE CONCURRENT RESOLUTION NO. 8421 and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

April 24, 1989

Mr. President:

The Speaker has signed HOUSE CONCURRENT RESOLUTION NO. 4419 and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

April 24, 1989

Mr. President:

The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1294,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1479,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1581,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1737,

SUBSTITUTE HOUSE BILL NO. 1788,

SUBSTITUTE HOUSE BILL NO. 1963, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

INTRODUCTION AND FIRST READING

SB 6149 by Senators Thorsness, Lee, Craswell, McCaslin, Anderson, Smith, Cantu, Benitz, Matson and Metcalf

AN ACT Relating to reducing legislative per diem and appropriations to the governor as an incentive for concluding extraordinary sessions of the legislature; amending RCW 44.04.120; adding a new section to chapter 43.88 RCW; and declaring an emergency.

Referred to Committee on Ways and Means.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

ESHB 1294 by Committee on Trade and Economic Development (originally sponsored by Representatives Rector, Cantwell, Doty, Schoon, Rasmussen, Moyer, Raiter, Day, Peery, Wineberry, Winsley, Dorn, Morris, Dellwo, Heavey, Prentice, Leonard, Valle, Wang, G. Fisher, Basich, Kremen, Jones, Cooper, Walk, R. King, Phillips,

Hine, Todd, Pruitt, Brekke, H. Myers, Ebersole, Jacobsen, Inslee, Crane, Sprenkle and P. King)

Establishing the Washington employment futures program.

Referred to Committee on Rules.

ESHB 1479 by Committee on Appropriations (originally sponsored by Representatives Locke, Silver, Grant, H. Sommers, Holland and Sayan) (by request of Governor Gardner)

Making appropriations for the 1987-89 biennium.

Referred to Committee on Rules.

ESHB 1581 by Committee on Commerce and Labor (originally sponsored by Representatives Wang, Brough, Cole, Miller, Vekich, Anderson, R. King, Winsley, Hankins, Rector, Brekke, Appelwick, Jacobsen, Leonard, Dellwo, Nutley, Locke, Belcher, H. Sommers, R. Fisher, Wineberry, Sayan, Prentice, Valle, Crane, Nelson, Ebersole, Fraser, Phillips, Rust and Basich)

Providing for family and medical leave.

Referred to Committee on Rules.

ESHB 1737 by Committee on Appropriations (originally sponsored by Representatives H. Sommers, Locke and Appelwick) (by request of Department of Labor and Industries)

Revising provisions for crime victims' compensation.

Referred to Committee on Rules.

SHB 1788 by Committee on Appropriations (originally sponsored by Representatives Wang, Brough, Ebersole, Walker, Walk, Tate, R. Fisher, Winsley, Locke, Dorn, R. Meyers, Dellwo, Pruitt, Belcher, Crane, Rasmussen and Schoon) (by request of Department of Community Development)

Pertaining to the Puyallup tribe of Indians' land claims.

Referred to Committee on Rules.

SHB 1963 by Committee on Health Care (originally sponsored by Representatives Vekich, Brooks, Braddock, Morris, Bristow, Day, Sprenkle, Spanel, Wolfe, Rector, K. Wilson, D. Sommers, Cantwell, Jones, Wang, Todd, Prentice, Winsley, P. King, Heavey, Walk, Cooper, Jacobsen, R. King, Brough, Basich, Dellwo, Zellinsky, Kremen, Phillips, Pruitt, Nelson, Hine, G. Fisher, Rust, Rasmussen, Leonard, H. Myers, Fraser and Miller)

Establishing the maternity care access act.

Referred to Committee on Rules.

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Nelson, Gubernatorial Appointment No. 9094, Margaret Laidlaw, as a member of the Sentencing Guidelines Commission, was confirmed.

APPOINTMENT OF MARGARET LAIDLAW

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 40; absent, 8; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Craswell, Gaspard, Hansen, Hayner, Johnson, Kreidler, Madsen, Matson, McCaslin, McDonald, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, Warnke, West, Williams, Wojahn - 40.

Absent: Senators Bender, Benitz, Conner, Fleming, Lee, McMullen, Pullen, Vognild - 8.

Excused: Senator DeJarnatt - 1.

MOTIONS

On motion of Senator Warnke, Senators Bender, Conner and McMullen were excused.

On motion of Senator Anderson, Senators Benitz, Lee and Pullen were excused.

MOTION

On motion of Senator von Reichbauer, Gubernatorial Appointment No. 9129, George E. Northcroft, as Director of the Department of Retirement Systems, was confirmed.

Senator Johnson spoke to the confirmation of George E. Northcroft as Director of the Department of Retirement Systems.

APPOINTMENT OF GEORGE E. NORTHCROFT

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 40; nays, 2; excused, 7.

Voting yeas: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Madsen, Matson, McCaslin, McDonald, Metcalf, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams - 40.

Voting nays: Senators Moore, Wojahn - 2.

Excused: Senators Bender, Benitz, Conner, DeJarnatt, Lee, McMullen, Pullen - 7.

SIGNED BY THE PRESIDENT

The President signed:

HOUSE CONCURRENT RESOLUTION NO. 4419.

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

MOTION

On motion of Senator Niemi, the following resolution was adopted:

SENATE RESOLUTION 1989-8699

by Senators Niemi and Rasmussen

WHEREAS, The University of Washington Medical Center has provided the citizens of the state of Washington, the Pacific Northwest, and the United States of America with outstanding patient care, teaching, and research since its doors first opened thirty years ago; and

WHEREAS, Many pioneering medical advances have been made at the University of Washington Medical Center, such as the adaptation of dialysis for patients with chronic kidney failure, new ways of treating pain, and the Northwest's first heart transplant; and

WHEREAS, The University of Washington Medical Center provides our residents with highly specialized care for women with high-risk pregnancies, seriously ill newborns, individuals with cancer, bone and joint problems, heart disease, and many other serious conditions; and

WHEREAS, The University of Washington Medical Center, as a teaching hospital of the University of Washington Health Sciences Center, has played an essential role in the training of physicians, nurses, pharmacists, dentists, public health specialists, and social workers, who have in turn benefited the residents of our state; and

WHEREAS, On April 28 and 29, 1989, the University of Washington Health Sciences Center will open its doors to the public for the twenty-third time, welcoming all to the Health Sciences Open House;

NOW, THEREFORE, BE IT RESOLVED, That the Senate recognizes the exceptional contributions of the University of Washington Medical Center; and

BE IT FURTHER RESOLVED, That the Senate expresses its deep appreciation to the University of Washington Health Sciences Center and the University of Washington Medical Center, its faculty, staff, and administrators for providing and

improving health care in Washington State and the world over the past thirty years; and

BE IT FURTHER RESOLVED, That the public be urged to attend the University of Washington Health Sciences Open House and to join the Senate in its recognition of this world class medical center.

MOTION

On motion of Senator Murray, the following resolution was adopted:

SENATE RESOLUTION 1989-8673

by Senator Murray

WHEREAS, In the past, girls' sports and athletics have been limited in spectators and participation; and

WHEREAS, Gender equity in athletics has been promoted by this legislative body; and

WHEREAS, The Lakeside High School Girls' Basketball team has, through determination and competitiveness, captured the State AA Championship; and

WHEREAS, The Lakeside Lions won the State AA Championship game with a final score of 59-50 over the Rainier Beach Vikings; and

WHEREAS, The Lions finished their regular season with an outstanding 25-3 record; and

WHEREAS, The Lakeside Lions and Rainier Beach Vikings met previously in five regular season match-ups, with each team only losses coming at the hands of the other; and

WHEREAS, The Lions were led to victory by Coach Sandy Schneider who motivated this team and made a commitment to sportsmanship, basketball skill, and academics; and

WHEREAS, The Lions team captains, Daphne Allen and Jamie Porter, instilled pride in this team, themselves and each other to realize this state championship; and

WHEREAS, Lakeside High School has a strong tradition of high academic standards and quality education; and

WHEREAS, The Honorable Booth Gardner is a distinguished alumnus of Lakeside High School;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor the Lakeside High School Lions for the pride they have brought to the state of Washington and celebrates the team's victories and achievements; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the Headmaster of Lakeside High School, A.D. Ayrault Jr.; the Lion's Coach, Sandy Schneider; and to each member of the Lakeside High School girls' basketball team.

PERSONAL PRIVILEGE

Senator Talmadge: "A point of personal privilege, Mr. President. This is a combination of a point of personal privilege and information for the members. There apparently is an oil tanker, the Exxon Philadelphia, adrift on the coast off the state of Washington with some five hundred and thirty-two thousand barrels of oil contained in it. I am hopeful that our budget conferees will be able to consider perhaps adding some money for oil spill response capability in light of circumstances like this and the apparent disinterest of some people in the Department of Ecology about responding to circumstances of this sort."

MOTION

At 1:55 p.m., on motion of Senator Newhouse, the Senate recessed until 2:45 p.m.

The Senate was called to order at 2:51 p.m. by President Pritchard.

MOTION

At 2:51 p.m., on motion of Senator Newhouse, the Senate recessed until 5:00 p.m.

The Senate was called to order at 5:46 p.m. by President Pro Tempore Bluechel.

There being no objection, the President Pro Tempore returned the Senate to the fourth order of business.

MESSAGE FROM THE HOUSE

April 26, 1989

Mr. President:

The House has passed:

ENGROSSED HOUSE BILL NO. 1360,

HOUSE BILL NO. 1512,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1825,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2198, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

There being no objection, the President Pro Tempore advanced the Senate to the fifth order of business.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

EHB 1360 by Representatives R. Fisher, Ballard and Betrozoff (by request of Governor Gardner)

Revising personnel administration.

Referred to Committee on Rules.

HB 1512 by Representatives H. Sommers, Schoon, Ebersole, Holland, Jacobsen, Rasmussen and P. King (by request of Governor Gardner)

Making appropriations for capital projects for the 1987-89 biennium.

Referred to Committee on Rules.

ESHB 1825 by Committee on Transportation (originally sponsored by Representatives R. Fisher, Wood, Walk, Nelson, G. Fisher, Day, Hankins, Walker, Cantwell, Todd, Heavey, Winsley, Pruitt, Wang, Prentice, R. King, Scott, Crane and Fraser)

Changing provisions relating to high capacity transportation systems.

Referred to Committee on Rules.

ESHB 2198 by Committee on Energy and Utilities (originally sponsored by Representatives Nelson, Hankins, Cooper, Miller, May, Jacobsen, Brooks, Todd and H. Myers)

Pertaining to energy efficiency and conservation.

Referred to Committee on Rules.

MOTION

At 5:49 p.m., on motion of Senator Newhouse, the Senate adjourned until 12:00 noon, Friday, April 28, 1989.

JOEL PRITCHARD, President of the Senate.

GORDON A. GOLOB, Secretary of the Senate.

FIFTH DAY

NOON SESSION

Senate Chamber, Olympia, Friday, April 28, 1989

The Senate was called to order at 12:00 noon by President Pritchard. No roll call was taken.

The Sergeant at Arms Color Guard, consisting of Pages Kara Workman and Christopher Newbry, presented the Colors. The Reverend David McMartin, senior pastor of the Evangelical Free Church of Tumwater, offered the prayer.

MOTION

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

MESSAGE FROM THE GOVERNOR

April 27, 1989

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to advise you that on April 27, 1989, Governor Gardner approved the following Senate Bills entitled:

Substitute Senate Bill No. 5142

Relating to local government financial reports.

Senate Bill No. 5154

Relating to sanitary control of shellfish.

Substitute Senate Bill No. 5196

Relating to emergency drought relief.

Senate Bill No. 5329

Relating to business license fees.

Substitute Senate Bill No. 5348

Relating to regulation of fishing.

Substitute Senate Bill No. 5350

Relating to mental health commissioners.

Substitute Senate Bill No. 5441

Relating to licensing of commercial drivers.

Substitute Senate Bill No. 5506

Relating to appropriations for projects recommended by the public works board.

Senate Bill No. 5552

Relating to filing requirements for interstate tariffs.

Senate Bill No. 5592

Relating to damages to facilities located on state highways.

Senate Bill No. 5679

Relating to industrial insurance funds.

Senate Bill No. 5689

Relating to industrial insurance premiums investment policy.

Senate Bill No. 5701

Relating to financial institutions.

Substitute Senate Bill No. 5903

Relating to nursing home care for medically fragile children.

Sincerely,

TERRY SEBRING, Legal Counsel to the Governor

MOTION

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

SENATE RESOLUTION 1989-8700

by Senator Hansen, Bauer and Warnke

WHEREAS, Montie Montana is internationally known for his trick roping and his special brand of Western entertainment; and

WHEREAS, Montie Montana has starred in every major rodeo in the United States and Canada; and

WHEREAS, Montie Montana has performed for presidents, kings, queens, and numerous other heads of state around the world; and

WHEREAS, Montie Montana has entertained the young and the young-at-heart in Washington state for more than six decades; and

WHEREAS, Montie Montana embodies those Western traditions which reflect the heritage and character of much of the state of Washington;

NOW, THEREFORE, BE IT RESOLVED, That Saturday, April 29, 1989, shall be declared Montie Montana Day in the state of Washington; and

BE IT FURTHER RESOLVED, That all citizens shall be invited to commemorate this day by visiting Montie Montana at the Ellensburg Horse Festival on April 29, 1989; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate shall transmit copies of this resolution to Senator Hansen, Ellensburg Mayor Janice Cook, and Mr. Montie Montana.

MOTION

At 12:11 p.m., on motion of Senator Newhouse, the Senate adjourned until 10:00 a.m., Monday, May 1, 1989.

JOEL PRITCHARD, President of the Senate.

GORDON A. GOLOB, Secretary of the Senate.

EIGHTH DAY

MORNING SESSION

Senate Chamber, Olympia, Monday, May 1, 1989

The Senate was called to order at 10:00 a.m. by President Pritchard. No roll call was taken.

The Sergeant at Arms Color Guard, consisting of Pages Molly Salmon and Jeff Filken presented the Colors. The Reverend Charles Leps, pastor of the Gloria Dei Lutheran Church of Olympia, offered the prayer.

MOTION

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

MOTION

At 10:04 a.m., on motion of Senator Matson, the Senate adjourned until 10:00 a.m., Wednesday, May 3, 1989.

JOEL PRITCHARD, President of the Senate.
GORDON A. GOLOB, Secretary of the Senate.

TENTH DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, May 3, 1989

The Senate was called to order at 10:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators DeJarnatt, Hayner, McCaslin and McMullen. On motion of Senator Bauer, Senators DeJarnatt and McMullen were excused. On motion of Senator Anderson, Senators Hayner and McCaslin were excused.

The Sergeant at Arms Color Guard, consisting of Pages Catlin Goodwin and Scott Borgeson, presented the Colors. The Reverend Charles Leps, pastor of the Gloria Dei Lutheran Church of Olympia, offered the prayer.

MOTION

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

MESSAGE FROM THE HOUSE

May 1, 1989

Mr. President:

The House has passed:

SUBSTITUTE HOUSE BILL NO. 1484,

HOUSE BILL NO. 2242,

HOUSE JOINT MEMORIAL NO. 4023, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

INTRODUCTION AND FIRST READING OF HOUSE BILLS

SHB 1484 by Committee on Capital Facilities and Financing (originally sponsored by Representatives H. Sommers, Schoon, Sayan and Rasmussen) (by request of Governor Gardner)

Authorizing the issuance of state general obligation bonds to finance projects in capital and operating budgets for the 1989-91 biennium.

HOLD.

HB 2242 by Representatives Phillips, Van Luven, May, Holland, Hankins, Moyer, Patrick, Miller, Schoon, Winsley, Brough, Ballard, Wood, D. Sommers, Horn, S. Wilson, Chandler, and Ferguson

Prescribing financial responsibility for vessels that spill oil and establishing guidelines for management of Washington's coast.

HOLD.

HJM 4023 by Representatives Vekich and Anderson

Requesting the President and Congress to promote a solution to the Cyprus problem.

Referred to Committee on Rules.

MOTIONS

On motion of Senator Newhouse, the rules were suspended and Substitute House Bill No. 1484 was advanced to second reading and placed on the second reading calendar.

On motion of Senator Newhouse, the rules were suspended and House Bill No. 2242 was advanced to second reading and placed on the second reading calendar.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Nelson, Gubernatorial Appointment No. 9097, Michel E. Lacasse, as a member of the Child Support Schedule Commission, was confirmed.

APPOINTMENT OF MICHEL E. LACASSE

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Johnson, Kreidler, Lee, Madsen, Matson, McDonald, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 45.

Excused: Senators DeJarnatt, Hayner, McCaslin, McMullen - 4.

MOTIONS

On motion of Senator Bender, Senator Kreidler was excused.

On motion of Senator Anderson, Senator Sellar was excused.

MOTION

On motion of Senator Nelson, Gubernatorial Appointment No. 9128, Alma Misako Kimura, as a member of the Public Disclosure Commission, was confirmed.

APPOINTMENT OF ALMA MISAKO KIMURA

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 43; excused, 6.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Johnson, Lee, Madsen, Matson, McDonald, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 43.

Excused: Senators DeJarnatt, Hayner, Kreidler, McCaslin, McMullen, Sellar - 6.

MOTIONS

On motion of Senator Newhouse, the Committee on Rules was relieved of further consideration of all the remaining Gubernatorial Appointments: Gubernatorial Appointment No. 9005, M. Tobey Bouche; Gubernatorial Appointment No. 9032, Roy M. Kalich; Gubernatorial Appointment No. 9033, Thomas P. Keefe; Gubernatorial Appointment No. 9039, Bernard Korth; Gubernatorial Appointment No. 9052, Carl M. Ooka; Gubernatorial Appointment No. 9059, Ruby N. Ryles and Gubernatorial Appointment No. 9096, Michael Murphy.

On motion of Senator Newhouse, the rules were suspended and all the remaining Gubernatorial Appointments were placed on the second reading calendar.

On motion of Senator Newhouse, the Committee on Rules was relieved of further consideration of Engrossed Substitute Senate Bill No. 5352.

On motion of Senator Newhouse, the rules were suspended and Engrossed Substitute Senate Bill No. 5352 was placed on the third reading calendar.

There being no objection, the President returned the Senate to the fourth order of business.

MESSAGE FROM THE HOUSE

May 1, 1989

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 5521 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. A capital budget is hereby adopted and, subject to the provisions set forth in this act, the several dollar amounts hereinafter specified, or so much thereof as shall be sufficient to accomplish the purposes designated, are hereby appropriated and authorized to be incurred for capital projects during the period ending June 30, 1991, out of the several funds specified in this act.

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 Community College System, secs. 823 - 891
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 Washington State University, secs. 744 - 767
 Western Washington University, secs. 809 - 814
 Wildlife Department, secs. 445 - 468

NEW SECTION. Sec. 2. As used in this act, the following phrases have the following meanings:

"CEP & RI Acct" means Charitable, Educational, Penal, and Reformatory Institutions Account;

"CWU Cap Proj Acct" means Central Washington University Capital Projects Account;

"Cap Bldg Constr Acct" means Capitol Building Construction Account;

"Cap Purch & Dev Acct" means Capitol Purchase and Development Account;

"Capital improvements" or "capital projects" means acquisition of sites, easements, rights of way, or improvements thereon and appurtenances thereto, construction and initial equipment, reconstruction, demolition, or major alterations of new or presently owned capital assets;

"Common School Constr Fund" means Common School Construction Fund;

"DSHS Constr Acct" means State Social and Health Services Construction Account;

"ESS Rail Assis Acct" means essential rail assistance account;

"ESS Rail Bank Acct" means essential rail bank account;

"EWU Cap Proj Acct" means Eastern Washington University Capital Projects Account;

"East Cap Devel Acct" means east campus development account;

"Fish Cap Proj Acct" means Fisheries Capital Projects Account;

"For Dev Acct" means Forest Development Account;

"Game Spec Wildlife Acct" means Game Special Wildlife Account;

"H Ed Constr Acct" means Higher Education Construction Account 1979;

"H Ed Reimb S/T bonds Acct" means Higher Education Reimbursable Short-Term Bonds Account;

"Hndcp Fac Constr Acct" means Handicapped Facilities Construction Account;

"K-12 Education Acct" means the "children's initiative fund—K-12 education account" created by Initiative 102 if Initiative 102 is enacted;

"L & I Constr Acct" means Labor and Industries Construction Account;

"LIRA" means State and Local Improvement Revolving Account;

"LIRA, DSHS Fac" means Local Improvements Revolving Account—Department of Social and Health Services Facilities;

"LIRA, Public Rec Fac" means State and Local Improvement Revolving Account—Public Recreation Facilities;

"LIRA, Waste Disp Fac" means State and Local Improvement Revolving Account—Waste Disposal Facilities;

"LIRA, Waste Fac 1980" means State and Local Improvement Revolving Account—Waste Disposal Facilities 1980;

"LIRA, Water Sup Fac" means State and Local Improvement Revolving Account—Water supply facilities;

"Lapse" or "revert" means the amount shall return to an unappropriated status;

"Local Jail Imp & Constr Acct" means Local Jail Improvement and Construction Account;

"ORA" means Outdoor Recreation Account;

"ORV" means off road vehicle;

"Provided solely" means the specified amount may be spent only for the specified purpose. Unless otherwise specifically authorized in this act, any portion of an amount provided solely for a specified purpose which is unnecessary to fulfill the specified purpose shall revert;

"Res Mgmt Cost Acct" means Resource Management Cost Account;

"Sal Enhmt Constr Acct" means Salmon Enhancement Construction Account;

"St Bldg Constr Acct" means State Building Construction Account;

"St Fac Renew Acct" means State Facilities Renewal Account;

"St H Ed Constr Acct" means State Higher Education Construction Account;

"State Emerg Water Proj Rev" means Emergency Water Project Revolving Account—State;

"TESC Cap Proj Acct" means The Evergreen State College Capital Projects Account;

"UW Bldg Acct" means University of Washington Building Account;

"Unemp Comp Admin Acct" means Unemployment Compensation Administration Account;

"WA St Dev Loan Acct" means Washington State Development Loan Account;

"WSU Bldg Acct" means Washington State University Building Account;

"WWU Cap Proj Acct" means Western Washington University Capital Projects Account.

PART 1

GENERAL GOVERNMENT

NEW SECTION. Sec. 101. FOR THE SECRETARY OF STATE

Renovate essential records protection facility—Birch Bay (88-2-001)

	Reappropriation	Appropriation
St Bldg Constr Acct	60,000	
		<u>Total</u>
<u>Prior Biennia</u>	<u>Future Biennia</u>	112,000
52,000		

NEW SECTION. Sec. 102. FOR THE SECRETARY OF STATE

Design and construct regional branch archive facility (90-1-003)

	Reappropriation	Appropriation
St Bldg Constr Acct		3,039,000
		<u>Total</u>
<u>Prior Biennia</u>	<u>Future Biennia</u>	10,123,000
49,000	7,069,000	

NEW SECTION. Sec. 103. FOR THE SECRETARY OF STATE

Acquisition and installation of moveable archive vault #2 shelving (90-2-002)

	Reappropriation	Appropriation
St Bldg Constr Acct		152,000
		<u>Total</u>
<u>Prior Biennia</u>	<u>Future Biennia</u>	152,000

NEW SECTION. Sec. 104. FOR THE OFFICE OF FINANCIAL MANAGEMENT

Local jail facilities (88-2-001)

	Reappropriation	Appropriation
Local Jail Imp & Con Acct	150,615	
St Bldg Constr Acct	1,060,789	
		<u>Total</u>
<u>Prior Biennia</u>	<u>Future Biennia</u>	5,039,000
3,827,596		

NEW SECTION. Sec. 105. FOR THE OFFICE OF FINANCIAL MANAGEMENT

Branch campus—Planning, site acquisition, and development

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

(1) \$1,000,000 of this appropriation is provided solely for a contract with the higher education coordinating board, in cooperation with the public institutions of higher education and the office of financial management, to develop a long-range plan for the orderly development of branch campuses and of facilities in Spokane. The plan shall be submitted to the legislature by January 1, 1990, and shall include:

(a) A distribution of projected enrollments among sectors of higher education and among the various campuses and sites, including consideration of changing demographics and place bound students through the year 2010;

(b) A recommendation on educational programs to meet the needs of the projected enrollments;

(c) A recommendation on facilities required and space standards, taking into consideration existing facilities;

(d) A recommendation on the most efficient configuration of facilities to meet projected enrollments and programs.

In developing the plan, the higher education coordinating board shall periodically consult with the legislature.

(2) \$45,000,000 of this appropriation is provided solely for the acquisition of land and/or construction of facilities as recommended by the higher education coordinating board and consistent with the provisions of Senate Bill No. 6095.

(3) No moneys from this appropriation may be expended without prior approval of the office of financial management and the higher education coordinating board.

St Bldg Constr Acct	Reappropriation	Appropriation
<u>Prior Biennia</u>		46,000,000
<u>Future Biennia</u>		<u>Total</u>
100,000,000		146,000,000
<u>NEW SECTION. Sec. 106. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION</u>		
Energy retrofit projects-Birch Bay (83-4-015)		

Cap Bldg Constr Acct	Reappropriation	Appropriation
<u>Prior Biennia</u>	314,700	
<u>Future Biennia</u>		<u>Total</u>
715,300		1,030,000
<u>NEW SECTION. Sec. 107. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION</u>		
Temple of Justice renovation (86-1-011)		

St Bldg Constr Acct	Reappropriation	Appropriation
<u>Prior Biennia</u>	3,700,000	
<u>Future Biennia</u>		<u>Total</u>
11,660,000		15,360,000
<u>NEW SECTION. Sec. 108. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION</u>		
Boiler plant structural repairs (88-1-003)		

Cap Bldg Constr Acct	Reappropriation	Appropriation
<u>Prior Biennia</u>	337,000	
<u>Future Biennia</u>		<u>Total</u>
15,000		352,000
<u>NEW SECTION. Sec. 109. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION</u>		
Life/safety projects-Buildings (88-1-006)		

Cap Bldg Constr Acct	Reappropriation	Appropriation
<u>Prior Biennia</u>	113,000	
<u>Future Biennia</u>		<u>Total</u>
1,014,000		1,127,000
<u>NEW SECTION. Sec. 110. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION</u>		
Northern State-Life Safety Repair (88-1-007)		

St Bldg Constr Acct	Reappropriation	Appropriation
<u>Prior Biennia</u>	256,418	
<u>Future Biennia</u>		<u>Total</u>
68,582		325,000
<u>NEW SECTION. Sec. 111. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION</u>		
Archives renovation (88-2-004)		

Cap Purch & Dev Acct	Reappropriation	Appropriation
St Bldg Constr Acct	20,000	
<u>Prior Biennia</u>	10,000	
<u>Future Biennia</u>		<u>Total</u>
530,000		560,000
<u>NEW SECTION. Sec. 112. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION</u>		
Campus repairs-Inadequate building systems (88-2-008)		

Cap Bldg Constr Acct	Reappropriation	Appropriation
Cap Purch & Dev Acct	50,000	
St Bldg Constr Acct	50,000	
<u>Prior Biennia</u>	1,825,000	
<u>Future Biennia</u>		<u>Total</u>
5,442,000		7,367,000
<u>NEW SECTION. Sec. 113. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION</u>		
Campus property protection (88-3-012)		

St Bldg Constr Acct	Reappropriation	Appropriation
	350,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
410,000		760,000
<u>NEW SECTION, Sec. 114. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION</u>		
East Campus programming and planning (88-3-042)		

St Bldg Constr Acct	Reappropriation	Appropriation
	90,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
910,000		1,000,000
<u>NEW SECTION, Sec. 115. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION</u>		
Highway-License Building renovation (88-5-011)		

Cap Purch & Devel Acct	Reappropriation	Appropriation
St Bldg Constr Acct	449,000	
	51,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		500,000
<u>NEW SECTION, Sec. 116. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION</u>		
Emergency repairs (90-1-001)		

Cap Bldg Constr Acct	Reappropriation	Appropriation
	250,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	500,000	750,000
<u>NEW SECTION, Sec. 117. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION</u>		
Small repairs and improvements (90-1-002)		

Cap Bldg Constr Acct	Reappropriation	Appropriation
	450,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	900,000	1,350,000
<u>NEW SECTION, Sec. 118. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION</u>		
Campus asbestos program (90-1-004)		

St Bldg Constr Acct	Reappropriation	Appropriation
	200,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	210,000	410,000
<u>NEW SECTION, Sec. 119. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION</u>		
Minor works: Northern state repairs (90-1-012)		

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

- (1) The appropriation from the charitable, educational, penal, and reformatory institutions account shall be used solely for developing a long-range plan for the use of the Northern State Hospital facility. The plan shall be developed cooperatively with the department of social and health services and in consultation with affected local communities. The study shall be submitted to the office of financial management and the legislature by January 8, 1990.
- (2) The appropriation from the state building construction account shall be used for asbestos abatement in residence facilities currently in use.

CEP & RI Acct	Reappropriation	Appropriation
St Bldg Constr Acct		100,000
		960,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		1,060,000
<u>NEW SECTION, Sec. 120. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION</u>		
Boiler plant structural repairs (90-1-016)		

St Bldg Constr Acct	Reappropriation	Appropriation
	730,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		730,000
<u>NEW SECTION, Sec. 121. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION</u>		
Asbestos inventory and inspection program (90-01-023)		

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

- (1) Develop guidelines for asbestos surveys in all state-owned buildings.
- (2) Review and approve state agency asbestos survey policies and procedures.
- (3) Establish and maintain a central file of asbestos surveys of state-owned buildings.

St Bldg Constr Acct	Reappropriation	Appropriation
	200,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		200,000
<u>NEW SECTION, Sec. 122. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION</u>		

Minor works: Sidewalk and street repairs (90-2-005)		Reappropriation	Appropriation
Cap Bldg Constr Acct			500,000
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
	200,000		700,000

NEW SECTION, Sec. 123. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Minor works: Building exterior repairs and renovation (90-2-006)

		Reappropriation	Appropriation
Cap Bldg Constr Acct			1,426,000
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
	1,340,000		2,766,000

NEW SECTION, Sec. 124. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Minor works: Elevator/escalator repair (90-2-007)

		Reappropriation	Appropriation
St Bldg Constr Acct			614,000
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
	1,400,000		2,014,000

NEW SECTION, Sec. 125. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Minor works: Electrical repairs (90-2-008)

		Reappropriation	Appropriation
Cap Bldg Constr Acct			797,000
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
	901,000		1,698,000

NEW SECTION, Sec. 126. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Minor works: Mechanical system repairs (90-2-009)

		Reappropriation	Appropriation
St Bldg Constr Acct			2,000,000
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
	2,341,000		4,431,020

NEW SECTION, Sec. 127. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Minor works: Interior building repair (90-2-010)

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

(1) \$80,000 of the state building construction account appropriation is provided solely to reimburse the senate during the 1987-89 biennium for costs incurred in the completion of the renovation of the legislative building.

(2) The appropriation from the state building construction account includes moneys to make repairs at the state building at 506 East 16th Street, Olympia.

		Reappropriation	Appropriation
Motor transport Acct			262,000
St Bldg Constr Acct			1,305,000
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
	1,329,000		2,874,000

NEW SECTION, Sec. 128. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Capitol Lake repairs and preservation (90-3-013)

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

(1) \$85,000 of this appropriation is provided solely for shoreline repairs.

(2) \$200,000 is provided solely for a study of the feasibility of developing a fresh-water wetland in the middle and south basins of Capitol Lake. The department of general administration shall contract with a qualified state agency, firm, or individual to conduct the feasibility study. The study shall include recommendations to local governments on ways they can reduce erosion and nonpoint pollution that adversely affect Capitol Lake.

		Reappropriation	Appropriation
Cap Bldg Constr Acct			285,000
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
			285,000

NEW SECTION, Sec. 129. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Facilities management system (90-4-018)

The appropriation in this section is subject to the following conditions and limitations: The department shall establish and maintain a central inventory of all state-owned land and facilities. The data elements of the inventory shall be developed in cooperation with the office of financial management.

		Reappropriation	Appropriation
St Bldg Constr Acct			200,000
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
			200,000

NEW SECTION, Sec. 130. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Construction of archives storage building (90-4-024)

St Bldg Constr Acct	Reappropriation	Appropriation
<u>Prior Biennia</u>	<u>Future Biennia</u>	2,015,000
		<u>Total</u>
		2,015,000

NEW SECTION, Sec. 131. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
East campus development (90-5-003)

The appropriation in this section is subject to the following conditions and limitations: This appropriation is provided solely to design and construct a natural resources building and parking facility on a site directly east of the old Thurston County courthouse. Prior to the start of construction, the department shall prepare a parking and traffic plan for the building.

East Cap Devel Acct	Reappropriation	Appropriation
<u>Prior Biennia</u>	<u>Future Biennia</u>	73,000,000
		<u>Total</u>
		73,000,000

NEW SECTION, Sec. 132. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
Dawley property acquisition (90-5-011)

St Bldg Constr Acct	Reappropriation	Appropriation
<u>Prior Biennia</u>	<u>Future Biennia</u>	1,311,000
		<u>Total</u>
		1,311,000

NEW SECTION, Sec. 133. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
Preplans and surveys (90-5-022)

Cap Bldg Constr Acct	Reappropriation	Appropriation
<u>Prior Biennia</u>	<u>Future Biennia</u>	143,000
		<u>Total</u>
		143,000

NEW SECTION, Sec. 134. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
Capitol Campus master plan (90-5-025)

The appropriation in this section is subject to the following condition and limitation: The capitol campus master plan shall include a recommendation for the location of a new state capitol museum on the capitol campus.

Cap Bldg Constr Acct	Reappropriation	Appropriation
<u>Prior Biennia</u>	<u>Future Biennia</u>	500,000
		<u>Total</u>
		500,000

NEW SECTION, Sec. 135. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
Capitol campus fire, safety, and temperature control system

Cap Bldg Constr Acct	Reappropriation	Appropriation
<u>Prior Biennia</u>	<u>Future Biennia</u>	850,000
		<u>Total</u>
		850,000

NEW SECTION, Sec. 136. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
Northern State Multi-Service Center

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

(1) This appropriation is provided solely for the renovation of buildings to provide long-term care for the mentally ill.

(2) No moneys from this appropriation may be expended until the department secures a lease with a county or a group of counties for the buildings to be renovated, for the purpose of operating a long-term care facility for the mentally ill.

St Bldg Constr Acct	Reappropriation	Appropriation
<u>Prior Biennia</u>	<u>Future Biennia</u>	2,500,000
		<u>Total</u>
		2,500,000

NEW SECTION, Sec. 137. FOR THE DEPARTMENT OF INFORMATION SERVICES

Washington higher education telecommunication system

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

(1) \$4,064,000 is provided solely for equipment and construction for the expansion of the Washington higher education telecommunications system ("WHETS") for Washington State University.

(2) \$174,000 is provided solely for planning of future channel expansion of WHETS and extension of WHETS to other users, such as regional universities, community colleges, public schools, and state agencies.

St Bldg Constr Acct	Reappropriation	Appropriation
<u>Prior Biennia</u>	<u>Future Biennia</u>	4,238,000
		<u>Total</u>
		9,950,000
		14,188,000

NEW SECTION, Sec. 138. FOR THE MILITARY DEPARTMENT

Tacoma Armory rehabilitation phase 3 (86-1-001)		Reappropriation	Appropriation
St Bldg Constr Acct		218,166	
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
2,081,088			2,299,254

NEW SECTION, Sec. 139. FOR THE MILITARY DEPARTMENT

Constr watercraft supt training complex (86-1-003)

The appropriations in this section are subject to the following conditions and limitations: The office of financial management shall not allot any portion of this appropriation unless it first determines that an agreement between the military department and the federal department of defense for the release of the property on Ruston Way in Tacoma provides that ownership of the property will be conveyed in fee simple to the state.

General fund—Federal		Reappropriation	Appropriation
St Bldg Constr Acct			6,885,000
<u>Prior Biennia</u>	<u>Future Biennia</u>		1,700,000
1,640,000	5,500,000		<u>Total</u>
			15,725,000

NEW SECTION, Sec. 140. FOR THE MILITARY DEPARTMENT

Minor works: Support fed service agreement (86-1-004)

General fund—Federal		Reappropriation	Appropriation
St Bldg Constr Acct			3,189,000
<u>Prior Biennia</u>	<u>Future Biennia</u>		1,063,000
	8,884,000		<u>Total</u>
			13,136,000

NEW SECTION, Sec. 141. FOR THE MILITARY DEPARTMENT

Minor works (86-1-005)

General fund—Federal		Reappropriation	Appropriation
St Bldg Constr Acct		100,000	425,000
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
2,099,000	1,100,000		3,724,000

NEW SECTION, Sec. 142. FOR THE MILITARY DEPARTMENT

Small repairs and improvements (86-2-006)

General fund—Federal		Reappropriation	Appropriation
St Bldg Constr Acct			375,000
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
812,000	1,150,000		2,337,000

NEW SECTION, Sec. 143. FOR THE MILITARY DEPARTMENT

Construct Kent Armory (86-3-007)

General fund—Federal		Reappropriation	Appropriation
St Bldg Constr Acct		488,013	600,000
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
3,000,987			4,089,000

NEW SECTION, Sec. 144. FOR THE MILITARY DEPARTMENT

Life/Safety code compliance (88-1-005)

General fund—Federal		Reappropriation	Appropriation
St Bldg Constr Acct			800,000
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
	1,600,000		2,400,000

NEW SECTION, Sec. 145. FOR THE MILITARY DEPARTMENT

Repair/replace leaking underground tanks (88-2-008)

General fund—Federal		Reappropriation	Appropriation
St Bldg Constr Acct		205,000	345,000
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
82,000	430,000		1,062,000

NEW SECTION, Sec. 146. FOR THE MILITARY DEPARTMENT

Roof renovation (88-3-006)

General fund—Federal		Reappropriation	Appropriation
St Bldg Constr Acct		125,000	700,000
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
575,000	900,000		2,300,000

NEW SECTION, Sec. 147. FOR THE MILITARY DEPARTMENT

Exterior painting of facilities (88-3-007)

General fund—Federal		Reappropriation	Appropriation
St Bldg Constr Acct		5,000	258,000
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
253,000	500,000		1,016,000

NEW SECTION, Sec. 148. FOR THE MILITARY DEPARTMENT

Facility HVAC renovation (88-4-004)	Reappropriation	Appropriation
St Bldg Constr Acct		280,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	434,000	714,000

NEW SECTION, Sec. 149. FOR THE MILITARY DEPARTMENT

Energy conservation projects (88-4-010)

St Bldg Constr Acct	Reappropriation	Appropriation
	125,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
951,000		1,076,000

NEW SECTION, Sec. 150. FOR THE MILITARY DEPARTMENT

Project preplanning (88-5-004)

St Bldg Constr Acct	Reappropriation	Appropriation
		198,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
174,000	341,000	713,000

PART 2

HUMAN RESOURCES

NEW SECTION, Sec. 201. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Fire service training center—Minor works (87-4-002)

St Bldg Constr Acct	Reappropriation	Appropriation
	145,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
26,000		171,000

NEW SECTION, Sec. 202. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Capitalize development loan fund (88-2-002)

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

(1) No more than \$2,000,000 of the appropriations shall be made available for expenditure if the delinquency rate on loans outstanding is greater than ten percent. However, once the department demonstrates a delinquency rate of ten percent or less, the balance of this appropriation shall be made available for expenditure.

(2) "Delinquency" shall be defined as any loan more than ninety days past due where no formal loan workout agreement has been entered into between the borrower and the department.

(3) The department shall report to the legislature by January 8, 1990, on the number and types of loans awarded from the appropriation and the anticipated loan repayment rates on current and prior loans.

WA St Dev Loan Acct	Reappropriation	Appropriation
St Bldg Constr Acct	1,100,000	2,000,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
7,970,000		1,000,000
		10,970,000

NEW SECTION, Sec. 203. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Endangered landmark buildings (88-2-009)

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

(1) \$600,000 is provided solely to be used by the department to purchase and hold for brief periods landmark buildings which might otherwise be lost or altered, and to resell those buildings with the proceeds from the sale deposited in the endangered landmark preservation fund.

(2) This appropriation is contingent on an equal amount being provided from nonstate sources on a project by project basis.

(3) If legislation creating the landmarks preservation fund and establishing the endangered landmarks preservation program in statute is not adopted by the legislature by July 1, 1990, the appropriation in this section shall lapse.

St Bldg Constr Acct	Reappropriation	Appropriation
	600,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		600,000

NEW SECTION, Sec. 204. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Grays Harbor dredging (88-3-006)

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

(1) The appropriation in this section is provided solely for the state's share of costs for Grays Harbor dredging, dike construction, bridge relocation, and related expenses.

(2) This appropriation is contingent on \$40,000,000 from the United States army corps of engineers and \$10,000,000 from local government funds being provided for the same purpose as the purpose of this section.

(3) The Port of Grays Harbor shall try to acquire additional project funding from sources other than those in subsections (1) and (2) of this section. Any such moneys, up to \$10,000,000

provided from sources other than those in subsections (1) and (2) of this section, shall be used to reimburse or replace state building construction fund moneys.

(4) This appropriation shall be disbursed to the Port of Grays Harbor by the department of community development in amounts proportionate to the disbursements of nonstate funds identified in subsection (2) of this section.

	Reappropriation	Appropriation
St Bldg Constr Acct	10,000,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		10,000,000

NEW SECTION, Sec. 205. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Capitalize housing trust fund (88-5-015)

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

(1) These appropriations shall be used solely for capital costs associated with the purposes of the housing trust fund under RCW 43.185.050. Moneys from these appropriations shall be used for loans or grants for capital projects state-wide that will provide housing for persons or families with special housing needs and with incomes at or below fifty percent of the median family income for the county or standard metropolitan statistical area where a given project is located. At least thirty percent of the moneys used for loans or grants shall go to projects located in rural areas.

(2) The department shall to the maximum extent feasible use the appropriation as leverage to obtain other funds for capital costs associated with the purposes of the housing trust fund under chapter 43.185 RCW.

	Reappropriation	Appropriation
St Bldg Constr Acct	2,000,000	15,000,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	20,000,000	37,000,000

NEW SECTION, Sec. 206. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Tacoma Union Station (88-5-016)

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

(1) \$1,000,000 is provided solely to prevent further deterioration of the Tacoma Union Station building. This may include, but is not limited to, providing a fire detection system, removing safety hazards, and programming necessary to implement these works.

(2) A maximum of \$500,000 may be used for planning regarding future use of the Tacoma Union Station property to promote state economic development.

(3) The amounts provided in subsections (1) and (2) of this section are contingent on a written legal agreement between the city of Tacoma and the state that (a) requires state approval of future uses and disposition of the Tacoma Union Station property and (b) gives the state the right of first refusal to assume the city of Tacoma's option to purchase the Tacoma Union Station property currently owned by the Burlington Northern company.

(4) \$500,000 is provided solely for architectural plans and construction specifications for a state museum on the Union Station property.

(5) \$400,000 is provided solely for purchase of the Union Station property. The amount provided in this subsection is contingent on a like amount being provided for this purpose from nonstate sources.

(6) \$2,000,000 is provided solely for restoration of the rotunda of the Union Station building. The amount provided in this subsection is contingent on the city's agreement to exercise its option to purchase Union Station and the city's agreement to grant to the state the right of first refusal to assume the city's option to purchase the property should the city decide to withdraw from the project.

(7) The amounts provided in subsections (4), (5), and (6) of this section are provided contingent on a written legal agreement between the city of Tacoma and the state that:

(a) The city shall obtain the state's approval for all decisions with respect to:

(i) Determining final ownership of Union Station itself;

(ii) Identifying appropriate uses for the site; and

(iii) Selecting consultants retained by the city under its contract with the state;

(b) The city shall consult with the state and, unless prohibited from doing so by terms of the United States general services administration lease, shall follow the state's recommendations in other significant decisions concerning the development of the Union Station properties, including but not limited to:

(i) Planning the development and redevelopment of the site to accommodate appropriate uses;

(ii) Obtaining financing for acquisition, development, or redevelopment of the property; and

(iii) Acquiring, leasing, subleasing, and/or reselling the property;

(c) If the city finds that it is not possible to follow the state's recommendations, the city shall advise the state and allow the state a reasonable opportunity to comment; and

(d) The city shall obtain a public access easement from the United States general services administration or any other owner or lessee that will allow public access through the rotunda

to the facilities of any state agency, subject to such reasonable limitations as required by the federal courts for safe and efficient operation.

(8) If the appropriation in this section is not expended, or if the conditions and limitations in subsections (3) and (7) of this section are not met, by June 30, 1990, the appropriation in this section shall lapse.

St Bldg Constr Acct	Reappropriation	Appropriation
	3,400,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
1,000,000		4,400,000

NEW SECTION, Sec. 207. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

San Juan County Courthouse (88-5-017)

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

(1) This appropriation is contingent on the provision of an equal amount of money from nonstate sources.

(2) If the appropriation in this section is not expended, or if the conditions and limitations in subsection (1) of this section are not met, by June 30, 1990, the appropriation in this section shall lapse.

St Bldg Constr Acct	Reappropriation	Appropriation
	100,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		100,000

NEW SECTION, Sec. 208. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Columbia County Courthouse (89-4-004)

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

(1) The \$400,000 reappropriation shall be matched by \$700,000 in private donations and local funds from Columbia county.

(2) If the reappropriation in this section is not expended, or if the conditions and limitations in subsection (2) of this section are not met, by June 30, 1990, the reappropriation in this section shall lapse.

St Bldg Constr Acct	Reappropriation	Appropriation
	400,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		400,000

NEW SECTION, Sec. 209. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Spokane public facilities (89-5-005)

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

(1) The appropriation is provided solely for the purposes of RCW 36.100.030 and 36.100.060.

(2) The appropriation may be spent only if the Spokane public facilities district has been created.

(3) If the appropriation in this section is not expended, or if the conditions and limitations in subsections (1), (2), and (3) of this section are not met, by December 31, 1991, the appropriation in this section shall lapse.

St Bldg Constr Acct	Reappropriation	Appropriation
	1,000,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		1,000,000

NEW SECTION, Sec. 210. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Public works trust fund (90-2-001)

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

The appropriations are provided solely for public works projects recommended by the public works board and approved by the legislature under chapter 43.155 RCW.

Pub Works Asst Acct	Reappropriation	Appropriation
	61,627,871	78,241,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
32,446,397	168,562,493	327,623,873

NEW SECTION, Sec. 211. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Emergency management building minor renovation (90-2-003)

The appropriation in this section is subject to the following conditions and limitations: This appropriation shall be used solely to provide handicapped access and improve insulation.

St Bldg Constr Acct	Reappropriation	Appropriation
		80,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		80,000

NEW SECTION, Sec. 212. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Fire service training center minor works (90-2-004)

St Bldg Constr Acct	Reappropriation	Appropriation
		441,887

Prior BienniaFuture Biennia

Total
441,887

NEW SECTION. Sec. 213. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Tall ship tourist attraction

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

(1) This appropriation shall be used for the Grays Harbor historical seaport authority to construct a tall ship tourist attraction.

(2) Expenditure of moneys from this appropriation is contingent on the expenditure for the same purpose of at least two dollars from nonstate sources for each dollar spent from this appropriation.

	Reappropriation	Appropriation
St Bldg Constr Acct		1,750,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		1,750,000

NEW SECTION. Sec. 214. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Asian Counseling and Referral Service

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

(1) This appropriation shall be used for building renovation costs only.

(2) This appropriation is contingent on the expenditure for the same purpose of at least two dollars from nonstate sources for each dollar spent from this appropriation.

	Reappropriation	Appropriation
St Bldg Constr Acct		100,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		100,000

NEW SECTION. Sec. 215. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Thorp Grist Mill restoration

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

Expenditure of moneys from this appropriation is contingent on the expenditure for the same purpose of at least two dollars from nonstate sources for each dollar spent from this appropriation.

	Reappropriation	Appropriation
St Bldg Constr Acct		30,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		30,000

NEW SECTION. Sec. 216. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Nordic Heritage Museum: Building acquisition and improvements

The appropriation in this section is subject to the following conditions and limitations: This appropriation is contingent on the expenditure for the same purpose of at least two dollars from nonstate sources for each dollar spent from this appropriation.

	Reappropriation	Appropriation
St Bldg Constr Acct		200,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		200,000

NEW SECTION. Sec. 217. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

7th Street Theater

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

Expenditure of moneys from this appropriation is contingent on the expenditure for the same purpose of at least one dollar from nonstate sources for each dollar spent from this appropriation.

	Reappropriation	Appropriation
St Bldg Constr Acct		250,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		250,000

NEW SECTION. Sec. 218. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Clark County cultural center—Planning

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided for a grant to Clark county for planning a cultural art/puppet center and theater.

	Reappropriation	Appropriation
St Bldg Constr Acct		25,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		25,000

NEW SECTION. Sec. 219. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Purchase of the Last Territorial Governor's House

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

(1) Expenditure of moneys from this appropriation is contingent on the expenditure for the same purpose of at least one dollar from nonstate sources, including in-kind contributions, for each four dollars spent from this appropriation.

(2) A nonprofit organization shall be formed for the purpose of spending this appropriation and operating the territorial governor's house.

	Reappropriation	Appropriation
St Bldg Constr Acct		200,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		200,000

NEW SECTION, Sec. 220. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Marine science center construction

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

(1) This appropriation is provided solely for a grant to the city of Poulsbo for construction of a marine science center to be operated by educational service district no. 114.

(2) Expenditure of this appropriation is contingent on site acquisition and at least \$300,000 of construction costs contributed from nonstate sources.

	Reappropriation	Appropriation
St Bldg Constr Acct		500,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		500,000

NEW SECTION, Sec. 221. FOR THE DEPARTMENT OF LABOR AND INDUSTRIES

Property acquisition, design and construct office facility (90-5-001)

	Reappropriation	Appropriation
L & I Constr Acct		63,000,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		63,000,000

NEW SECTION, Sec. 222. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Lakeland Village: Construct habilitation center (79-1-009)

	Reappropriation	Appropriation
DSHS Constr Acct	450,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
5,965,662		6,415,662

NEW SECTION, Sec. 223. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Rainier School: Renovate Evergreen Center (79-1-017)

	Reappropriation	Appropriation
St Bldg Constr Acct	4,400,000	
DSHS Constr Acct	150,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
983,824		5,533,824

NEW SECTION, Sec. 224. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Referendum #37 (79-3-001)

The appropriation in this section is subject to the following conditions and limitations: In addition to previously approved projects, \$29,000 shall be used to construct an addition to a training center in Skamania county to serve up to ten more developmentally disabled children under four years old. This amount may be expended only if the final application for the project is submitted by December 31, 1989, and approved by March 31, 1990.

	Reappropriation	Appropriation
Handicap Fac Constr Acct	350,000	
Improve—DSHS Fac Acct	23,500	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
2,937,539		3,311,039

NEW SECTION, Sec. 225. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

State mental health residences (79-3-002)

The appropriation in this section is subject to the following conditions and limitations: A maximum of \$40,000 of the funds provided may be spent for renovation or other costs necessary to establish a self-supporting day care center for children of state employees at Eastern State Hospital. A maximum of \$280,000 of the funds provided in this section is provided solely for participation by the department of social and health services in a project to construct a multipurpose child care center at the Everett community college.

	Reappropriation	Appropriation
Improve—DSHS Fac Acct	230,000	90,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
974,177		1,294,177

NEW SECTION, Sec. 226. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Western State Hospital: Complete artwork (79-4-005)

	Reappropriation	Appropriation
DSHS Constr Acct	40,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
108,045		148,045

NEW SECTION, Sec. 227. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Western State Hospital: Fire safety (83-1-006)		
	Reappropriation	Appropriation
DSHS Constr Acct	25,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
189,203		214,203
<u>NEW SECTION, Sec. 228. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES</u>		
Frances Haddon Morgan Center: Renovate Marion School (83-1-015)		
	Reappropriation	Appropriation
St Bldg Constr Acct	150,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
1,319,000		1,469,000
<u>NEW SECTION, Sec. 229. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES</u>		
Eastern State Hospital: Renovate wards, phase 1 (83-2-016)		
	Reappropriation	Appropriation
DSHS Constr Acct	100,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
3,175,000		3,275,000
<u>NEW SECTION, Sec. 230. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES</u>		
Western State Hospital: Renovate wards, phase 2 (83-2-017)		
	Reappropriation	Appropriation
DSHS Constr Acct	2,300,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
11,598,000		13,898,000
<u>NEW SECTION, Sec. 231. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES</u>		
Mission Creek: Renovate main buildings (86-1-202)		
	Reappropriation	Appropriation
St Fac Renew Acct	165,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
1,882,999		2,047,999
<u>NEW SECTION, Sec. 232. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES</u>		
Fircrest Schools: Construct food service (86-1-403)		
	Reappropriation	Appropriation
DSHS Constr Acct	200,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
3,896,302		4,096,302
<u>NEW SECTION, Sec. 233. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES</u>		
Referendum 27 and 38 (86-2-099)		
The appropriation in this section is subject to the following conditions and limitations: This appropriation is provided solely for drought-related municipal and industrial water supply projects. Up to sixteen full-time equivalent staff per year may be funded from the reappropriation of Referendum 38 for the purpose of reviewing local water improvement accounts.		
	Reappropriation	Appropriation
LIRA Water Supp Fac	22,000,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
23,134,000		45,134,000
<u>NEW SECTION, Sec. 234. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES</u>		
Western State Hospital: Renovate wards, phase 3 (88-1-307)		
	Reappropriation	Appropriation
St Bldg Constr Acct	375,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
210,900		585,900
<u>NEW SECTION, Sec. 235. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES</u>		
CSTC: Renovate residences to high school (88-1-318)		
	Reappropriation	Appropriation
St Bldg Constr Acct	160,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
165,000		325,000
<u>NEW SECTION, Sec. 236. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES</u>		
Western State Hospital: Sanitary sewer (88-2-400)		
	Reappropriation	Appropriation
St Bldg Constr Acct	2,650,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
2,229,000		4,879,000
<u>NEW SECTION, Sec. 237. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES</u>		
Minor capital renewal: Fire safety (90-1-004)		
	Reappropriation	Appropriation
CEP & RI Acct		600,000
St Bldg Constr Acct	810,000	

	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	335,000	1,200,000	2,945,000
<u>NEW SECTION, Sec. 238. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES</u>			
Minor capital renewal: Hazardous substance (90-1-005)			
		Reappropriation	Appropriation
CEP & RI Acct			500,000
St Bldg Constr Acct		450,000	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	527,000	1,392,500	2,869,500
<u>NEW SECTION, Sec. 239. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES</u>			
Emergency capital repairs (90-1-007)			
		Reappropriation	Appropriation
CEP & RI Acct			250,000
St Bldg Constr Acct		220,000	
St Fac Renew Acct		160,000	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	864,502	500,000	1,994,502
<u>NEW SECTION, Sec. 240. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES</u>			
Echo Glen: Renovate eleven living units (90-1-210)			
		Reappropriation	Appropriation
St Bldg Constr Acct			2,964,000
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
			2,964,000
<u>NEW SECTION, Sec. 241. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES</u>			
Western State Hospital: Ward renovations, phase 4 (90-1-312)			
The appropriation in this section is subject to the following conditions and limitations: \$1,000,000 is intended for planning to accelerate the next phase of this renovation project.			
		Reappropriation	Appropriation
St Bldg Constr Acct			6,192,000
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
			6,192,000
<u>NEW SECTION, Sec. 242. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES</u>			
Eastern State Hospital: Ward renovations, phase 2 (90-1-339)			
		Reappropriation	Appropriation
St Bldg Constr Acct			4,510,400
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
			4,510,400
<u>NEW SECTION, Sec. 243. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES</u>			
Minor capital renewal: Utilities and facilities (90-2-001)			
		Reappropriation	Appropriation
CEP & RI Acct			750,000
St Bldg Constr Acct		450,000	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	608,000	2,100,000	3,908,000
<u>NEW SECTION, Sec. 244. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES</u>			
Minor capital renewal: Roads and grounds (90-2-002)			
		Reappropriation	Appropriation
CEP & RI Acct			500,000
St Bldg Constr Acct		500,000	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	122,000	1,200,000	2,322,000
<u>NEW SECTION, Sec. 245. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES</u>			
Minor capital renewal: Roofs (90-2-003)			
		Reappropriation	Appropriation
St Bldg Constr Acct		200,000	700,000
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	940,000	2,000,000	3,840,000
<u>NEW SECTION, Sec. 246. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES</u>			
Small repairs and improvements (90-2-008)			
		Reappropriation	Appropriation
CEP & RI Acct			190,000
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		415,000	605,000
<u>NEW SECTION, Sec. 247. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES</u>			
Minor projects: Bureau of Alcohol and Substance Abuse (90-2-010)			
		Reappropriation	Appropriation
CEP & RI Acct			442,400

<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	100,000	542,400
<u>NEW SECTION, Sec. 248. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES</u>		
Minor projects: Juvenile rehabilitation division (90-2-020)		
	Reappropriation	Appropriation
CEP & RI Acct		270,100
St Bldg Constr Acct	340,000	
St Fac Renew Acct	650,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
2,375,000	300,000	3,935,100
<u>NEW SECTION, Sec. 249. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES</u>		
Minor projects: Mental health division, including renovation and expansion of bathroom facilities for the PORTAL program at the Northern State multi-service center (90-2-030)		
	Reappropriation	Appropriation
St Bldg Constr Acct	200,000	650,000
St Fac Renew Acct	110,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
1,514,042	700,000	3,174,042
<u>NEW SECTION, Sec. 250. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES</u>		
Minor projects: Mental health division (2) (90-2-032)		
	Reappropriation	Appropriation
CEP & RI Acct		75,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	250,000	325,000
<u>NEW SECTION, Sec. 251. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES</u>		
Minor projects: Developmental disabilities division (90-2-040)		
	Reappropriation	Appropriation
CEP & RI Acct		21,200
St Bldg Constr Acct	245,000	517,600
St Fac Renew Acct	80,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
2,078,999	550,000	3,492,799
<u>NEW SECTION, Sec. 252. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES</u>		
Minor projects: Health division (90-2-050)		
	Reappropriation	Appropriation
CEP & RI Acct		358,900
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	100,000	358,900
<u>NEW SECTION, Sec. 253. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES</u>		
Lakeland Village: Steam plant replacement (90-2-425)		
	Reappropriation	Appropriation
St Bldg Constr Acct		4,063,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		4,063,000
<u>NEW SECTION, Sec. 254. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES</u>		
Minor capital renewal, mental health division (90-2-060)		
The appropriation in this section is subject to the following conditions and limitations: This appropriation is provided solely for minor building renewal projects at Western and Eastern state hospitals, which may include remodeling existing state buildings for use as employee child care facilities.		
	Reappropriation	Appropriation
St Bldg Constr Acct		1,000,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		1,000,000
<u>NEW SECTION, Sec. 255. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES</u>		
Resource conservation (90-4-006)		
	Reappropriation	Appropriation
St Bldg Constr Acct	150,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
165,045		315,045
<u>NEW SECTION, Sec. 256. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES</u>		
Preplanning (90-4-009)		
	Reappropriation	Appropriation
CEP & RI Acct		191,400
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	329,500	520,900
<u>NEW SECTION, Sec. 257. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES</u>		

Food bank facility: Fircrest (90-5-011)

	Reappropriation	Appropriation
St Bldg Constr Acct		788,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		788,000

NEW SECTION, Sec. 258. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Eastern State Hospital: Electrical System Replacement (90-2-345)

	Reappropriation	Appropriation
St Bldg Constr Acct		1,371,600
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		1,371,600

NEW SECTION, Sec. 259. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Child care facilities

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

(1) This appropriation is provided solely for the child care coordinating committee to award grants to state agencies, institutions of higher education, state employees, or groups of state employees for the purpose of making capital improvements to start or renovate child care centers for state employees.

(2) The child care coordinating committee shall adopt rules for awarding the grants that include an application process that encourages state agencies and employees to submit innovative and competitive proposals for the grants.

(3) The child care coordinating committee shall report to the legislature by January 8, 1991, describing the number and types of grants awarded under this appropriation and making recommendations for future child care facility grants.

	Reappropriation	Appropriation
St Bldg Constr Acct		600,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		600,000

NEW SECTION, Sec. 260. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Mental health evaluation and treatment facility in Snohomish county

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

(1) This appropriation is provided solely for a mental health evaluation and treatment facility in Snohomish county.

(2) No moneys from this appropriation may be expended until the department enters into a fifteen-year lease or lease/purchase agreement with Snohomish county or a group of counties for the facility. The payments under the agreement shall be either at least equal to the facility component of the state average rate-per-patient day paid by the department to community mental health providers for comparable services, or at least equal to the amount of this appropriation amortized over fifteen years.

	Reappropriation	Appropriation
St Bldg Constr Acct		1,000,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		1,000,000

NEW SECTION, Sec. 261. FOR THE DEPARTMENT OF VETERANS' AFFAIRS

Food services renovation (88-1-014)

	Reappropriation	Appropriation
CEP & RI Acct		282,700
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		282,700

NEW SECTION, Sec. 262. FOR THE DEPARTMENT OF VETERANS' AFFAIRS

Soldiers Home—Preplan a thirty bed Alzheimer's unit (88-5-020)

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

(1) The department shall participate in the long-term care study to be conducted by the department of social and health services as required by Engrossed Substitute Senate Bill No. 5352.

(2) The department shall prepare a policy on admissions to the veterans' home and soldiers' home. The policy shall identify priority populations and establish procedures to ensure the highest priority group of veterans are served. The department shall report to the house of representatives capital facilities and operations committee and senate ways and means committee on the admission policy by December 1, 1989.

	Reappropriation	Appropriation
CEP & RI Acct		33,700
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	1,908,700	1,942,400

NEW SECTION, Sec. 263. FOR THE DEPARTMENT OF VETERANS' AFFAIRS

Minor projects—Asbestos (90-1-003)

	Reappropriation	Appropriation
CEP & RI Acct		300,000

	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
			300,000
NEW SECTION. Sec. 264. FOR THE DEPARTMENT OF VETERANS' AFFAIRS			
Minor projects—Roads and walkways (90-1-005)			
		Reappropriation	Appropriation
CEP & RI Acct			100,000
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
			100,000
NEW SECTION. Sec. 265. FOR THE DEPARTMENT OF VETERANS' AFFAIRS			
Air quality, Building 9 (90-1-009)			
		Reappropriation	Appropriation
CEP & RI Acct			313,200
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
			313,200
NEW SECTION. Sec. 266. FOR THE DEPARTMENT OF VETERANS' AFFAIRS			
Small projects (90-1-011)			
		Reappropriation	Appropriation
CEP & RI Acct			39,800
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
			39,800
NEW SECTION. Sec. 267. FOR THE DEPARTMENT OF VETERANS' AFFAIRS			
Minor projects—Building remodel (90-2-008)			
		Reappropriation	Appropriation
CEP & RI Acct			256,000
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
			256,000
NEW SECTION. Sec. 268. FOR THE DEPARTMENT OF VETERANS' AFFAIRS			
Minor projects—Utilities and energy projects (90-4-006)			
		Reappropriation	Appropriation
CEP & RI Acct			544,000
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
			544,000
NEW SECTION. Sec. 269. FOR THE DEPARTMENT OF VETERANS' AFFAIRS			
Minor projects—Building study (90-5-012)			
		Reappropriation	Appropriation
CEP & RI Acct			35,000
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
			35,000
NEW SECTION. Sec. 270. FOR THE DEPARTMENT OF VETERANS' AFFAIRS			
Steam distribution system (92-2-024)			
		Reappropriation	Appropriation
CEP & RI Acct			22,200
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
			895,700
			917,900
NEW SECTION. Sec. 271. FOR THE DEPARTMENT OF CORRECTIONS			
The department of corrections shall develop a population management and facilities master plan that evaluates alternatives for accommodating increased correctional system population, reflecting updated office of financial management inmate population forecasts and any population increases resulting from legislation enacted during the 1989 legislative session. The plan shall assess and evaluate each alternative on the basis of its short-term and long-term programs and fiscal impacts and shall be submitted to the fiscal committees of the legislature by December 1, 1989.			
NEW SECTION. Sec. 272. FOR THE DEPARTMENT OF CORRECTIONS			
Washington Corrections Center enlarge, remodel six hundred beds (83-3-029)			
		Reappropriation	Appropriation
St Bldg Constr Acct			32,961
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	1,338,053		1,371,014
NEW SECTION. Sec. 273. FOR THE DEPARTMENT OF CORRECTIONS			
Washington State Reformatory facility improvements (83-3-048)			
		Reappropriation	Appropriation
St Bldg Constr Acct			6,500,000
DSHS Constr Acct			500,000
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	8,033,303	16,000,000	39,633,303
NEW SECTION. Sec. 274. FOR THE DEPARTMENT OF CORRECTIONS			
Washington State Penitentiary improve security, facilities, utilities (83-3-052)			
		Reappropriation	Appropriation

St Bldg Constr Acct	400,000	5,898,000
DSHS Constr Acct	1,600,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
6,317,413	2,476,000	16,691,413
NEW SECTION, Sec. 275. FOR THE DEPARTMENT OF CORRECTIONS		
McNeil Island Corrections Center renovation of utilities (86-1-002)	Reappropriation	Appropriation
	4,000,000	1,261,000
St Bldg Constr Acct	300,000	
St Fac Renew Acct		
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
3,724,000	4,674,000	13,959,000
NEW SECTION, Sec. 276. FOR THE DEPARTMENT OF CORRECTIONS		
McNeil Island Corrections Center repairs to transportation system, including parking and a materials forwarding facility at Western State Hospital (86-1-004)	Reappropriation	Appropriation
	985,000	3,522,000
St Bldg Constr Acct	900,000	
St Fac Renew Acct		
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
1,408,000	7,081,000	13,896,000
NEW SECTION, Sec. 277. FOR THE DEPARTMENT OF CORRECTIONS		
McNeil Island Corrections Center building fire/safety (86-1-008)	Reappropriation	Appropriation
	2,500,000	2,183,000
St Bldg Constr Acct	1,000,000	
St Fac Renew Acct		
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
1,665,000	967,000	8,315,000
NEW SECTION, Sec. 278. FOR THE DEPARTMENT OF CORRECTIONS		
State-wide minor projects (86-2-005)	Reappropriation	Appropriation
	1,000,000	
St Bldg Constr Acct	300,000	
St Fac Renew Acct		
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
2,879,000		4,179,000
NEW SECTION, Sec. 279. FOR THE DEPARTMENT OF CORRECTIONS		
State-wide small repairs and improvements (86-2-006)	Reappropriation	Appropriation
	250,000	
St Bldg Constr Acct		
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
296,000		546,000
NEW SECTION, Sec. 280. FOR THE DEPARTMENT OF CORRECTIONS		
Life safety code compliance (88-1-002)	Reappropriation	Appropriation
	700,000	
St Bldg Constr Acct		
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
840,000		1,540,000
NEW SECTION, Sec. 281. FOR THE DEPARTMENT OF CORRECTIONS		
State-wide wastewater system improvements (88-1-017)	Reappropriation	Appropriation
	440,000	605,000
St Bldg Constr Acct		
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
268,000		1,313,000
NEW SECTION, Sec. 282. FOR THE DEPARTMENT OF CORRECTIONS		
State-wide water system improvements (88-1-018)	Reappropriation	Appropriation
	250,000	939,000
St Bldg Constr Acct		
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
172,000		1,361,000
NEW SECTION, Sec. 283. FOR THE DEPARTMENT OF CORRECTIONS		
McNeil Island Corrections Center implement master plan (88-2-003)		
The appropriation in this section is subject to the following conditions and limitations: The money in this appropriation shall not be expended until the office of financial management has determined that satisfactory progress has been made on receiving approval of the environmental impact statement, selecting mainland parking facility, and selecting mainland ferry terminal.		
	Reappropriation	Appropriation
St Bldg Constr Acct		4,377,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
621,000	28,000,000	32,998,000

NEW SECTION, Sec. 284. FOR THE DEPARTMENT OF CORRECTIONS

Pre-release facility relocation (88-2-004)

The appropriation in this section is subject to the following conditions and limitations: The department shall develop a siting policy, in conjunction with cities, counties, community groups, and the department of community development, for the establishment of additional prerelease facilities. The policy shall include at least the following elements:

- (1) Guidelines for appropriate site selection of prerelease facilities;
- (2) Requirements for notification to local government and community groups of intent to site a prerelease facility; and
- (3) Guidelines for effective relations between the prerelease program operation and the surrounding community.

	Reappropriation	Appropriation
St Bldg Constr Acct	4,200,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
262,000		4,462,000

NEW SECTION, Sec. 285. FOR THE DEPARTMENT OF CORRECTIONS

Eastern Washington prerelease, site preparation (88-2-005)

	Reappropriation	Appropriation
St Bldg Constr Acct	340,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
671,000		1,011,000

NEW SECTION, Sec. 286. FOR THE DEPARTMENT OF CORRECTIONS

Washington Corrections Center for Women implement master plan (88-2-006)

	Reappropriation	Appropriation
St Bldg Constr Acct	460,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
155,000	5,800,000	7,415,000

NEW SECTION, Sec. 287. FOR THE DEPARTMENT OF CORRECTIONS

Washington Corrections Center reroof building (88-3-019)

	Reappropriation	Appropriation
St Bldg Constr Acct	1,000,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
65,000		1,065,000

NEW SECTION, Sec. 288. FOR THE DEPARTMENT OF CORRECTIONS

State-wide asbestos removal/encapsulation (90-1-001)

	Reappropriation	Appropriation
St Bldg Constr Acct		2,500,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	5,000,000	7,500,000

NEW SECTION, Sec. 289. FOR THE DEPARTMENT OF CORRECTIONS

Hazardous materials management (90-1-004)

	Reappropriation	Appropriation
St Bldg Constr Acct		879,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	604,000	1,483,000

NEW SECTION, Sec. 290. FOR THE DEPARTMENT OF CORRECTIONS

WCC and WCCW perimeter security upgrade (90-1-007)

	Reappropriation	Appropriation
St Bldg Constr Acct		1,652,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	3,277,000	4,929,000

NEW SECTION, Sec. 291. FOR THE DEPARTMENT OF CORRECTIONS

State-wide minor projects (90-1-009)

	Reappropriation	Appropriation
CEP & RI Acct		1,000,000
St Bldg Constr Acct		4,349,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	8,000,000	13,349,000

NEW SECTION, Sec. 292. FOR THE DEPARTMENT OF CORRECTIONS

State-wide small repairs and improvements (90-1-010)

	Reappropriation	Appropriation
St Bldg Constr Acct		756,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		756,000

NEW SECTION, Sec. 293. FOR THE DEPARTMENT OF CORRECTIONS

State-wide emergency repairs projects (90-1-013)

	Reappropriation	Appropriation
CEP & RI Acct		750,000

	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		1,500,000	2,250,000
<u>NEW SECTION, Sec. 294. FOR THE DEPARTMENT OF CORRECTIONS</u>			
Washington Corrections Center Reception Center upgrade (90-2-012)			
		Reappropriation	Appropriation
CEP & RI Acct			26,000
St Bldg Constr Acct			236,000
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		14,400,000	14,662,000
<u>NEW SECTION, Sec. 295. FOR THE DEPARTMENT OF CORRECTIONS</u>			
WSP—Expand medium security complex (MSC) industries building (90-2-016)			
		Reappropriation	Appropriation
St Bldg Constr Acct			1,213,000
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
			1,213,000
<u>NEW SECTION, Sec. 296. FOR THE DEPARTMENT OF CORRECTIONS</u>			
State-wide roof repair (90-3-011)			
		Reappropriation	Appropriation
St Bldg Constr Acct			1,500,000
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
			1,500,000
<u>NEW SECTION, Sec. 297. FOR THE DEPARTMENT OF CORRECTIONS</u>			
Community corrections preplanning for construction—Work release (90-4-005)			
The appropriation in this section is subject to the following conditions and limitations: No money from this appropriation may be expended until the department has developed the siting policy requirements contained in Senate Bill No. 5111.			
		Reappropriation	Appropriation
CEP & RI Acct			218,000
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		7,790,000	8,008,000
<u>NEW SECTION, Sec. 298. FOR THE DEPARTMENT OF CORRECTIONS</u>			
Clallam Bay corrections center double-celling and program area renovations			
		Reappropriation	Appropriation
St Bldg Constr Acct			4,071,000
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
			4,071,000
<u>NEW SECTION, Sec. 299. FOR THE DEPARTMENT OF EMPLOYMENT SECURITY</u>			
Port Angeles—Job Service Center (90-2-001)			
		Reappropriation	Appropriation
Unemploy Comp Admin—State			900,000
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
			900,000

PART 3

NATURAL RESOURCES

NEW SECTION, Sec. 301. FOR THE WASHINGTON STATE ENERGY OFFICEEnergy conservation projects (90-4-001)

The appropriation in this section is subject to the following conditions and limitations: The department shall contract with the following agencies for the amounts specified to undertake energy conservation projects. Each contract shall require the agencies listed below to deposit into the energy conservation account an amount equal to the contract amount. The payback period shall be determined by the department, but shall not exceed six years.

(1) No more than \$1,033,000 shall be expended for energy conservation projects for Military Department facilities;

(2) No more than \$361,600 shall be expended for energy conservation projects for the department of social and health services;

(3) No more than \$552,000 shall be expended for energy conservation projects for The Evergreen State College.

		Reappropriation	Appropriation
St Bldg Constr Acct			1,946,600
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		2,199,000	4,145,600

NEW SECTION, Sec. 302. FOR THE DEPARTMENT OF ECOLOGYReferendum 26—Waste disposal facilities: special program, state-wide (74-5-004)

The appropriation in this section is subject to the following conditions and limitations: In making grants or loans from this appropriation for waste reduction and recycling projects, the department shall give priority to food and yard wastes projects.

		Reappropriation	Appropriation
LIRA—Waste Disp Fac		23,753,701	

<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
207,023,603		230,777,304
NEW SECTION, Sec. 303. FOR THE DEPARTMENT OF ECOLOGY		
Referendum 27 and 38—Water supply facilities; special program, state-wide (74-5-006)		
The appropriation in this section is subject to the following conditions and limitations: A maximum of \$75,000 of this reappropriation may be expended for modification of the gate on the Lake Osoyoos international water control structure authorized by chapter 76, Laws of 1982.		
	Reappropriation	Appropriation
LIRA Water Sup Fac	29,423,518	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
25,812,996	11,764,121	67,000,635
NEW SECTION, Sec. 304. FOR THE DEPARTMENT OF ECOLOGY		
State emergency water project revolving account; special program, state-wide (76-5-003)		
	Reappropriation	Appropriation
St Emer Water Proj Rev	4,003,787	3,794,791
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
14,096,717	292,794	22,188,089
NEW SECTION, Sec. 305. FOR THE DEPARTMENT OF ECOLOGY		
Padilla Bay Research Reserve—Land acquisition/special program (80-2-002)		
	Reappropriation	Appropriation
General Fund—Federal	112,362	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
1,201,177		1,313,539
NEW SECTION, Sec. 306. FOR THE DEPARTMENT OF ECOLOGY		
Referendum 39—Waste disposal facilities, 1980; special program, state-wide (82-5-005)		
The appropriation in this section is subject to the following conditions and limitations:		
(1) No expenditure from this appropriation shall be made for any grant valued over fifty million dollars to a city or county for solid waste disposal facilities unless the following conditions are met:		
(a) The city or county agrees to comply with all the terms of the grant contract between the city or county and the department of ecology;		
(b) The city or county agrees to implement curbside collection of recyclable materials as prescribed in the grant contract; and		
(c) The city or county does not begin actual construction of the solid waste disposal facility until it has obtained a permit for prevention of significant deterioration as required by the federal clean air act.		
(2) In making grants or loans from this appropriation for waste reduction and recycling projects, the department shall give priority to food and yard waste projects.		
	Reappropriation	Appropriation
LIRA Waste Fac—1980	126,900,046	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
324,970,900		451,870,946
NEW SECTION, Sec. 307. FOR THE DEPARTMENT OF ECOLOGY		
Water quality account; special programs, state-wide (86-5-007)		
The appropriations in this section are subject to the following conditions and limitations:		
(1) In awarding grants, extending grant payments, or making loans from this appropriation for facilities that discharge directly into marine waters, the department shall:		
(a) Give first priority to secondary wastewater treatment facilities that are mandated by both federal and state law;		
(b) Give second priority to projects that reduce combined sewer overflows; and		
(c) Encourage economies that are derived from any simultaneous projects that achieve the purposes of both (a) and (b) of this subsection.		
(2) The following limitations shall apply to the department's total distribution of funds appropriated under this section:		
(a) Not more than fifty percent for water pollution control facilities which discharge directly into marine waters;		
(b) Not more than twenty percent for water pollution control activities that prevent or mitigate pollution of underground waters and facilities that protect federally designated sole source aquifers with at least two-thirds for the Spokane-Rathdrum Prairie aquifer;		
(c) Not more than ten percent for water pollution control activities that protect freshwater lakes and rivers including but not limited to Lake Chelan and the Yakima and Columbia rivers;		
(d) Not more than ten percent for activities which control nonpoint source water pollution;		
(e) Ten percent and such sums as may be remaining from the categories specified in (a) through (d) of this subsection for water pollution control activities or facilities as determined by the department.		
(3) In determining compliance schedules for the greatest reasonable reduction of combined sewer overflows, the department shall consider the amount of grant or loan moneys		

available to assist local governments in the planning, design, acquisition, construction, and improvement of combined sewer overflow facilities.

Water Quality Acct	Reappropriation	Appropriation
	67,050,663	112,529,625
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
8,838,172	177,177,999	365,596,459

NEW SECTION, Sec. 308. FOR THE STATE PARKS AND RECREATION COMMISSION

Yakima Greenway acquisition (81-3-098)

ORA—State	Reappropriation	Appropriation
	75,272	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
17,795		93,067

NEW SECTION, Sec. 309. FOR THE STATE PARKS AND RECREATION COMMISSION

State-wide—Water supply facilities (86-1-002)

St Bldg Constr Acct	Reappropriation	Appropriation
	380,062	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
684,584		1,064,646

NEW SECTION, Sec. 310. FOR THE STATE PARKS AND RECREATION COMMISSION

State-wide—Sewage treatment facilities (86-1-003)

LIRA Waste Fac—1980	Reappropriation	Appropriation
	309,103	
St Bldg Constr Acct	50,000	
ORA—Federal	23,049	
ORA—State	24,024	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
359,335		765,511

NEW SECTION, Sec. 311. FOR THE STATE PARKS AND RECREATION COMMISSION

State-wide—Boating repairs (86-1-020)

St Bldg Constr Acct	Reappropriation	Appropriation
	12,000	
ORA—State	72,577	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
330,274		414,851

NEW SECTION, Sec. 312. FOR THE STATE PARKS AND RECREATION COMMISSION

State-wide—Boating renovation (86-1-021)

St Bldg Constr Acct	Reappropriation	Appropriation
	2,901	
ORA—State	68,323	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
62,280		133,504

NEW SECTION, Sec. 313. FOR THE STATE PARKS AND RECREATION COMMISSION

Beacon Rock—Replace floats and piling, renovate shear boom (86-1-022)

ORA—Federal	Reappropriation	Appropriation
	6,000	
ORA—State	46,651	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
235,509		288,160

NEW SECTION, Sec. 314. FOR THE STATE PARKS AND RECREATION COMMISSION

State-wide—Energy conservation and landscape repairs (86-1-026)

St Bldg Constr Acct	Reappropriation	Appropriation
	116,827	
ORA—State	3,479	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
155,752		276,058

NEW SECTION, Sec. 315. FOR THE STATE PARKS AND RECREATION COMMISSION

State-wide—Energy conservation and landscape renovation (86-1-027)

St Bldg Constr Acct	Reappropriation	Appropriation
	135,222	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
351,998		487,220

NEW SECTION, Sec. 316. FOR THE STATE PARKS AND RECREATION COMMISSION

Iron Horse—Trail safety and bridge repair/acquisition (86-1-030)

The appropriations in this section are subject to the following conditions and limitations: Unless House Bill No. 1512 is enacted by June 30, 1989, with an initial appropriation for this project from the trust land purchase account, the reappropriation from the trust land purchase account in this section shall be null and void.

St Bldg Constr Acct	Reappropriation	Appropriation
Trust Land Pur Acct	63,591	
	200,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
144,123		407,714
<u>NEW SECTION, Sec. 317. FOR THE STATE PARKS AND RECREATION COMMISSION</u>		
Fort Worden—Point Wilson bank protection, phase 2 (86-1-032)		
	Reappropriation	Appropriation
St Bldg Constr Acct	85,000	
ORA—Federal	73,663	
ORA—State	95,204	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
43,133	124,600	421,600
<u>NEW SECTION, Sec. 318. FOR THE STATE PARKS AND RECREATION COMMISSION</u>		
State-wide—Boating improvements (86-3-005)		
	Reappropriation	Appropriation
ORA—Federal	36,700	
ORA—State	57,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
115,300		209,000
<u>NEW SECTION, Sec. 319. FOR THE STATE PARKS AND RECREATION COMMISSION</u>		
Mount Spokane—Entrance road development (86-3-034)		
	Reappropriation	Appropriation
Mot Veh Fund	8,003	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
169,830		177,833
<u>NEW SECTION, Sec. 320. FOR THE STATE PARKS AND RECREATION COMMISSION</u>		
West Hylebos—Acquisition and development (86-4-013)		
	Reappropriation	Appropriation
St Bldg Constr Acct	195,595	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
177		195,772
<u>NEW SECTION, Sec. 321. FOR THE STATE PARKS AND RECREATION COMMISSION</u>		
Illahee—Replace breakwater, ramps (87-1-024)		
	Reappropriation	Appropriation
ORA—Federal	6,534	
ORA—State	15,289	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
196,355		218,178
<u>NEW SECTION, Sec. 322. FOR THE STATE PARKS AND RECREATION COMMISSION</u>		
Sacajawea—Boat launch reconstruction (87-1-025)		
	Reappropriation	Appropriation
ORA—State	14,207	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
127,513		141,720
<u>NEW SECTION, Sec. 323. FOR THE STATE PARKS AND RECREATION COMMISSION</u>		
Lake Sylvia—Dam safety renovation and repair, phase 2 (87-1-028)		
	Reappropriation	Appropriation
St Bldg Constr Acct	5,802	165,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
136,198		307,000
<u>NEW SECTION, Sec. 324. FOR THE STATE PARKS AND RECREATION COMMISSION</u>		
Kopachuck—Shoreline protection (87-1-031)		
	Reappropriation	Appropriation
ORA—State	43,889	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
58,000		101,889
<u>NEW SECTION, Sec. 325. FOR THE STATE PARKS AND RECREATION COMMISSION</u>		
Moran—Mountain Lake CCC building renovation (87-1-049)		
	Reappropriation	Appropriation
St Bldg Constr Acct	149,999	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
6,000		155,999
<u>NEW SECTION, Sec. 326. FOR THE STATE PARKS AND RECREATION COMMISSION</u>		
Deception Pass—Renovate CCC buildings 2 and 3, Rosario (87-1-050)		
	Reappropriation	Appropriation
St Bldg Constr Acct	200,014	

	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	7,400		207,414
NEW SECTION, Sec. 327. FOR THE STATE PARKS AND RECREATION COMMISSION			
Fort Worden—Phased weatherization of facilities (87-2-016)			
		Reappropriation	Appropriation
St Bldg Constr Acct		160,088	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	289,912		450,000
NEW SECTION, Sec. 328. FOR THE STATE PARKS AND RECREATION COMMISSION			
Flaming geyser—Bridge relocation and installation, phase 2 (87-2-029)			
		Reappropriation	Appropriation
St Bldg Constr Acct			241,000
ORA—Federal		180,272	
ORA—State		171,897	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	10,728	625,000	1,228,897
NEW SECTION, Sec. 329. FOR THE STATE PARKS AND RECREATION COMMISSION			
Covenant Beach—Acquisition and relocation (87-2-039)			
		Reappropriation	Appropriation
St Bldg Constr Acct		94,520	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	169,416		263,936
NEW SECTION, Sec. 330. FOR THE STATE PARKS AND RECREATION COMMISSION			
Auburn Game Farm—Completion of park development (87-3-012)			
		Reappropriation	Appropriation
St Bldg Constr Acct		451,922	350,000
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	77,246		879,168
NEW SECTION, Sec. 331. FOR THE STATE PARKS AND RECREATION COMMISSION			
Green River Gorge—Acquisition, phased project (87-5-010)			
		Reappropriation	Appropriation
St Bldg Constr Acct		596,306	263,000
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	395,694		1,255,000
NEW SECTION, Sec. 332. FOR THE STATE PARKS AND RECREATION COMMISSION			
State-wide—Potable water supply, omnibus facility contingency (88-1-002)			
		Reappropriation	Appropriation
St Bldg Constr Acct		65,085	
LIRA—Water Sup Fac		43,404	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	36,511		145,000
NEW SECTION, Sec. 333. FOR THE STATE PARKS AND RECREATION COMMISSION			
State-wide—Potable water supply, omnibus minor projects (88-1-003)			
		Reappropriation	Appropriation
St Bldg Constr Acct		366,115	
LIRA—Water Sup Fac		244,000	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	82,885		693,000
NEW SECTION, Sec. 334. FOR THE STATE PARKS AND RECREATION COMMISSION			
Sequim Bay—Reservoir cover (88-1-004)			
		Reappropriation	Appropriation
St Bldg Constr Acct		23,415	
LIRA—Water Sup Fac		23,000	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	85,585		132,000
NEW SECTION, Sec. 335. FOR THE STATE PARKS AND RECREATION COMMISSION			
Sequim Bay—Renovate park water system (88-1-005)			
		Reappropriation	Appropriation
St Bldg Constr Acct		45,517	
LIRA—Water Sup Fac		30,345	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	114,138		190,000
NEW SECTION, Sec. 336. FOR THE STATE PARKS AND RECREATION COMMISSION			
Moran—Renovate potable water system (88-1-006)			
		Reappropriation	Appropriation
St Bldg Constr Acct		153,000	
LIRA—Water Sup Fac		101,358	

	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	28,642		283,000
<u>NEW SECTION, Sec. 337. FOR THE STATE PARKS AND RECREATION COMMISSION</u>			
State-wide—Sewer facilities, omnibus facility contingency (88-1-007)			
		Reappropriation	Appropriation
LIRA Waste Fac—1980		153,657	
St Bldg Constr Acct		51,520	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	92,823		298,000
<u>NEW SECTION, Sec. 338. FOR THE STATE PARKS AND RECREATION COMMISSION</u>			
State-wide—Sewer facilities, omnibus minor projects (88-1-008)			
		Reappropriation	Appropriation
LIRA Waste Fac—1980		225,998	
St Bldg Constr Acct		75,333	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	34,669		336,000
<u>NEW SECTION, Sec. 339. FOR THE STATE PARKS AND RECREATION COMMISSION</u>			
State-wide—Boat pumpout facilities (88-1-009)			
		Reappropriation	Appropriation
LIRA Waste Fac—1980		30,712	
St Bldg Constr Acct		440,235	1,000,000
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	78,053		1,549,000
<u>NEW SECTION, Sec. 340. FOR THE STATE PARKS AND RECREATION COMMISSION</u>			
Ocean City—Connect to municipal sewer system (88-1-010)			
		Reappropriation	Appropriation
LIRA Waste Fac—1980		276,084	
St Bldg Constr Acct		93,000	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	12,916		382,000
<u>NEW SECTION, Sec. 341. FOR THE STATE PARKS AND RECREATION COMMISSION</u>			
State-wide—Boat traffic control markers and devices (88-1-013)			
		Reappropriation	Appropriation
ORA—State		42,604	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	67,396		110,000
<u>NEW SECTION, Sec. 342. FOR THE STATE PARKS AND RECREATION COMMISSION</u>			
St. Edward—Main electrical code compliance (88-1-027)			
		Reappropriation	Appropriation
St Bldg Constr Acct		103,000	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	21,000		124,000
<u>NEW SECTION, Sec. 343. FOR THE STATE PARKS AND RECREATION COMMISSION</u>			
Fort Worden—Electrical service renovation to 7,200 volts (88-1-030)			
		Reappropriation	Appropriation
St Bldg Constr Acct		299,036	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	25,964		325,000
<u>NEW SECTION, Sec. 344. FOR THE STATE PARKS AND RECREATION COMMISSION</u>			
St Edward: Lighted entrance trail and comfort station (88-1-041)			
		Reappropriation	Appropriation
St Bldg Constr Acct			222,000
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
			222,000
<u>NEW SECTION, Sec. 345. FOR THE STATE PARKS AND RECREATION COMMISSION</u>			
State-wide—Boating facilities, omnibus facilities contingency (88-2-011)			
		Reappropriation	Appropriation
ORA—State		176,846	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	44,154		221,000
<u>NEW SECTION, Sec. 346. FOR THE STATE PARKS AND RECREATION COMMISSION</u>			
State-wide—Boating facilities, omnibus minor projects (88-2-012)			
		Reappropriation	Appropriation
ORA—State		647,581	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	321,419		969,000
<u>NEW SECTION, Sec. 347. FOR THE STATE PARKS AND RECREATION COMMISSION</u>			
Centennial facilities—Contingency request (88-2-020)			

LIRA, Pub Rec Fac	Reappropriation	Appropriation
	5,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
35,000		40,000
NEW SECTION, Sec. 348. FOR THE STATE PARKS AND RECREATION COMMISSION		
Fort Columbia—Renovate historic buildings/Chinook displays (88-2-021)		
	Reappropriation	Appropriation
	57,000	
LIRA, Pub Rec Fac		
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
41,000		98,000
NEW SECTION, Sec. 349. FOR THE STATE PARKS AND RECREATION COMMISSION		
State-wide—Park facilities renovation, omnibus facilities contingency (88-2-025)		
	Reappropriation	Appropriation
	288,734	
St Bldg Constr Acct		
LIRA, Pub Rec Fac		
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
344,266		664,077
NEW SECTION, Sec. 350. FOR THE STATE PARKS AND RECREATION COMMISSION		
Camp Woolen—Replace men's comfort station #23, add showers (88-2-041)		
	Reappropriation	Appropriation
		157,000
St Bldg Constr Acct		
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	109,700	266,700
NEW SECTION, Sec. 351. FOR THE STATE PARKS AND RECREATION COMMISSION		
Bogachiel—Campsite and day use renovation (88-2-058)		
	Reappropriation	Appropriation
	11,560	
General Fund—Local/Private		
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
3,440		15,000
NEW SECTION, Sec. 352. FOR THE STATE PARKS AND RECREATION COMMISSION		
Fort Worden—Ballon Hanger, replace roof, renovate interior (88-3-023)		
	Reappropriation	Appropriation
	213,000	
General Fund—Local/Private		
St Bldg Constr Acct		
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
86,000		494,000
NEW SECTION, Sec. 353. FOR THE STATE PARKS AND RECREATION COMMISSION		
Camano Island—Point Lowell road relocation (88-3-043)		
	Reappropriation	Appropriation
	157,513	
St Bldg Constr Acct		
Mot Veh Fund		
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
44,487		821,000
NEW SECTION, Sec. 354. FOR THE STATE PARKS AND RECREATION COMMISSION		
Chief Timothy—Boat launch expansion (88-5-014)		
	Reappropriation	Appropriation
	207,000	
ORA—State		
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
23,000		230,000
NEW SECTION, Sec. 355. FOR THE STATE PARKS AND RECREATION COMMISSION		
Moses Lake—Boat launch with parking and comfort station (88-5-016)		
	Reappropriation	Appropriation
	181,000	
ORA—State		
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
11,000		192,000
NEW SECTION, Sec. 356. FOR THE STATE PARKS AND RECREATION COMMISSION		
State-wide—Acquisition/dev. river access, phased project (88-5-017)		
Sixty thousand dollars of this reappropriation is subject to initial appropriation in HB 1512.		
	Reappropriation	Appropriation
	197,872	
ORA—State		
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
73,128		271,000
NEW SECTION, Sec. 357. FOR THE STATE PARKS AND RECREATION COMMISSION		
Maryhill—Development (88-5-035)		
	Reappropriation	Appropriation
	1,025,798	
St Bldg Constr Acct		
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
50,202		1,076,000

NEW SECTION. Sec. 358. FOR THE STATE PARKS AND RECREATION COMMISSION
Ocean beaches—Acquisition of ocean beaches, phased project (88-5-036)

	Reappropriation	Appropriation
St Bldg Constr Acct	447,220	200,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
102,780		750,000

NEW SECTION. Sec. 359. FOR THE STATE PARKS AND RECREATION COMMISSION
Mount Spokane—Winter recreation facilities (88-5-041)

	Reappropriation	Appropriation
St Bldg Constr Acct	12,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
71,000		83,000

NEW SECTION. Sec. 360. FOR THE STATE PARKS AND RECREATION COMMISSION
Ft Worden: 30-unit campground (88-5-056)

	Reappropriation	Appropriation
St Bldg Constr Acct		380,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		380,000

NEW SECTION. Sec. 361. FOR THE STATE PARKS AND RECREATION COMMISSION
Crystal Falls—Acquisition and development phase 2 (88-5-057)

	Reappropriation	Appropriation
St Bldg Constr Acct	31,464	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
128,536	329,600	489,600

NEW SECTION. Sec. 362. FOR THE STATE PARKS AND RECREATION COMMISSION
Blake Island—Fire protection system, concession building (89-1-050)

	Reappropriation	Appropriation
St Bldg Constr Acct		119,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		119,000

NEW SECTION. Sec. 363. FOR THE STATE PARKS AND RECREATION COMMISSION
State-wide—Omnibus minor projects—Water supply/irrigation (89-1-101)

	Reappropriation	Appropriation
St Bldg Constr Acct		275,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		275,000

NEW SECTION. Sec. 364. FOR THE STATE PARKS AND RECREATION COMMISSION
State-wide—Omnibus minor projects—Sanitary facilities (89-1-102)

	Reappropriation	Appropriation
St Bldg Constr Acct		152,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	193,900	345,900

NEW SECTION. Sec. 365. FOR THE STATE PARKS AND RECREATION COMMISSION
State-wide—Omnibus minor projects—Electrical (89-1-103)

	Reappropriation	Appropriation
St Bldg Constr Acct		231,000
ORA—State		63,700
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		294,700

NEW SECTION. Sec. 366. FOR THE STATE PARKS AND RECREATION COMMISSION
Moran—Renovate mountain lake dam (89-1-110)

	Reappropriation	Appropriation
St Bldg Constr Acct		144,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		144,000

NEW SECTION. Sec. 367. FOR THE STATE PARKS AND RECREATION COMMISSION
State-wide—Compliance with safe drinking water act (89-1-116)

	Reappropriation	Appropriation
St Bldg Constr Acct		441,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		441,000

NEW SECTION. Sec. 368. FOR THE STATE PARKS AND RECREATION COMMISSION
Camp Woolen—Sewage renovation, phase 2 (89-1-122)

	Reappropriation	Appropriation
St Bldg Constr Acct		138,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		138,000

NEW SECTION. Sec. 369. FOR THE STATE PARKS AND RECREATION COMMISSION

Sacajawea—Modify river floats, revise piling anchorage system (89-1-129)		
	Reappropriation	Appropriation
ORA—State		192,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		192,000
<u>NEW SECTION, Sec. 370. FOR THE STATE PARKS AND RECREATION COMMISSION</u>		
State-wide—Asbestos removal—Forts Worden, Flagler, Columbia (89-1-134)		
	Reappropriation	Appropriation
St Bldg Constr Acct		150,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		150,000
<u>NEW SECTION, Sec. 371. FOR THE STATE PARKS AND RECREATION COMMISSION</u>		
State-wide—Omnibus minor projects—Boating/marine construction (89-2-106)		
	Reappropriation	Appropriation
St Bldg Constr Acct		179,250
ORA—State		674,050
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		853,300
<u>NEW SECTION, Sec. 372. FOR THE STATE PARKS AND RECREATION COMMISSION</u>		
State-wide—Omnibus minor projects—General construction (89-2-107)		
	Reappropriation	Appropriation
St Bldg Constr Acct		560,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	858,000	1,418,000
<u>NEW SECTION, Sec. 373. FOR THE STATE PARKS AND RECREATION COMMISSION</u>		
State-wide—Omnibus minor projects—Specialized construction (89-2-109)		
	Reappropriation	Appropriation
St Bldg Constr Acct		219,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		219,000
<u>NEW SECTION, Sec. 374. FOR THE STATE PARKS AND RECREATION COMMISSION</u>		
Lake Sammamish—Boat launch repairs (89-2-139)		
	Reappropriation	Appropriation
ORA—State		114,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		114,000
<u>NEW SECTION, Sec. 375. FOR THE STATE PARKS AND RECREATION COMMISSION</u>		
State-wide—Omnibus minor projects—Site/environment/protection (89-3-104)		
	Reappropriation	Appropriation
St Bldg Constr Acct		300,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		300,000
<u>NEW SECTION, Sec. 376. FOR THE STATE PARKS AND RECREATION COMMISSION</u>		
State-wide—Omnibus minor projects—Acquisition (89-3-105)		
	Reappropriation	Appropriation
St Bldg Constr Acct		115,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	140,700	255,700
<u>NEW SECTION, Sec. 377. FOR THE STATE PARKS AND RECREATION COMMISSION</u>		
State-wide—Omnibus minor projects—Weatherproofing (89-3-108)		
	Reappropriation	Appropriation
St Bldg Constr Acct		167,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		167,000
<u>NEW SECTION, Sec. 378. FOR THE STATE PARKS AND RECREATION COMMISSION</u>		
Fort Worden—Rebuild boat launch breakwater, dredge marina (89-3-135)		
	Reappropriation	Appropriation
ORA—State		315,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		315,000
<u>NEW SECTION, Sec. 379. FOR THE STATE PARKS AND RECREATION COMMISSION</u>		
Larabee—Acquisition of Clayton Beach (89-5-002)		
	Reappropriation	Appropriation
St Bldg Constr Acct		342,000
ORA—Federal		140,540
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
1,258,000		1,740,540
<u>NEW SECTION, Sec. 380. FOR THE STATE PARKS AND RECREATION COMMISSION</u>		

Hood Canal—Acquisition of property, phase 2 (89-5-111)

	Reappropriation	Appropriation
St Bldg Constr Acct	49,681	393,000
ORA—State		60,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
319		503,000

NEW SECTION, Sec. 381. FOR THE STATE PARKS AND RECREATION COMMISSION

Spokane Centennial Trail—Acquisition/initial development (89-5-112)

	Reappropriation	Appropriation
St Bldg Constr Acct		120,000
ORA—Federal		119,000
General Fund—Federal	3,589,620	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
10,380		3,839,000

NEW SECTION, Sec. 382. FOR THE STATE PARKS AND RECREATION COMMISSION

Fort Casey—Acquisition of keystone spit, phase 2 (89-5-113)

	Reappropriation	Appropriation
St Bldg Constr Acct	198,780	104,000
ORA—Federal		103,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
301,220		707,000

NEW SECTION, Sec. 383. FOR THE STATE PARKS AND RECREATION COMMISSION

Belfair—Acquisition of adjoining property, phase 2 (89-5-114)

	Reappropriation	Appropriation
St Bldg Constr Acct	29,000	193,000
ORA—Federal		27,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
21,000		270,000

NEW SECTION, Sec. 384. FOR THE STATE PARKS AND RECREATION COMMISSION

Fort Canby—Initial development, Beards Hollow (89-5-115)

	Reappropriation	Appropriation
St Bldg Constr Acct		289,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		289,000

NEW SECTION, Sec. 385. FOR THE STATE PARKS AND RECREATION COMMISSION

Snohomish Centennial Trail

The appropriation in this section is subject to the following conditions and limitations: This appropriation is provided solely for the Snohomish County parks department to purchase and develop the railroad right-of-way from Snohomish to Arlington. No portion of this appropriation may be expended unless an amount from nonstate sources equal to the amount of this appropriation is provided for the project.

	Reappropriation	Appropriation
St Bldg Constr Acct		1,100,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		1,100,000

NEW SECTION, Sec. 386. FOR THE STATE PARKS AND RECREATION COMMISSION

Spokane Centennial Trail—Initial development "The Islands" (89-5-166)

	Reappropriation	Appropriation
St Bldg Constr Acct		250,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		250,000

NEW SECTION, Sec. 387. FOR THE STATE PARKS AND RECREATION COMMISSION

Ocean Beach OBA—Comfort stations and parking at four locations (89-5-120)

	Reappropriation	Appropriation
St Bldg Constr Acct		342,000
ORA—Federal		316,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		658,000

NEW SECTION, Sec. 388. FOR THE STATE PARKS AND RECREATION COMMISSION

State-wide—Omnibus facility contingency request (90-1-001)

This appropriation is subject to the following conditions and limitations: \$120,000 is provided solely for a railroad safety crossing at Doug's Beach.

	Reappropriation	Appropriation
St Bldg Constr Acct		464,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		464,000

NEW SECTION, Sec. 389. FOR THE STATE PARKS AND RECREATION COMMISSION

Steamboat Rock—Random camp area, Jones Bay (95-2-182)

	Reappropriation	Appropriation
St Bldg Constr Acct		150,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		150,000

NEW SECTION. Sec. 390. FOR THE STATE PARKS AND RECREATION COMMISSION

Wishram Museum—Feasibility study

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided for a feasibility study for a water park and railroad museum and bridge access in Wishram.

	Reappropriation	Appropriation
St Bldg Constr Acct		10,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		10,000

NEW SECTION. Sec. 391. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION
Grants to public agencies' recreation projects (90-2-001)

	Reappropriation	Appropriation
St Bldg Constr Acct		500,000
ORA—Federal	150,000	800,000
ORA—State	1,068,604	6,436,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
21,513,197	12,000,000	42,467,801

NEW SECTION. Sec. 392. FOR THE DEPARTMENT OF TRADE AND ECONOMIC DEVELOPMENT
Community economic revitalization board (86-1-001)

	Reappropriation	Appropriation
St Bldg Constr Acct	5,340,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
19,025,928		24,365,928

NEW SECTION. Sec. 393. FOR THE DEPARTMENT OF TRADE AND ECONOMIC DEVELOPMENT
Washington Technology Center (88-1-003)

The appropriation in this section shall be subject to the following conditions and limitations: The moneys from this appropriation shall be transferred to and administered by the University of Washington.

	Reappropriation	Appropriation
St Bldg Constr Acct	9,600,000	600,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
5,302,000		15,502,000

NEW SECTION. Sec. 394. FOR THE DEPARTMENT OF TRADE AND ECONOMIC DEVELOPMENT
Washington State Agricultural Trade Center—Yakima (88-3-004)

The appropriation in this section is subject to the following conditions and limitations: Expenditures made under this appropriation shall equal seventy-five percent of the total project design and construction costs and shall not exceed \$6,500,000. The twenty-five percent of actual expenditures for design and construction costs shall be cash from nonstate sources.

	Reappropriation	Appropriation
St Bldg Constr Acct	2,300,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
4,200,000		6,500,000

NEW SECTION. Sec. 395. FOR THE DEPARTMENT OF TRADE AND ECONOMIC DEVELOPMENT
Agricultural Complex—Yakima (89-2-005)

The appropriation in this section is subject to the following conditions and limitations: \$1,500,000 is provided solely for parking lot paving, lighting and landscaping.

	Reappropriation	Appropriation
St Bldg Constr Acct	750,000	1,500,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
1,250,000		3,500,000

NEW SECTION. Sec. 396. FOR THE DEPARTMENT OF TRADE AND ECONOMIC DEVELOPMENT
U.S. Olympic Academy (90-5-001)

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

(1) Expenditures made under this appropriation shall not exceed twenty-five percent of the total project costs.

(2) Not less than seventy-five percent of the total project design and construction costs shall be from nonstate sources consisting of cash and the fair market value of donated property.

(3) This appropriation shall not be used for any operating expenses of the academy or any affiliated organization.

(4) No portion of this appropriation shall be expended until the attorney general has approved the expenditure for compliance with Article 8, section 5 of the Washington Constitution.

(5) Prior to any expenditure from this appropriation, the department shall notify the legal entity that will manage and operate the academy that the legislature does not intend to provide any future operating or capital money for the academy.

St Bldg Constr Acct	Reappropriation	Appropriation
<u>Prior Biennia</u>	<u>Future Biennia</u>	5,000,000
		<u>Total</u>
		5,000,000

NEW SECTION, Sec. 397. FOR THE DEPARTMENT OF TRADE AND ECONOMIC DEVELOPMENT
Mt. St. Helens Road and Visitor Center (90-5-002)

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

(1) Expenditures under this appropriation shall not exceed twenty-five percent of the total project cost.

(2) Expenditure of this appropriation is contingent on a contribution of at least \$300,000 by Cowlitz county for the project.

St Bldg Constr Acct	Reappropriation	Appropriation
<u>Prior Biennia</u>	<u>Future Biennia</u>	5,600,000
		<u>Total</u>
		5,600,000

NEW SECTION, Sec. 398. FOR THE STATE CONSERVATION COMMISSION
Water quality projects (90-2-001)

Water Quality Acct	Reappropriation	Appropriation
<u>Prior Biennia</u>	352,500	2,072,160
1,509,500	<u>Future Biennia</u>	<u>Total</u>
	4,400,000	8,334,160

PART 4

NATURAL RESOURCES - CONTINUED

NEW SECTION, Sec. 401. FOR THE DEPARTMENT OF FISHERIES

Habitat—Salmon enhancement program (77-1-005)

Salmon Enhancement Acct	Reappropriation	Appropriation
St Bldg Constr Acct	25,000	921,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
4,284,687		5,230,687

NEW SECTION, Sec. 402. FOR THE DEPARTMENT OF FISHERIES

Replacements and alterations (77-2-004)

Fish Cap Proj Acct	Reappropriation	Appropriation
<u>Prior Biennia</u>	2,243	<u>Total</u>
3,996,688	<u>Future Biennia</u>	3,998,931

NEW SECTION, Sec. 403. FOR THE DEPARTMENT OF FISHERIES

Puget Sound artificial reef construction (79-2-008)

ORA—Federal	Reappropriation	Appropriation
ORA—State	8,300	
<u>Prior Biennia</u>	16,600	<u>Total</u>
420,550	<u>Future Biennia</u>	445,450

NEW SECTION, Sec. 404. FOR THE DEPARTMENT OF FISHERIES

Hood Canal Bridge—Public fishing access (79-2-011)

St Bldg Constr Acct	Reappropriation	Appropriation
<u>Prior Biennia</u>	52,000	<u>Total</u>
442,000	<u>Future Biennia</u>	494,000

NEW SECTION, Sec. 405. FOR THE DEPARTMENT OF FISHERIES

Oakland Bay tideland access design and construction (81-5-014)

The appropriations in this section are subject to the following conditions and limitations: If not expended by June 30, 1990, the appropriations in this section shall lapse.

St Bldg Constr Acct	Reappropriation	Appropriation
ORA—Federal	11,000	
ORA—State	90,000	
<u>Prior Biennia</u>	79,000	<u>Total</u>
	<u>Future Biennia</u>	180,000

NEW SECTION, Sec. 406. FOR THE DEPARTMENT OF FISHERIES

Health, safety and code compliance (86-1-020)

St Bldg Constr Acct	Reappropriation	Appropriation
<u>Prior Biennia</u>	78,000	850,000
371,000	<u>Future Biennia</u>	<u>Total</u>
	500,000	1,799,000

NEW SECTION, Sec. 407. FOR THE DEPARTMENT OF FISHERIES

Towhead Island public access—Renovation (86-2-028)

The appropriations in this section are subject to the following conditions and limitations: If not expended by June 30, 1990, the appropriations in this section shall lapse.

	Reappropriation	Appropriation
ORA—Federal	20,000	
ORA—State	191,000	
<u>Prior Biennia</u>		<u>Total</u>
	<u>Future Biennia</u>	211,000

NEW SECTION, Sec. 408. FOR THE DEPARTMENT OF FISHERIES

Issaquah Hatchery Interpretative Center (86-2-029)

The appropriations in this section are subject to the following conditions and limitations: If not expended by June 30, 1990, the appropriations in this section shall lapse.

	Reappropriation	Appropriation
St Bldg Constr Acct	42,000	
ORA—Federal	53,000	
ORA—State	17,800	
<u>Prior Biennia</u>		<u>Total</u>
17,200	<u>Future Biennia</u>	130,000

NEW SECTION, Sec. 409. FOR THE DEPARTMENT OF FISHERIES

Minor capital projects—Salmon (86-3-022)

The appropriation in this section is subject to the following conditions and limitations: If not expended by June 30, 1990, the appropriation in this section shall lapse.

	Reappropriation	Appropriation
St Bldg Constr Acct	116,000	
<u>Prior Biennia</u>		<u>Total</u>
306,000	<u>Future Biennia</u>	422,000

NEW SECTION, Sec. 410. FOR THE DEPARTMENT OF FISHERIES

Minor capital projects—Shellfish (86-3-023)

The appropriation in this section is subject to the following conditions and limitations: If not expended by June 30, 1990, the appropriation in this section shall lapse.

	Reappropriation	Appropriation
St Bldg Constr Acct	71,240	
<u>Prior Biennia</u>		<u>Total</u>
376,400	<u>Future Biennia</u>	447,640

NEW SECTION, Sec. 411. FOR THE DEPARTMENT OF FISHERIES

Paving and maintenance—Asphalt ponds (86-3-024)

The appropriation in this section is subject to the following conditions and limitations: If not expended by June 30, 1990, the appropriation in this section shall lapse.

	Reappropriation	Appropriation
St Bldg Constr Acct	10,000	
<u>Prior Biennia</u>		<u>Total</u>
285,401	<u>Future Biennia</u>	295,401

NEW SECTION, Sec. 412. FOR THE DEPARTMENT OF FISHERIES

Bremerton public fishing pier—Design and construction (86-3-027)

The appropriations in this section are subject to the following conditions and limitations: If not expended by June 30, 1990, the appropriations in this section shall lapse.

	Reappropriation	Appropriation
St Bldg Constr Acct	89,000	
ORA—Federal	410,000	
ORA—State	285,000	
<u>Prior Biennia</u>		<u>Total</u>
36,000	<u>Future Biennia</u>	820,000

NEW SECTION, Sec. 413. FOR THE DEPARTMENT OF FISHERIES

Willapa Hatchery—New main pipeline (86-3-030)

The appropriation in this section is subject to the following conditions and limitations: If not expended by June 30, 1990, the appropriation in this section shall lapse.

	Reappropriation	Appropriation
St Bldg Constr Acct	12,640	
<u>Prior Biennia</u>		<u>Total</u>
373,000	<u>Future Biennia</u>	385,640

NEW SECTION, Sec. 414. FOR THE DEPARTMENT OF FISHERIES

Patrol seized gear storage (86-3-033)

The appropriation in this section is subject to the following conditions and limitations: If not expended by June 30, 1990, the appropriation in this section shall lapse.

	Reappropriation	Appropriation
St Bldg Constr Acct	5,000	
<u>Prior Biennia</u>		<u>Total</u>
93,000	<u>Future Biennia</u>	98,000

NEW SECTION, Sec. 415. FOR THE DEPARTMENT OF FISHERIES

Hood Canal boat access development (86-3-035)

The appropriations in this section are subject to the following conditions and limitations: If not expended by June 30, 1990, the appropriations in this section shall lapse.

	Reappropriation	Appropriation
ORA—Federal	30,000	
ORA—State	270,000	

<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
NEW SECTION, Sec. 416. FOR THE DEPARTMENT OF FISHERIES		
Hood Canal Smell Beach acquisition (86-3-036)		
The appropriations in this section are subject to the following conditions and limitations: If not expended by June 30, 1990, the appropriations in this section shall lapse.		
	Reappropriation	Appropriation
ORA—Federal	150,000	
ORA—State	150,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		300,000
NEW SECTION, Sec. 417. FOR THE DEPARTMENT OF FISHERIES		
Point Whitney Beach access acquisition (86-3-037)		
	Reappropriation	Appropriation
St Bldg Constr Acct		250,000
ORA—Federal	128,000	250,000
ORA—State	127,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	150,000	905,000
NEW SECTION, Sec. 418. FOR THE DEPARTMENT OF FISHERIES		
Knappton public access (86-3-038)		
The appropriations in this section are subject to the following conditions and limitations: If not expended by June 30, 1990, the appropriations in this section shall lapse.		
	Reappropriation	Appropriation
ORA—Federal	54,000	
ORA—State	55,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		109,000
NEW SECTION, Sec. 419. FOR THE DEPARTMENT OF FISHERIES		
McAllister—Improvements (88-2-003)		
	Reappropriation	Appropriation
St Bldg Constr Acct	226,300	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		259,000
NEW SECTION, Sec. 420. FOR THE DEPARTMENT OF FISHERIES		
Minor capital projects—Salmon north (88-2-005)		
	Reappropriation	Appropriation
St Bldg Constr Acct	8,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		440,000
NEW SECTION, Sec. 421. FOR THE DEPARTMENT OF FISHERIES		
Minor capital projects—Salmon south (88-2-006)		
	Reappropriation	Appropriation
General Fund—Federal	853,000	
St Bldg Constr Acct	362,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		1,251,000
NEW SECTION, Sec. 422. FOR THE DEPARTMENT OF FISHERIES		
Minor capital projects—Salmon coast (88-2-007)		
	Reappropriation	Appropriation
St Bldg Constr Acct	26,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		192,200
NEW SECTION, Sec. 423. FOR THE DEPARTMENT OF FISHERIES		
Salmon culture—Repair and replacement (88-2-008)		
	Reappropriation	Appropriation
St Bldg Constr Acct	150,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		305,000
NEW SECTION, Sec. 424. FOR THE DEPARTMENT OF FISHERIES		
Concrete ponds—Repair and replacement (88-2-009)		
	Reappropriation	Appropriation
St Bldg Constr Acct	96,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		803,000
NEW SECTION, Sec. 425. FOR THE DEPARTMENT OF FISHERIES		
Small repairs and improvements (88-2-019)		
	Reappropriation	Appropriation

General Fund—Federal	159,000		
<u>Prior Biennia</u>			<u>Total</u>
			159,000
<u>NEW SECTION</u> , Sec. 426. FOR THE DEPARTMENT OF FISHERIES			
Clam and Oyster Beach enhancement (88-5-002)			
	Reappropriation		Appropriation
St Bldg Constr Acct	1,181,000		1,200,000
<u>Prior Biennia</u>			<u>Total</u>
32,000	1,200,000		2,413,000
<u>NEW SECTION</u> , Sec. 427. FOR THE DEPARTMENT OF FISHERIES			
Fish protection facilities (88-5-012)			
	Reappropriation		Appropriation
St Bldg Constr Acct	50,000		235,000
<u>Prior Biennia</u>			<u>Total</u>
154,000	400,000		839,000
<u>NEW SECTION</u> , Sec. 428. FOR THE DEPARTMENT OF FISHERIES			
Columbia River—Fishing access (88-5-014)			
	Reappropriation		Appropriation
St Bldg Constr Acct	186,000		
<u>Prior Biennia</u>			<u>Total</u>
129,000			315,000
<u>NEW SECTION</u> , Sec. 429. FOR THE DEPARTMENT OF FISHERIES			
Coast and Puget Sound Salmon enhancement (88-5-016)			
	Reappropriation		Appropriation
Salmon Enhancement Acct	2,632,000		
St Bldg Constr Acct			2,500,000
<u>Prior Biennia</u>			<u>Total</u>
1,388,000	3,750,000		7,770,000
<u>NEW SECTION</u> , Sec. 430. FOR THE DEPARTMENT OF FISHERIES			
Shorefishing access development (88-5-018)			
	Reappropriation		Appropriation
St Bldg Constr Acct	623,000		450,000
<u>Prior Biennia</u>			<u>Total</u>
250,000	1,273,000		2,596,000
<u>NEW SECTION</u> , Sec. 431. FOR THE DEPARTMENT OF FISHERIES			
South Sound net pen support facility (90-2-007)			
	Reappropriation		Appropriation
St Bldg Constr Acct			343,000
<u>Prior Biennia</u>			<u>Total</u>
			343,000
<u>NEW SECTION</u> , Sec. 432. FOR THE DEPARTMENT OF FISHERIES			
Humpulips upgrade intake dam (90-2-010)			
	Reappropriation		Appropriation
St Bldg Constr Acct			213,100
<u>Prior Biennia</u>			<u>Total</u>
			213,100
<u>NEW SECTION</u> , Sec. 433. FOR THE DEPARTMENT OF FISHERIES			
Salmon culture minor works projects (90-2-011)			
	Reappropriation		Appropriation
St Bldg Constr Acct			655,000
<u>Prior Biennia</u>			<u>Total</u>
			655,000
<u>NEW SECTION</u> , Sec. 434. FOR THE DEPARTMENT OF FISHERIES			
Habitat management shop building (90-2-012)			
	Reappropriation		Appropriation
St Bldg Constr Acct			435,000
<u>Prior Biennia</u>			<u>Total</u>
			435,000
<u>NEW SECTION</u> , Sec. 435. FOR THE DEPARTMENT OF FISHERIES			
Field services—Minor works (90-2-015)			
	Reappropriation		Appropriation
St Bldg Constr Acct			235,000
<u>Prior Biennia</u>			<u>Total</u>
	100,000		335,000
<u>NEW SECTION</u> , Sec. 436. FOR THE DEPARTMENT OF FISHERIES			
Salmon culture—Minor capital (90-2-017)			
	Reappropriation		Appropriation
St Bldg Constr Acct			668,700

<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	1,350,000	2,018,700
<u>NEW SECTION, Sec. 437. FOR THE DEPARTMENT OF FISHERIES</u>		
George Adams, water supply (90-2-019)		
	Reappropriation	Appropriation
St Bldg Constr Acct		175,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		175,000
<u>NEW SECTION, Sec. 438. FOR THE DEPARTMENT OF FISHERIES</u>		
Ilwaco boat access expansion (90-2-023)		
	Reappropriation	Appropriation
ORA—State		300,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		300,000
<u>NEW SECTION, Sec. 439. FOR THE DEPARTMENT OF FISHERIES</u>		
Bonneville pool access expansion (90-2-028)		
	Reappropriation	Appropriation
ORA—State		100,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	100,000	200,000
<u>NEW SECTION, Sec. 440. FOR THE DEPARTMENT OF FISHERIES</u>		
Property acquisition (90-3-009)		
	Reappropriation	Appropriation
St Bldg Constr Acct		330,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		330,000
<u>NEW SECTION, Sec. 441. FOR THE DEPARTMENT OF FISHERIES</u>		
Shellfish surveys and Point Whitney repairs (90-3-013)		
	Reappropriation	Appropriation
St Bldg Constr Acct		175,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	350,000	525,000
<u>NEW SECTION, Sec. 442. FOR THE DEPARTMENT OF FISHERIES</u>		
Point Whitney—Property acquisition (90-3-014)		
	Reappropriation	Appropriation
St Bldg Constr Acct		150,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		150,000
<u>NEW SECTION, Sec. 443. FOR THE DEPARTMENT OF FISHERIES</u>		
Strait of Juan De Fuca shoreline acquisition (90-5-025)		
	Reappropriation	Appropriation
ORA—State		350,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	200,000	550,000
<u>NEW SECTION, Sec. 444. FOR THE DEPARTMENT OF FISHERIES</u>		
Kingston boat launch development (90-5-027)		
	Reappropriation	Appropriation
ORA—State		100,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		100,000
<u>NEW SECTION, Sec. 445. FOR THE DEPARTMENT OF WILDLIFE</u>		
Chehalis Valley HMA acquisition (83-5-021)		
	Reappropriation	Appropriation
Wildlife Acct—State		346,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		346,000
<u>NEW SECTION, Sec. 446. FOR THE DEPARTMENT OF WILDLIFE</u>		
Lake Goodwin redevelopment (86-2-021)		
	Reappropriation	Appropriation
ORA—State		77,297
Wildlife Acct—State		8,588
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		85,885
<u>NEW SECTION, Sec. 447. FOR THE DEPARTMENT OF WILDLIFE</u>		
Satsop river: Acquisition and redevelopment (86-2-029)		
	Reappropriation	Appropriation
ORA—State		75,000

	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	8,000		83,000
	<u>NEW SECTION, Sec. 448. FOR THE DEPARTMENT OF WILDLIFE</u>		
	Mineral Lake—Site improvements (86-3-028)		
		Reappropriation	Appropriation
ORA—State		40,346	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	71,163		111,509
	<u>NEW SECTION, Sec. 449. FOR THE DEPARTMENT OF WILDLIFE</u>		
	Pipe Lake—Public fishing access (86-4-027)		
		Reappropriation	Appropriation
ORA—State		83,250	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
			83,250
	<u>NEW SECTION, Sec. 450. FOR THE DEPARTMENT OF WILDLIFE</u>		
	State-wide boating access development (88-5-014)		
		Reappropriation	Appropriation
Wildlife Acct—Federal		231,375	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	268,625		500,000
	<u>NEW SECTION, Sec. 451. FOR THE DEPARTMENT OF WILDLIFE</u>		
	Aberdeen Fish Hatchery expansion (89-5-017)		
		Reappropriation	Appropriation
Game Spec Wildlife Acct		740,000	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	79,000		819,000
	<u>NEW SECTION, Sec. 452. FOR THE DEPARTMENT OF WILDLIFE</u>		
	Asbestos abatement health safety and code compliance, phase 1 (90-1-001)		
		Reappropriation	Appropriation
St Bldg Constr Acct			600,000
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		1,200,000	1,800,000
	<u>NEW SECTION, Sec. 453. FOR THE DEPARTMENT OF WILDLIFE</u>		
	Public fishing access minor works repair (90-1-014)		
		Reappropriation	Appropriation
Wildlife Acct—Federal			500,000
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		1,300,000	1,800,000
	<u>NEW SECTION, Sec. 454. FOR THE DEPARTMENT OF WILDLIFE</u>		
	Emergency repair and replacement (90-2-002)		
		Reappropriation	Appropriation
Wildlife Acct—State		50,000	300,000
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	253,000	900,000	1,503,000
	<u>NEW SECTION, Sec. 455. FOR THE DEPARTMENT OF WILDLIFE</u>		
	Facility maintenance small repair and improvements (90-2-003)		
		Reappropriation	Appropriation
Wildlife Acct—State			500,000
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	629,000	1,100,000	2,229,000
	<u>NEW SECTION, Sec. 456. FOR THE DEPARTMENT OF WILDLIFE</u>		
	Hatchery renovation and improvement (90-2-004)		
		Reappropriation	Appropriation
St Bldg Constr Acct			1,150,000
Wildlife Acct—Federal		576,774	1,100,000
Wildlife Acct—State			1,000,000
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	400,000	13,000,000	17,226,774
	<u>NEW SECTION, Sec. 457. FOR THE DEPARTMENT OF WILDLIFE</u>		
	Redevelopment of public fishing access sites (IAC) (90-2-007)		
		Reappropriation	Appropriation
ORA—State			1,126,000
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		2,115,000	3,241,000
	<u>NEW SECTION, Sec. 458. FOR THE DEPARTMENT OF WILDLIFE</u>		
	Development of public fishing access sites (IAC) (90-2-008)		
		Reappropriation	Appropriation
St Bldg Constr Acct			294,000

ORA—State			136,000
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
	300,000		730,000
<u>NEW SECTION, Sec. 459. FOR THE DEPARTMENT OF WILDLIFE</u>			
Wildlife area repair and development (90-2-016)			
	Reappropriation		Appropriation
Wildlife Acct—State			250,000
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
	500,000		750,000
<u>NEW SECTION, Sec. 460. FOR THE DEPARTMENT OF WILDLIFE</u>			
Wells wildlife area repair and improvements (90-2-018)			
	Reappropriation		Appropriation
Game Spec Wildlife Acct		92,000	50,000
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
8,000	100,000		250,000
<u>NEW SECTION, Sec. 461. FOR THE DEPARTMENT OF WILDLIFE</u>			
Vancouver well (90-2-022)			
	Reappropriation		Appropriation
Wildlife Acct—State		167,203	
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
			167,203
<u>NEW SECTION, Sec. 462. FOR THE DEPARTMENT OF WILDLIFE</u>			
State-wide fencing repair and replacement (90-3-015)			
	Reappropriation		Appropriation
Wildlife Acct—State			1,000,000
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
368,000	2,000,000		3,368,000
<u>NEW SECTION, Sec. 463. FOR THE DEPARTMENT OF WILDLIFE</u>			
Migratory waterfowl habitat acquisition (90-5-005)			
	Reappropriation		Appropriation
Wildlife Acct—State		333,285	350,000
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
62,715	700,000		1,446,000
<u>NEW SECTION, Sec. 464. FOR THE DEPARTMENT OF WILDLIFE</u>			
Acquisition of critical habitat (90-5-006)			
	Reappropriation		Appropriation
Wildlife Acct—State			250,000
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
	500,000		750,000
<u>NEW SECTION, Sec. 465. FOR THE DEPARTMENT OF WILDLIFE</u>			
Acquisition of critical water oriented access (IAC) (90-5-009)			
	Reappropriation		Appropriation
ORA—State			20,250
Wildlife Acct—Federal			100,000
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
			120,250
<u>NEW SECTION, Sec. 466. FOR THE DEPARTMENT OF WILDLIFE</u>			
Acquisition of wildlife habitat (90-5-012)			
The appropriation in this section is subject to the following conditions and limitations: No			
moneys may be expended from this appropriation without first selling state-owned land of			
equal or greater value.			
	Reappropriation		Appropriation
Wildlife Acct—State			600,000
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
	800,000		1,400,000
<u>NEW SECTION, Sec. 467. FOR THE DEPARTMENT OF WILDLIFE</u>			
Migratory waterfowl habitat development (90-5-017)			
	Reappropriation		Appropriation
Wildlife Acct—State		150,000	300,000
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
212,000	700,000		1,362,000
<u>NEW SECTION, Sec. 468. FOR THE DEPARTMENT OF WILDLIFE</u>			
Habitat enhancement fund (90-5-019)			
	Reappropriation		Appropriation
Wildlife Acct—Private/local			500,000
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
	1,000,000		1,500,000

PART 5
NATURAL RESOURCES - CONTINUED

NEW SECTION. Sec. 501. FOR THE DEPARTMENT OF NATURAL RESOURCES
Right-of-way acquisition (86-3-001)

	Reappropriation	Appropriation
For Dev Acct		213,000
Res Mgmt Cost Acct		577,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
1,646,000	950,000	3,386,000

NEW SECTION. Sec. 502. FOR THE DEPARTMENT OF NATURAL RESOURCES
Unforeseen emergency repairs, irrigation (86-3-002)

	Reappropriation	Appropriation
Res Mgmt Cost Acct		200,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
492,000	400,000	1,092,000

NEW SECTION. Sec. 503. FOR THE DEPARTMENT OF NATURAL RESOURCES
Commercial development and electronics (86-3-004)

	Reappropriation	Appropriation
Res Mgmt Cost Acct		420,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
20,000	400,000	840,000

NEW SECTION. Sec. 504. FOR THE DEPARTMENT OF NATURAL RESOURCES
Recreation sites renovation (86-3-018)

	Reappropriation	Appropriation
ORV Acct	64,200	
ORA—State	259,300	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
399,500		723,000

NEW SECTION. Sec. 505. FOR THE DEPARTMENT OF NATURAL RESOURCES
Aquatic land enhancement (86-3-020)

	Reappropriation	Appropriation
Aquatic Lands Acct	1,295,000	4,154,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
962,000	14,400,000	21,697,000

NEW SECTION. Sec. 506. FOR THE DEPARTMENT OF NATURAL RESOURCES
Land bank (86-4-003)

The appropriation in this section is subject to the following conditions and limitations: No moneys may be expended from this appropriation without first selling state-owned land of equal or greater value.

	Reappropriation	Appropriation
Res Mgmt Cost Acct		12,000,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
11,440,000	30,000,000	53,440,000

NEW SECTION. Sec. 507. FOR THE DEPARTMENT OF NATURAL RESOURCES
State-wide emergency repairs (88-1-002)

	Reappropriation	Appropriation
For Dev Acct		8,600
Res Mgmt Cost Acct		32,300
St Bldg Constr Acct		18,300
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
54,000	135,900	249,100

NEW SECTION. Sec. 508. FOR THE DEPARTMENT OF NATURAL RESOURCES
State-wide nonemergency repairs (88-2-010)

	Reappropriation	Appropriation
For Dev Acct		8,700
Res Mgmt Cost Acct		32,900
St Bldg Constr Acct		18,700
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
55,000	138,500	253,800

NEW SECTION. Sec. 509. FOR THE DEPARTMENT OF NATURAL RESOURCES
Commercial development/L.I.D. (88-2-020)

	Reappropriation	Appropriation
Res Mgmt Cost Acct		710,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
745,000	1,420,000	2,875,000

NEW SECTION. Sec. 510. FOR THE DEPARTMENT OF NATURAL RESOURCES
Timber—Fish—Wildlife (88-2-021)

	Reappropriation	Appropriation
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St Bldg Constr Acct		262,500	
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
37,500			300,000
<u>NEW SECTION, Sec. 511. FOR THE DEPARTMENT OF NATURAL RESOURCES</u>			
Natural resources conservation areas (88-2-060)			
		Reappropriation	Appropriation
Conservation Area Acct		3,500,000	942,000
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
4,400,000			8,842,000
<u>NEW SECTION, Sec. 512. FOR THE DEPARTMENT OF NATURAL RESOURCES</u>			
NAP property purchases (88-2-061)			
The appropriations in this section are subject to the following conditions and limitations: \$1,000,000 of the state building and construction account appropriation and \$471,000 of the conservation area account appropriation are provided solely for the purpose of purchasing property or a less-than-fee interest in property under chapter 79.70 RCW. Moneys from this appropriation may not be expended unless for every two dollars to be expended from this appropriation at least one dollar is spent from privately raised funds, contributions of real property or interest in real property, or services necessary to achieve the purpose of this section.			
		Reappropriation	Appropriation
Conservation Area Acct		890,000	471,000
St Bldg Constr Acct			1,000,000
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
3,110,000			5,471,000
<u>NEW SECTION, Sec. 513. FOR THE DEPARTMENT OF NATURAL RESOURCES</u>			
Hawks Prairie sewer hookup (88-5-045)			
		Reappropriation	Appropriation
Res Mgmt Cost Acct		50,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
150,000			200,000
<u>NEW SECTION, Sec. 514. FOR THE DEPARTMENT OF NATURAL RESOURCES</u>			
Seed orchard irrigation (89-2-006)			
		Reappropriation	Appropriation
For Dev Acct			19,500
Res Mgmt Cost Acct			45,500
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
165,000	160,000		390,000
<u>NEW SECTION, Sec. 515. FOR THE DEPARTMENT OF NATURAL RESOURCES</u>			
Management roads (89-2-008)			
		Reappropriation	Appropriation
Res Mgmt Cost Acct		122,400	
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
233,000			355,400
<u>NEW SECTION, Sec. 516. FOR THE DEPARTMENT OF NATURAL RESOURCES</u>			
Communication site maintenance (89-2-009)			
		Reappropriation	Appropriation
Res Mgmt Cost Acct			150,000
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
177,000	300,000		627,000
<u>NEW SECTION, Sec. 517. FOR THE DEPARTMENT OF NATURAL RESOURCES</u>			
Real estate improved property minor works (89-2-010)			
		Reappropriation	Appropriation
For Dev Acct			25,000
Res Mgmt Cost Acct			365,000
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
250,000	780,000		1,420,000
<u>NEW SECTION, Sec. 518. FOR THE DEPARTMENT OF NATURAL RESOURCES</u>			
Recreation site renovation (89-3-001)			
The appropriations in this section are subject to the following conditions and limitations: If not expended by June 30, 1990, the appropriations in this section shall lapse.			
		Reappropriation	Appropriation
St Bldg Constr Acct		550,100	
ORA—State		561,100	
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
36,800			1,148,000
<u>NEW SECTION, Sec. 519. FOR THE DEPARTMENT OF NATURAL RESOURCES</u>			
Wharf demolition/dock renovation (90-1-403)			
		Reappropriation	Appropriation

Res Mgmt Cost Acct		200,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		200,000
<u>NEW SECTION, Sec. 520. FOR THE DEPARTMENT OF NATURAL RESOURCES</u>		
Asbestos surveys/removal (90-1-703)		
	Reappropriation	Appropriation
For Dev Acct		35,700
Res Mgmt Cost Acct		49,200
St Bldg Constr Acct		30,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		114,900
<u>NEW SECTION, Sec. 521. FOR THE DEPARTMENT OF NATURAL RESOURCES</u>		
Environmental cleanup (90-1-704)		
	Reappropriation	Appropriation
For Dev Acct		75,900
Res Mgmt Cost Acct		273,500
St Bldg Constr Acct		235,600
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	554,900	1,139,900
<u>NEW SECTION, Sec. 522. FOR THE DEPARTMENT OF NATURAL RESOURCES</u>		
Environmental protection (90-1-706)		
	Reappropriation	Appropriation
For Dev Acct		13,700
Res Mgmt Cost Acct		119,300
St Bldg Constr Acct		151,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	284,000	568,000
<u>NEW SECTION, Sec. 523. FOR THE DEPARTMENT OF NATURAL RESOURCES</u>		
NE city code compliance (90-1-708)		
	Reappropriation	Appropriation
Res Mgmt Cost Acct		31,500
St Bldg Constr Acct		15,500
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		47,000
<u>NEW SECTION, Sec. 524. FOR THE DEPARTMENT OF NATURAL RESOURCES</u>		
Regional cold storage (90-2-310)		
	Reappropriation	Appropriation
For Dev Acct		150,000
Res Mgmt Cost Acct		362,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	142,000	654,000
<u>NEW SECTION, Sec. 525. FOR THE DEPARTMENT OF NATURAL RESOURCES</u>		
Irrigation pipeline replacement (90-2-311)		
	Reappropriation	Appropriation
Res Mgmt Cost Acct		532,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	400,000	932,000
<u>NEW SECTION, Sec. 526. FOR THE DEPARTMENT OF NATURAL RESOURCES</u>		
Administration sites repairs (90-2-312)		
	Reappropriation	Appropriation
Res Mgmt Cost Acct		65,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	130,000	195,000
<u>NEW SECTION, Sec. 527. FOR THE DEPARTMENT OF NATURAL RESOURCES</u>		
Bridge and road replacement (90-2-503)		
	Reappropriation	Appropriation
ORV Acct		15,000
For Dev Acct		15,000
Res Mgmt Cost Acct		35,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	2,240,000	3,512,000
<u>NEW SECTION, Sec. 528. FOR THE DEPARTMENT OF NATURAL RESOURCES</u>		
Compound replacement planning (90-2-705)		
	Reappropriation	Appropriation
St Bldg Constr Acct		50,000
Res Mgmt Cost Acct		39,000
For Dev Acct		11,000

<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
<u>NEW SECTION, Sec. 529. FOR THE DEPARTMENT OF NATURAL RESOURCES</u>		
Woodard Bay NRCA fencing dev. (90-3-103)		
	Reappropriation	Appropriation
St Bldg Constr Acct		200,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		200,000
<u>NEW SECTION, Sec. 530. FOR THE DEPARTMENT OF NATURAL RESOURCES</u>		
Dishman Hills protection dev. (90-3-104)		
	Reappropriation	Appropriation
St Bldg Constr Acct		100,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		100,000
<u>NEW SECTION, Sec. 531. FOR THE DEPARTMENT OF NATURAL RESOURCES</u>		
Natural area preserves management (90-3-105)		
	Reappropriation	Appropriation
St Bldg Constr Acct		150,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	200,000	350,000
<u>NEW SECTION, Sec. 532. FOR THE DEPARTMENT OF NATURAL RESOURCES</u>		
Construct and improve recreation sites (90-5-201)		
	Reappropriation	Appropriation
ORV Acct		117,000
St Bldg Constr Acct		363,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		480,000
<u>NEW SECTION, Sec. 533. FOR THE DEPARTMENT OF NATURAL RESOURCES</u>		
Seattle waterfront phase 1 dev. (90-5-202)		
	Reappropriation	Appropriation
ORA—State		750,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	750,000	1,500,000
<u>NEW SECTION, Sec. 534. FOR THE DEPARTMENT OF NATURAL RESOURCES</u>		
Woodard Bay health and safety dev. (90-5-203)		
	Reappropriation	Appropriation
St Bldg Constr Acct		250,000
ORA—Federal		250,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		500,000
<u>NEW SECTION, Sec. 535. FOR THE DEPARTMENT OF NATURAL RESOURCES</u>		
Long Lake phase 2 dev. (90-5-204)		
	Reappropriation	Appropriation
ORV Acct		150,000
ORA—State		205,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		355,000
<u>NEW SECTION, Sec. 536. FOR THE DEPARTMENT OF NATURAL RESOURCES</u>		
Geoduck Hatchery (90-5-402)		
	Reappropriation	Appropriation
Res Mgmt Cost Acct		333,927
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		333,927
<u>NEW SECTION, Sec. 537. FOR THE DEPARTMENT OF NATURAL RESOURCES</u>		
Spencer Island wetlands acquisition		
The appropriation in this section is subject to the following conditions and limitations: Expenditure of moneys from this appropriation is contingent on the expenditure for the same purpose of at least one dollar from nonstate sources for each dollar spent from this appropriation.		
	Reappropriation	Appropriation
St Bldg Constr Acct		300,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		300,000
<u>NEW SECTION, Sec. 538. FOR THE DEPARTMENT OF NATURAL RESOURCES</u>		
Mitigation of aviation hazard in Lake Washington/Cedar River		
The appropriation in this section is subject to the following conditions and limitations: This appropriation is provided solely for efforts to mitigate against aviation hazards posed by birds frequented a sandbar north of the runway at Renton municipal airport.		

(1) \$40,000 of this appropriation may be used to investigate the gravity of the aviation hazard, and to investigate alternative methods of reducing the hazard, including low-cost techniques such as netting or other deterrents to the birds, and also including dredging of all or a portion of the sandbar. The amount provided in this subsection may also be used to assist the city of Renton in obtaining necessary permits or obtaining information necessary for permits for mitigating measures.

(2) \$100,000 is provided solely for a ten percent contribution to a matching ninety percent grant from the federal aviation administration to the Renton municipal airport for the purpose of eliminating or reducing the hazard posed by the birds.

(3) The department is authorized to lease lands containing the sandbar to the city of Renton, if necessary to secure the grant described in subsection (2) of this section, or if necessary to implement another method of reducing flight hazards.

St Bldg Constr Acct	Reappropriation	Appropriation
		140,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		140,000

NEW SECTION. Sec. 539. FOR THE STATE CONVENTION AND TRADE CENTER

Washington State Convention and Trade Center (83-5-001)

Conv Cntr Acct	Reappropriation	Appropriation
	1,000,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
35,618,000		36,618,000

NEW SECTION. Sec. 540. FOR THE STATE CONVENTION AND TRADE CENTER

Project reserves and contingency funds (89-5-001)

Conv Cntr Acct	Reappropriation	Appropriation
	3,000,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
1,765,000		4,765,000

NEW SECTION. Sec. 541. FOR THE STATE CONVENTION AND TRADE CENTER

Conversion of retail space to meeting rooms (89-5-002)

Conv Cntr Acct	Reappropriation	Appropriation
	12,250,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
750,000		13,000,000

NEW SECTION. Sec. 542. FOR THE STATE CONVENTION AND TRADE CENTER

Expansion of the nine hundred level (89-5-003)

Conv Cntr Acct	Reappropriation	Appropriation
	12,750,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
550,000		13,300,000

NEW SECTION. Sec. 543. FOR THE STATE CONVENTION AND TRADE CENTER

Purchase of McKay parcel (89-5-004)

Conv Cntr Acct	Reappropriation	Appropriation
	10,400,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		10,400,000

NEW SECTION. Sec. 544. FOR THE STATE CONVENTION AND TRADE CENTER

Eagles building: Exterior cleanup and repair (89-5-005)

Conv Cntr Acct	Reappropriation	Appropriation
	300,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		300,000

PART 6

TRANSPORTATION

NEW SECTION. Sec. 601. FOR THE WASHINGTON STATE PATROL

Crime laboratory renovation—Seattle (90-2-003)

St Bldg Constr Acct	Reappropriation	Appropriation
		441,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
15,000		456,000

NEW SECTION. Sec. 602. FOR THE WASHINGTON STATE PATROL

Expand and renovate laboratory—Tacoma (90-2-005)

St Bldg Const Acct	Reappropriation	Appropriation
		165,200
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
6,000		171,200

NEW SECTION. Sec. 603. FOR THE WASHINGTON STATE PATROL

Crime laboratory renovation—Spokane (90-2-008)	Reappropriation	Appropriation
St Bldg Constr Acct		80,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
10,000		90,000

NEW SECTION, Sec. 604. FOR THE WASHINGTON STATE PATROL

Construct district headquarters—Everett (90-2-018)

The appropriation in this section is subject to the following conditions and limitations: This appropriation is provided solely for the design and construction of a crime lab facility as part of the new district headquarters.

St Bldg Constr Acct	Reappropriation	Appropriation
		470,100
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		470,100

NEW SECTION, Sec. 605. FOR THE DEPARTMENT OF TRANSPORTATION

Acquisition of dredge spoils sites (83-1-001)

St Bldg Constr Acct	Reappropriation	Appropriation
	2,369,430	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
2,420,000		4,789,430

NEW SECTION, Sec. 606. FOR THE DEPARTMENT OF TRANSPORTATION

Retention dam: Green/Toutle River site acquisition (87-1-001)

St Bldg Constr Acct	Reappropriation	Appropriation
	5,387,043	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
13,289,430		18,676,473

NEW SECTION, Sec. 607. FOR THE DEPARTMENT OF TRANSPORTATION

Freight rail assistance and banking (90-5-001)

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

(1) \$2,300,000 from the essential rail assistance account appropriation is provided solely for distribution to county rail districts and port districts for the purposes of acquiring, maintaining, or improving branch lines as authorized by chapter 47.76 RCW.

(2) \$1,100,000 from the essential rail bank account appropriation is provided solely for the purchase of unused rail rights-of-way as authorized by chapter 47.76 RCW.

(3) Expenditures from the essential rail bank account appropriation shall not be made until the department consults with the chairs and ranking minority members of the house of representatives and senate transportation committees, house of representatives capital facilities committee, and senate ways and means committee, concerning specific railroad rights-of-way that the department proposes to acquire or assist local governments in acquiring, and as required by Substitute House Bill No. 1825.

Ess Rail Assis Acct	Reappropriation	Appropriation
Ess Rail Bank Acct		2,300,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		1,100,000
		3,400,000

PART 7

EDUCATION

NEW SECTION, Sec. 701. FOR THE STATE BOARD OF EDUCATION

Public school building construction: 1979 (79-3-002)

Common School Constr Fund	Reappropriation	Appropriation
	500	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
66,425		66,925

NEW SECTION, Sec. 702. FOR THE STATE BOARD OF EDUCATION

Public school building construction: 1983 (83-3-001)

Common School Constr Fund	Reappropriation	Appropriation
	600,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
1,000,000		1,600,000

NEW SECTION, Sec. 703. FOR THE STATE BOARD OF EDUCATION

Public school building construction: 1985-87 (86-4-001)

Common School Constr Fund	Reappropriation	Appropriation
	2,500,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
29,500,000		32,000,000

NEW SECTION, Sec. 704. FOR THE STATE BOARD OF EDUCATION

Planning grants: 1985-87 (86-4-007)

Reappropriation	Appropriation
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Common School Constr Fund		60,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
292,275			352,275
<u>NEW SECTION, Sec. 705. FOR THE STATE BOARD OF EDUCATION</u>			
Artwork grants: 1985-87 (86-4-008)			
		Reappropriation	Appropriation
Common School Constr Fund		180,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
114,000			294,000
<u>NEW SECTION, Sec. 706. FOR THE STATE BOARD OF EDUCATION</u>			
Public school building construction: 1987 (88-2-001)			
		Reappropriation	Appropriation
Common School Constr Fund		87,500,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
120,762,000			208,262,000
<u>NEW SECTION, Sec. 707. FOR THE STATE BOARD OF EDUCATION</u>			
Darrington school district: New elementary and middle school (89-2-004)			
		Reappropriation	Appropriation
Common School Constr Fund		3,000,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
			3,000,000

NEW SECTION, Sec. 708. FOR THE STATE BOARD OF EDUCATION

Public school building construction: 1989 (90-2-001)

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

(1) A maximum of \$1,050,000 may be spent for state administration of school construction funding.

(2) \$66,136,000 is provided solely for modernization projects approved by the state board of education.

(3) The appropriation in this section includes proceeds of the issuance of bonds authorized for deposit in the common school construction fund by chapter 3, Laws of 1987 1st ex. sess., and ten million dollars in additional state bonds authorized by chapter ____, Laws of 1989 (HB ____). Of the proceeds of bonds authorized by chapter ____, Laws of 1989 (HB ____), \$8,000,000, or as much thereof as may be necessary, shall be compensation to the common school construction fund for the sale of timber from common school trust lands sold to the parks and recreation commission pursuant to RCW 43.51.270, and authorized for sale by the legislature prior to January 1, 1989.

(4) If Initiative 102 is not enacted by December 31, 1989, or if Engrossed Substitute Senate Bill No. 5352 as enacted does not contain a transfer of \$45,000,000 from the children's initiative fund—K-12 education account to the common school construction fund, \$45,000,000 of this appropriation shall lapse.

(5) The state board shall review current rules and administrative procedures, and shall amend or revise these rules and procedures to address the following concerns:

(a) The discrepancy between the forecasted enrollments used for determining state funding for school construction, and the state-wide growth trends predicted by the office of financial management;

(b) The infrequency of cooperative use of surplus space available in neighboring districts;

(c) The creation of new construction needs by school districts by selling or demolishing schools, or by redesignating grade space or administrative use of school buildings;

(d) The incentive to condemn useable schools to secure state funding, rather than awaiting uncertain support for modernization;

(e) Greater needs for replacement of decaying schools caused by deferral of modernization, at a higher long-term cost to the state and local districts;

(f) The potential of district boundary changes for the purpose of achieving more efficient use of facilities; and

(g) The potential of the state to recover its share of the value of old school buildings that were built with state matching moneys.

Prior to September 15, 1989, the state board of education shall report to the capital facilities and financing committee of the house of representatives and the ways and means committee of the senate on the actions taken or rules adopted by the board to address these concerns.

		Reappropriation	Appropriation
Common School Constr Fund			231,500,000
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
			231,500,000

NEW SECTION, Sec. 709. FOR THE STATE BOARD OF EDUCATION

Common school disbursement limit

The appropriations in sections 701 through 708 of this act are subject to the following conditions and limitations: A maximum of \$276,890,000 from the total of these appropriations may be disbursed during the 1989-91 biennium. If Initiative 102 is not enacted by December 31,

1989, or if Engrossed Substitute Senate Bill No. 5352 as enacted does not contain a transfer of \$45,000,000 from the children's initiative fund—K-12 education account to the common school construction fund, the amount provided under this subsection shall be reduced to \$231,890,000.

NEW SECTION. Sec. 710. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION
School housing emergencies

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

(1) This appropriation is provided solely to provide portable classrooms for school districts that have experienced an unanticipated school housing emergency. Portable classrooms provided under this section shall be leased by the superintendent of public instruction to school districts at fair market rates, and the lease payments shall be deposited into the common school construction fund. School districts may qualify for assistance under this section only as a result of events barring students from occupying a school or a portion of a school, and portables shall not be provided under this section to address needs attributable to enrollment growth. The superintendent of public instruction shall provide assistance to a school district under this section only if satisfied that the district has considered other available options and that portable classrooms are the most feasible solution to school housing needs.

(2) Districts receiving assistance under this section shall submit a plan to replace or reopen their closed facilities prior to the end of the lease period, and shall certify that local levy funds or other resources are available and adequate to complete the plan and meet all terms of the lease.

Common School Constr Fund	Reappropriation	Appropriation
		650,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		650,000

NEW SECTION. Sec. 711. FOR THE WASHINGTON INSTITUTE OF APPLIED TECHNOLOGY
Vocational Technology Center (88-2-003)

St Bldg Constr Acct	Reappropriation	Appropriation
	475,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
5,525,000		6,000,000

NEW SECTION. Sec. 712. FOR THE STATE SCHOOL FOR THE BLIND
Automatic sliding doors—Irwin education building (90-1-001)

St Bldg Constr Acct	Reappropriation	Appropriation
		14,580
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		14,580

NEW SECTION. Sec. 713. FOR THE STATE SCHOOL FOR THE BLIND
Asbestos abatement (90-1-006)

St Bldg Constr Acct	Reappropriation	Appropriation
		324,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		324,000

NEW SECTION. Sec. 714. FOR THE STATE SCHOOL FOR THE BLIND
Replace heating and ventilation system and roof repairs: Irwin building (90-2-002)

St Bldg Constr Acct	Reappropriation	Appropriation
		130,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		130,000

NEW SECTION. Sec. 715. FOR THE STATE SCHOOL FOR THE BLIND
Driveway/parking lot repaving (90-2-003)

St Bldg Constr Acct	Reappropriation	Appropriation
		21,270
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		21,270

NEW SECTION. Sec. 716. FOR THE STATE SCHOOL FOR THE DEAF
Remove and replace three transformers/clerk (90-1-002)

St Bldg Constr Acct	Reappropriation	Appropriation
		36,500
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		36,500

NEW SECTION. Sec. 717. FOR THE STATE SCHOOL FOR THE DEAF
Asbestos abatement (90-1-005)

St Bldg Constr Acct	Reappropriation	Appropriation
		245,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		245,000

NEW SECTION. Sec. 718. FOR THE STATE SCHOOL FOR THE DEAF

Wheelchair lifts—Clark Hall, vocational, Northrup School (90-2-003)	Reappropriation	Appropriation
St Bldg Constr Acct		147,100
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		147,100
<u>NEW SECTION, Sec. 719. FOR THE STATE SCHOOL FOR THE DEAF</u>		
Roof repair (91-2-002)	Reappropriation	Appropriation
St Bldg Constr Acct		50,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		50,000
<u>NEW SECTION, Sec. 720. FOR THE UNIVERSITY OF WASHINGTON</u>		
Roberts Hall renovation (83-1-012)	Reappropriation	Appropriation
H Ed Reimb S/T Bonds Acct	400,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
5,355,794		5,755,794
<u>NEW SECTION, Sec. 721. FOR THE UNIVERSITY OF WASHINGTON</u>		
Safety—Fire code, PCB and life safety (86-1-001)	Reappropriation	Appropriation
St Bldg Constr Acct	4,000,000	
UW Bldg Acct		8,600,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
1,707,000	14,000,000	29,507,000
<u>NEW SECTION, Sec. 722. FOR THE UNIVERSITY OF WASHINGTON</u>		
Safety—Asbestos removal (86-1-002)	Reappropriation	Appropriation
St Bldg Constr Acct	2,200,000	
UW Bldg Acct	350,000	5,500,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
1,450,000	20,000,000	29,500,000
<u>NEW SECTION, Sec. 723. FOR THE UNIVERSITY OF WASHINGTON</u>		
Safety—General (86-1-003)	Reappropriation	Appropriation
St Bldg Constr Acct	750,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
250,000		1,000,000
<u>NEW SECTION, Sec. 724. FOR THE UNIVERSITY OF WASHINGTON</u>		
Minor works—Building renewal (86-1-004)	Reappropriation	Appropriation
St Bldg Constr Acct	2,600,000	
UW Bldg Acct	1,740,000	9,733,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
4,274,325	26,000,000	50,077,090
<u>NEW SECTION, Sec. 725. FOR THE UNIVERSITY OF WASHINGTON</u>		
Fisheries repairs and expansion (86-1-014)	Reappropriation	Appropriation
St H Ed Constr Acct	2,600,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
3,090,805		5,690,805
<u>NEW SECTION, Sec. 726. FOR THE UNIVERSITY OF WASHINGTON</u>		
HSC G Court, H Wing and I Court addition (86-2-021)	Reappropriation	Appropriation
St Bldg Constr Acct	20,400,000	24,692,000
UW Bldg Acct	3,500,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
776,000		49,368,000
<u>NEW SECTION, Sec. 727. FOR THE UNIVERSITY OF WASHINGTON</u>		
Minor works—Program renewal (86-3-005)	Reappropriation	Appropriation
UW Bldg Acct	2,700,000	9,000,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
9,921,000	42,270,000	70,914,527
<u>NEW SECTION, Sec. 728. FOR THE UNIVERSITY OF WASHINGTON</u>		

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for minor repairs, fixtures, and improvements to state buildings and facilities and shall not be used for computer equipment or for other expenses that normally would be funded from the state operating budget.

Energy conservation (86-4-023)		
St Bldg Constr Acct	Reappropriation	Appropriation
H Ed Constr Acct	900,000	
	300,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
663,566		1,863,566
NEW SECTION, Sec. 729. FOR THE UNIVERSITY OF WASHINGTON		
Pavillon roof (88-1-009)		
St Bldg Constr Acct	Reappropriation	Appropriation
	652,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
80,000		732,000
NEW SECTION, Sec. 730. FOR THE UNIVERSITY OF WASHINGTON		
Electrical distribution system (88-1-011)		
St Bldg Constr Acct	Reappropriation	Appropriation
	1,000,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
500,000	5,139,000	6,639,000
NEW SECTION, Sec. 731. FOR THE UNIVERSITY OF WASHINGTON		
Power plant chiller (88-1-012)		
St Bldg Constr Acct	Reappropriation	Appropriation
	750,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
250,000		1,000,000
NEW SECTION, Sec. 732. FOR THE UNIVERSITY OF WASHINGTON		
Power plant stack replacement (88-1-023)		
UW Bldg Acct	Reappropriation	Appropriation
	1,050,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
450,000		1,500,000
NEW SECTION, Sec. 733. FOR THE UNIVERSITY OF WASHINGTON		
Suzzallo Library addition (88-2-013)		
St Bldg Constr Acct	Reappropriation	Appropriation
	20,600,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
11,310,104		34,583,000
NEW SECTION, Sec. 734. FOR THE UNIVERSITY OF WASHINGTON		
Communications building renovation (88-2-014)		
St Bldg Constr Acct	Reappropriation	Appropriation
	4,480,000	1,015,000
UW Bldg Acct		1,167,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
75,000		6,737,000
NEW SECTION, Sec. 735. FOR THE UNIVERSITY OF WASHINGTON		
H wing renovation (88-2-015)		
St Bldg Constr Acct	Reappropriation	Appropriation
	715,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
18,000		733,000
NEW SECTION, Sec. 736. FOR THE UNIVERSITY OF WASHINGTON		
Power plant boiler (88-2-022)		
St Bldg Constr Acct	Reappropriation	Appropriation
	490,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
203,000		693,000
NEW SECTION, Sec. 737. FOR THE UNIVERSITY OF WASHINGTON		
Science and engineering planning (88-2-044)		
UW Bldg Acct	Reappropriation	Appropriation
	250,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
750,000		1,000,000
NEW SECTION, Sec. 738. FOR THE UNIVERSITY OF WASHINGTON		
Power plant boiler retrofit (88-4-024)		
UW Bldg Acct	Reappropriation	Appropriation
	2,050,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
250,000		2,300,000
NEW SECTION, Sec. 739. FOR THE UNIVERSITY OF WASHINGTON		

Emergency power generation (90-2-001)		Reappropriation	Appropriation
St Bldg Constr Acct			11,110,000
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
			11,110,000
<u>NEW SECTION.</u> Sec. 740. FOR THE UNIVERSITY OF WASHINGTON			
Physics (90-2-009)			
The appropriation in this section is subject to the following conditions and limitations: This appropriation shall not be construed as an intention by the legislature to appropriate moneys in the future for additional buildings for the purposes served by this appropriation.			
		Reappropriation	Appropriation
St Bldg Constr Acct			4,155,000
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
			4,155,000
<u>NEW SECTION.</u> Sec. 741. FOR THE UNIVERSITY OF WASHINGTON			
Chemistry I (90-2-011)			
		Reappropriation	Appropriation
St Bldg Constr Acct			39,152,000
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
			39,152,000
<u>NEW SECTION.</u> Sec. 742. FOR THE UNIVERSITY OF WASHINGTON			
Electrical engineering building addition (90-2-013)			
		Reappropriation	Appropriation
St Bldg Constr Acct			3,111,000
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
			3,111,000
<u>NEW SECTION.</u> Sec. 743. FOR THE UNIVERSITY OF WASHINGTON			
Computer sciences building (92-2-024)			
		Reappropriation	Appropriation
St Bldg Constr Acct			1,000,000
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
			1,000,000
<u>NEW SECTION.</u> Sec. 744. FOR WASHINGTON STATE UNIVERSITY			
Chemistry building, phase 2 (86-1-003)			
		Reappropriation	Appropriation
H Ed Constr Acct		1,932,000	
WSU Bldg Acct		1,000,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
11,860,000			14,792,000
<u>NEW SECTION.</u> Sec. 745. FOR WASHINGTON STATE UNIVERSITY			
Food—Human nutrition facility—Equipment (86-1-004)			
		Reappropriation	Appropriation
WSU Bldg Acct		1,502,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
2,915,435			4,417,435
<u>NEW SECTION.</u> Sec. 746. FOR WASHINGTON STATE UNIVERSITY			
McCoy Hall capital renewal (86-1-005)			
		Reappropriation	Appropriation
H Ed Constr Acct		78,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
2,162,537			2,240,537
<u>NEW SECTION.</u> Sec. 747. FOR WASHINGTON STATE UNIVERSITY			
Science Hall renewal, phase 2 (86-1-006)			
		Reappropriation	Appropriation
H Ed Constr Acct		3,603,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
8,151,395			11,754,395
<u>NEW SECTION.</u> Sec. 748. FOR WASHINGTON STATE UNIVERSITY			
Neill Hall renewal (86-1-007)			
		Reappropriation	Appropriation
WSU Bldg Acct		3,569,500	
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
			3,569,500
<u>NEW SECTION.</u> Sec. 749. FOR WASHINGTON STATE UNIVERSITY			
Minor capital improvement (88-1-001)			
		Reappropriation	Appropriation
WSU Bldg Acct		1,896,000	

	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	2,827,000		4,723,000
	<u>NEW SECTION, Sec. 750. FOR WASHINGTON STATE UNIVERSITY</u>		
	Minor capital renewal (88-1-002)		
		Reappropriation	Appropriation
St Bldg Constr Acct		2,109,000	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	3,593,000		5,702,000
	<u>NEW SECTION, Sec. 751. FOR WASHINGTON STATE UNIVERSITY</u>		
	Preplanning (88-1-004)		
		Reappropriation	Appropriation
WSU Bldg Acct		107,000	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
			107,000
	<u>NEW SECTION, Sec. 752. FOR WASHINGTON STATE UNIVERSITY</u>		
	Todd Hall addition (88-1-011)		
		Reappropriation	Appropriation
St Bldg Constr Acct		4,904,000	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	428,000		5,332,000
	<u>NEW SECTION, Sec. 753. FOR WASHINGTON STATE UNIVERSITY</u>		
	Fine arts mechanical renovation (88-1-012)		
		Reappropriation	Appropriation
WSU Bldg Acct		240,000	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	2,713,000		2,953,000
	<u>NEW SECTION, Sec. 754. FOR WASHINGTON STATE UNIVERSITY</u>		
	Carpenter Hall renewal (88-2-005)		
		Reappropriation	Appropriation
H Ed Constr Acct		3,029,400	
WSU Bldg Acct		2,685,000	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	485,600		6,200,000
	<u>NEW SECTION, Sec. 755. FOR WASHINGTON STATE UNIVERSITY</u>		
	Dairy forage facility (88-3-007)		
		Reappropriation	Appropriation
WSU Bldg Acct		1,100,000	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	82,000		1,182,000
	<u>NEW SECTION, Sec. 756. FOR WASHINGTON STATE UNIVERSITY</u>		
	Veterinary research diagnostic center (88-5-006)		
		Reappropriation	Appropriation
St Bldg Constr Acct		225,000	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	25,000	3,172,600	3,422,600
	<u>NEW SECTION, Sec. 757. FOR WASHINGTON STATE UNIVERSITY</u>		
	Minor capital improvements (90-1-001)		
		Reappropriation	Appropriation
WSU Bldg Acct			5,000,000
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
			8,233,000
	<u>NEW SECTION, Sec. 758. FOR WASHINGTON STATE UNIVERSITY</u>		
	Hazardous, pathological, radioactive waste handling facilities (90-1-004)		
		Reappropriation	Appropriation
WSU Bldg Acct			152,000
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		11,000,000	11,152,000
	<u>NEW SECTION, Sec. 759. FOR WASHINGTON STATE UNIVERSITY</u>		
	Nuclear radiation center study (90-1-011)		
		Reappropriation	Appropriation
WSU Bldg Acct			53,000
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		4,000,000	4,053,000
	<u>NEW SECTION, Sec. 760. FOR WASHINGTON STATE UNIVERSITY</u>		
	Expansion of east campus electrical substation (90-1-014)		
		Reappropriation	Appropriation
WSU Bldg Acct			533,000

<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
<u>NEW SECTION</u> , Sec. 761. FOR WASHINGTON STATE UNIVERSITY Smith Gym electrical system renewal (90-1-018)		
	Reappropriation	Appropriation
WSU Bldg Acct		648,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
<u>NEW SECTION</u> , Sec. 762. FOR WASHINGTON STATE UNIVERSITY Holland Library addition (90-2-013)		
	Reappropriation	Appropriation
St Bldg Constr Acct		33,400,000
WSU Bldg Acct	184,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
87,000		33,671,000
<u>NEW SECTION</u> , Sec. 763. FOR WASHINGTON STATE UNIVERSITY Veterinary Teaching Hospital (90-2-016)		
	Reappropriation	Appropriation
St Bldg Constr Acct		1,300,000
WSU Bldg Acct		200,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
327,000	29,438,000	31,265,000
<u>NEW SECTION</u> , Sec. 764. FOR WASHINGTON STATE UNIVERSITY Food—Human nutrition building, phase 2 (90-2-020)		
	Reappropriation	Appropriation
General Fund—Federal		12,688,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		12,688,000
<u>NEW SECTION</u> , Sec. 765. FOR WASHINGTON STATE UNIVERSITY Minor capital renewal (90-3-002)		
The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for minor repairs, fixtures, and improvements to state buildings and facilities and shall not be used for computer equipment or for other expenses that normally would be funded from the state operating budget.		
	Reappropriation	Appropriation
St Bldg Constr Acct		5,000,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		5,000,000
<u>NEW SECTION</u> , Sec. 766. FOR WASHINGTON STATE UNIVERSITY Todd Hall renewal (90-3-003)		
	Reappropriation	Appropriation
WSU Bldg Acct		182,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		182,000
<u>NEW SECTION</u> , Sec. 767. FOR WASHINGTON STATE UNIVERSITY WSU Tri-Cities University Center (90-5-901)		
	Reappropriation	Appropriation
St Bldg Constr Acct	420,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
300,000		720,000
<u>NEW SECTION</u> , Sec. 768. FOR EASTERN WASHINGTON UNIVERSITY Mathematical science and technology remodel (81-1-002)		
	Reappropriation	Appropriation
St Bldg Constr Acct	74,000	82,900
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
273,000	5,789,700	6,219,600
<u>NEW SECTION</u> , Sec. 769. FOR EASTERN WASHINGTON UNIVERSITY Science building addition/remodel (83-1-001)		
	Reappropriation	Appropriation
St Bldg Constr Acct	6,250,000	6,784,500
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
2,778,000	2,952,600	18,765,100
<u>NEW SECTION</u> , Sec. 770. FOR EASTERN WASHINGTON UNIVERSITY Electrical system renewal (86-1-002)		
	Reappropriation	Appropriation
St Bldg Constr Acct	1,905,000	
St Fac Renew Acct	709,000	

	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	813,000		3,427,000
	<u>NEW SECTION, Sec. 771. FOR EASTERN WASHINGTON UNIVERSITY</u>		
	Roof replacement (86-1-003)		
		Reappropriation	Appropriation
St Bldg Constr Acct			500,000
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	915,000	1,500,000	2,915,000
	<u>NEW SECTION, Sec. 772. FOR EASTERN WASHINGTON UNIVERSITY</u>		
	Water storage and distribution (86-1-004)		
		Reappropriation	Appropriation
St H Ed Constr Acct		207,000	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	963,000		1,170,000
	<u>NEW SECTION, Sec. 773. FOR EASTERN WASHINGTON UNIVERSITY</u>		
	Minor works projects (86-1-010)		
		Reappropriation	Appropriation
EWU Cap Proj Acct		403,000	2,100,000
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	1,497,000	8,536,000	12,536,000
	<u>NEW SECTION, Sec. 774. FOR EASTERN WASHINGTON UNIVERSITY</u>		
	Small repairs projects (86-1-011)		
		Reappropriation	Appropriation
EWU Cap Proj Acct		155,000	1,000,000
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	478,000	3,200,000	4,833,000
	<u>NEW SECTION, Sec. 775. FOR EASTERN WASHINGTON UNIVERSITY</u>		
	Energy conservation (86-2-006)		
		Reappropriation	Appropriation
St H Ed Constr Acct		424,000	
St Bldg Constr Acct		30,000	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	102,000		556,000
	<u>NEW SECTION, Sec. 776. FOR EASTERN WASHINGTON UNIVERSITY</u>		
	Life/safety and code compliance: Asbestos (88-1-001)		
		Reappropriation	Appropriation
St Bldg Constr Acct			1,900,000
EWU Cap Proj Acct		170,000	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	513,000	4,000,000	6,583,000
	<u>NEW SECTION, Sec. 777. FOR EASTERN WASHINGTON UNIVERSITY</u>		
	Fire suppression (88-1-005)		
		Reappropriation	Appropriation
St Bldg Constr Acct		215,000	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	361,000	2,158,000	2,734,000
	<u>NEW SECTION, Sec. 778. FOR EASTERN WASHINGTON UNIVERSITY</u>		
	Kennedy Library addition/HVAC—Preplanning (90-5-003)		
		Reappropriation	Appropriation
EWU Cap Proj Acct			165,000
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
			165,000
	<u>NEW SECTION, Sec. 779. FOR CENTRAL WASHINGTON UNIVERSITY</u>		
	Energy savings projects (86-2-005)		
		Reappropriation	Appropriation
CWU Cap Proj Acct		725,000	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	183,818		908,818
	<u>NEW SECTION, Sec. 780. FOR CENTRAL WASHINGTON UNIVERSITY</u>		
	Nicholson Pavilion, Phase I (86-3-001)		
		Reappropriation	Appropriation
H Ed Constr Acct		9,500	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	959,506		969,006
	<u>NEW SECTION, Sec. 781. FOR CENTRAL WASHINGTON UNIVERSITY</u>		
	Small repairs and improvements (86-3-013)		
		Reappropriation	Appropriation
CWU Cap Proj Acct		30,000	

	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	503,000		533,000
	<u>NEW SECTION. Sec. 782. FOR CENTRAL WASHINGTON UNIVERSITY</u>		
	Life safety—Code compliance (88-1-004)		
		Reappropriation	Appropriation
St Bldg Constr Acct		509,000	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	1,248,000		1,757,000
	<u>NEW SECTION. Sec. 783. FOR CENTRAL WASHINGTON UNIVERSITY</u>		
	Handicap modifications (88-1-007)		
		Reappropriation	Appropriation
CWU Cap Proj Acct		625,000	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	90,000		715,000
	<u>NEW SECTION. Sec. 784. FOR CENTRAL WASHINGTON UNIVERSITY</u>		
	Nicholson Pavilion phase 2 (88-2-001)		
		Reappropriation	Appropriation
St Bldg Constr Acct		3,600,000	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	263,000		3,863,000
	<u>NEW SECTION. Sec. 785. FOR CENTRAL WASHINGTON UNIVERSITY</u>		
	Life/safety (90-1-030)		
		Reappropriation	Appropriation
St Bldg Constr Acct			831,000
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		1,000,000	1,831,000
	<u>NEW SECTION. Sec. 786. FOR CENTRAL WASHINGTON UNIVERSITY</u>		
	Asbestos abatement (90-1-040)		
		Reappropriation	Appropriation
St Bldg Constr Acct			1,000,000
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	1,735,000	1,000,000	3,735,000
	<u>NEW SECTION. Sec. 787. FOR CENTRAL WASHINGTON UNIVERSITY</u>		
	Psychology animal research facility (90-1-060)		
		Reappropriation	Appropriation
St Bldg Constr Acct			1,547,000
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
			1,547,000
	<u>NEW SECTION. Sec. 788. FOR CENTRAL WASHINGTON UNIVERSITY</u>		
	Barge Hall renovation (90-2-001)		
		Reappropriation	Appropriation
St Bldg Constr Acct			600,000
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		7,744,800	8,344,800
	<u>NEW SECTION. Sec. 789. FOR CENTRAL WASHINGTON UNIVERSITY</u>		
	Telecommunications system—Phase 2 (90-2-003)		
		Reappropriation	Appropriation
CWU Cap Proj Acct		1,732,000	1,443,600
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	68,000		3,243,600
	<u>NEW SECTION. Sec. 790. FOR CENTRAL WASHINGTON UNIVERSITY</u>		
	Shaw/Smyser Hall remodel (90-2-005)		
		Reappropriation	Appropriation
St Bldg Constr Acct			2,405,900
CWU Cap Proj Acct			1,300,000
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
			3,705,900
	<u>NEW SECTION. Sec. 791. FOR CENTRAL WASHINGTON UNIVERSITY</u>		
	Minor works projects group I (90-2-050)		
	The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for minor repairs, fixtures, and improvements to state buildings and facilities and shall not be used for computer equipment or for other expenses that normally would be funded from the state operating budget.		
		Reappropriation	Appropriation
CWU Cap Proj Acct		800,000	3,856,600
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	2,212,958	10,450,000	17,319,558

PART 8
EDUCATION - CONTINUED

NEW SECTION, Sec. 801. FOR THE EVERGREEN STATE COLLEGE
Life safety—Code compliance (88-1-001)

St Bldg Constr Acct	Reappropriation	Appropriation
	172,000	819,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
1,012,000		2,003,000

NEW SECTION, Sec. 802. FOR THE EVERGREEN STATE COLLEGE
Energy audit compliance (88-2-016)

St Bldg Constr Acct	Reappropriation	Appropriation
	60,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
145,000		205,000

NEW SECTION, Sec. 803. FOR THE EVERGREEN STATE COLLEGE
Campus recreation center, Phase II: Gym (88-5-015)

St Bldg Constr Acct	Reappropriation	Appropriation
	474,572	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
6,298,428		6,773,000

NEW SECTION, Sec. 804. FOR THE EVERGREEN STATE COLLEGE
Asbestos removal (90-1-001)

St Bldg Constr Acct	Reappropriation	Appropriation
		60,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	443,000	503,000

NEW SECTION, Sec. 805. FOR THE EVERGREEN STATE COLLEGE
Failed systems (90-2-001)

St Bldg Constr Acct	Reappropriation	Appropriation
		544,070
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		544,070

NEW SECTION, Sec. 806. FOR THE EVERGREEN STATE COLLEGE
Minor works (90-2-003)

St Bldg Constr Acct	Reappropriation	Appropriation
		178,720
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		178,720

NEW SECTION, Sec. 807. FOR THE EVERGREEN STATE COLLEGE
Emergency repairs (90-2-022)

TESC Cap Proj Acct	Reappropriation	Appropriation
		81,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		81,000

NEW SECTION, Sec. 808. FOR THE EVERGREEN STATE COLLEGE
Small repairs and improvements (90-2-023)

TESC Cap Proj Acct	Reappropriation	Appropriation
	100,000	162,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		162,000

NEW SECTION, Sec. 809. FOR WESTERN WASHINGTON UNIVERSITY
Const Tech Bldg/remodel Art Tech building phase 2 (84-3-001)

St Bldg Constr Acct	Reappropriation	Appropriation
	100,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
9,809,055		9,909,055

NEW SECTION, Sec. 810. FOR WESTERN WASHINGTON UNIVERSITY
Construct/equip science facility phase 1 (90-1-001)

St Bldg Constr Acct	Reappropriation	Appropriation
		20,730,700
WWU Cap Proj Acct	1,082,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
168,000		21,980,700

NEW SECTION, Sec. 811. FOR WESTERN WASHINGTON UNIVERSITY
Asbestos abatement—Multiple buildings (90-1-002)

St Bldg Constr Acct	Reappropriation	Appropriation
		3,000,000

<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
<u>NEW SECTION, Sec. 812. FOR WESTERN WASHINGTON UNIVERSITY</u>		
Minor works request/small repairs and improvements (90-1-004)		
The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for minor repairs, fixtures, and improvements to state buildings and facilities and shall not be used for computer equipment or for other expenses that normally would be funded from the state operating budget.		
	Reappropriation	Appropriation
WWU Cap Proj Acct	2,503,000	3,900,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
8,948,481	12,000,000	27,351,481
<u>NEW SECTION, Sec. 813. FOR WESTERN WASHINGTON UNIVERSITY</u>		
Science facility, phase 2 (design) (90-1-005)		
	Reappropriation	Appropriation
St Bldg Constr Acct		887,300
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	19,332,800	20,220,100
<u>NEW SECTION, Sec. 814. FOR WESTERN WASHINGTON UNIVERSITY</u>		
Institute of Wildlife Toxicology—Facility acquisition (90-2-003)		
	Reappropriation	Appropriation
WWU Cap Proj Acct		1,500,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		1,500,000
<u>NEW SECTION, Sec. 815. FOR THE WASHINGTON STATE HISTORICAL SOCIETY</u>		
Addition to air conditioning (86-1-002)		
	Reappropriation	Appropriation
St Bldg Constr Acct		206,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
125,000		331,000
<u>NEW SECTION, Sec. 816. FOR THE WASHINGTON STATE HISTORICAL SOCIETY</u>		
Museum interior remodeling (88-3-004)		
	Reappropriation	Appropriation
St Bldg Constr Acct		1,937,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
305,000		2,242,000
<u>NEW SECTION, Sec. 817. FOR THE WASHINGTON STATE HISTORICAL SOCIETY</u>		
Small improvement project to extend building's useful life (90-3-006)		
	Reappropriation	Appropriation
St Bldg Constr Acct		151,500
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		151,500
<u>NEW SECTION, Sec. 818. FOR THE WASHINGTON STATE HISTORICAL SOCIETY</u>		
New exhibition center at Union Station: Phase I (90-5-005)		
The appropriation in this section is subject to the following conditions and limitations: (1) These funds shall be used for land acquisition, design and engineering, and final preplanning. (2) This appropriation is contingent on the expenditure for the same purpose of at least three dollars from nonstate sources for each seven dollars spent from this appropriation. It is the intent of the legislature that future appropriations for this project will require the same thirty percent nonstate matching ratio up to a maximum of \$18,000,000 from state moneys, including all costs for land, design, construction, and exhibits.		
	Reappropriation	Appropriation
St Bldg Constr Acct		3,080,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		3,080,000
<u>NEW SECTION, Sec. 819. FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY</u>		
Campbell House—Restoration (86-1-002)		
	Reappropriation	Appropriation
St Bldg Constr Acct		100,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
343,000		443,000
<u>NEW SECTION, Sec. 820. FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY</u>		
Cheney Cowles Museum—Repair roof and heating/cooling (89-2-001)		
	Reappropriation	Appropriation
St Bldg Constr Acct		80,100
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		80,100

NEW SECTION, Sec. 821. FOR THE STATE CAPITAL HISTORICAL ASSOCIATION
Minor works State Museum Olympia (90-1-002)

	Reappropriation	Appropriation
St Bldg Constr Acct	9,000	27,100
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
91,000	48,000	175,100

NEW SECTION, Sec. 822. FOR THE STATE CAPITAL HISTORICAL ASSOCIATION
Energy efficiency agency headquarters—Olympia (91-1-004)

	Reappropriation	Appropriation
St Bldg Constr Acct	15,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
1,000		16,000

NEW SECTION, Sec. 823. FOR THE STATE CAPITAL HISTORICAL ASSOCIATION
Capital museum and parking facility preplanning (90-5-001)

The appropriation in this section is subject to the following conditions and limitations: Preplanning for the capital museum shall be conducted in conjunction with the capitol campus master plan for which moneys are appropriated in section 134 of this act. No moneys from this appropriation may be spent until after a siting decision is made pursuant to section 134 of this act.

	Reappropriation	Appropriation
St Bldg Constr Acct		230,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		230,000

NEW SECTION, Sec. 824. FOR THE COMMUNITY COLLEGE SYSTEM
Minor capital improvements (83-2-002)

	Reappropriation	Appropriation
H Ed Constr Acct	4,745	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
17,969		22,714

NEW SECTION, Sec. 825. FOR THE COMMUNITY COLLEGE SYSTEM
HVAC repairs (83-2-007)

	Reappropriation	Appropriation
St H Ed Constr Acct	42,140	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
46,208		88,348

NEW SECTION, Sec. 826. FOR THE COMMUNITY COLLEGE SYSTEM
Minor works request (RMI) (86-1-001)

	Reappropriation	Appropriation
H Ed Reimb S/T Bonds Acct	97,857	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
742,708		840,565

NEW SECTION, Sec. 827. FOR THE COMMUNITY COLLEGE SYSTEM
Critical repair projects (86-1-003)

	Reappropriation	Appropriation
H Ed Reimb S/T Bonds Acct	473,630	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
613,391		1,087,021

NEW SECTION, Sec. 828. FOR THE COMMUNITY COLLEGE SYSTEM
General repair projects (86-1-004)

	Reappropriation	Appropriation
St Fac Renew—Acct	684,883	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
3,366,982		4,051,865

NEW SECTION, Sec. 829. FOR THE COMMUNITY COLLEGE SYSTEM
Energy conservation projects (86-1-005)

	Reappropriation	Appropriation
St Fac Renew Acct	337,208	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
1,042,729		1,379,937

NEW SECTION, Sec. 830. FOR THE COMMUNITY COLLEGE SYSTEM
Prior hall renovation (86-1-018)

	Reappropriation	Appropriation
H Ed Constr Acct	5,945	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
847,554		853,499

NEW SECTION, Sec. 831. FOR THE COMMUNITY COLLEGE SYSTEM
Food service building: Olympic (86-3-019)

	Reappropriation	Appropriation

St H Ed Constr Acct		159,581	
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
2,161,290			2,320,871
NEW SECTION, Sec. 832. FOR THE COMMUNITY COLLEGE SYSTEM			
Minor renovations (86-2-006)			
		Reappropriation	Appropriation
		228,366	
St Fac Renew Acct			
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
3,440,542			3,668,908
NEW SECTION, Sec. 833. FOR THE COMMUNITY COLLEGE SYSTEM			
Minor remodel projects (86-2-007)			
		Reappropriation	Appropriation
		96,717	
St Fac Renew Acct			
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
802,701			899,418
NEW SECTION, Sec. 834. FOR THE COMMUNITY COLLEGE SYSTEM			
Program/plan/construct: Library/student Center, Everett (86-2-031)			
		Reappropriation	Appropriation
		864,029	
St Bldg Constr Acct			
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
7,312,318			8,176,347
NEW SECTION, Sec. 835. FOR THE COMMUNITY COLLEGE SYSTEM			
Construct main storage building—Clark (86-3-009)			
		Reappropriation	Appropriation
		1,626	
St H Ed Constr Acct			
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
175,971			177,597
NEW SECTION, Sec. 836. FOR THE COMMUNITY COLLEGE SYSTEM			
Minor improvements (86-3-011)			
		Reappropriation	Appropriation
		26,092	
St H Ed Constr Acct			
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
877,028			903,120
NEW SECTION, Sec. 837. FOR THE COMMUNITY COLLEGE SYSTEM			
Edison North renovation II: Seattle central (86-3-013)			
		Reappropriation	Appropriation
		32,663	
St H Ed Constr Acct			
St Bldg Constr Acct		1,753,859	
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
6,129,790			7,916,312
NEW SECTION, Sec. 838. FOR THE COMMUNITY COLLEGE SYSTEM			
Construct core facility and instructional space: Whatcom (86-3-015)			
		Reappropriation	Appropriation
		24,099	
St H Ed Constr Acct			
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
1,195,868			1,219,967
NEW SECTION, Sec. 839. FOR THE COMMUNITY COLLEGE SYSTEM			
Replace relocatable buildings: Pierce (86-3-017)			
		Reappropriation	Appropriation
		46,613	
St H Ed Constr Acct			
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
880,787			927,400
NEW SECTION, Sec. 840. FOR THE COMMUNITY COLLEGE SYSTEM			
Vocational science facility: Wenatchee (86-3-020)			
		Reappropriation	Appropriation
		159,342	
St H Ed Constr Acct			
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
2,083,657			2,242,999
NEW SECTION, Sec. 841. FOR THE COMMUNITY COLLEGE SYSTEM			
Extension facility: Puyallup (86-3-021)			
		Reappropriation	Appropriation
		5,263,973	
St Bldg Constr Acct			
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
315,176			5,579,149
NEW SECTION, Sec. 842. FOR THE COMMUNITY COLLEGE SYSTEM			
Tech building and related remodeling: Skagit Valley (86-3-022)			
		Reappropriation	Appropriation
		54,999	
St Bldg Constr Acct			

	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	3,545,001		3,600,000
	<u>NEW SECTION, Sec. 843. FOR THE COMMUNITY COLLEGE SYSTEM</u>		
	Heavy equipment building: Grays Harbor (86-3-023)		
		Reappropriation	Appropriation
St Bldg Constr Acct		32,851	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	745,149		778,000
	<u>NEW SECTION, Sec. 844. FOR THE COMMUNITY COLLEGE SYSTEM</u>		
	Learning Resource Center: South Puget Sound CC (86-3-025)		
		Reappropriation	Appropriation
St Bldg Constr Acct		2,278,211	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	4,955,789		7,234,000
	<u>NEW SECTION, Sec. 845. FOR THE COMMUNITY COLLEGE SYSTEM</u>		
	Heavy equipment building: South Seattle (86-3-026)		
		Reappropriation	Appropriation
St Bldg Constr Acct		594,006	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	4,018,994		4,613,000
	<u>NEW SECTION, Sec. 846. FOR THE COMMUNITY COLLEGE SYSTEM</u>		
	Preplanning for 1987-89 major projects (86-4-999)		
		Reappropriation	Appropriation
St H Ed Constr Acct		12,921	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	164,068		176,989
	<u>NEW SECTION, Sec. 847. FOR THE COMMUNITY COLLEGE SYSTEM</u>		
	Minor works (RMI) (88-2-001)		
		Reappropriation	Appropriation
St Bldg Constr Acct		1,331,193	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	2,168,807		3,500,000
	<u>NEW SECTION, Sec. 848. FOR THE COMMUNITY COLLEGE SYSTEM</u>		
	Repairs—Exterior walls (88-3-003)		
		Reappropriation	Appropriation
St Bldg Constr Acct		1,273,171	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	2,990,829		4,264,000
	<u>NEW SECTION, Sec. 849. FOR THE COMMUNITY COLLEGE SYSTEM</u>		
	Repairs—Mechanical/HVAC (88-3-004)		
		Reappropriation	Appropriation
St Bldg Constr Acct		2,149,189	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	1,925,811		4,075,000
	<u>NEW SECTION, Sec. 850. FOR THE COMMUNITY COLLEGE SYSTEM</u>		
	Minor improvements (88-3-005)		
		Reappropriation	Appropriation
St Bldg Constr Acct		5,288,563	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	8,475,437		13,764,000
	<u>NEW SECTION, Sec. 851. FOR THE COMMUNITY COLLEGE SYSTEM</u>		
	Repairs—Electrical (88-3-006)		
		Reappropriation	Appropriation
St Bldg Constr Acct		743,042	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	648,958		1,392,000
	<u>NEW SECTION, Sec. 852. FOR THE COMMUNITY COLLEGE SYSTEM</u>		
	Repairs—Sites and interiors (88-3-007)		
		Reappropriation	Appropriation
St Bldg Constr Acct		402,427	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	1,523,573		1,926,000
	<u>NEW SECTION, Sec. 853. FOR THE COMMUNITY COLLEGE SYSTEM</u>		
	Agricultural technology building (Walla Walla) (88-3-008)		
		Reappropriation	Appropriation
St Bldg Constr Acct		166,325	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	50,478		3,162,803

NEW SECTION. Sec. 854. FOR THE COMMUNITY COLLEGE SYSTEM
Vocational shop (Wenatchee Valley) (88-3-010)

St Bldg Constr Acct	Reappropriation	Appropriation
	60,274	880,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
21,726		962,000

NEW SECTION. Sec. 855. FOR THE COMMUNITY COLLEGE SYSTEM
Computer facility (Edmonds) (88-3-011)

St Bldg Constr Acct	Reappropriation	Appropriation
	123,480	3,624,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
124,522		3,872,002

NEW SECTION. Sec. 856. FOR THE COMMUNITY COLLEGE SYSTEM
Learning Resource Center (Clark) (88-3-012)

St Bldg Constr Acct	Reappropriation	Appropriation
	113,758	6,077,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
233,242		6,424,000

NEW SECTION. Sec. 857. FOR THE COMMUNITY COLLEGE SYSTEM
Extension center (Yakima Valley) (88-3-013)

St Bldg Constr Acct	Reappropriation	Appropriation
	62,699	1,586,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
61,827		1,710,526

NEW SECTION. Sec. 858. FOR THE COMMUNITY COLLEGE SYSTEM
Math/science building (Spokane Falls) (88-3-015)

St Bldg Constr Acct	Reappropriation	Appropriation
	112,990	5,510,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
203,648		5,826,638

NEW SECTION. Sec. 859. FOR THE COMMUNITY COLLEGE SYSTEM
LRC (Spokane) (88-3-016)

St Bldg Constr Acct	Reappropriation	Appropriation
	52,067	5,270,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
287,506		5,609,573

NEW SECTION. Sec. 860. FOR THE COMMUNITY COLLEGE SYSTEM
Construct Clarkston Extension Center: (Walla Walla) (88-3-017)

St Bldg Constr Acct	Reappropriation	Appropriation
	83,172	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
3,392,471		3,475,643

NEW SECTION. Sec. 861. FOR THE COMMUNITY COLLEGE SYSTEM
Tacoma Computer Center: TCC (88-3-018)

St Bldg Constr Acct	Reappropriation	Appropriation
	1,848,278	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
709,722		2,558,000

NEW SECTION. Sec. 862. FOR THE COMMUNITY COLLEGE SYSTEM
Preplanning for 1989-93 major projects (88-4-014)

St Bldg Constr Acct	Reappropriation	Appropriation
	103,159	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
393,841		497,000

NEW SECTION. Sec. 863. FOR THE COMMUNITY COLLEGE SYSTEM
Whidbey LRC/instruc. (Skagit Valley) (88-5-020)

St Bldg Constr Acct	Reappropriation	Appropriation
		108,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
37,000	1,927,000	2,072,000

NEW SECTION. Sec. 864. FOR THE COMMUNITY COLLEGE SYSTEM
Science/fine arts/PE (South Puget Sound) (88-5-021)

St Bldg Constr Acct	Reappropriation	Appropriation
		256,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
72,000	5,494,000	5,822,000

NEW SECTION. Sec. 865. FOR THE COMMUNITY COLLEGE SYSTEM

Early childhood education (Shoreline) (88-5-022)		
St Bldg Constr Acct	Reappropriation	Appropriation
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
41,000	1,258,000	1,377,000
<u>NEW SECTION</u> , Sec. 866. FOR THE COMMUNITY COLLEGE SYSTEM		
Library remodel (Columbia Basin) (88-5-023)		
St Bldg Constr Acct	Reappropriation	Appropriation
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
48,000	1,893,000	2,054,000
<u>NEW SECTION</u> , Sec. 867. FOR THE COMMUNITY COLLEGE SYSTEM		
Vocational shops (Centralia) (88-5-024)		
St Bldg Constr Acct	Reappropriation	Appropriation
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
43,000	2,089,000	2,227,000
<u>NEW SECTION</u> , Sec. 868. FOR THE COMMUNITY COLLEGE SYSTEM		
LRC addition/remodel (Tacoma) (88-5-025)		
St Bldg Constr Acct	Reappropriation	Appropriation
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
34,000	1,720,000	1,844,000
<u>NEW SECTION</u> , Sec. 869. FOR THE COMMUNITY COLLEGE SYSTEM		
Vocational food addition (Lower Columbia) (88-5-026)		
St Bldg Constr Acct	Reappropriation	Appropriation
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
42,000	2,934,000	3,116,000
<u>NEW SECTION</u> , Sec. 870. FOR THE COMMUNITY COLLEGE SYSTEM		
Business education building (Spokane) (88-5-027)		
St Bldg Constr Acct	Reappropriation	Appropriation
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
76,000	6,398,000	6,719,000
<u>NEW SECTION</u> , Sec. 871. FOR THE COMMUNITY COLLEGE SYSTEM		
Student activity/PE (Seattle Central) (88-5-028)		
St Bldg Constr Acct	Reappropriation	Appropriation
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
107,000		507,000
<u>NEW SECTION</u> , Sec. 872. FOR THE COMMUNITY COLLEGE SYSTEM		
WSU Education Center: Clark (89-5-019)		
St Bldg Constr Acct	Reappropriation	Appropriation
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
40,562	1,759,438	1,800,000
<u>NEW SECTION</u> , Sec. 873. FOR THE COMMUNITY COLLEGE SYSTEM		
Multipurpose Child Care Center: Everett (89-5-020)		
St Bldg Constr Acct	Reappropriation	Appropriation
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
42,392	557,608	600,000
<u>NEW SECTION</u> , Sec. 874. FOR THE COMMUNITY COLLEGE SYSTEM		
Fire/security repairs (7) (90-1-004)		
St Bldg Constr Acct	Reappropriation	Appropriation
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		947,610
<u>NEW SECTION</u> , Sec. 875. FOR THE COMMUNITY COLLEGE SYSTEM		
Asbestos repairs (4) (90-1-008)		
St Bldg Constr Acct	Reappropriation	Appropriation
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		1,217,200
<u>NEW SECTION</u> , Sec. 876. FOR THE COMMUNITY COLLEGE SYSTEM		
Roof/structural repairs (20) (90-2-002)		
	Reappropriation	Appropriation

St Bldg Constr Acct			3,658,000
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
			3,658,000
<u>NEW SECTION, Sec. 877. FOR THE COMMUNITY COLLEGE SYSTEM</u>			
HVAC/mechanical repairs (15) (90-2-003)			
		Reappropriation	Appropriation
			2,972,830
St Bldg Constr Acct			<u>Total</u>
<u>Prior Biennia</u>	<u>Future Biennia</u>		2,972,830
<u>NEW SECTION, Sec. 878. FOR THE COMMUNITY COLLEGE SYSTEM</u>			
Electrical repairs (4) (90-2-005)			
		Reappropriation	Appropriation
			371,240
St Bldg Constr Acct			<u>Total</u>
<u>Prior Biennia</u>	<u>Future Biennia</u>		371,240
<u>NEW SECTION, Sec. 879. FOR THE COMMUNITY COLLEGE SYSTEM</u>			
Small repairs and improvements (90-3-001)			
		Reappropriation	Appropriation
			4,200,000
St Bldg Constr Acct			<u>Total</u>
<u>Prior Biennia</u>	<u>Future Biennia</u>		4,200,000
<u>NEW SECTION, Sec. 880. FOR THE COMMUNITY COLLEGE SYSTEM</u>			
LARC (Centralia) (90-3-006)			
		Reappropriation	Appropriation
		61,239	4,012,000
St Bldg Constr Acct			<u>Total</u>
<u>Prior Biennia</u>	<u>Future Biennia</u>		4,263,970
190,731			
<u>NEW SECTION, Sec. 881. FOR THE COMMUNITY COLLEGE SYSTEM</u>			
Facility repairs (18) (90-3-007)			
The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for minor repairs, fixtures, and improvements to state buildings and facilities and shall not be used for computer equipment or for other expenses that normally would be funded from the state operating budget.			
		Reappropriation	Appropriation
			3,848,180
St Bldg Constr Acct			<u>Total</u>
<u>Prior Biennia</u>	<u>Future Biennia</u>		3,848,180
<u>NEW SECTION, Sec. 882. FOR THE COMMUNITY COLLEGE SYSTEM</u>			
Technology labs (Highline) (90-3-023)			
		Reappropriation	Appropriation
		140,196	2,595,000
St Bldg Constr Acct			<u>Total</u>
<u>Prior Biennia</u>	<u>Future Biennia</u>		2,798,138
62,942			
<u>NEW SECTION, Sec. 883. FOR THE COMMUNITY COLLEGE SYSTEM</u>			
Minor improvements (50) (90-5-009)			
The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for minor repairs, fixtures, and improvements to state buildings and facilities and shall not be used for computer equipment or for other expenses that normally would be funded from the state operating budget.			
		Reappropriation	Appropriation
			13,292,940
St Bldg Constr Acct			<u>Total</u>
<u>Prior Biennia</u>	<u>Future Biennia</u>		13,292,940
<u>NEW SECTION, Sec. 884. FOR THE COMMUNITY COLLEGE SYSTEM</u>			
Technology center (Whatcom) (90-5-010)			
		Reappropriation	Appropriation
			63,000
St Bldg Constr Acct			<u>Total</u>
<u>Prior Biennia</u>	<u>Future Biennia</u>		248,000
			185,000
<u>NEW SECTION, Sec. 885. FOR THE COMMUNITY COLLEGE SYSTEM</u>			
PE facility (North Seattle) (90-5-011)			
		Reappropriation	Appropriation
			45,000
St Bldg Constr Acct			<u>Total</u>
<u>Prior Biennia</u>	<u>Future Biennia</u>		210,000
			165,000
<u>NEW SECTION, Sec. 886. FOR THE COMMUNITY COLLEGE SYSTEM</u>			
Applied arts building (Spokane Falls) (90-5-012)			
		Reappropriation	Appropriation

St Bldg Constr Acct			68,000
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
	190,000		258,000
NEW SECTION, Sec. 887. FOR THE COMMUNITY COLLEGE SYSTEM			
Industrial technology building (Spokane) (90-5-013)			
	Reappropriation		Appropriation
St Bldg Constr Acct			64,000
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
	204,000		268,000
NEW SECTION, Sec. 888. FOR THE COMMUNITY COLLEGE SYSTEM			
Vocational art facility (Shoreline) (90-5-014)			
	Reappropriation		Appropriation
St Bldg Constr Acct			51,000
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
	125,000		176,000
NEW SECTION, Sec. 889. FOR THE COMMUNITY COLLEGE SYSTEM			
Business education building (Clark) (90-5-015)			
	Reappropriation		Appropriation
St Bldg Constr Acct			73,000
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
	231,000		304,000
NEW SECTION, Sec. 890. FOR THE COMMUNITY COLLEGE SYSTEM			
Student center (South Seattle) (90-5-016)			
	Reappropriation		Appropriation
St Bldg Constr Acct			59,000
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
	185,000		244,000
NEW SECTION, Sec. 891. FOR THE COMMUNITY COLLEGE SYSTEM			
Library addition (Skagit Valley) (90-5-017)			
	Reappropriation		Appropriation
St Bldg Constr Acct			44,000
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
	1,879,000		1,923,000
	PART 9		
	MISCELLANEOUS		

NEW SECTION, Sec. 901. FOR SPECIAL APPROPRIATION TO THE GOVERNOR
Puyallup tribal settlement (90-5-001)

The appropriation in this section is subject to the following conditions and limitations: No portion of this appropriation may be spent, released, transferred, or placed into escrow until all of the following have occurred:

(1) The United States Congress has passed (and the President of the United States has signed, if necessary) legislation providing approximately \$77,250,000 to the Puyallup Indian Tribe (the "tribe") as described in the "Agreement between the Puyallup Tribe of Indians, local Governments in Pierce County, the State of Washington, the United States of America, and certain private property owners," dated August 27, 1988 (the "agreement").

(2) The local governments of Pierce county, the city of Tacoma, the city of Fife, the city of Puyallup, and the Port of Tacoma have among them agreed to pay approximately \$52,134,000 to the tribe according to the terms of the agreement.

(3) A lease has been executed between the Port of Tacoma and the Washington state military department under conditions as required by the United States Army Corps of Engineers for property suitable for a watercraft training facility for the military department's use.

(4) Either Engrossed Substitute House Bill No. 1165 or Substitute Senate Bill No. 5648 has been enacted into law without veto.

(5) The chief clerk of the house of representatives and the secretary of the senate have certified that the Port of Tacoma, in consultation with the Port of Seattle, has reported to the legislature on a plan to cooperate with other port districts and other governments in the state in maintaining and increasing the state's share of international trade.

	Reappropriation		Appropriation
St Bldg Constr Acct			9,417,000
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
			9,417,000

NEW SECTION, Sec. 902. (1) The capitol campus design advisory committee is established as an advisory group to the capitol committee and the department of general administration to review plans, design, landscaping, and life-cycle costs of state capitol facilities and grounds and to make recommendations that will contribute to the attainment of appropriate and cost-effective architectural, aesthetic, and functional design and maintenance of capital facilities on campus and in neighboring communities.

(2) The advisory committee shall consist of the following persons who shall be appointed by and serve at the pleasure of the governor:

- (a) Two architects;
- (b) A landscape architect; and
- (c) An urban planner.

From among these members, the governor shall appoint the chair and vice-chair of the committee from among the members specified in this subsection. The department of general administration shall provide the staff and resources necessary for the operation of the committee. The committee shall meet at least quarterly or at the call of the chair.

(3) The advisory committee shall also include the secretary of state and two members of the house of representatives, one from each caucus, who shall be appointed by the speaker of the house of representatives, and two members of the senate, one from each caucus, who shall be appointed by the president of the senate.

(4) Members of the committee shall be reimbursed for travel expenses as provided in RCW 43.03.220 and 44.04.120.

NEW SECTION, Sec. 903. The following lease development projects are authorized for the period ending June 30, 1991:

- (1) State Board for Community Colleges:
 - (a) Improvements to existing leased facility at Bellevue Community College
 - (b) Daycare facility close to Clark Community College
 - (c) Educational training center at Green River Community College
 - (d) Education extension center at Peninsula Community College
 - (e) Small business building at Highline Community College
 - (f) Instructional Center at Highline Community College
 - (g) Daycare facility close to Green River Community College
 - (h) Parking space near Green River Community College
- (2) Department of General Administration: Central Stores warehouse
- (3) Department of Ecology: Agency headquarters building
- (4) Department of Social and Health Services: Office space at the state public health lab.

NEW SECTION, Sec. 904. FOR THE ARTS COMMISSION—ART WORK ALLOWANCE
POOLING

The appropriations in this act are subject to the following conditions and limitations: One-half of one percent of moneys appropriated in this act are provided solely for the purposes of RCW 28A.58.055, 28B.10.027, and 43.17.200.

NEW SECTION, Sec. 905. The amounts shown under the headings "Prior Biennia," "Future Biennia," and "Total" in this act are for informational purposes only and do not constitute legislative approval of these amounts.

NEW SECTION, Sec. 906. "Reappropriations" in this act are appropriations and are subject to the relevant conditions and limitations applicable to appropriations. Reappropriations shall be limited to the unexpended balances remaining June 30, 1989, in the current appropriation for each project.

NEW SECTION, Sec. 907. To carry out the provisions of this act, the governor may assign responsibility for planning, engineering, construction, and other related activities to any appropriate agency.

NEW SECTION, Sec. 908. In order to provide for consistent and comparable asbestos survey data, and to ensure that the chain-of-evidence requirements for asbestos samples and survey data are met in regard to pending asbestos manufacturer litigation:

(1) No state agency shall expend new funds appropriated in the 1989-91 biennium for asbestos surveys prior to approval by the department of general administration of the agency's asbestos survey policies and procedures. At the completion of each survey, state agencies shall submit the findings to the department in a format to be determined by the department.

(2) The department of general administration shall distribute to all state agencies chain-of-evidence requirements, as developed by the department and the office of the attorney general. State agencies expending appropriated funds for asbestos survey and abatement projects shall make every effort to conform with chain-of-evidence requirements.

NEW SECTION, Sec. 909. As part of the annual six-year update to the State Facilities and Capital Plan, agencies shall provide information on lease development projects to the office of financial management.

NEW SECTION, Sec. 910. If any federal moneys appropriated by this act for capital projects are not received by the state, the department or agency to which the moneys were appropriated may replace the federal moneys with any moneys available from private or local sources. No replacement may occur under this section without the prior approval of the director of financial management in consultation with the committees on ways and means of the senate and house of representatives.

NEW SECTION, Sec. 911. Any appropriation in this act that involves appropriated and non-appropriated funds shall comply with RCW 43.88.150. The office of financial management shall report to the legislature by January 1990 all instances where compliance with RCW 43.88.155 has delayed or precluded the completion of any capital project included in this act.

NEW SECTION. Sec. 912. Notwithstanding any other provisions of law, for the 1989-91 biennium, transfers of reimbursement by the state treasurer to the general fund from the community college capital projects account for debt service payments made under the provisions of Title 28B RCW shall occur only after such debt service payment has been made and only to the extent that funds are actually available in the account. Any unpaid reimbursements shall be a continuing obligation against the community college capital projects account until paid. The state board for community college education need not accumulate any specific balance in the community college capital projects account in anticipation of transfers to reimburse the general fund.

NEW SECTION. Sec. 913. Any capital improvements or capital project involving construction or major expansion of a state office facility, including district headquarters, detachment offices, and off-campus faculty offices, shall be reviewed by the department of general administration for possible consolidation and compliance with state office standards prior to allotment of funds. The intent of the requirement imposed by this section is to eliminate duplication and reduce total office space requirements where feasible, while ensuring proper service to the public.

NEW SECTION. Sec. 914. The governor, through the director of financial management, may authorize a transfer of appropriation authority provided for a capital project which is in excess of the amount required for the completion of such project to another capital project for which the appropriation is insufficient. No such transfer shall be used to expand the capacity of any facility beyond that intended by the legislature in making the appropriation. Such transfers may be effected only between capital appropriations to a specific department, commission, agency, or institution of higher education and only between capital projects which are funded from the same fund or account.

For the purposes of this section, the governor may find that an amount is in excess of the amount required for the completion of a project only if (1) the project as defined in the notes to the budget document is substantially complete and there are funds remaining or (2) bids have been let on a project and it appears to a substantial certainty that the project as defined in the notes to the budget document can be completed within the biennium for less than the amount appropriated herein.

For the purposes of this section, the legislature intends that each project be defined as proposed to the legislature in the governor's budget document, unless it clearly appears from the legislative history that the legislature intended to define the scope of a project in a different way.

A report of any transfer effected under this section shall be filed with the legislative fiscal committees of the senate and house of representatives by the director of financial management within thirty days of the date the transfer is effected.

NEW SECTION. Sec. 915. (1) The legislature finds:

(a) Estimates of capital project costs are prepared in a manner to ensure sufficient funds are available for the completion of projects.

(b) Actual project costs are influenced by variations in cost factors, changing unit price levels, available inventories, inflation rates, gross construction volume at the time of project bid, and other factors that cannot be predicted at the time of estimating capital project costs.

(c) Due to funding limitations, necessary capital projects are deferred to ensuing biennia.

(d) The deferral of capital projects results in increased project costs due to the effects of inflation and increased deterioration of facilities.

(e) No statutory authority currently exists to allow project cost savings to be used to implement necessary capital projects that were deferred to ensuing biennia due to lack of funds.

(2) There is hereby authorized a capital projects cost control incentive program for the 1989-91 biennium.

(3) Appropriations not required by an agency to complete capital projects authorized in this act, may be expended to implement, in priority sequence, those capital projects of the agency listed in the Governor's Six-Year Capital and Facility Plan for the 1991-93 Biennium, as that list exists in the Governor's final 1990 update of the six-year plan. Expenditures under this section are subject to the following conditions:

(a) No expenditure may be made without the prior allotment approval of the office of financial management.

(b) The office of financial management shall notify the senate and house ways and means committees prior to authorizing any project for implementation under this section.

(c) No project may be authorized under this section by the office of financial management unless sufficient funds are available to complete a project's design phase, construction phase, or both.

(d) Appropriations in this act for a capital project shall not be expended under this section unless:

(i) All contracts associated with the performance of the project have been completed and accepted by the state of Washington;

(ii) The statutory thirty-day lien period for each project has expired;

(iii) All claims of lien against project contracts have been satisfied;

(iv) There are no outstanding claims against the state of Washington by any contracted party to the project construction contract; and

(v) Any and all negotiated settlements or settlements arising from the findings of an arbitration board or court of jurisdiction have been satisfied.

NEW SECTION. Sec. 916. The department of information services will act as lead agency in coordinating video telecommunications services for state agencies. As lead agency, the department shall develop standards and common specifications for leased and purchased telecommunications equipment and assist state agencies in developing a video telecommunications expenditure plan. No agency may spend any portion of any appropriation in this act for new video telecommunication equipment, new video telecommunication transmission, or new video telecommunication programming, or for expanding current video telecommunication systems without first complying with chapter 43.105 RCW, including but not limited to RCW 43.105.041(2), and without first submitting a video telecommunications expenditure plan, in accordance with the policies of the department of information services, for review and assessment by the department of information services under RCW 43.105.052. Prior to any such expenditure by a public school, a video telecommunications expenditure plan shall be approved by the superintendent of public instruction. The office of the superintendent of public instruction shall coordinate the use of video telecommunications in public schools by providing educational information to local school districts and shall assist local school districts and educational service districts in telecommunications planning and curriculum development. Prior to any such expenditure by a public institution of postsecondary education, a telecommunications expenditure plan shall be approved by the higher education coordinating board. The higher education coordinating board shall coordinate the use of video telecommunications for instruction and instructional support in postsecondary education, including the review and approval of instructional telecommunications course offerings.

NEW SECTION. Sec. 917. To ensure that major construction projects are carried out in accordance with legislative and executive intent, capital projects for renovation or additional space contained in this act that exceed two million five hundred thousand dollars for which a program document is not completed prior to September 1, 1988, shall not expend funds for planning and construction until the office of financial management has reviewed the agency's programmatic document and approved continuation of the project. The program document shall include but not be limited to projected workload, site conditions, user requirements, current space available, and an overall budget and cost estimate breakdown.

NEW SECTION. Sec. 918. The appropriations contained in this act are maximum expenditure authorizations. Pursuant to RCW 43.88.037, moneys disbursed from the treasury on the basis of a formalized loan agreement with another governmental entity shall be treated as a loan and are to be recorded as loans receivable and not as expenditures for accounting purposes. To the extent that moneys are disbursed on a loan basis, the corresponding appropriation shall be reduced by the amount of loan moneys disbursed from the treasury during the 1989-91 biennium.

NEW SECTION. Sec. 919. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 920. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 1 of the title, after "capital budget;" strike the remainder of the title and insert "making appropriations and authorizing expenditures for capital improvements; authorizing certain projects; and declaring an emergency."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Newhouse, the Senate refuses to concur in the House amendments to Substitute Senate Bill No. 5521 and asks the House to recede therefrom.

MOTION

At 10:24 a.m., on motion of Senator Newhouse, the Senate was declared to be at ease.

The Senate was called to order at 11:45 a.m. by President Pritchard.

MOTIONS

On motion of Senator Newhouse, the Committee on Rules was relieved of further consideration of Engrossed Substitute House Bill No. 1479.

On motion of Senator Newhouse, the rules were suspended and Engrossed Substitute House Bill No. 1479 was placed on the second reading calendar.

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

MOTION

On motion of Senator von Reichbauer, the following resolution was adopted:

SENATE RESOLUTION 1989-8702

by Senators von Reichbauer, Gaspard, Pullen, Rasmussen and Fleming

WHEREAS, It is fitting that the state of Washington from time to time recognize those of its citizens whose spirit, self-sacrifice and enrichment of other lives invariably contribute to the rich fabric of Northwest society and serve as a shining beacon of exemplary service towards which others might aspire; and

WHEREAS, One individual deserving of the state's recognition and gratitude is Washington native and civic leader, Paul S. Friedlander; and

WHEREAS, Born in Seattle in 1912, Mr. Friedlander graduated from the University of Washington School of Law in 1937. Some five years later, he left Seattle to serve as a member of the United States Army. He returned a Major in 1945; and

WHEREAS, Paul Friedlander's many contributions to this state defy enumeration. Among the charitable organization boards counting the energetic Mr. Friedlander as a member are: The Salvation Army, the American Red Cross, the Bob Hope Research Center, the Seattle Symphony and Public Television Channel Nine. Mr. Friedlander serves as the Chairman of the Board of Providence Hospital and the Cornish School; he was the first President of the University of Washington Tyee Board; he was founder of PONCHO; and he sits on the Board of the Corporation for Public Broadcasting by virtue of presidential appointment. He has served Washington as a member of the Washington State Arts Commission and was a member of the World's Fair Commission in 1962. The economic development of the Port of Seattle and those persons dependent thereon is, in large part, owing to Paul Friedlander, who was first elected as a Port of Seattle Commissioner in 1969. A true friend of the arts, Mr. Friedlander now lectures throughout the land on how to raise funds for the arts;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate hereby recognizes the heartfelt dedication of Paul Friedlander and, on behalf of the state of Washington in this its Centennial Year, expresses its gratitude for his efforts. For their support of Paul Friedlander and for affording him the opportunity to give so generously of his time, the Senate also commends the entire Friedlander family, especially wife Margery Friedlander and sons Paul S. Friedlander, Jr. and John L. Friedlander; and

BE IT FURTHER RESOLVED, That because Paul Friedlander exemplifies one of the "thousand points of light" that will truly make this nation kinder and gentler, it is appropriate, and the Secretary of the Senate therefore shall, transmit copies of this resolution to President George Bush and to the Friedlander family.

The President introduced Mr. Paul Friedlander who was seated on the rostrum.

MOTION

On motion of Senator Rasmussen, the following resolution was adopted:

SENATE RESOLUTION 1989-8701

by Senators Rasmussen, Vognild, Wojahn, Amondson, Saling, Murray, Conner, Johnson, Anderson, Bailey, Craswell, Thorsness, Smitherman, McMullen, Barr, Talmadge, von Reichbauer, Bauer, Warnke, Bender, Nelson, Sellar, Moore, Kreidler, Williams and Metcalf

WHEREAS, Senator Gerald Saling and his party had a successful trip to the ocean beaches to dig clams on Sunday morning, April 23; and

WHEREAS, Limits of clams were taken of better than average size up to older clams five inches in size; and

WHEREAS, Clams of five inches are near the end of their life span and will be lost if not harvested; and

WHEREAS, Rebecca Lowe, a member of the Senate kitchen staff, also reports digging clams Sunday, many of which were older clams of five inches in length; and

WHEREAS, Reports from other clam diggers bear out the need for harvesting older clams while they are still alive; and

WHEREAS, The economy of the communities in Grays Harbor and Willapa Harbor have been depressed and clam diggers this spring have brought new life to the area; and

WHEREAS, An extension of the clam digging season through May 15, will provide five diggable tides; and

WHEREAS, Utilization of the resource of older clams is imperative and the assistance to the economy would be highly beneficial to the entire state;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate hereby strongly urges the Department of Fisheries to extend the clam digging season on the ocean beaches through May 15, for the reasons listed above.

Senator Metcalf spoke to Senate Resolution 1989-8701.

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

SECOND READING

HOUSE BILL NO. 2242, by Representatives Phillips, Van Luven, May, Holland, Hankins, Moyer, Patrick, Miller, Schoon, Winsley, Brough, Ballard, Wood, D. Sommers, Horn, S. Wilson, Chandler, and Ferguson

Prescribing financial responsibility for vessels that spill oil and establishing guidelines for management of Washington's coast.

The bill was read the second time.

MOTION

On motion of Senator Newhouse, the rules were suspended, House Bill No. 2242 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2242.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2242 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McDonald, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vogtild, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Excused: Senators DeJarnatt, McCaslin, McMullen - 3.

HOUSE BILL NO. 2242, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 11:58 a.m., on motion of Senator Newhouse, the Senate recessed until 2:00 p.m.

The Senate was called to order at 2:05 p.m. by President Pritchard.

SECOND READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Lee, Gubernatorial Appointment No. 9005, M. Toby Bouchey, as a member of the Small Business Export Financial Assistance Center Board of Directors, was confirmed.

APPOINTMENT OF M. TOBY BOUCHEY

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 37; absent, 9; excused, 3.

Voting yea: Senators Amondson, Bailey, Barr, Bender, Benitz, Bluechel, Craswell, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, Williams, Wojahn - 37.

Absent: Senators Anderson, Bauer, Cantu, Conner, Fleming, McDonald, Owen, Smith, West - 9.

Excused: Senators DeJarnatt, McCaslin, McMullen - 3.

MOTIONS

On motion of Senator Williams, Senator Bauer was excused.

On motion of Senator Newhouse, Senators McDonald and West were excused.

MOTION

On motion of Senator Lee, Gubernatorial Appointment No. 9032, Roy M. Kalich, as a member of the Lottery Commission, was confirmed.

APPOINTMENT OF ROY M. KALICH

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 44; excused, 5.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, Williams, Wojahn - 44.

Excused: Senators Bauer, DeJarnatt, McDonald, McMullen, West - 5.

MOTIONS

On motion of Senator Newhouse, the Committee on Rules was relieved of further consideration of Engrossed Substitute Senate Bill No. 5338, Engrossed Substitute Senate Bill No. 5373 and Engrossed Substitute House Bill No. 1825.

On motion of Senator Newhouse, the rules were suspended and Engrossed Substitute Senate Bill No. 5338 and Engrossed Substitute Senate Bill No. 5373 were placed on the third reading calendar.

On motion of Senator Newhouse, the rules were suspended and Engrossed Substitute House Bill No. 1825 was placed on the second reading calendar.

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

THIRD READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 5352, by Committee on Ways and Means (originally sponsored by Senators McDonald, Gaspard and Rasmussen) (by request of Governor Gardner)

Making appropriation for the 1989-91 biennium.

The bill was read the third time.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5352.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5352 and the bill passed the Senate by the following vote: Yeas, 25; nays, 22; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Hayner, Johnson, Lee, Matson, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Patterson, Pullen, Saling, Sellar, Smith, Thorsness, von Reichbauer, West - 25.

Voting nay: Senators Bauer, Bender, Conner, Fleming, Gaspard, Hansen, Kreidler, Madsen, Moore, Murray, Niemi, Owen, Rasmussen, Rinehart, Smitherman, Stratton, Sutherland, Talmadge, Vognild, Warnke, Williams, Wojahn - 22.

Excused: Senators DeJarnatt, McMullen - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5352, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the President reverted the Senate to the third order of business.

MESSAGE FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENT

April 27, 1989

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

Robert K. Powers, reappointed April 27, 1989, for a term ending March 26, 1993, as a member of the Higher Education Facilities Authority.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

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

MESSAGE FROM THE HOUSE

May 3, 1989

Mr. President:

The House refuses to recede from its amendments to SUBSTITUTE SENATE BILL NO. 5221, and asks the Senate for a conference thereon. The Speaker has appointed the following members as Conferees: Representatives H. Sommers, Braddock and Prince.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Newhouse, the Senate granted the request of the House for a conference on Substitute Senate Bill No. 5521 and the House amendments thereto.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Substitute Senate Bill No. 5521 and the House amendments thereto: Senators Cantu, Vognild and Sellar.

MOTION

On motion of Senator Newhouse, the Conference Committee appointments were confirmed.

MOTION

At 2:27 p.m., on motion of Senator Newhouse, the Senate was declared to be at ease.

The Senate was called to order at 3:11 p.m. by President Pritchard.

MESSAGE FROM THE HOUSE

May 3, 1989

Mr. President:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5352, with the following amendments:

Strike everything after the enacting clause and insert the following:

*NEW SECTION. Sec. 1. (1) A budget is hereby adopted and, subject to the provisions set forth in the following sections, the several amounts specified in the following sections, or so much thereof as shall be sufficient to accomplish the purposes designated, are hereby appropriated and authorized to be incurred for salaries, wages, and other expenses of the agencies and offices of the state and for other specified purposes for the fiscal biennium beginning July

1, 1989, and ending June 30, 1991, except as otherwise provided, out of the several funds of the state hereinafter named.

(2) Unless the context clearly requires otherwise, the definitions in this section apply throughout this act.

(a) "Children's initiative fund—children's services and support account" and "children's initiative fund—K-12 education account" mean the accounts created by Initiative 102 if Initiative 102 is enacted.

(b) "Fiscal year 1990" or "FY 1990" means the fiscal year ending June 30, 1990.

(c) "Fiscal year 1991" or "FY 1991" means the fiscal year ending June 30, 1991.

(d) "FTE" means full time equivalent.

(e) "Lapse" or "revert" means the amount shall return to an unappropriated status.

(f) "Provided solely" means the specified amount may be spent only for the specified purpose. Unless otherwise specifically authorized in this act, any portion of an amount provided solely for a specified purpose which is unnecessary to fulfill the specified purpose shall lapse.

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PART I

GENERAL GOVERNMENT

NEW SECTION, Sec. 101. FOR THE HOUSE OF REPRESENTATIVES

General Fund Appropriation \$	49,300,000
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The appropriation in this section is subject to the following conditions and limitations:

(1) \$150,000 is provided solely to contract for an evaluation of Seattle public schools. No portion of this amount may be expended unless at least \$150,000 from nonstate sources are contributed for this purpose.

(2) \$250,000 of the general fund appropriation is provided solely for acquisition and implementation of necessary redistricting data processing systems in conjunction with the senate and the secretary of state.

NEW SECTION, Sec. 102. FOR THE SENATE

General Fund Appropriation \$	36,651,000
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The appropriation in this section is subject to the following conditions and limitations:

\$250,000 of the general fund appropriation is provided solely for acquisition and implementation of necessary redistricting data processing systems in conjunction with the house of representatives and the secretary of state.

NEW SECTION, Sec. 103. FOR THE LEGISLATIVE BUDGET COMMITTEE

General Fund Appropriation \$	1,888,000
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NEW SECTION, Sec. 104. FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE

General Fund Appropriation \$	2,712,000
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NEW SECTION, Sec. 105. FOR THE OFFICE OF THE STATE ACTUARY

Department of Retirement Systems Expense Fund Appropriation \$	1,098,000
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The appropriation in this section is subject to the following conditions and limitations:

(1) The office shall provide all necessary services for the department of retirement systems within the funds appropriated in this section.

(2) \$100,000 is provided solely for implementation of the employee benefits communication project by the joint committee on pension policy.

NEW SECTION, Sec. 106. FOR THE JOINT LEGISLATIVE SYSTEMS COMMITTEE

General Fund Appropriation \$	5,628,000
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The appropriation in this section is subject to the following conditions and limitations: The appropriation shall be transferred to the legislative systems revolving fund.

NEW SECTION, Sec. 107. FOR THE STATUTE LAW COMMITTEE

General Fund Appropriation \$	5,983,000
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NEW SECTION. Sec. 108. FOR THE SUPREME COURT

General Fund Appropriation	\$	13,486,000
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The appropriation in this section is subject to the following conditions and limitations: \$5,013,000 is provided solely for the indigent appeals program.

NEW SECTION. Sec. 109. FOR THE LAW LIBRARY

General Fund Appropriation	\$	3,001,000
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NEW SECTION. Sec. 110. FOR THE COURT OF APPEALS

General Fund Appropriation	\$	14,039,000
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The appropriation in this section is subject to the following conditions and limitations: \$354,000 is provided solely for an additional judgeship in division I of the court of appeals. If neither Senate Bill No. 5109 nor House Bill No. 1802 is enacted by June 30, 1989, this amount of the appropriation shall lapse.

NEW SECTION. Sec. 111. FOR THE COMMISSION ON JUDICIAL CONDUCT

General Fund Appropriation	\$	620,000
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NEW SECTION. Sec. 112. FOR THE ADMINISTRATOR FOR THE COURTS

General Fund Appropriation	\$	26,791,000
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Public Safety and Education Account Appropriation	\$	22,874,000
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Total Appropriation	\$	49,665,000
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The appropriations in this section are subject to the following conditions and limitations:

(1) Within the appropriations provided in this section the administrator for the courts, in conjunction with the indigent defense task force, shall review the feasibility of implementing an indigent defense cost recovery program in order to recover state expenses for the indigent appeals program. The administrator for the courts also shall prepare recommendations regarding standards for indigency to be applied uniformly among courts throughout the state. Recommendations regarding a cost recovery program and indigency standards shall be submitted to the house of representatives appropriations and the senate ways and means committees by December 1, 1989.

(2) \$4,837,000 of the general fund appropriation is provided solely for the continuation of treatment-alternatives-to-street-crimes (TASC) programs in Pierce, Snohomish, Clark, King, Spokane, and Yakima counties. In administering TASC program contracts, the administrator for the courts shall: Monitor program expenditures, conduct program audits, and develop corrective action plans as necessary for contract compliance.

(3) \$15,555,000 of the general fund appropriation is provided solely for the superior court judges program.

(4) \$50,000 of the public safety and education account appropriation is provided solely for the continuation of the indigent defense task force as provided in Substitute Senate Bill No. 5960 (indigent defense services). If the bill is not enacted by June 30, 1989, the amount provided in this subsection shall lapse.

(5) \$200,000 of the general fund appropriation is provided solely for implementing Substitute Senate Bill No. 5474 or Substitute House Bill No. 1119. If neither bill is enacted by June 30, 1989, the amount provided in this subsection shall lapse.

(6) \$250,000 of the general fund appropriation is provided solely for a foster care review pilot project. In designing the project, the administrator for the courts shall: (a) Establish control groups, one with foster care review and one without, and (b) document the comparative impacts on court costs and foster care length-of-stay.

(7) \$6,715,000 of the public safety and education account appropriation is provided solely to implement the conversion of the district court information system ("DISCIS") to a subsystem compatible with the other subsystems within the judicial information system. The amount provided in this subsection is intended to convert twenty-eight existing DISCIS sites and establish eight new sites. The administrator for the courts shall report to the legislature by January 15, 1990, on the reasonableness and feasibility of installing more DISCIS sites during the 1989-91 biennium.

(8) \$1,500,000 of the public safety and education account appropriation shall be held in reserve by the administrator for the courts until July 1, 1990.

(9) The administrator for the courts shall prepare a five-year plan for the judicial information system in conformance with the department of information services guidelines. The administrator for the courts shall submit the plan to the house of representatives committee on appropriations and the senate committee on ways and means by January 15, 1990. The five-year plan shall include but not be limited to the following items: Long range goals, objectives, and priorities; estimated equipment and software acquisition costs; an equipment acquisition schedule; estimated operating costs by fiscal year; a cost benefit analysis of planned system modifications; an analysis of the revenue impact of implementing accounts receivable modules; and descriptions of the services provided to each court jurisdiction.

(10) Within the appropriations provided in this section, the administrator for the courts shall implement Substitute House Bill No. 1565.

NEW SECTION. Sec. 113. FOR THE OFFICE OF THE GOVERNOR

General Fund Appropriation—State	\$	12,186,000
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General Fund Appropriation—Federal	\$	27,779,000
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Total Appropriation \$ 39,965,000

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

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

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

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

(4) The governor's office is authorized to use moneys from the general fund—state appropriation for implementation of House Bill No. 2129.

NEW SECTION, Sec. 114. FOR THE LIEUTENANT GOVERNOR

General Fund Appropriation \$ 492,000

NEW SECTION, Sec. 115. FOR THE PUBLIC DISCLOSURE COMMISSION

General Fund Appropriation \$ 1,428,000

The appropriation in this section is subject to the following conditions and limitations: \$124,000 is provided solely for increased auditing capabilities.

NEW SECTION, Sec. 116. FOR THE SECRETARY OF STATE

General Fund Appropriation \$ 8,070,000

Archives and Records Management Account Appropriation \$ 2,583,000

Department of Personnel Service Fund Appropriation \$ 447,000

Total Appropriation \$ 11,100,000

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

(1) \$200,000 of the general fund appropriation is provided solely for acquisition and implementation of necessary redistricting data processing systems in conjunction with the house of representatives and the senate.

(2) \$1,074,000 of the general fund appropriation is provided solely to reimburse counties for the state's share of primary and general election costs and the costs of conducting mandatory recounts on state measures.

(3) \$2,542,000 of the general fund appropriation is provided solely for the verification of initiative and referendum petitions and the maintenance of related voter registration records, legal advertising of state measures, and the publication and distribution of the voters and candidates pamphlet.

(4) \$123,000 of the general fund appropriation is provided solely for implementation of House Bill No. 1666 (voter registration at driver's license facilities). If the bill is not enacted by June 30, 1989, the amount provided in this subsection shall lapse.

NEW SECTION, Sec. 117. FOR THE GOVERNOR'S OFFICE OF INDIAN AFFAIRS

General Fund Appropriation \$ 290,000

NEW SECTION, Sec. 118. FOR THE COMMISSION ON ASIAN-AMERICAN AFFAIRS

General Fund Appropriation \$ 312,000

NEW SECTION, Sec. 119. FOR THE STATE TREASURER

Motor Vehicle Fund Appropriation \$ 46,000

State Treasurer's Service Fund Appropriation \$ 9,234,000

Higher Education Construction Account Appropriation \$ 39,000

State Convention and Trade Center Account Appropriation \$ 76,000

State and Local Improvements Revolving Account—Waste Disposal

Facilities Appropriation \$ 58,000

Salmon Enhancement Construction Account Appropriation \$ 10,000

State and Local Improvements Revolving Account—Waste Disposal

Facilities, 1980 Appropriation \$ 200,000

State Higher Education Construction Account Appropriation \$ 25,000

State Building Construction Account Appropriation \$ 588,000

Higher Education Reimbursable Short-Term Bond Account Appropriation \$ 14,000

Outdoor Recreation Account Appropriation \$ 7,000

State and Local Improvements Revolving Account (Water Supply

Facilities) Appropriation \$ 71,000

State and Local Improvements Revolving Account (Social and Health

Services Facilities) Appropriation \$ 25,000

Economic Development Account Appropriation \$ 11,000

State Facilities Renewal Account Appropriation \$ 14,000

Puget Sound Capital Construction Account Appropriation \$ 35,000

Urban Arterial Trust Account Appropriation \$ 43,000

Total Appropriation \$ 10,496,000

The appropriations in this section, with the exception of the motor vehicle fund and state treasurer's service fund appropriations, are subject to the following conditions and limitations: The provisions of sections 807 and 808 of this act apply to the appropriations in this section.

NEW SECTION. Sec. 120. FOR THE STATE AUDITOR

General Fund Appropriation	\$	902,000
Motor Vehicle Fund Appropriation	\$	225,000
Municipal Revolving Fund Appropriation	\$	16,262,000
Auditing Services Revolving Fund Appropriation	\$	10,350,000
Total Appropriation	\$	27,739,000

NEW SECTION. Sec. 121. FOR THE CITIZENS' COMMISSION ON SALARIES FOR ELECTED

OFFICIALS		
General Fund Appropriation	\$	76,000

NEW SECTION. Sec. 122. FOR THE ATTORNEY GENERAL

General Fund Appropriation—State	\$	6,284,000
General Fund Appropriation—Federal	\$	1,664,000
Legal Services Revolving Fund Appropriation	\$	70,967,000
Motor Vehicle Fund Appropriation	\$	761,000
New Motor Vehicle Arbitration Account Appropriation	\$	1,716,000
Total Appropriation	\$	81,392,000

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

(1) \$761,000 of the motor vehicle fund appropriation is provided solely to pursue highway bid-rigging anti-trust litigation and shall be expended only after the office of financial management approves plans for any expenditures.

(2) No part of the appropriations provided in this section may be used to move any attorney co-located with an agency for which the attorney provides legal services away from the agency without prior approval of the agency and the office of financial management.

(3) \$181,000 of the general fund—state appropriation is provided solely for expanding the computerized homicide information and tracking system. The attorney general shall report to the legislature, no later than January 14, 1991, on the homicide information and tracking system, as well as on the feasibility of expanding the system to include the violent crimes of rape, robbery, and arson. The report shall include a local agency financial participation analysis, a systems analysis that includes use of the incident-based reporting system (IBR) of the Washington association of sheriffs and police chiefs and of the criminal information system of the Washington state patrol, and a full-cost purchase analysis. The attorney general shall coordinate the preparation of this report with the office of financial management, the Washington association of sheriffs and police chiefs, and the Washington state patrol.

NEW SECTION. Sec. 123. FOR THE OFFICE OF FINANCIAL MANAGEMENT

General Fund Appropriation	\$	23,300,000
Motor Vehicle Fund Appropriation	\$	101,000
Total Appropriation	\$	23,401,000

The appropriations in this section are subject to the following conditions and limitations: The director of financial management, in consultation with the department of general administration, shall report to the house of representatives appropriations and senate ways and means committee by July 1, 1990, on the savings resulting from the implementation of the report of the motor pool review team of the governor's commission for efficiency and accountability in government. The report shall provide recommendations on how the identified savings should be programmed into state agency budgets. Periodically during the biennium, the director of financial management shall direct agencies affected by the implementation of the report to place appropriated moneys in reserve status to reflect the resulting savings. By June 30, 1991, at least \$1,000,000 from general fund—state appropriations shall be placed in reserve status under this subsection. If neither Substitute House Bill No. 1355 nor Engrossed Senate Bill No. 5335 is enacted by June 30, 1989, this subsection shall have no effect.

NEW SECTION. Sec. 124. FOR THE OFFICE OF ADMINISTRATIVE HEARINGS

Administrative Hearings Revolving Fund Appropriation	\$	10,031,000
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NEW SECTION. Sec. 125. FOR THE DEPARTMENT OF PERSONNEL

Department of Personnel Service Fund Appropriation	\$	14,774,000
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The appropriation in this section is subject to the following conditions and limitations:

(1) \$670,000 is provided solely for implementation of Engrossed House Bill No. 1360, House Bill No. 2236, or the career executive management program portion of Substitute Senate Bill No. 5140. If neither bill is enacted by June 30, 1989, the amount provided in this subsection shall lapse.

(2) The department of personnel shall survey the compensation practices of comparable in-state and out-of-state law enforcement agencies. The survey shall consider the degree to which duties, skills, and working conditions are shared by classifications such as wildlife agents, fisheries agents, and members of the Washington state patrol, all of whom have full police powers. The department shall report on the survey findings to the legislature by January 1, 1990.

NEW SECTION. Sec. 126. FOR THE COMMITTEE FOR DEFERRED COMPENSATION

General Fund Appropriation	\$	527,000
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The appropriation in this section is subject to the following conditions and limitations: This appropriation is provided solely for the administration of a state employee salary reduction plan for dependent care assistance.

NEW SECTION, Sec. 127. FOR THE WASHINGTON STATE LOTTERY
Lottery Administrative Account Appropriation \$ 17,354,000

NEW SECTION, Sec. 128. FOR THE COMMISSION ON HISPANIC AFFAIRS
General Fund Appropriation \$ 343,000

NEW SECTION, Sec. 129. FOR THE PERSONNEL APPEALS BOARD
Department of Personnel Service Fund Appropriation \$ 870,000

NEW SECTION, Sec. 130. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS—OPERATIONS
Department of Retirement Systems Expense Fund Appropriation \$ 22,771,000

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

(1) \$908,000 is provided solely for information systems projects named in this section for which work will commence or continue in this biennium. Authority to expend these funds is conditioned upon compliance with section 802 of this act. For the purposes of this subsection, "information systems projects" means the projects known by the following names or successor names: Transmittals, member account ledgers, account receivables, billing, and disbursements.

(2) \$871,000 is provided solely for reduction of the agency's backlogs.

(3) \$184,000 is provided solely for development of data security and program library management.

(4) \$50,000 is provided solely for the preparation of information on disability benefit for members of the retirement systems. In preparing this information, the department shall coordinate with the joint committee on pension policy regarding the committee's employee communications project.

NEW SECTION, Sec. 131. FOR THE STATE INVESTMENT BOARD
State Investment Board Expense Account Appropriation \$ 2,015,000

NEW SECTION, Sec. 132. FOR THE DEPARTMENT OF REVENUE
General Fund Appropriation \$ 76,151,000

Timber Tax Distribution Account Appropriation \$ 3,382,000

State Toxics Control Account Appropriation \$ 100,000

Solid Waste Management State Account Appropriation \$ 92,000

Total Appropriation \$ 79,725,000

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

(1) \$92,000 of the solid waste management account appropriation is provided solely for implementing the provisions of Engrossed Substitute House Bill No. 1671. If the bill is not enacted by June 30, 1989, the amount provided in this subsection shall lapse.

(2) \$400,000 of the general fund appropriation is provided solely for the costs associated with expert witnesses and legal defense in defending the state in federal court.

NEW SECTION, Sec. 133. FOR THE BOARD OF TAX APPEALS
General Fund Appropriation \$ 1,329,000

NEW SECTION, Sec. 134. FOR THE MUNICIPAL RESEARCH COUNCIL
General Fund Appropriation \$ 2,212,000

NEW SECTION, Sec. 135. FOR THE UNIFORM LEGISLATION COMMISSION
General Fund Appropriation \$ 37,000

NEW SECTION, Sec. 136. FOR THE OFFICE OF MINORITY AND WOMEN'S BUSINESS ENTERPRISES
General Fund Appropriation \$ 2,178,000

NEW SECTION, Sec. 137. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
General Fund Appropriation—State \$ 8,576,000

General Fund Appropriation—Federal \$ 1,715,000

General Fund Appropriation—Private/Local \$ 99,000

Motor Vehicle Fund Appropriation \$ 331,000

State Patrol Highway Account Appropriation \$ 229,000

Motor Transport Account Appropriation \$ 10,867,000

General Administration Facilities and Services Revolving Fund
Appropriation \$ 22,365,000

Total Appropriation \$ 44,182,000

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

(1) The motor vehicle fund appropriation and state patrol highway account appropriation are provided solely for risk management activities related to the motor vehicle fund and the state patrol highway account.

(2) \$471,000 of the motor transport account appropriation is provided solely to establish the office of motor vehicle services as provided in Senate Bill No. 5335 or Substitute House Bill No. 1355. If neither bill is enacted by June 30, 1989, the amount provided in this subsection shall lapse.

NEW SECTION, Sec. 138. FOR THE DEPARTMENT OF INFORMATION SERVICES
Data Processing Revolving Fund Appropriation \$ 2,392,000

<u>NEW SECTION, Sec. 139. FOR THE INSURANCE COMMISSIONER</u>	
Insurance Commissioner's Regulatory Account Appropriation	\$ 12,424,000
<u>NEW SECTION, Sec. 140. FOR THE BOARD OF ACCOUNTANCY</u>	
General Fund Appropriation	\$ 463,000
Certified Public Accountant Examination Account Appropriation	\$ 655,000
Total Appropriation	\$ 1,118,000
<u>NEW SECTION, Sec. 141. FOR THE DEATH INVESTIGATION COUNCIL</u>	
Death Investigations Account Appropriation	\$ 11,000
<u>NEW SECTION, Sec. 142. FOR THE BOXING COMMISSION</u>	
General Fund Appropriation	\$ 139,000
<u>NEW SECTION, Sec. 143. FOR THE HORSE RACING COMMISSION</u>	
Horse Racing Commission Fund Appropriation	\$ 4,544,000
The appropriation in this section is subject to the following conditions and limitations:	
(1) If there are more than seven hundred thirty-two racing days during the fiscal biennium ending June 30, 1991, the governor is authorized to allocate such additional moneys from the horse racing commission fund as may be required.	
(2) No horse racing commission funds may be used for the purpose of certifying Washington-bred horses under RCW 67.16.075.	
<u>NEW SECTION, Sec. 144. FOR THE LIQUOR CONTROL BOARD</u>	
Liquor Revolving Fund Appropriation	\$ 95,458,000
<u>NEW SECTION, Sec. 145. FOR THE PHARMACY BOARD</u>	
General Fund Appropriation	\$ 1,436,000
<u>NEW SECTION, Sec. 146. FOR THE UTILITIES AND TRANSPORTATION COMMISSION</u>	
Public Service Revolving Fund Appropriation	\$ 26,245,000
Grade Crossing Protective Fund Appropriation	\$ 320,000
Total Appropriation	\$ 26,565,000
The appropriations in this section are subject to the following conditions and limitations: \$347,000 of the public service revolving fund appropriation is contingent on the enactment of Engrossed Substitute House Bill No. 1671. If the bill is not enacted by June 30, 1989, the amount provided in this subsection shall lapse.	
<u>NEW SECTION, Sec. 147. FOR THE BOARD FOR VOLUNTEER FIREMEN</u>	
Volunteer Firemen's Relief and Pension Fund Appropriation	\$ 315,000
<u>NEW SECTION, Sec. 148. FOR THE MILITARY DEPARTMENT</u>	
General Fund Appropriation—State	\$ 8,087,000
General Fund Appropriation—Federal	\$ 6,425,000
Total Appropriation	\$ 14,512,000
<u>NEW SECTION, Sec. 149. FOR THE PUBLIC EMPLOYMENT RELATIONS COMMISSION</u>	
General Fund Appropriation	\$ 1,819,000

PART II
HUMAN SERVICES

NEW SECTION, Sec. 201. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(1) Appropriations made in this act to the department of social and health services shall initially be allotted as required by this act. Subsequent allotment modifications shall not include transfers of moneys between sections of this act except as expressly provided in this act, nor shall allotment modifications permit moneys that are provided solely for a specified purpose to be used for other than that purpose.

(2) The department of social and health services shall not initiate any services that will require expenditure of state general fund moneys unless expressly authorized in this act or other law, or unless the services were provided on March 1, 1989. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, except maternal and child health block grant moneys, those moneys shall be spent for services authorized in this act, and an equal amount of appropriated state general fund moneys shall lapse. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on explicitly defined projects or matched on a formula basis by state funds.

(3) The department of social and health services is authorized to expend federal funds made available by the federal immigration reform and control act, P.L. 99-603, for the purposes contained in that act.

NEW SECTION, Sec. 202. GENERAL VENDOR RATE INCREASES

In granting the vendor rate increases funded by appropriations in sections 201 through 217 of this act which reference this section, the department may vary percentage increases among vendor groups. In order to determine the percentage increases for each vendor group, the department may consider: The gap between the vendor group's costs and department rates; and the extent to which a disproportionate share of the vendor group's revenue or activity is dependent on department clients. The department shall ensure that the overall average rate increase on January 1, 1990, and on January 1, 1991, each does not exceed four percent. The

department may transfer funds among appropriations for the purposes of this section. In no case may transfers out of a section exceed the amounts appropriated for the purposes of this section. This section shall not apply to rates for hospitals, nursing homes reimbursed under chapter 74.46 RCW, therapeutic child care providers, child placement agencies, or family foster care providers and shall not apply to any rate increase funded from children's initiative fund—children's services and support account appropriations.

NEW SECTION. Sec. 203. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—CHILDREN AND FAMILY SERVICES PROGRAM

General Fund Appropriation—State	\$	269,918,000
General Fund Appropriation—Federal	\$	167,351,000
Children's Initiative Fund—Children's Services and Support Account		
Appropriation	\$	56,371,000
Public Safety and Education Account Appropriation	\$	400,000
Total Appropriation	\$	494,040,000

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

(1) \$5,952,000 of the general fund—state appropriation and \$448,000 of the general fund—federal appropriation are provided solely for reduction of the average caseloads for child protective and child welfare casework staff to a standard of thirty-two cases per staff.

(2) \$5,326,000 of the general fund—state appropriation is provided solely to expand services to families to reduce the need for family or group foster care. Of the amount provided in this subsection, \$1,560,000 is provided solely for additional homemakers; \$982,000 is provided solely for family reconciliation services; \$514,000 is provided solely for the homebuilders program; \$1,000,000 is provided solely for home-based services or treatment for families receiving child protective services; and \$1,270,000 is provided solely for increased child care services.

(3) \$400,000 of the public safety and education account appropriation is provided solely to continue training programs under chapter 70.125 RCW for medical personnel regarding victims of sexual abuse. Training provided under this subsection shall be designed to develop regional expertise on identification, verification, and retention of evidence in cases of child sexual abuse.

(4) \$5,090,000 of the general fund—state appropriation and \$591,000 of the general fund—federal appropriation are provided solely to increase rates and services as follows: \$3,210,000 of the general fund—state appropriation, and \$591,000 of the general fund—federal appropriation are provided solely for increased treatment and rates for family foster care and child placement agencies; \$500,000 of the general fund—state appropriation is provided solely for increased grants to domestic violence shelter programs; \$200,000 of the general fund—state appropriation is provided solely for increased grants to victims of sexual assault programs; and \$1,180,000 of the general fund—state appropriation is provided solely for increased rates for therapeutic child care.

(5) \$3,926,000 of the general fund—state appropriation is provided solely to increase the number of children served in the employment child care subsidy program.

(6) \$56,371,000 of the children's initiative fund—children's services and support account appropriation is provided solely to improve services to children and families including but not limited to: Reducing average caseloads for child protective and child welfare casework staff to a standard of twenty-five cases per staff; expanding shelter and counseling services for battered women and their children; increasing services under the therapeutic child care program and the women, infant, and children nutrition program; increasing and improving group home and family foster care rates; increasing child care subsidy rates; increasing family reconciliation, homebuilders, and other family support services; fully funding childhood immunization programs; and expanding the high-priority infant tracking program state-wide.

(7) \$300,000 of the general fund—state appropriation is provided solely for grants for the operation of community-based family support centers. Grants shall be administered and evaluated by the council for prevention of child abuse and neglect. Grantees shall be part of a community interagency team that provides support to families, which may include, but is not limited to, parenting education and support groups, child development assessments, and information and referral services. As a condition of receiving a grant, grantees shall provide twenty-five percent of the funding for family support centers.

(8) Any federal funds not anticipated in this act received for the purpose of maternal and child health services may be spent to increase county health department services to families with young children, including home visits, preventive health care, nutrition, and other services.

(9) \$4,964,000 of the general fund—state appropriation and \$2,190,000 of the general fund—federal appropriation are provided solely for vendor rate increases for vendors providing services to the children and family services program, as specified in section 202 of this act.

(10) \$2,350,000 of the general fund—state appropriation is provided solely for foster care diversion projects established under section 203(15), chapter 289, Laws of 1988. The department shall continue or expand those projects showing positive outcomes in both benefits to families

and cost neutrality. The department shall report to the appropriate committees of the legislature by January 8, 1990, on these projects. The reports shall include a description of each project, the cost of each project, and an assessment of its effectiveness.

(11) \$250,000 of the general fund—state appropriation is provided solely for employer-related child care activities, including outreach and technical assistance to employers, by the department of social and health services or community-based child care resource and referral agencies as outlined in Engrossed Substitute House Bill No. 1133 and Second Substitute Senate Bill No. 6051. No moneys provided in this subsection may be spend for grants or loans to employers.

(12) \$500,000 of the general fund—state appropriation is provided solely for continuation of the "Continuum of Care" projects as provided for in section 203(15), chapter 289, Laws of 1988, through June 30, 1990.

**NEW SECTION. Sec. 204. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—
JUVENILE REHABILITATION PROGRAM**

(1) COMMUNITY SERVICES

General Fund Appropriation—State	\$	33,150,000
General Fund Appropriation—Federal	\$	134,000
Children's Initiative Fund—Children's Services and Support Account		
Appropriation	\$	3,322,000
Total Appropriation	\$	36,606,000

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

(a) \$540,000 of the children's services and support account appropriation is provided solely for up to twenty-five additional community beds.

(b) \$1,040,000 of the children's services and support account appropriation is provided solely for expansion of the community commitment program.

(c) \$367,000 of the children's services and support account appropriation is provided solely for expansion of parole diagnostic services.

(d) \$375,000 of the children's services and support account appropriation is provided solely for summer school programs in juvenile learning centers.

(e) \$610,000 of the general fund—state appropriation is provided solely for vendor rate increases for vendors providing service to the juvenile rehabilitation program, as specified in section 202 of this act.

(2) INSTITUTIONAL SERVICES

General Fund Appropriation—State	\$	47,924,000
General Fund Appropriation—Federal	\$	871,000
Children's Initiative Fund—Children's Services and Support Account		
Appropriation	\$	576,000
Total Appropriation	\$	49,371,000

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

(a) The department shall develop a long-range plan for the future status of institutional programs and facilities. The plan shall be presented to the appropriate policy and fiscal committees of the senate and house of representatives by January 8, 1990, and shall address in detail:

(i) Offenders who can be diverted to community programs;

(ii) Community programs necessary to successfully divert offenders from state facilities;

(iii) Programs and facilities most appropriate for offenders requiring incarceration in state facilities;

(iv) The costs to state and local organizations to accomplish the plan; and

(v) Policy changes necessary to accomplish the plan.

(b) \$576,000 of the children's services and support account appropriation is provided solely for positive programming initiatives in selected institutions.

(c) \$554,000 of the general fund—state appropriation is provided solely to accommodate offender population increases resulting from the policies of the juvenile disposition standards board.

(3) PROGRAM SUPPORT

General Fund Appropriation	\$	2,905,000
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**NEW SECTION. Sec. 205. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—
MENTAL HEALTH PROGRAM**

(1) COMMUNITY SERVICES

General Fund Appropriation—State	\$	172,123,000
General Fund Appropriation—Federal	\$	91,168,000
Children's Initiative Fund—Children's Services and Support Account		
Appropriation	\$	10,143,000
General Fund Appropriation—Local	\$	3,360,000
Total Appropriation	\$	276,794,000

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

(a) If Second Substitute Senate Bill No. 5400, as amended by the house of representatives, is not enacted by June 30, 1989, the appropriations in this subsection are subject to the following conditions and limitations:

(i) The legislature assumes that the improvements funded in this section are the first step towards building a mental health system with strong coordination within communities and between communities and the state hospitals. Should Second Substitute Senate Bill No. 5400 not be enacted, the legislature intends to proceed with the transition described in that bill. The legislature intends that counties or groups of counties will form regional support networks to provide comprehensive mental health services to their residents. Comprehensive services include short term evaluation and treatment, emergency intervention, community residential and support services, and other services needed to support the mentally ill. The legislature intends that the state hospitals will continue to play an important role in the mental health system. It is also intended that networks gradually reduce their reliance on the state hospitals for routine short term evaluation and treatment.

(ii) Beginning July 1, 1989, the department of social and health services shall track by county and by region the use and cost of state hospital and local evaluation and treatment facilities, including the use of local hospitals under medicaid. Reports shall include information on seventy-two hour detentions and fourteen-day, ninety-day, and one hundred eighty-day commitments. In addition, the report shall include information on voluntary inpatient care at state hospitals and in the community. To the extent feasible, reports shall reflect client county of residence. Reports shall be made available to regional support networks and counties at six-month intervals.

(iii) Contracts with regional support networks and service providers shall include provisions requiring such data, statistics, schedules, and information as the secretary of the department of social and health services may reasonably require. The contracts shall provide that failure to meet contract reporting requirements without good cause shall result in penalties, which may include termination of the contract, or withholding of payment. The contracts shall provide for written notice of failure to comply with reporting requirements and a thirty-day period for corrective action.

(iv) Counties or groups of counties wishing to enter into regional support network contracts with the secretary of the department of social and health services for the 1989-91 biennium, shall notify the secretary and submit a preliminary plan by October 30, 1989. The networks shall submit an overall six-year plan (including operating and capital budgets, and a timeline) in a format specified by the secretary no later than sixty days prior to the proposed contract implementation date. The secretary shall negotiate and finalize contracts with regional support networks for implementation of approved plans no later than March 1, 1990. Consistent with legislative intent in (i) above, the secretary shall ensure that contracts reflect plans which implement the transition to local responsibility for comprehensive services. Transition steps may include but are not limited to development of local resource management, development of local evaluation and treatment programs, and development of local housing and support systems.

(v) The secretary of the department of social and health services, in consultation with affected parties, shall develop a distribution formula for the funds appropriated in this section. The secretary shall report on the formula to the appropriations and human services committees of the house of representatives and the ways and means and health care and corrections committees of the senate by October 1, 1989.

(vi) The department, in cooperation with the state congressional delegation, shall actively seek waivers of federal requirements and such modifications of federal regulations as are necessary to allow federal medicaid reimbursement for services provided by free-standing evaluation and treatment facilities certified under chapter 71.05 RCW. The department shall periodically report its efforts to the ways and means and health care and corrections committees of the senate and the appropriations and human services committees of the house of representatives.

(vii) The department shall study and report to the legislature by December 2, 1989, on expanding the use of federal Title XIX funds and the definition of institutions for mental diseases to provide services to persons who are acutely mentally ill, chronically mentally ill, or at risk of becoming so. The study shall also include an assessment of the impact of Title XIX funds and the definition of institutions for mental diseases on the use of state funds to provide needed mental health services to the chronically mentally ill.

(b) A maximum of \$33,012,000 of the general fund—state appropriation and \$16,057,000 of the general fund—federal appropriation are provided for approved regional network plans through contracts negotiated with the secretary of the department of social and health services.

(i) Contracts shall include financial plans which ensure that the ongoing cost of programs initiated during state fiscal year 1991 can be sustained by approximately the same level of resources, adjusted for inflation, in state fiscal year 1992. It is the intent of the legislature that contracting for new resources in subsequent biennia not be unduly restricted by "bow wave" costs from 1989-91 contracts. Of the amounts provided in this subsection, a maximum of

\$500,000 from the general fund—state appropriation may be used for planning and technical assistance grants to counties or regions wishing to form networks. The amounts in this subsection include moneys needed to implement the omnibus budget and reconciliation act of 1987 ("OBRA"). First priority for necessary mental health services shall be given to individuals transferred from nursing homes because of OBRA. Such services shall be consistent with an individual's discharge plan and shall include residential services, if needed. Assumptions regarding the number of transfers from the nursing homes shall be incorporated into each contract and shall be consistent with the state-wide plan. The department shall coordinate OBRA transfers consistent with the provisions of each contract. The secretary shall negotiate contracts with networks from areas comprising no more than two-thirds of the state's population. Contracts shall be negotiated in at least two competitive rounds. The first round of contracts shall be effective no later than January 1, 1990. The last round of contracts shall be effective no later than March 1, 1990.

(ii) The department shall continue contracting directly for the Kitsap mental health services residential care alternative project until such time as Kitsap county becomes or joins a regional support network. The reimbursement rate per available bed-day shall not exceed \$208 in fiscal year 1990 and \$216 in fiscal year 1991. During the contract period, all eligible involuntary treatment referrals for Kitsap county residents shall be made to the project. No involuntary referrals shall be made to western state hospital except when the following conditions are met: The Kitsap residential treatment facility is filled to capacity; and the mental health division and the Kitsap county mental health coordinator concur with the referral. Priority for referral to western state hospital shall be given to individuals under ninety-day or one hundred eighty-day commitments and individuals who have exhausted all community placement options.

(iii) Chartley house may be continued as a part of a network contract or funded directly by the department.

(c) \$2,000,000 of the general fund—state appropriation is provided solely for a mental health housing reserve. The secretary of the department of social and health services shall transfer funds from the reserve to the state hospitals in any quarter in which hospital census exceeds the December 1988 forecast. Any amount remaining after March 1991 may be used for one-time grants. In making grants, the secretary shall give priority to proposals that facilitate network development, demonstrate integration with other mental health services and that are designed to reduce involuntary treatment.

(d) \$6,000,000 of the general fund—state appropriation is provided solely for increases for involuntary treatment act administration, including costs associated with involuntary medication hearings.

(e) \$2,700,000 of the general fund—state appropriation is provided solely for information system requirements associated with Second Substitute Senate Bill No. 5400 as amended.

(f) \$600,000 of the general fund—state appropriation and \$400,000 of the general fund—federal appropriation are provided solely for increasing local hospital outlier payments.

(g) \$2,000,000 of the general fund—state appropriation, \$500,000 of the general fund—federal appropriation, and \$3,000,000 of the children's services and support account appropriation are for community mental health services for children, including \$600,000 of the general fund—state appropriation to expand the primary intervention program to ten additional school districts in 1989-90. Priority for the remaining moneys shall be given to maintaining Title XIX eligibility for children's outpatient services at risk of losing federal financial participation because of lack of state match.

(h) \$6,343,000 of the children's services and support account is provided solely for the expansion of the primary intervention program.

(i) \$500,000 of the children's services and support account appropriation is provided solely for a study of children's mental health services state-wide.

(j) \$5,128,000 of the general fund—state appropriation and \$1,931,000 of the general fund—federal appropriation are for vendor rate increases for vendors providing services to the mental health program, as specified in section 202 of this act.

(2) INSTITUTIONAL SERVICES

General Fund Appropriation—State	\$	207,447,000
General Fund Appropriation—Federal	\$	9,869,000
Total Appropriation	\$	217,316,000

The appropriations in this subsection are subject to the following conditions and limitations: \$9,026,000 of the general fund—state appropriation and \$560,000 of the general fund—federal appropriation are provided for improvements at state mental hospitals. Of these amounts, it is intended that:

(a) \$56,000 is for start-up of an employee day care facility to enhance staff recruitment and retention.

(b) \$500,000 is for staff recruitment, retention, and development activities which includes but is not limited to continuing education, inservice training, and scholarships for staff training to become registered nurses.

(c) \$3,170,000 is for improving housekeeping and maintenance.

(d) \$3,609,000 is for improved staffing at the state hospitals.

(e) \$2,460,000 is for research and teaching activities in cooperation with universities, colleges, community colleges, and vocational technical institutes. In developing these relationships, the secretary shall give highest priority to activities which improve staff recruitment, retention, and development and contribute to improving quality of care.

(f) \$100,000 is for the nurses conditional scholarship program established in chapter 242, Laws of 1988. The department shall transfer \$100,000 to the higher education coordinating board for the purposes of this section. The moneys transferred to the board shall be used only for nurses agreeing to serve at the state hospitals.

(3) PROGRAM SUPPORT

General Fund Appropriation—State	\$	3,360,000
General Fund Appropriation—Federal	\$	1,383,000
Total Appropriation	\$	4,743,000

(4) SPECIAL PROJECTS

General Fund Appropriation—Federal	\$	2,966,000
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NEW SECTION, Sec. 206. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—
DEVELOPMENTAL DISABILITIES PROGRAM

(1) COMMUNITY SERVICES

General Fund Appropriation—State	\$	105,496,000
General Fund Appropriation—Federal	\$	85,743,000
Children's Initiative Fund—Children's Services and Support Account Appropriation	\$	3,538,000
Total Appropriation	\$	194,777,000

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

(a) \$992,000 of the general fund—state appropriation and \$669,000 of the general fund—federal appropriation are provided solely to provide additional funding for the Sunrise group homes congregate care facilities and the St. Margaret's Hall congregate care facility, and to establish a pilot group home project for the Special Homes organization. The department may transfer up to \$238,000 of the general fund—state appropriation provided in the long-term care services program to this subsection to provide additional funding for Sunrise group homes.

(b) \$417,000 of the general fund—state appropriation and \$477,000 of the general fund—federal appropriation are provided solely to transfer twenty-eight residents of the united cerebral palsy program to community-based residential programs.

(c) \$3,955,000 of the general fund—state appropriation and \$1,754,000 of the general fund—federal appropriation are provided solely for vendor rate increases for vendors providing services to the developmental disabilities program, as specified in section 202 of this act.

(2) INSTITUTIONAL SERVICES

General Fund Appropriation—State	\$	106,095,000
General Fund Appropriation—Federal	\$	118,394,000
Total Appropriation	\$	224,489,000

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

(a) \$1,900,000 of the general fund—state appropriation and \$1,276,000 of the general fund—federal appropriation are provided solely to fund the provisions of Engrossed Substitute House Bill No. 1051. If Engrossed Substitute House Bill No. 1051 is not enacted by June 30, 1989, the amounts provided in this subsection shall lapse.

(b) \$150,000 of the general fund—state appropriation may be used to provide day programming services to residents of the Frances Haddon Morgan Center.

(3) PROGRAM SUPPORT

General Fund Appropriation—State	\$	3,903,000
General Fund Appropriation—Federal	\$	630,000
Total Appropriation	\$	4,533,000

NEW SECTION, Sec. 207. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—
LONG-TERM CARE SERVICES

General Fund Appropriation—State	\$	452,127,000
General Fund Appropriation—Federal	\$	498,665,000
General Fund Appropriation—Local	\$	296,000
Total Appropriation	\$	951,088,000

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

(1) Nursing home rates shall be adjusted for inflation under RCW 74.46.495 by 4.7 percent on July 1, 1989, and 4.7 percent on July 1, 1990.

(2) \$5,290,000 of the general fund—state appropriation is provided solely for respite care services.

(3) The department shall provide personal care services for Title XIX categorically eligible persons, effective July 1, 1989. Personal care services shall be provided to eligible persons with one or more personal care needs who meet program eligibility standards established by rule pursuant to chapter 34.05 RCW.

(4) \$4,200,000 of the general fund—state appropriation and \$1,400,000 of the general fund—federal appropriation are provided solely to increase medical benefits for contracted chore service workers, contracted personal care workers, and contracted COPEs workers.

(5) The department shall request an amendment to its community options program entry system waiver under section 1905(c) of the federal social security act to include respite services as a service available under the waiver.

(6) At least \$16,050,420 of the general fund—state appropriation shall initially be allotted for implementation of the senior citizens services act. However, at least \$1,265,000 of this amount shall be used solely for programs that use volunteer workers for the provision of chore services to persons whose need for chore services is not being met by the chore services program.

(7) \$2,179,000 of the general fund—state appropriation and \$2,464,000 of the general fund—federal appropriation are provided solely for expansion of the community options entry program.

(8) \$500,000 of the general fund—state appropriation is provided for new and expanded volunteer chore services.

(9) \$7,392,000 of the general fund—state appropriation and \$32,000 of the general fund—federal appropriation are provided solely for vendor rate increases for vendors providing services to long-term care services, as specified in section 202 of this act.

(10) \$1,000,000 of the general fund—state appropriation is provided solely to enhance quality assurance for adult family homes through enhanced survey, licensing, and contracted consultation activities.

(11) A maximum of \$2,820,000 of the general fund—state appropriation and \$3,180,000 of the general fund—federal appropriation may be expended for nursing care expenditures in excess of the nursing center cost lid. Amounts provided in this subsection, however, shall not be used to fund prospective costs related to pool or temporary staff. The legislature finds and declares that medicaid reimbursement rates, in every cost center and rate period, are and have been adequate, without enhancements, to meet costs that must be incurred by economically and efficiently operated nursing homes in order to provide quality skilled or intermediate nursing care in compliance with all state or federal health and safety standards. Each contractor shall spend or have spent the amount specified in this subsection on wages, benefits, and payroll taxes for nursing staff. The department shall determine whether each contractor has spent the amount as required by this subsection. If the contractor does not spend the amount as required by this subsection, the amounts not so spent shall be recouped at preliminary or final settlement pursuant to RCW 74.46.160. If the provision for exemptions from the nursing center cost lid included in Engrossed Substitute House Bill No. 1864 is not enacted by June 30, 1989, the amounts provided in this subsection shall lapse.

NEW SECTION. Sec. 208. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—INCOME ASSISTANCE PROGRAM

General Fund Appropriation—State	\$	391,032,000
General Fund Appropriation—Federal	\$	446,968,000
Children's Initiative Fund—Children's Services and Support Account		
Appropriation	\$	25,000,000
Total Appropriation	\$	863,000,000

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

(1) \$10,038,000 of the general fund—state appropriation and \$9,967,000 of the general fund—federal appropriation are provided solely for a two percent standard increase beginning January 1, 1990, for the aid to families with dependent children, general assistance, consolidated emergency assistance, and refugee assistance programs.

(2) Payment levels in the programs for aid to families with dependent children, general assistance, and refugee assistance shall contain an energy allowance to offset the costs of energy. The allowance shall be excluded from consideration as income for the purpose of determining eligibility and benefit levels of the food stamp program to the maximum extent such exclusion is authorized under federal law and RCW 74.08.046. To this end, up to \$200,000,000 of the income assistance payments is so designated for exemptions of the following amounts:

Family size:	1	2	3	4	5	6	7	8 or more
Exemption:	\$36	47	56	67	77	87	101	111

(3) \$25,000,000 from the children's initiative fund—children's services and support account appropriation and \$25,000,000 from the general fund—federal appropriation, or as much thereof as may be necessary, shall be spent for the purpose of providing an eight percent grant increase for the aid-to-families-with-dependent-children program, effective July 1, 1990. Beginning July 1, 1990, the energy allowance shall be increased as follows:

Family size:	1	2	3	4	5	6	7	8 or more
Exemption:	\$56	71	86	103	120	134	155	171

If Initiative 102 is not enacted by December 31, 1989, this subsection shall have no effect.

(4) \$365,000 of the general fund—state appropriation and \$171,000 of the general fund—federal appropriation are provided solely for vendor rate increases for vendors providing services for the income assistance program, as specified in section 202 of this act.

(5) The department shall expand the family independence program by six sites to a total of seventeen sites. Eligibility for two-parent families shall not be denied solely for lack of work history.

(6) Moneys from these appropriations may be spent for general assistance programs not included in section 209 of this act.

NEW SECTION, Sec. 209. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—GENERAL ASSISTANCE—UNEMPLOYABLE PROGRAM

General Fund Appropriation—State	\$	68,765,000
General Fund Appropriation—Federal	\$	418,000
Total Appropriation	\$	69,183,000

The appropriations in this section are subject to the following conditions and limitations: Moneys from these appropriations are provided solely for assistance to persons under RCW 74.04.005(6)(a)(ii)(B). The department shall ensure that the part of the general assistance program funded by this section is provided through June 30, 1991, within the amounts provided in this section. If necessary to achieve this result, the department shall implement rateable reductions to the payment standards within the general assistance-unemployable program.

NEW SECTION, Sec. 210. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—COMMUNITY SOCIAL SERVICES PROGRAM

General Fund Appropriation—State	\$	66,864,000
General Fund Appropriation—Federal	\$	27,631,000
Children's Initiative Fund—Children's Services and Support Account	\$	730,000
Total Appropriation	\$	95,225,000

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

(1) \$3,262,000 of the general fund—state appropriation and \$86,000 of the general fund—federal appropriation are provided solely for vendor rate increases for vendors providing services for the community social service program, as specified in section 202 of this act.

(2) \$730,000 of the children's initiative fund—children's services and support account appropriation is provided solely to increase youth residential drug and alcohol treatment rates.

(3) \$1,000,000 of the general fund—state appropriation is provided solely to expand refugee assistance services.

(4) In order to achieve a more equitable rate structure, the department, in consultation with affected parties, shall revise its rates for vendors providing services for the alcohol and drug addiction treatment and support program by reducing outpatient treatment rates and increasing inpatient treatment rates.

NEW SECTION, Sec. 211. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—MEDICAL ASSISTANCE PROGRAM

General Fund Appropriation—State	\$	695,882,000
General Fund Appropriation—Federal	\$	734,250,000
Health Care Access Account	\$	60,000,000
Total Appropriation	\$	1,490,132,000

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

(1) The department is authorized under 42 U.S.C. Sec. 1396b(a)(1) to pay third-party health insurance premiums for categorically needy medical assistance recipients upon a determination that payment of the health insurance premium is cost effective. In determining cost effectiveness, the department shall compare the amount, duration, and scope of coverage offered under the medical assistance program.

(2) \$21,961,000 of the general fund—state appropriation is provided solely for medical assistance for categorically needy pregnant women and children under one year of age whose household income does not exceed one hundred eighty-five percent of the federal poverty level, and whose coverage qualifies for federal financial participation under Title XIX of the federal social security act.

(3) \$4,420,000 of the general fund—state appropriation is provided solely for medical assistance for children under eight years of age whose family income does not exceed one hundred percent of the federal poverty level, and whose coverage qualifies for federal financial participation under Title XIX of the federal social security act.

(4) \$24,407,000 of the general fund—state appropriation and \$7,887,000 of the health care account appropriation are provided solely for hospital rate increases. Rate increases shall be granted effective July 1, 1989. If Second Substitute House Bill No. 1378 is not enacted by June 30, 1989, the amounts provided in this subsection shall lapse. The total rate increase for Harborview Medical Center from the amounts provided in this subsection shall equal \$14,400,000 and, consistent with federal law and to the maximum extent possible, the department shall pay this entire amount to the Harborview Medical Center by March 1, 1991. The department of social and health services shall continue to provide vendor payment advances

to Harborview Medical Center. Of the amounts provided in this subsection: \$7,887,000 from the health care access account appropriation and \$1,547,000 from the general fund—state appropriation are provided solely for increased payments to Harborview Medical Center.

(5) \$6,600,000 of the general fund—state appropriation is provided to increase reimbursement levels to health care providers for the delivery of maternity services.

(6) The department shall continue variable ratable reductions for the medically indigent and general assistance—unemployable programs in effect November 1, 1988.

(7) \$52,262,000 of the health care access account appropriation is provided solely for the medically indigent program.

(8) If Second Substitute House Bill No. 1378 is not enacted by June 30, 1989, the service expansions in subsections (2) and (3) of this section and the rate increases in subsection (4) of this section shall not occur, and the general fund—state appropriations in those subsections shall be used instead to support the medically indigent program.

(9) \$10,262,000 of the general fund—state appropriation and \$10,135,000 of the general fund—federal appropriation are provided solely for vendor rate increases for vendors providing services to the medical assistance program, as specified in section 202 of this act.

(10) In order to increase coordination and visibility of the state's overall mental health effort, a maximum of \$37,158,000 of the general fund—state appropriation, and a maximum of \$39,921,000 of the general fund—federal appropriation may be transferred to the mental health program. The department shall report to the house of representatives committee on appropriations and senate ways and means committee on any adjustments needed to this act to implement this subsection. It is the intent of the legislature that providers providing services funded by the amounts provided in this subsection shall receive the vendor increases provided in this section.

(11) \$14,473,000 of the general fund—state appropriation and \$17,566,000 of the general fund—federal appropriation are provided solely for the adult dental program for Title XIX categorically eligible and medically needy persons.

**NEW SECTION. Sec. 212. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—
PUBLIC HEALTH PROGRAM**

General Fund Appropriation—State	\$	64,736,000
General Fund Appropriation—Federal	\$	14,490,000
General Fund Appropriation—Local	\$	10,951,000
Public Safety and Education Account Appropriation—State	\$	200,000
State Toxics Control Account Appropriation	\$	828,000
Total Appropriation	\$	91,205,000

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

(1) \$1,600,000 of the general fund—state appropriation is provided solely for continuation of the state drinking water program.

(2) \$8,000,000 of the general fund—state appropriation is provided solely to enhance funding for AIDS education, high-risk intervention, counseling and testing, case management, continuum of care, and coordination and planning activities through the regional AIDSNET program established by chapter 70.24 RCW. State moneys provided for AIDSNET activities may not be used to supplant other funds. The office on AIDS, established by RCW 70.24.250, shall require AIDSNET lead counties to develop regional service plans which meet state standards for uniformity and consistency. The state standards shall ensure that all the provisions of RCW 70.24.400(3) are implemented uniformly throughout the state.

(3) \$1,000,000 of the general fund—state appropriation is provided solely to increase in equal percentages medical and dental services provided through community health clinics. A maximum of \$100,000 of the amount provided in this subsection may be used to contract with new providers. \$900,000 of this amount shall be allocated to contractors who were contractors in fiscal year 1989, prorated according to the percentage of total fiscal year 1989 contract funds received by each contractor.

(4) In allocating money to community health clinics, the department shall ensure that each clinic receives at least ninety-five percent of the amount received in the prior fiscal year. The department shall promulgate rules under chapter 34.05 RCW to develop an allocation formula for distributing money to community health clinics, and to develop eligibility criteria for receipt of program moneys.

(5) \$150,000 of the state toxics control account appropriation is provided solely to contract with the University of Washington for toxicology research, evaluation, and technical assistance regarding health risks of toxic substances.

(6) \$200,000 of the public safety and education account is provided solely for a study of the trauma care system.

**NEW SECTION. Sec. 213. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—
VOCATIONAL REHABILITATION PROGRAM**

General Fund Appropriation—State	\$	13,151,000
General Fund Appropriation—Federal	\$	51,042,000
Total Appropriation	\$	64,193,000

The appropriations in this section are subject to the following conditions and limitations: \$110,000 of the general fund—state appropriation is provided solely for vendor rate increases for vendors providing services to the vocational rehabilitation program, as specified in section 202 of this act.

**NEW SECTION, Sec. 214. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—
ADMINISTRATION AND SUPPORTING SERVICES PROGRAM**

General Fund Appropriation—State	\$	55,756,000
General Fund Appropriation—Federal	\$	36,506,000
Institutional Impact Account Appropriation	\$	80,000
Total Appropriation	\$	92,342,000

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

(1) \$200,000 of the general fund—state appropriation is provided solely to secure a negotiator to represent the interests of the department of social and health services in seeking agreements with the federal government that will enhance the efficiency and effectiveness of department programs.

(2) \$666,000 of the general fund—state appropriation is provided solely to enhance the department's accounting system.

**NEW SECTION, Sec. 215. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—
COMMUNITY SERVICES ADMINISTRATION PROGRAM**

General Fund Appropriation—State	\$	175,880,000
General Fund Appropriation—Federal	\$	187,935,000
Total Appropriation	\$	363,815,000

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

(1) \$3,178,000 of the general fund—state appropriation is provided solely to expand the supplemental security income pilot project state-wide.

(2) \$454,000 of the general fund—state appropriation and \$840,000 of the general fund—federal appropriation are provided solely to expand the patient-requiring-regulation program and provider review program of the division of medical assistance.

(3) \$1,000,000 of the general fund—state appropriation and \$1,000,000 of the general fund—federal appropriation are provided solely for transfer by interagency agreement to the Washington state institute for public policy to continue to conduct a longitudinal study of public assistance recipients, pursuant to section 14, chapter 434, Laws of 1987.

(4) \$698,000 of the general fund—state appropriation and \$1,149,000 of the general fund—federal appropriation are provided solely for transfer by July 1, 1989, by interagency agreement to the legislative budget committee for the purpose of an independent evaluation of the family independence program as required by section 14, chapter 434, Laws of 1987.

(5) \$102,000 of the general fund—state appropriation and \$306,000 of the general fund—federal appropriation are provided solely for the department of social and health services and the employment security department for costs associated with the evaluation of the family independence program.

(6) \$200,000 of the general fund—state appropriation is provided solely for vendor rate increases for vendors providing services to the community services program, as specified in section 202 of this act.

(7)(a) \$668,000 of the general fund—state appropriation and \$518,000 of the general fund—federal appropriation are provided solely to continue the complaint backlog project to investigate and process backlogged public assistance and food stamp fraud complaints. The department shall assign additional staff under this subsection with the goals of (i) eliminating the complaint backlog existing as of June 30, 1989, by March 1990, and (ii) maximizing overpayment recoveries during the biennium ending June 30, 1991.

(b) Expenditures for the purposes of this subsection shall be charged to a unique identifier in the department's accounting system. The department shall collect necessary data on the backlogged complaints and report to the legislative budget committee on December 1, 1989, and December 1, 1990, regarding the utilization, performance, and cost-effectiveness of the additional funding provided for complaint backlog work by this section.

**NEW SECTION, Sec. 216. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—
REVENUE COLLECTIONS PROGRAM**

General Fund Appropriation—State	\$	39,677,000
General Fund Appropriation—Federal	\$	71,380,000
General Fund Appropriation—Local	\$	949,000
Total Appropriation	\$	112,006,000

The appropriations in this section are subject to the following conditions and limitations: \$2,391,000 of the general fund—state appropriation and \$4,696,000 of the general fund—federal appropriation are provided solely for the enforcement of health insurance provisions of child support orders pursuant to Substitute Senate Bill No. 5665 (medical support enforcement). If the bill is not enacted by June 30, 1989, the amounts provided in this subsection shall lapse.

**NEW SECTION, Sec. 217. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—
PAYMENTS TO OTHER AGENCIES PROGRAM**

General Fund Appropriation—State	\$	38,187,000
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General Fund Appropriation—Federal	\$	17,041,000
Total Appropriation	\$	55,228,000
NEW SECTION, Sec. 218. FOR THE WASHINGTON STATE HEALTH CARE AUTHORITY		
State Employees Insurance Administrative Account Appropriation	\$	6,203,000
NEW SECTION, Sec. 219. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT		
General Fund Appropriation—State	\$	62,964,000
General Fund Appropriation—Federal	\$	124,725,000
General Fund Appropriation—Private/Local	\$	269,000
Building Code Council Account Appropriation	\$	809,000
Public Works Assistance Account Appropriation	\$	933,000
Fire Service Training Account Appropriation	\$	750,000
State Toxics Control Account Appropriation	\$	397,000
Children's Initiative Fund—Children's Services and Support Account Appropriation	\$	28,800,000
Low Income Weatherization Account Appropriation	\$	8,007,000
Washington Housing Trust Fund Appropriation	\$	2,500,000
Total Appropriation	\$	230,154,000

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

(1) \$400,000 of the general fund—state appropriation is provided solely for a state-wide stabilization program for arts organizations that have annual budgets exceeding \$200,000. No portion of this amount may be expended for a grant without a match of an equal portion from nonstate sources. No organization shall be eligible for such a grant unless it has operated without a deficit for at least the previous two years. A maximum of \$200,000 of this appropriation may be expended for grants in any single county.

(2) \$100,000 of the general fund—state appropriation is provided solely for increased grants to public radio and television stations, consistent with RCW 43.63A.410 through 43.63A.420. In determining the allocation of grants to stations, the department shall strive to provide rural stations equitable access to these funds.

(3) \$200,000 of the general fund—state appropriation is provided solely for development of a state-wide food stamp assistance outreach program. No portion of this amount may be expended without a match of an equal amount from federal funds.

(4) \$100,000 of the general fund—state appropriation is provided solely for development of a program to provide technical assistance to businesses threatened with closure or layoffs by shifts in federal spending.

(5) \$5,000,000 of the general fund—state appropriation is provided solely for security costs associated with the goodwill games, subject to the following conditions and limitations:

(a) A maximum of \$1,500,000 may be expended by the department to develop, in consultation with the Washington state patrol, local governments, the Seattle goodwill games organizing committee, and appropriate federal authorities, a coordinated security plan for the 1990 goodwill games.

(b) The security plan shall contain an assessment of the security requirements for the goodwill games; a definition of the policy goals; and a description of the roles and responsibilities of federal, state, and local agencies in preparing and implementing the plan. The plan shall contain a detailed security plan element for the athletes village and for each of the local event venues. The plan shall provide a detailed budget that outlines how federal, state, local government resources, and Seattle goodwill games organizing committee resources will be used to meet the financial requirements of the plan. The plan shall consider the experiences of other states in providing security for such events. The plan shall be completed no later than November 1, 1989, and shall be submitted to the appropriate committees of the legislature no later than January 8, 1990.

(c) Other than expenditures for developing the plan, no portion of the amount provided in this subsection may be expended unless the plan has been completed and the expenditure complies with the plan and with the following conditions and limitations:

(i) The department shall provide in full the entire budget requirement for moneys from the amount provided in this subsection contained in the plan for the Washington state patrol.

(ii) \$200,000 of the amount provided in this subsection is provided for administration of the plan.

(iii) The remainder of the amount provided in this subsection shall be allocated to local governments.

(iv) Only direct personnel costs related to event security shall be eligible for general fund—state reimbursement. Local revenue losses and expenses for reducing normal workloads shall not be eligible for reimbursement.

(v) No amount shall be expended for local governments prior to an agreement by the Seattle goodwill games organizing committee to contribute at least \$2,000,000 to local governments to help defray the costs of preparing and implementing the security plan. The agreement by the Seattle goodwill games organizing committee shall also indemnify the state from any liability resulting from the games.

(6) \$350,000 of the general fund—state appropriation is provided solely for the department to establish a Washington state growth strategies commission. The commission shall consist of seventeen members appointed by the governor comprising a balance of the key geographic regions of the state. Four members shall be from the legislature, including one member from each of the caucuses of the house of representatives appointed by the speaker of the house and one member each from the senate appointed by the president of the senate. The commission shall submit to the legislature by January 8, 1990, a set of preliminary findings including but not limited to growth planning goals. The commission shall submit to the legislature by January 1991 recommendations to develop a growth strategy for the state including a coordinated system of growth planning, state and regional roles, enhanced comprehensive planning at the local level, and means to fund the planning process.

(7) \$4,000,000 of the general fund—state appropriation is provided solely for the department's housing program. Of this amount, \$3,000,000 is provided solely for grants to emergency shelters.

(8) \$526,000 of the general fund—state appropriation is provided solely for the department's emergency food assistance program.

(9) \$1,000,000 of the general fund—state appropriation is provided solely for providing representation to indigent persons in dependency proceedings under chapter 13.34 RCW.

(10) \$20,000,000 of the children's initiative fund—children's services and support account appropriation is provided solely for the development of low-income housing for families with children.

(11) \$13,900,000 of the general fund—state appropriation is provided solely to increase the number of children enrolled in the early childhood education program.

(12) \$7,000,000 of the children's initiative fund—children's services and support account appropriation is provided solely for additional enrollment in the early childhood education program.

(13) \$1,800,000 of the children's initiative fund—children's services and support account appropriation is provided solely for the purchase of children's car seats to reduce injuries and fatalities among low-income children.

(14) \$905,000 of the general fund—state appropriation is provided solely to implement a timber assistance program. Of this amount:

(a) \$565,000 is provided solely for the department of community development to provide assistance to communities adversely impacted by reductions in timber harvested from federal lands. This assistance shall include technical assistance in the formation and implementation of community economic development plans and shall include aid to communities for the purpose of seeking private and federal financial assistance. The department may contract for these services.

(b) \$240,000 is provided solely for the department to provide grants to two nonprofit organizations for the purpose of locating reemployment centers in areas of the state adversely impacted by reductions in timber harvested from federal lands. Each center shall provide direct and referral services to the unemployed. These services may include but are not limited to reemployment assistance, medical services, social services including marital counseling, mortgage foreclosure and utility problem counseling, drug and alcohol abuse counseling, credit counseling, and other services deemed appropriate. These services shall not supplant the on-going efforts of any reemployment centers existing on the effective date of this act. Not more than five percent of this amount may be used for administrative costs of the department.

(c) \$100,000 is provided solely for the department to provide technical assistance on employee ownership to employees and firms in the timber industry which are threatened with closure or substantial layoffs. Assistance shall include training for labor and management in the operation of an employee-owned firm. The department may contract for these services.

(15) By January 8, 1990, the department shall report to the legislature on the distribution and amount of grants to bordertowns. It is intended that the level of funding provided for this purpose under RCW 66.08.190 through 66.08.195 to bordertowns shall remain substantially equal to the current level of expenditures.

(16) \$715,000 of the general fund—state appropriation is provided solely to replace the loss of federal funds for the department's fire service training program. The department shall attempt to obtain additional federal funds for this program by developing proposals that maximize the department's eligibility for additional funds.

(17) For the fiscal period ending June 30, 1990, \$120,000 of the general fund—state appropriation is provided solely for Stevens county to offset fiscal impacts associated with chapter 274, Laws of 1988.

(18) \$307,000 of the general fund—state appropriation is provided solely for the department to continue homeport activities.

(19) \$305,000 of the general fund—federal appropriation, or as much thereof as may be necessary, may be spent for implementation of Engrossed Substitute House Bill No. 2198.

NEW SECTION. Sec. 220. FOR THE HUMAN RIGHTS COMMISSION

General Fund Appropriation—State	\$	4,088,000
General Fund Appropriation—Federal	\$	864,000

Total Appropriation \$ 4,952,000

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

(1) \$227,414 of the general fund—state appropriation is provided solely for combined federal and state jurisdiction case management to ensure continuance of current level federal contract reimbursement to the state.

(2) \$550,000 of the general fund—state appropriation is provided solely for legal services provided by the attorney general's office.

NEW SECTION, Sec. 221. FOR THE BOARD OF INDUSTRIAL INSURANCE APPEALS

Public Safety and Education Account Appropriation	\$	324,000
Worker and Community Right-to-Know Account Appropriation	\$	32,000
Accident Fund Appropriation	\$	6,459,000
Medical Aid Fund Appropriation	\$	6,459,000
Total Appropriation	\$	13,274,000

NEW SECTION, Sec. 222. FOR THE CRIMINAL JUSTICE TRAINING COMMISSION

Death Investigations Account Appropriation	\$	35,000
Public Safety and Education Account Appropriation	\$	8,843,000
Total Appropriation	\$	8,878,000

The appropriations in this section are subject to the following conditions and limitations: The criminal justice training commission shall report on the implementation of House Bill No. 2237 or Second Substitute Senate Bill No. 5073 and shall monitor criminal justice data to the extent necessary for implementation of House Bill No. 2237 or Second Substitute Senate Bill No. 5073.

NEW SECTION, Sec. 223. FOR THE DEPARTMENT OF LABOR AND INDUSTRIES

General Fund Appropriation	\$	9,756,000
Public Safety and Education Account Appropriation—State	\$	19,584,000
Public Safety and Education Account Appropriation—Federal	\$	2,000,000
Accident Fund Appropriation	\$	102,143,000
Electrical License Fund Appropriation	\$	11,882,000
Farm Labor Revolving Account Appropriation	\$	30,000
Medical Aid Fund Appropriation	\$	121,910,000
Asbestos Account Appropriation	\$	1,314,000
Plumbing Certificate Fund Appropriation	\$	696,000
Pressure Systems Safety Fund Appropriation	\$	1,476,000
Worker and Community Right-to-Know Fund Appropriation	\$	2,414,000
Total Appropriation	\$	273,205,000

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

(1) \$6,596,793 from the accident fund appropriation and \$12,953,328 from the medical aid fund appropriation are provided solely for information systems projects named in this section. Authority to expend these funds is conditioned on compliance with section 802 of this act. For the purposes of this section, "information systems projects" means the projects known by the following names or successor names: Document image processing, improved service level, electronic data interchange, interactive system, and integrated system.

(2) \$300,000 of the general fund—state appropriation is provided solely to fund the provisions of Engrossed Substitute House Bill No. 1581. If the bill is not enacted by June 30, 1989, the amount provided in this subsection shall lapse.

(3) \$175,000 of the general fund—state appropriation, \$216,000 of the worker and community right-to-know appropriation, \$575,000 of the accident fund appropriation, and \$101,000 of the medical fund appropriation are provided to fund the provisions of House Bill No. 2222 (chapter ---, Laws of 1989). If the bill is not enacted by June 30, 1989, the amounts provided in this subsection shall lapse.

NEW SECTION, Sec. 224. FOR THE INDETERMINATE SENTENCE REVIEW BOARD

General Fund Appropriation	\$	3,236,000
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The appropriation in this section is subject to the following conditions and limitations: \$316,000 is provided solely to carry out the provisions of Substitute House Bill No. 1457. If the bill is not enacted by June 30, 1989, the amount provided in this subsection shall lapse.

NEW SECTION, Sec. 225. FOR THE DEPARTMENT OF VETERANS AFFAIRS

General Fund Appropriation—State	\$	20,385,000
General Fund Appropriation—Federal	\$	5,724,000
General Fund Appropriation—Local	\$	7,802,000
Total Appropriation	\$	33,911,000

NEW SECTION, Sec. 226. FOR THE DEPARTMENT OF CORRECTIONS

(1) COMMUNITY SERVICES

General Fund Appropriation	\$	74,421,000
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The appropriation in this subsection is subject to the following conditions and limitations: To the extent feasible, the department shall increase the daily board and room charges authorized under RCW 72.65.050 for work release participants to \$15.00.

(2) INSTITUTIONAL SERVICES

General Fund Appropriation	\$	301,946,000
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The appropriation in this subsection is subject to the following conditions and limitations:

(a) \$556,000 of the general fund appropriation is provided for offender population increases associated with increased penalties for residential burglaries established in Engrossed Senate Bill No. 5233. If the bill is not enacted by June 30, 1989, this amount shall lapse.

(b) The department shall contract with the Washington State University agricultural extension service in Pierce county to provide for the "prison pet partnership program" at the Washington corrections center for women.

(3) ADMINISTRATION AND PROGRAM SUPPORT

General Fund Appropriation	\$	22,561,000
Institutional Impact Account Appropriation	\$	332,000
Total Appropriation	\$	22,893,000

(4) INSTITUTIONAL INDUSTRIES

General Fund Appropriation	\$	2,622,000
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NEW SECTION, Sec. 227. FOR THE DEPARTMENT OF SERVICES FOR THE BLIND

General Fund Appropriation—State	\$	2,472,000
General Fund Appropriation—Federal	\$	6,987,000
Total Appropriation	\$	9,459,000

NEW SECTION, Sec. 228. FOR THE HOSPITAL COMMISSION

General Fund Appropriation	\$	1,937,000
Hospital Commission Account Appropriation	\$	1,597,000
Total Appropriation	\$	3,534,000

The appropriations in this section are subject to the following conditions and limitations: If a department of health is created by June 30, 1989, the amounts provided in this subsection shall be transferred to the department of health for the purposes specified in this subsection.

NEW SECTION, Sec. 229. FOR THE WASHINGTON BASIC HEALTH PLAN

General Fund Appropriation	\$	30,015,000
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The appropriation in this section is subject to the following conditions and limitations: The plan may enroll up to 25,000 individuals during the 1989-91 biennium.

NEW SECTION, Sec. 230. FOR THE SENTENCING GUIDELINES COMMISSION

General Fund Appropriation	\$	573,000
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NEW SECTION, Sec. 231. FOR THE EMPLOYMENT SECURITY DEPARTMENT

General Fund Appropriation—State	\$	131,000
General Fund Appropriation—Federal	\$	162,308,000
General Fund Appropriation—Local	\$	12,489,000

Administrative Contingency Fund Appropriation—Federal	\$	9,252,000
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Unemployment Compensation Administration Fund Appropria- tion—Federal	\$	118,169,000
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Employment Service Administration Account Appropriation—Fed- eral	\$	790,000
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Employment Service Administration Account Appropriation—State	\$	6,823,000
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Federal Interest Payment Fund Appropriation	\$	2,100,000
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Children's Initiative Fund—Children's Services and Support Account Appropriation	\$	2,500,000
Total Appropriation	\$	314,562,000

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

(1) \$152,000 of the administrative contingency fund—federal appropriation and \$2,100,000 of the federal interest payment fund appropriation are provided solely for transfer through interagency agreement to the department of social and health services for family independence program employment services.

(2) \$2,500,000 of the children's initiative fund—children's services and support account appropriation is provided solely for increased services to at-risk adolescents from low-income families by expanding the summer motivation and academic residential training program and by providing similar services to youth through programs that do not have a residential component.

(3) \$300,000 of the administrative contingency fund—federal appropriation is provided solely for a study of the impact of the state minimum wage increase under chapter 1, Laws of 1989 (Initiative 518). The department shall contract with the northwest policy center at the University of Washington and shall cooperate in supplying data to the center for purposes of the study. The center shall choose an advisory committee to advise the center on the design of the study. The committee shall consist of an equal number of economists who supported the minimum wage initiative and who opposed the initiative, and an equal number of representatives of labor and of business. The minimum wage study shall include the identification of the affected population of employers and employees, and a survey of a sample of the affected population. The survey instrument shall include questions regarding the longitudinal impact of the initiative on wages, employment, employee hours, employee benefits, tip income, productivity, prices, business closures and openings, social welfare payments, and the demographic

characteristics of the affected population. To the extent feasible, the study shall attempt to verify the information provided by survey respondents. The study shall also include a report on minimum wage claims filed with the department of labor and industries. A report of findings shall be presented to the governor and legislature by December 1, 1990.

(4) The department shall provide job placement services for the department of natural resources' forest land management activities. These services shall include widely disseminating information on the availability of work on state forest lands and information on the procedures for bidding on contracts for such work. Priority for these services shall be given to unemployed individuals who have been employed in the timber industry. The department shall record the number of unemployed timber workers who obtain employment through the department of natural resources' forest land management activities and shall report its findings to the governor and to the appropriate legislative committees on January 1, 1990, and January 1, 1991.

PART III

NATURAL RESOURCES

NEW SECTION, Sec. 301. FOR THE STATE ENERGY OFFICE

General Fund Appropriation—State	\$	1,965,000
General Fund Appropriation—Federal	\$	10,832,000
General Fund Appropriation—Private/Local	\$	260,000
Geothermal Account Appropriation—Federal	\$	22,000
Building Code Council Account Appropriation	\$	40,000
Solid Waste Management Account Appropriation	\$	150,000
Total Appropriation	\$	13,269,000

The appropriations in this section are subject to the following conditions and limitations: The entire solid waste management account appropriation is provided solely to implement the energy-related provisions of Engrossed Substitute House Bill No. 1671. If the bill is not enacted by June 30, 1989, the solid waste management account appropriation is null and void.

NEW SECTION, Sec. 302. FOR THE WASHINGTON CENTENNIAL COMMISSION

General Fund Appropriation	\$	1,385,000
State Centennial Commission Account Appropriation	\$	302,000
Total Appropriation	\$	1,687,000

The appropriations in this section are subject to the following conditions and limitations: \$316,000 of the general fund—state appropriation is provided solely for planning and implementation related to the Maritime Voyages exhibition. If Senate Bill No. 5874 is enacted by June 30, 1989, this amount shall be transferred to the Washington state historical society for the same purposes.

NEW SECTION, Sec. 303. FOR THE COLUMBIA RIVER GORGE COMMISSION

General Fund Appropriation—State	\$	588,000
General Fund Appropriation—Private/Local	\$	571,000
Total Appropriation	\$	1,159,000

NEW SECTION, Sec. 304. FOR THE DEPARTMENT OF ECOLOGY

General Fund Appropriation—State	\$	64,247,000
General Fund Appropriation—Federal	\$	27,024,000
General Fund Appropriation—Private/Local	\$	432,000
Flood Control Assistance Account Appropriation	\$	3,852,000
Special Grass Seed Burning Research Account Appropriation	\$	41,000
Reclamation Revolving Account Appropriation	\$	474,000
Emergency Water Project Revolving Account Appropriation: Appropriated pursuant to chapter 1, Laws of 1977 ex. sess.	\$	389,000
Litter Control Account Appropriation	\$	6,755,000
State and Local Improvements Revolving Account—Waste Disposal Facilities: Appropriated pursuant to chapter 127, Laws of 1972 ex. sess. (Referendum 26)	\$	2,627,000
State and Local Improvements Revolving Account—Waste Disposal Facilities 1980: Appropriated pursuant to chapter 159, Laws of 1980 (Referendum 39)	\$	1,187,000
State and Local Improvements Revolving Account—Water Supply Facilities: Appropriated pursuant to chapter 234, Laws of 1979 ex. sess. (Referendum 38)	\$	1,745,000
Stream Gaging Basic Data Fund Appropriation	\$	142,000
Vehicle Tire Recycling Account Appropriation	\$	7,568,000
Water Quality Account Appropriation	\$	2,551,000
Wood Stove Education Account Appropriation	\$	232,000
Worker and Community Right-to-Know Fund Appropriation	\$	285,000
State Toxics Control Account	\$	26,173,000
Local Toxics Control Account	\$	23,847,000
Water Quality Permit Account Appropriation	\$	7,135,000
Solid Waste Management Account Appropriation	\$	5,600,000
Underground Storage Tank Account Appropriation	\$	3,658,000

Total Appropriation \$ 185,964,000

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

- (1) \$344,000 of the general fund—state appropriation is provided solely for costs associated with the development of a single headquarters building.
- (2) \$1,010,000 of the general fund—state appropriation is provided solely as an enhancement to the water resources program.
- (3) \$250,000 of general fund—state appropriation is provided solely for the initial development of a cost accounting system. Authority to expend these funds is conditioned on compliance with the requirements set forth in section 802 of this act.
- (4) A maximum of \$2,209,000 of the general fund—state appropriation may be expended for the auto emissions inspection and maintenance program. If Engrossed Substitute House Bill No. 1104 is not enacted by June 30, 1989, the amount provided in this subsection shall lapse.
- (5) The entire underground storage tank account appropriation is contingent on enactment of Engrossed Substitute House Bill No. 1086. If the bill is not enacted by June 30, 1989, the underground storage tank account appropriation is null and void. In implementing Engrossed Substitute House Bill No. 1086, the department shall use, to the greatest extent possible, local government and private sector expertise in meeting installation, closure, testing, and monitoring requirements.
- (6) The entire solid waste management account appropriation is contingent on enactment of Engrossed Substitute House Bill No. 1671. If the bill is not enacted by June 30, 1989, the solid waste management account appropriation and the amounts provided in subsections (7), (8), (9), and (10) are null and void.
- (7) \$1,000,000 of the solid waste management account appropriation is provided solely to assist local governments in developing materials to promote waste reduction and recycling pursuant to section 7, chapter Laws of 1989 (Engrossed Substitute House Bill No. 1671).
- (8) \$1,000,000 of the solid waste management account appropriation is provided solely for assisting local governments in establishing the feasibility of food and yard waste composting.
- (9) \$150,000 of the solid waste management account appropriation is provided solely for pilot projects to recycle disposable diapers.
- (10) \$1,300,000 of the solid waste management account appropriation is provided solely to implement sections 6, 9, 13, 55, 96, 99, 102, and 104 of chapter Laws of 1989 (Engrossed Substitute House Bill No. 1671).
- (11) \$231,000 of the state toxics control account appropriation is provided solely for the office of waste reduction.
- (12) \$200,000 of the general fund—state appropriation is provided solely for the purpose of implementing the Nisqually river management plan activities and projects outlined in the Nisqually river council report to the legislature dated December 1988. No more than half of this amount may be spent until twenty percent of the total project costs have been provided as matching funds from private or other government participants represented on the Nisqually river council.
- (13) \$2,654,000 of the state toxics control account appropriation is contingent on enactment of Engrossed House Bill No. 2168. If the bill is not enacted by June 30, 1989, the amount provided in this subsection shall lapse.
- (14) \$389,000 of the emergency water project revolving account appropriation is provided solely for drought relief activities. If Substitute Senate Bill No. 5196 is enacted by June 30, 1989, \$321,000 of the amount provided in this subsection may be spent only if a drought order is issued pursuant to section 2, chapter Laws of 1989 (Substitute Senate Bill No. 5196).
- (15) \$586,000 of the state and local improvement revolving account—water supply facilities (Referendum 38) appropriation is provided solely for the implementation of Substitute House Bill No. 1397. If the bill is not enacted by June 30, 1989, the amount provided in this subsection shall lapse.
- (16) Within the appropriations provided in this section, the department shall conduct a study of the health effects and air quality impacts of emissions from diesel-powered vehicles and the cost of implementing a state program to identify excessive emissions from these vehicles.

NEW SECTION, Sec. 305. FOR THE ENERGY FACILITY SITE EVALUATION COUNCIL

General Fund Appropriation—Federal	\$	40,000
General Fund Appropriation—Private/Local	\$	4,093,000
Total Appropriation	\$	4,133,000

NEW SECTION, Sec. 306. FOR THE STATE PARKS AND RECREATION COMMISSION

General Fund Appropriation—State	\$	40,437,000
General Fund Appropriation—Federal	\$	1,208,000
General Fund Appropriation—Private/Local	\$	822,000
Trust Land Purchase Account Appropriation	\$	10,312,000
Winter Recreation Parking Account Appropriation	\$	348,000
ORV (Off-Road Vehicle) Account Appropriation	\$	173,000
Snowmobile Account Appropriation	\$	963,000

Public Safety and Education Account Appropriation	\$	10,000
Motor Vehicle Fund Appropriation	\$	1,100,000
Total Appropriation	\$	55,373,000

The appropriations in this section are subject to the following conditions and limitations: \$60,000 of the general fund—state appropriation is provided solely for a contract with the marine science center at Fort Worden state park.

NEW SECTION. Sec. 307. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Outdoor Recreation Account Appropriation—State	\$	1,837,000
Outdoor Recreation Account Appropriation—Federal	\$	26,000
Total Appropriation	\$	1,863,000

NEW SECTION. Sec. 308. FOR THE ENVIRONMENTAL HEARINGS OFFICE

General Fund Appropriation	\$	901,000
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NEW SECTION. Sec. 309. FOR THE DEPARTMENT OF TRADE AND ECONOMIC DEVELOPMENT

General Fund Appropriation	\$	30,020,000
Motor Vehicle Fund Appropriation	\$	553,000
Solid Waste Management Account Appropriation	\$	312,000
Total Appropriation	\$	30,885,000

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

(1) \$300,000 of the general fund appropriation is provided solely for the purpose of implementing either Engrossed Second Substitute Senate Bill No. 5339 or Engrossed Substitute House Bill No. 1553. If neither bill is enacted by June 30, 1989, the amount provided in this subsection shall lapse. In addition:

(a) The department shall spend the amount provided in this subsection solely for development of programs to be administered by the Washington economic development finance authority (the "authority") and shall not spend any amount for implementation or administration of the programs.

(b) On or before January 8, 1990, the department shall submit to the house of representatives appropriations committee and the senate ways and means committee a plan outlining how state employees and state resources are expected to be used with respect to the authority and describing procedures under which the lending of credit provisions of the state Constitution will be observed.

(c) The amount provided in this subsection is intended to be a one-time appropriation from state—revenue sources to support the initial development of programs of the Washington economic development finance authority.

(d) No state funds from state revenue sources and no state funds from federal revenue sources, except federal revenue sources provided expressly for the authority or its programs may be used for a reserve fund for the authority's programs, and no public funds subject to either appropriation or allotment control may be used for a reserve account without prior consultation with the house of representatives appropriations committee and the senate ways and means committee.

(2) \$145,000 of the general fund appropriation is provided solely for salary increases at the Washington high technology center and CINTRAFOR.

(3) \$450,000 of the general fund appropriation is provided solely for the Washington marketplace program as provided for in Second Substitute House Bill No. 1476. If the bill is not enacted by June 30, 1989, the amount in this subsection shall lapse.

(4) \$650,000 of the general fund appropriation is provided solely for the department to develop and implement a business and job retention program as follows:

(a) The program shall provide technical assistance to firms and workforces in which there is a risk of plant closure, mass layoff, or business failure. This technical assistance shall include turn-around assistance to firms at risk of closure to identify management activities and other actions, including diversification, that would permit continued operation. The department may contract for specialized services to provide turn-around assistance.

(b) The department shall establish a business and job retention advisory committee. The governor shall appoint eight members of whom four shall be from business and four from labor. The directors, or their designees, of the departments of trade and economic development, community development, financial management, revenue, and employment security shall serve as ex officio members of the committee. The president of the senate and the speaker of the house of representatives shall each appoint one member from each of the major caucuses to serve as ex officio members of the committee.

(c) The department shall select, in consultation with the advisory committee, locally based development organizations to undertake local business and job retention activities. Such local activities shall include the identification of firms in which there is a risk of plant closure, mass layoff, or business failure; initial assessment of firms and their workforces; the provision of technical assistance; and referrals for additional resources. A maximum of \$275,000 of the appropriation may be expended for contracts with locally based development organizations for local business and job retention activities.

(d) The department, in consultation with the advisory committee, shall provide grants to study the feasibility of various options for continuing or renewing the operation of industrial

facilities that are threatened with closure or that have already closed. Grants shall also be made for proposals to implement a system to identify firms at risk of closure, layoff, or relocation. Grants may not exceed \$35,000 and may be made to: Local governments, ports, local associate development organizations, local labor organizations, or local nonprofit community organizations. The department may require that grant money be matched at least dollar for dollar with nonstate money.

(e) The department shall establish an early warning program within the business and job retention program. The program shall obtain information currently available within state agencies to identify firms and industrial facilities at risk of closure, consistent with the confidentiality requirements of chapter 50.13 RCW.

(5) \$150,000 of the general fund appropriation is provided solely for the targeted sectors program as provided for in Engrossed Substitute House Bill No. 2137. If the bill is not enacted by June 30, 1989, the amount in this subsection shall lapse.

(6) \$200,000 of the general fund appropriation is provided solely for the Washington village project. No portion of this amount may be expended unless matched by an equal portion of nonstate money.

(7) \$700,000 of the general fund appropriation is provided solely for tourism enhancement. Of this amount: (a) \$400,000 is provided solely for market research and analysis; (b) \$190,000 is provided solely for tourism facility development to encourage private sector development in Washington tourism facilities; (c) \$35,000 is provided solely for the development of a tourism advisory committee; and (d) \$75,000 is provided solely for the film and video division within the department.

(8) \$1,614,000 of the general fund appropriation is provided solely for the Tri-Cities diversification program. This amount is intended to be the final state contribution toward Tri-Cities diversification. Of this amount:

(a) \$331,000 is provided solely for the department of agriculture, by interagency agreement, for continuation of its contractual relationship with TRIDEC and for development of local diversification agricultural projects;

(b) \$206,000 is provided solely for the department of community development, by interagency agreement, for social service impact mitigation, and for loan packaging assistance;

(c) \$260,000 is provided solely for transfer to the employment security department, by interagency agreement, for a state-funded employment and training project;

(d) \$250,000 is provided solely for transfer to the employment security department, by interagency agreement, for public works related employment;

(e) \$383,000 is provided solely for contracts with local organizations for specific diversification projects;

(f) \$184,000 is provided solely for necessary staff to implement and coordinate the Tri-Cities diversification program.

(9) \$407,000 of the general fund appropriation is provided solely for the purpose of implementing a timber industrial extension service. The department shall provide technical and financial assistance to businesses for the purposes of identifying new markets, developing new technologies, developing new products, and production and marketing efforts. The department may contract for services provided for under this subsection.

(10) \$147,000 of the general fund appropriation is provided solely for the department to administer a timber supply broker program. This program shall provide special expertise in identifying supplies of timber available to enterprises that need additional supplies of timber for processing. The department may contract for services provided for under this subsection.

(11) \$200,000 of the general fund appropriation is provided solely for the department to contract with the northwest policy center at the University of Washington to study the economy of areas of the state impacted by substantial reductions in timber harvested from federal lands. The study shall:

(a) Include an analysis of the present economy of the areas;

(b) Identify the social, economic, and employment effects associated with withdrawals of land from commercial timber production;

(c) Contain an assessment of possible changes to local economies and the state economy if forest lands continue to produce resources under existing management methods without additional land withdrawals from timber production by legislative decisions;

(d) Contain an assessment of the impact of anticipated technological changes in the forest products industry, possible structural changes in the forest products industry, possible investments in new or existing industries, and known impacts from previous withdrawals of land from timber production;

(e) Contain an assessment of the future economic impact of the forest products industry if the land base for commercial timber production remains unchanged and the sale of public timber for overseas export is prohibited immediately; and

(f) Evaluate potential methods for increasing the economic development of the areas, including the creation or enhancement of high value-added production.

The study shall give emphasis to recommendations for future economic development. The department and the northwest policy center shall report findings to the governor and to the appropriate legislative committees on December 1, 1990.

(12) \$80,000 of the general fund appropriation is provided solely for the establishment of the New Leader Fellowship program with Hyogo Prefecture in Japan.

(13) \$200,000 of the general fund appropriation is provided solely for the department's Tokyo office to offset the declining value of the dollar against the Japanese yen.

NEW SECTION, Sec. 310. FOR THE CONSERVATION COMMISSION

General Fund Appropriation	\$	1,440,000
Water Quality Account Appropriation	\$	179,000
Total Appropriation	\$	1,619,000

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

(1) No more than eight percent of the water quality account moneys administered by the commission may be used by the commission for administration and program activities related to the grant and loan program.

(2) \$581,000 of the general fund appropriation is provided solely for grants to conservation districts for operating purposes. In order to qualify for grants, conservation districts shall provide an equal amount of matching money.

NEW SECTION, Sec. 311. FOR THE WINTER RECREATION COMMISSION

General Fund Appropriation	\$	27,000
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NEW SECTION, Sec. 312. FOR THE PUGET SOUND WATER QUALITY AUTHORITY

General Fund Appropriation—State	\$	3,715,000
General Fund Appropriation—Federal	\$	202,000
Water Quality Account Appropriation	\$	1,100,000
Total Appropriation	\$	5,017,000

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

\$400,000 of the general fund—state appropriation is provided solely for the Puget Sound water quality management plan's monitoring program. Of this amount:

(1) \$200,000 is provided solely for transfer to the department of fisheries, by interagency agreement, to monitor levels of toxins in fish;

(2) \$160,000 is provided solely for transfer to the department of social and health services, by interagency agreement, to monitor levels of toxins in shellfish;

(3) \$20,000 is provided solely for the authority to implement a citizen monitoring program; and

(4) \$20,000 is provided solely for program coordination and data management.

NEW SECTION, Sec. 313. FOR THE DEPARTMENT OF FISHERIES

General Fund Appropriation—State	\$	53,487,000
General Fund Appropriation—Federal	\$	16,496,000
General Fund Appropriation—Private/Local	\$	5,284,000
Aquatic Lands Enhancement Account Appropriation	\$	1,076,000
Total Appropriation	\$	76,343,000

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

(1) \$320,000 of the general fund—state appropriation is provided so that patrol officers, in the course of duty, emphasize vehicle registration.

(2) \$100,000 of the general fund—state appropriation is provided solely for monitoring of Navy homeport dredging and dumping.

(3) \$230,000 of the general fund—state appropriation is provided solely to maintain current operations at the Nemah hatchery.

(4) \$400,000 of the general fund—state appropriation is provided solely for phase II of the department's recreational fishing plan.

(5) \$306,000 of the general fund—state appropriation is provided solely for the operation of hatcheries and rearing facilities currently operating below full capacity.

(6) If Substitute House Bill No. 2011 is not enacted by June 30, 1989, the appropriations in subsections (3), (4), and (5) of this section shall lapse.

NEW SECTION, Sec. 314. FOR THE DEPARTMENT OF WILDLIFE

General Fund Appropriation	\$	9,370,000
ORV (Off-Road Vehicle) Account Appropriation	\$	265,000
Aquatic Lands Enhancement Account Appropriation	\$	1,081,000
Public Safety and Education Account Appropriation	\$	566,000
Wildlife Fund Appropriation—State	\$	41,441,000
Wildlife Fund Appropriation—Federal	\$	15,717,000
Wildlife Fund Appropriation—Private/Local	\$	2,135,000
Game Special Wildlife Account Appropriation	\$	466,000
Total Appropriation	\$	71,041,000

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

(1) \$120,000 of the general fund appropriation is provided solely for contracting for fire protection on agency lands.

(2) \$100,000 of the wildlife fund appropriation—state is provided solely for a study of the impact of elk in the Blue Mountains.

NEW SECTION. Sec. 315. FOR THE DEPARTMENT OF NATURAL RESOURCES

General Fund Appropriation—State	\$	46,009,000
General Fund Appropriation—Federal	\$	639,000
General Fund Appropriation—Private/Local	\$	12,000
ORV (Off-Road Vehicle) Account Appropriation—Federal	\$	3,266,000
Geothermal Account Appropriation—Federal	\$	16,000
Forest Development Account Appropriation	\$	23,313,000
Survey and Maps Account Appropriation	\$	860,000
Aquatic Lands Enhancement Account Appropriation	\$	635,000
Landowner Contingency Forest Fire Suppression Account Appropriation	\$	2,119,000
Resource Management Cost Account Appropriation	\$	68,310,000
Aquatic Land Dredged Material Disposal Site Account Appropriation	\$	286,000
Total Appropriation	\$	145,465,000

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

(1) \$4,654,000 of the general fund—state appropriation is provided solely for the emergency fire suppression subprogram.

(2) \$2,297,000, of which \$372,000 is from the general fund—state appropriation, \$1,448,000 is from the resource management cost account appropriation, and \$477,000 is from the forest development account appropriation, is provided solely for information systems projects named in this subsection for which work will commence or continue in this biennium. Authority to expend these funds is conditioned upon compliance with the requirements set forth in section 802 of this act. For the purposes of this section, information systems projects shall mean the projects known by the following name or successor names: Department of natural resources revenue system.

(3) \$110,000 from the general fund—state appropriation is provided solely for a fire investigator.

(4) \$1,500,000 of the general fund—state appropriation is provided solely for cooperative monitoring, evaluation, and research projects related to implementation of the timber-fish-wildlife agreement.

(5) \$400,000 of the aquatic lands enhancement account appropriation is provided solely for conducting an inventory of state wetlands.

(6) \$200,000 of the general fund—state appropriation is provided solely for conducting an analysis of the potential positive and negative impacts of the leasing of state-owned tidal or submerged lands, described in House Bill No. 1190, for the purposes of oil and gas exploration. In preparing this analysis the department shall consult with the departments of ecology, fisheries, wildlife, community development, and trade and economic development, and the public. The department shall report to the joint select committee on marine and ocean resources and other appropriate legislative committees by July 1, 1990, on the status of this analysis. The department shall submit a final report to these committees by June 30, 1991.

(7) \$100,000 of the general fund—state appropriation is provided solely for a study of state-owned hardwood forests. The study shall include, but is not limited to: A comprehensive inventory of state-owned hardwood forests and a qualitative assessment of those stands, research into reforestation of hardwoods on state lands, and an analysis of management policies for increasing the supply of commercially harvestable hardwoods on state lands.

(8) \$300,000 of the general fund—state appropriation is provided solely for preparation of a report on the timber supply in Washington state. The report shall identify the quantity of timber present now and the quantity of timber that may be available from forest lands in the future using various assumptions about landowner management, including changes in the forest land base, amount of capital invested, and expected harvest age. The report shall categorize the results according to major timber species. The report shall be submitted to the appropriate committees of the senate and house of representatives by December 1, 1990.

(9) No portion of these appropriations may be expended for spreading sludge on state trust lands without first completing an environmental impact statement with respect to the sludge spreading operations. \$75,000 of the resource management cost account appropriation is provided solely for the costs of the environmental impact statement performed pursuant to this subsection.

(10) The department shall contract for labor-intensive forest land management activities in areas of the state adversely impacted by reductions in timber sales from federal lands. Contracts provided for under this section shall be in addition to and shall not supplant or displace activities normally administered by the department. The department shall, to the extent feasible, offer the additional contracts in sizes that do not discourage participation by small enterprises. The department shall cooperate with the employment security department in disseminating information on forest land management contracts to unemployed individuals who have been employed in the timber industry, and others adversely affected by reductions

in timber sales from federal lands. \$2,800,000 of the resource management cost account appropriation is provided solely for this purpose.

(1) A maximum of \$125,000 of the general fund—state appropriation is provided to implement Engrossed Senate Bill No. 5364 or Engrossed House Bill No. 1249 (marine debris).

(2) Based on schedules submitted by the director of financial management, the state treasurer shall transfer from the general fund—state or such other funds as the state treasurer deems appropriate to the Clarke McNary fund such amounts as are necessary to meet unbudgeted forest fire fighting expenses. All amounts borrowed under the authority of this section shall be repaid to the appropriate fund, together with interest at a rate determined by the state treasurer to be equivalent to the return on investments of the state treasury during the period the amounts are borrowed.

NEW SECTION. Sec. 316. FOR THE DEPARTMENT OF AGRICULTURE

General Fund Appropriation—State	\$	18,905,000
General Fund Appropriation—Federal	\$	795,000
State Toxics Control Account Appropriation	\$	299,000
Total Appropriation	\$	19,999,000

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

(1) Authority to expend funds from any source for AIM 2000, the agency information system, is conditioned on compliance with section 802 of this act.

(2) \$1,624,000 of the general fund—state appropriation is provided solely for the implementation of House Bill No. 2222 regarding the regulation of agricultural chemicals. If the bill is not enacted by June 30, 1989, the amount provided in this subsection shall lapse. \$1,390,000 of the amount provided in this subsection shall be supported by fees deposited into the general fund in accordance with chapter 15.58 RCW.

(3) \$50,000 of the general fund—state appropriation is provided solely for the organic certification program.

NEW SECTION. Sec. 317. FOR THE STATE CONVENTION AND TRADE CENTER

State Convention/Trade Center Account Appropriation	\$	22,119,000
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The appropriation in this section is subject to the following conditions and limitations: \$3,453,000 is provided solely for marketing the facilities and services of the convention center, for promoting the locale as a convention and visitor destination, and for related activities. Of this amount, the center shall not expend more than is projected to be received from revenue generated by the special excise tax that is deposited in the state convention and trade center operations account under RCW 67.40.090(3). Projections of such revenue shall be as determined and updated by the department of revenue.

NEW SECTION. Sec. 318. FOR THE WASHINGTON POLLUTION LIABILITY REINSURANCE PROGRAM

Pollution Liability Reinsurance Program Trust Account Appropriation	\$	600,000
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The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for the purposes of implementing Second Substitute House Bill No. 1180. If the bill is not enacted by June 30, 1989, the appropriation shall be null and void.

**PART IV
TRANSPORTATION**

NEW SECTION. Sec. 401. FOR THE STATE PATROL

General Fund Appropriation—State	\$	25,118,000
General Fund Appropriation—Federal	\$	161,000
General Fund Appropriation—Private/Local	\$	164,000
Death Investigations Account Appropriation	\$	24,000
Total Appropriation	\$	25,467,000

The appropriations in this section are subject to the following conditions and limitations: The staff of the Washington state patrol crime laboratory shall not provide tests for marijuana to cities or counties except: (1) To verify weight for criminal cases where weight is a factor, or (2) for criminal cases that the prosecuting attorney and field administrator of the crime laboratory agree are likely to go to trial.

NEW SECTION. Sec. 402. FOR THE DEPARTMENT OF LICENSING

General Fund Appropriation	\$	20,978,000
Architects' License Account Appropriation	\$	623,000
Cemetery Account Appropriation	\$	157,000
Health Professions Account Appropriation	\$	15,104,000
Medical Disciplinary Account Appropriation	\$	1,586,000
Professional Engineers' Account Appropriation	\$	1,527,000
Real Estate Commission Account Appropriation	\$	5,603,000
Total Appropriation	\$	45,096,000

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

(1) If uniform commercial code filing fees are increased such that the increase is expected to yield at least \$1,000,000 in additional revenues, then up to \$1,000,000 of the general fund—state appropriation may be expended for department purposes.

(2) If any of the following bills are not enacted by June 30, 1989, a corresponding amount, shown below, from the health professions account appropriation shall lapse:

House Bill No. 1896	\$	9,000
House Bill No. 2126	\$	42,000
Senate Bill No. 5176	\$	45,000
Senate Bill No. 5193	\$	10,000
Senate Bill No. 5481	\$	270,000
Senate Bill No. 5614	\$	311,000

(3) If any of the following bills are not enacted by June 30, 1989, a corresponding amount, shown below, from the general fund—state appropriation in this section shall lapse:

House Bill No. 1096	\$	135,000
Substitute House Bill No. 1792	\$	63,000
Engrossed House Bill No. 1917	\$	80,000
Substitute Senate Bill No. 5085	\$	153,000

PART V EDUCATION

NEW SECTION, Sec. 501. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR STATE ADMINISTRATION

General Fund Appropriation—State	\$	19,447,000
General Fund Appropriation—Federal	\$	9,074,000
Public Safety and Education Account Appropriation	\$	409,000
Total Appropriation	\$	28,960,000

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

(1) The entire public safety and education account appropriation is provided solely for administration of the traffic safety education program, including in-service training related to instruction in the risks of driving while under the influence of alcohol and other drugs.

(2) \$336,000 of the general fund—state appropriation is provided solely for the continuation of the international education and teacher exchange programs.

(3) \$19,000 of the general fund—state appropriation is provided solely for the continuation of the environmental education program.

(4) \$54,000 of the general fund—state appropriation is provided solely for Hispanic drop-out prevention and retrieval.

(5) \$750,000 of the general fund—state appropriation is provided solely for a contract with the United Indians for All Tribes Foundation, for programs to improve the academic performance of American Indian children in the Seattle metropolitan area. These moneys may not be used to replace or supplant funding for ongoing programs, and may be expended solely for direct services provided to American Indian children.

(6) \$75,000 of the general fund—state appropriation is provided solely for a study of pay equity among classified school district employees.

(7) \$150,000 of the general fund—state appropriation is provided solely for purchase and dissemination to school districts of innovative or multicultural curriculum materials. The superintendent of public instruction shall select materials based on unusual potential for stimulating new instructional methods, student interest and understanding of academic subjects, or cultural and ethnic awareness.

(8) \$50,000 of the general fund—state appropriation is provided solely for continued development of educational outcomes measures and field testing in local school districts, including: Development of a model writing assessment program at three grade levels; definitions of measurements for academic skills and mastery of key curriculum concepts; a follow-up survey of high school graduates; uniform reporting forms for data collection and display; and an instrument for identifying successful schools. In performing these activities, the superintendent shall consult with an advisory committee on outcomes-based education, comprising one representative of each of the selected field test projects, one representative of each twenty-first century schools project that has selected the outcomes measures as its evaluative tool, and two members who participated in the temporary committee on the assessment and accountability of educational outcomes.

NEW SECTION, Sec. 502. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR GENERAL APPORTIONMENT (BASIC EDUCATION)

General Fund Appropriation	\$	4,342,360,000
Children's Initiative Fund—K-12 Education Account Appropriation ..	\$	70,814,000
Total Appropriation	\$	4,413,174,000

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

(1) \$414,003,000 of the general fund appropriation is provided solely for the remaining months of the 1988-89 school year.

(2) Allocations for certificated staff salaries for the 1989-90 and 1990-91 school years shall be determined using formula-generated staff units calculated as follows:

(a) On the basis of average annual full time equivalent enrollments, excluding handicapped full time equivalent enrollment as recognized for funding purposes under section 510

of this act, and excluding full time equivalent enrollment otherwise recognized for certificated staff unit allocations under (c) through (f) of this subsection:

(i) Four certificated administrative staff units for each one thousand full time equivalent kindergarten through twelfth grade students;

(ii) For the 1989-90 school year, fifty-two certificated instructional staff units for each one thousand full time equivalent students in kindergarten through third grade, and forty-six certificated instructional staff units for each one thousand full time equivalent students in grades four through twelve;

(iii) For the 1990-91 school year, fifty-three certificated instructional staff units for each one thousand full time equivalent students in kindergarten through third grade, and forty-nine certificated instructional staff units for each one thousand full time equivalent students in grades four through twelve. However, if Initiative 102 is not enacted by December 31, 1989, the allocation ratios shall be fifty-two per thousand for kindergarten through grade three, and forty-six per thousand for grades four through twelve.

(b) For school districts with a minimum enrollment of 250 full time equivalent students, whose full time equivalent student enrollment count in a given month exceeds the first of the month full time equivalent enrollment count by 5 percent, an additional state allocation of 110 percent of the share that such increased enrollment would have generated had such additional full time equivalent students been included in the normal enrollment count for that particular month.

(c) On the basis of full time equivalent enrollment in vocational education and skill center programs approved by the superintendent of public instruction:

(i) For the 1989-90 school year, 0.92 certificated instructional staff units and 0.08 certificated administrative staff units for each 16.67 full time equivalent students enrolled in skills center programs, and 0.92 certificated instructional staff units and 0.08 certificated administrative staff units for each 17.5 full time equivalent students in other high school vocational programs;

(ii) For the 1990-91 school year, 0.92 certificated instructional staff units and 0.08 certificated administrative staff units for each 16.67 full time equivalent students in skills centers and other high school vocational programs. However, if Initiative 102 is not enacted by December 31, 1989, the allocation ratios shall be maintained at the 1989-90 levels.

(d) For districts enrolling not more than twenty-five average annual full time equivalent students in kindergarten through grade eight, and for small school plants within any school district which have been judged to be remote and necessary by the state board of education and enroll not more than twenty-five average annual full time equivalent students:

(i) For those enrolling students in kindergarten through grade six only, 1.76 certificated instructional staff units and 0.24 certificated administrative staff units for enrollment of not more than five students, plus one-twentieth of a certificated instructional staff unit for each additional student enrolled;

(ii) For those enrolling students in kindergarten through grade eight only, 1.68 certificated instructional staff units and 0.32 certificated administrative staff units for enrollment of not more than five students, plus one-tenth of a certificated instructional staff unit for each additional student enrolled; and

(iii) For those enrolling students in grades nine through twelve, 6.18 certificated instructional staff units and 0.57 certificated administrative staff for kindergarten through twelfth grade enrollment of not more than five students, plus one-tenth of a certificated instructional staff unit for each additional student enrolled.

(e) For specified enrollments in districts enrolling more than twenty-five but not more than one hundred average annual full time equivalent students in kindergarten through grade eight, and for small school plants within any school district which enroll more than twenty-five average annual full time equivalent kindergarten through eighth grade students and have been judged to be remote and necessary by the state board of education:

(i) For enrollment of up to sixty annual average full time equivalent students in kindergarten through grade six, 2.76 certificated instructional staff units and 0.24 certificated administrative staff units; and

(ii) For enrollment of up to twenty annual average full time equivalent students in grades seven and eight, 0.92 certificated instructional staff units and 0.08 certificated administrative staff units.

(f) For enrollment in grades nine through twelve in any school operating a high school program and enrolling more than twenty-five full time equivalent students but not more than three hundred average annual full time equivalent students in grades nine through twelve, in districts operating no more than two such schools:

(i) Nine certificated instructional staff units and one-half of a certificated administrative staff unit for the first sixty annual average full time equivalent students; and

(ii) Additional certificated staff units based on a ratio of 0.8732 certificated instructional staff units and 0.1268 certificated administrative staff units per forty-three and one-half average annual full time equivalent students.

Units calculated under (f)(i) and (ii) of this subsection shall be reduced by certificated staff units at the rate of 46 certificated instructional staff units and 4 certificated administrative staff units per 1,000 vocational and handicapped full time equivalent students.

(g) For each nonhigh school district having an enrollment of more than seventy annual average full time equivalent students and less than one hundred eighty students, operating a grades K-8 program or a grades 1-8 program, an additional one-half of a certificated instructional staff unit.

(h) For each nonhigh school district having an enrollment of more than fifty annual average full time equivalent students and less than one hundred eighty students, operating a grades K-6 program or a grades 1-6 program, an additional one-half of a certificated instructional staff unit.

(3) Allocations for classified salaries for the 1989-90 and 1990-91 school years shall be calculated using formula-generated classified staff units determined as follows:

(a) For enrollments generating certificated staff unit allocations under subsections (2) (d) through (h) of this section, one classified staff unit for each three certificated staff units allocated under such subsections.

(b) For all other enrollment in grades kindergarten through twelve, including vocational but excluding handicapped full time equivalent enrollments, one classified staff unit for each sixty average annual full time equivalent students.

(c) For each nonhigh school district with an enrollment of more than fifty annual average full time equivalent students and less than one hundred eighty students, an additional one-half of a classified staff unit.

(4) Fringe benefit allocations shall be calculated at a rate of 19.80 percent in the 1989-90 school year and 19.85 percent in the 1990-91 school year of certificated salary allocations provided under subsection (2) of this section, and a rate of 17.32 percent in the 1989-90 school year and 17.37 percent in the 1990-91 school year of classified salary allocations provided under subsection (3) of this section.

(5) Insurance benefit allocations shall be calculated at the rates specified in section 505 of this act, based on:

(a) The number of certificated staff units determined in subsection (2) of this section; and

(b) The number of classified staff units determined in subsection (3) of this section multiplied by 1.152. This factor is intended to adjust allocations so that, for the purposes of distributing insurance benefits, full time equivalent classified employees may be calculated on the basis of 1440 hours of work per year, with no individual employee counted as more than one full time equivalent.

(6)(a) For nonemployee related costs associated with each certificated staff unit allocated under subsection (2) (a), (b), and (d) through (h) of this section, there shall be provided a maximum of \$6,355 per certificated staff unit in the 1989-90 school year and a maximum of \$6,654 per certificated staff unit in the 1990-91 school year.

(b) For nonemployee related costs associated with each certificated staff unit allocated under subsection (2)(c) of this section, there shall be provided a maximum of \$12,110 per certificated staff unit in the 1989-90 school year and a maximum of \$12,679 per certificated staff unit in the 1990-91 school year.

(7) Allocations for substitute costs for classroom teachers shall be distributed at a maximum rate of \$290 per year for ninety-two percent of the certificated instructional staff units allocated under subsection (2) of this section.

(8) The superintendent may distribute a maximum of \$3,925,000 outside the basic education formula during fiscal years 1990 and 1991 as follows:

(a) For fire protection for school districts located in a fire protection district as now or hereafter established pursuant to chapter 52.04 RCW, a maximum of \$358,000 may be expended in fiscal year 1990 and a maximum of \$375,000 in fiscal year 1991.

(b) For summer vocational programs at skills centers, a maximum of \$1,321,000 may be expended in fiscal year 1990 and a maximum of \$1,599,000 may be expended in fiscal year 1991.

(c) A maximum of \$272,000 may be expended for school district emergencies.

(9) For the purposes of RCW 84.52.0531, the increase per full time equivalent student in state basic education appropriations provided under this act, including appropriations for salary and benefits increases, is 6.78 percent from the 1988-89 school year to the 1989-90 school year, and 9.81 percent from the 1989-90 school year to the 1990-91 school year. However, if Initiative 102 is not enacted, the increase from the 1989-90 school year to the 1990-91 school year is 5.97 percent.

(10) The K-12 education account appropriation includes moneys to provide the increased staffing allocations funded from this account at the salary and benefits levels attained for the 1990-91 school year under sections 503 and 505 of this act.

(11) The superintendent of public instruction shall revise personnel reporting systems to include information on grade level assignments of basic education instructional staff, by grade level groupings of K-3, 4-6, and 7-12. The superintendent of public instruction shall collect such information from school districts beginning in the 1989-90 school year. Districts must document

a ratio in kindergarten through grade three for the 1989-90 school year of at least fifty-two full time basic education instructional staff per thousand full time equivalent students, in order to qualify under this section for funding for the 1990-91 school year above the district's actual K-3 ratio achieved in the 1989-90 school year or the statutory minimum ratio established under RCW 28A.41.140(2)(c), whichever is greater. For the purposes of this subsection, "instructional staff" includes certificated instructional employees as defined in RCW 28A.41.140(3) and classified classroom assistants.

NEW SECTION. Sec. 503. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—BASIC EDUCATION EMPLOYEE COMPENSATION INCREASES

General Fund Appropriation \$ 205,932,000

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

(1) The following calculations determine the salaries used in the general fund allocations for certificated instructional, certificated administrative, and classified staff units under section 502 of this act:

(a) Salary allocations for certificated instructional staff units shall be determined for each district by multiplying the district's certificated instructional derived base salary shown on LEAP Document 12 by the district's average staff mix factor for basic education certificated instructional staff in that school year, computed using LEAP Document 1.

(b) Salary allocations for certificated administrative staff units and classified staff units shall be determined for each district by the district's certificated administrative and classified salary allocation amounts shown on LEAP Document 12.

(2)(a) Districts shall certify to the superintendent of public instruction such information as may be necessary regarding the years of service and educational experience of basic education certificated instructional employees for the purposes of calculating certificated instructional staff salary allocations pursuant to this section. Any change in information previously certified, on the basis of years of experience or educational credits, shall be reported and certified to the superintendent of public instruction at the time such change takes place.

(b) For the purposes of this section, "basic education certificated instructional staff" is defined as provided in RCW 28A.41.110.

(c) "LEAP Document 1" means the computerized tabulation establishing staff mix factors for basic education certificated instructional staff according to education and years of experience, as developed by the legislative evaluation and accountability program committee on August 18, 1987, at 13:26 hours.

(d) "LEAP Document 1R" means the computerized tabulation establishing staff mix factors for basic education certificated instructional staff according to education and years of experience, as developed on April 9, 1989, at 13:00 hours.

(f) "LEAP Document 12" means the computerized tabulation of 1988-89 salary allocations for basic education certificated administrative staff and basic education classified staff and 1988-89 derived base salaries for basic education certificated instructional staff as developed on April 9, 1989, at 13:15 hours.

(g) The incremental fringe benefits factors applied to salary increases in this section shall be 1.1916 for certificated salaries and 1.1379 for classified salaries in the 1989-90 school year, and 1.1921 for certificated salaries and 1.1384 for classified salaries in the 1990-91 school year.

(3) \$17,623,000 is provided solely to increase allocations for certificated administrative staff units supported by the general fund appropriation under section 502 of this act, pursuant to this subsection. For the 1989-90 and 1990-91 school years, the allocation for each certificated administrative staff unit shall be increased by 4.0 percent of the 1988-89 state-wide average certificated administrative salary shown on LEAP Document 12, multiplied by incremental fringe benefits. For the 1990-91 school years, the allocation for each certificated administrative staff unit shall be further increased by an additional 4.16 percent of the 1988-89 state-wide average certificated administrative salary shown on LEAP Document 12, multiplied by incremental fringe benefits.

(4) \$30,328,000 is provided solely to increase allocations for classified staff units supported by the general fund under section 502 of this act, pursuant to this subsection. For the 1989-90 and 1990-91 school years, the allocation for each classified staff unit shall be increased by 4.0 percent of the 1988-89 state-wide average classified salary shown on LEAP Document 12, multiplied by incremental fringe benefits. For the 1990-91 school year, the allocation for each classified staff unit shall be further increased by an additional 4.16 percent of the 1988-89 state-wide average classified salary shown on LEAP Document 12, multiplied by incremental fringe benefits.

(5) \$157,981,000 is provided solely to increase allocations for certificated instructional staff units supported by the general fund under section 502 of this act, pursuant to this subsection:

(a) For any district with a derived base salary of \$17,600 on LEAP Document 12, the allocation for each certificated instructional staff unit in the 1989-90 school year shall be increased by the difference between:

(i) The district's salary allocation per certificated instructional staff unit computed under subsection (1)(a) of this section, adjusted for incremental fringe benefits; and

(ii) The district's 1989-90 average certificated instructional staff allocation salary as determined by placing the district's actual full time equivalent basic education certificated instructional staff on the state-wide salary allocation schedule established in subsection (5) of this section, adjusted for incremental fringe benefits.

(b) For any district with a derived base salary greater than \$17,600 on LEAP Document 12, the allocation for each certificated instructional staff unit in the 1989-90 and 1990-91 school years shall be increased by 4.0 percent of the district's salary allocation per certificated instructional staff unit computed under subsection (1)(a) of this section, adjusted for incremental fringe benefits.

(c) For any district with a derived base salary of \$17,600 on LEAP Document 12, the allocation for each certificated instructional staff unit in the 1990-91 school year shall be increased by the difference between:

(i) The district's salary allocation per certificated instructional staff unit computed under subsection (1)(a) of this section, adjusted for incremental fringe benefits; and

(ii) The district's 1990-91 average certificated instructional staff allocation salary as determined by placing the district's actual full time equivalent basic education certificated instructional staff on the state-wide salary allocation schedule established in subsection (6) of this section, adjusted for incremental fringe benefits.

(d) For any district with a derived base salary greater than \$17,600 on LEAP Document 12, the allocation for each certificated instructional staff unit in the 1990-91 school year shall be increased by the difference between:

(i) The district's salary allocation per certificated instructional staff unit computed under subsection (1)(a) of this section, adjusted for incremental fringe benefits; and

(ii) The district's salary allocation per certificated instructional staff unit computed under subsection (1)(a) of this section multiplied by 8.16 percent, further multiplied by the ratio between the district's average staff mix factor for actual 1990-91 full time equivalent basic education certificated instructional employees computed using LEAP Document 1R and such factor computed using LEAP Document 1, and adjusted for incremental fringe benefits.

(5)(a) Pursuant to RCW 28A.41.112, the following state-wide salary allocation schedule for certificated instructional staff is established for basic education salary allocations for the 1989-90 school year:

1989-90 STATE-WIDE SALARY ALLOCATION SCHEDULE
FOR INSTRUCTIONAL STAFF

Years of Service	BA	BA+15	BA+30	BA+45
0	18,304	18,798	19,311	19,823
1	18,981	19,494	20,025	20,574
2	19,677	20,208	20,757	21,361
3	20,409	20,958	21,526	22,166
4	21,159	21,745	22,331	23,008
5	21,946	22,551	23,155	23,887
6	22,770	23,374	24,015	24,802
7	23,612	24,234	24,893	25,735
8	24,472	25,131	25,809	26,724
9		26,065	26,779	27,731
10			27,767	28,792
11				29,890
12				
13				
14 or more				

1989-90 STATE-WIDE SALARY ALLOCATION SCHEDULE
FOR INSTRUCTIONAL STAFF

Years of Service	BA+90	BA+135	MA	MA+45	MA+90 or PHD
0	21,471	22,532	21,471	22,770	23,887
1	22,276	23,356	22,276	23,612	24,765
2	23,100	24,216	23,100	24,491	25,681
3	23,942	25,113	23,942	25,388	26,632
4	24,839	26,047	24,839	26,321	27,621
5	25,754	27,017	25,754	27,310	28,627
6	26,706	28,005	26,706	28,316	29,689
7	27,694	29,048	27,694	29,360	30,787
8	28,719	30,128	28,719	30,440	31,940
9	29,781	31,245	29,781	31,574	33,112

1989-90 STATE-WIDE SALARY ALLOCATION SCHEDULE
FOR INSTRUCTIONAL STAFF

Years of Service	BA+90	BA+135	MA	MA+45	MA+90 or PHD
10	30,879	32,398	30,879	32,746	34,338
11	32,032	33,588	32,032	33,954	35,601
12	33,222	34,833	33,222	35,217	36,919
13	34,448	36,114	34,448	36,516	38,292
14 or more		37,450	35,711	37,871	39,701

(b) As used in this subsection:

(i) "BA" means a baccalaureate degree.

(ii) "MA" means a masters degree.

(iii) "PHD" means a doctorate degree.

(iv) "+(N)" means the number of college quarter hour credits and inservice credits earned since receiving the highest degree. Inservice hours shall be converted to equivalent college quarter hour credits in accordance with RCW 28A.71.110.

(v) "Years of service" shall be calculated under the same rules used by the superintendent of public instruction for salary allocations in the 1988-89 school year.

(6)(a) Pursuant to RCW 28A.41.112, the following state-wide salary allocation schedule for certificated instructional staff is established for basic education salary allocations for the 1990-91 school year:

1990-91 STATE-WIDE SALARY ALLOCATION SCHEDULE
FOR INSTRUCTIONAL STAFF

Years of Service	BA	BA+15	BA+30	BA+45
0	19,034	19,548	20,081	20,614
1	19,738	20,271	20,823	21,394
2	20,462	21,014	21,585	22,213
3	21,223	21,794	22,384	23,050
4	22,003	22,612	23,221	23,926
5	22,822	23,450	24,078	24,839
6	23,678	24,306	24,973	25,791
7	24,554	25,201	25,886	26,762
8	25,448	26,134	26,838	27,790
9		27,104	27,847	28,837
10			28,875	29,940
11				31,083
12				(32,286)
13				(33,533)
14 or more				(34,824)

1990-91 STATE-WIDE SALARY ALLOCATION SCHEDULE
FOR INSTRUCTIONAL STAFF

Years of Service	BA+90	BA+135
0	22,327	23,431
1	23,164	24,287
2	24,021	25,182
3	24,896	26,115
4	25,829	27,085
5	26,781	28,094
6	27,771	29,122
7	28,798	30,207
8	29,864	31,330
9	30,968	32,491
10	32,110	33,690
11	33,310	34,927
12	34,547	36,222
13	35,822	37,554
14 or more	(37,196)	38,944

(b) As used in this subsection:

(i) "BA" means a baccalaureate degree.

(ii) "+(N)" means the number of college quarter hour credits and inservice credits earned since receiving the baccalaureate degree. Inservice hours shall be converted to equivalent college quarter hour credits in accordance with RCW 28A.71.110.

(iii) Salary steps shown in parentheses are restricted to employees with masters degrees.

(iv) "Years of service" shall be calculated under the same rules used by the superintendent of public instruction for salary allocations in the 1988-89 school year.

(c) Allocations for employees with advanced degrees shall be determined as follows:

(i) Notwithstanding any other provision of this section, the allocation for any employee with a masters degree and zero years of experience shall be \$22,955.

(ii) The allocation for any employee with at least one year of experience and a masters degree but no doctorate shall be \$2,341 in addition to the amount shown on the above schedule.

(iii) The allocation for any employee with a doctoral degree shall be \$4,682 in addition to the amount shown on the above schedule.

(7) The salary allocation schedules established in subsections (5) and (6) of this section are for allocation purposes only.

NEW SECTION. Sec. 504. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—CATEGORICAL PROGRAM SALARY INCREASES

General Fund Appropriation \$ 39,787,000

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

(1) The incremental fringe benefits factors applied to salary increases in subsection (3) of this section shall be 1.1916 for certificated salaries and 1.1379 for classified salaries in the 1989-90 school year, and 1.1921 for certificated salaries and 1.1384 for classified salaries in the 1990-91 school year.

(2) A maximum of \$14,032,000 is provided to implement salary increases for each school year for state-supported school employees in the following categorical programs: Transitional bilingual instruction, learning assistance, education of highly capable students, vocational technical institutes, and pupil transportation. Moneys provided by this subsection include costs of incremental fringe benefits and shall be distributed by increasing allocation rates for each school year by the amounts specified:

(a) Transitional bilingual instruction: The rates specified in section 520 of this act shall be increased by \$16.53 per pupil for the 1989-90 school year and by \$40.58 per pupil for the 1990-91 school year.

(b) Learning assistance: The rates specified in section 521 of this act shall be increased by \$12.91 per pupil for the 1989-90 school year and by \$26.34 per pupil for the 1990-91 school year.

(c) Education of highly capable students: The rates specified in section 516 of this act shall be increased by \$9.79 per pupil for the 1989-90 school year and by \$24.04 per pupil for the 1990-91 school year.

(d) Vocational technical institutes: The rates for vocational programs specified in section 508 of this act shall be increased by \$86.47 per full time equivalent student for the 1989-90 school year, and by \$205.73 per full time equivalent student for the 1990-91 school year.

(e) Pupil transportation: The rates provided under section 507 of this act shall be increased by \$0.66 per weighted pupil-mile for the 1989-90 school year, and by \$1.35 per weighted pupil-mile for the 1990-91 school year.

(3) A maximum of \$25,755,000 is provided for salary increases and incremental fringe benefits for state-supported staff unit allocations in the handicapped program, section 510, and for state-supported staff in institutional education programs, section 515, and in educational service districts, section 512. The superintendent of public instruction shall distribute salary increases for these programs not to exceed the percentage salary increases provided for basic education staff under section 503 of this act.

(4) While this section and section 509 of this act do not provide specific allocations for salary increases for school food services employees, nothing in this act is intended to preclude or discourage school districts from granting increases that are equivalent to those provided for other classified staff.

NEW SECTION. Sec. 505. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR SCHOOL EMPLOYEE INSURANCE BENEFIT INCREASES

General Fund Appropriation \$ 21,181,000

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

(1) Allocations for insurance benefits from general fund appropriations provided under section 502 of this act shall be calculated at a rate of \$224.75 per month for each certificated staff unit, and for each classified staff unit adjusted pursuant to section 502(5)(b).

(2) The appropriation in this section is provided solely to increase insurance benefit allocations for state-funded certificated and classified staff in the 1989-90 and 1990-91 school years, effective October 1, 1989, to a rate of \$239.86 per month, as distributed pursuant to this section.

(3) A maximum of \$17,023,000 may be expended to increase general fund allocations for insurance benefits for basic education staff units under section 502(5) of this act by \$15.11 per month.

(4) A maximum of \$2,226,000 may be expended to increase insurance benefit allocations for handicapped program staff units as calculated under section 510 of this act by \$15.11 per month.

(5) A maximum of \$108,000 may be expended to increase insurance benefit allocations for state-funded staff in educational service districts and institutional education programs by \$15.11 per month.

(6) A maximum of \$1,824,000 may be expended to fund insurance benefit increases in the following categorical programs by increasing annual state funding rates by the amounts specified in this subsection. For the 1989-90 school year, due to the October implementation, school districts shall receive eleven-twelfths of the annual rate increases specified. On an annual basis, the maximum rate adjustments provided under this section are:

(a) For pupil transportation, an increase of \$0.14 per weighted pupil-mile;

(b) For learning assistance, an increase of \$3.78 per pupil;

(c) For education of highly capable students, an increase of \$1.29 per pupil;

(d) For transitional bilingual education, an increase of \$2.44 per pupil;

(e) For vocational-technical institutes, an increase of \$10.06 per full time equivalent pupil.

NEW SECTION. Sec. 506. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—RETIREMENT CONTRIBUTIONS

General Fund Appropriation \$ 33,141,000

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

(1) \$13,056,000 for the teachers' retirement system and \$2,147,000 for the public employees' retirement system, or so much thereof as may be necessary, shall be distributed to local districts to increase state retirement system contributions resulting from Engrossed Substitute House Bill No. 1322. If the bill is not enacted by June 30, 1989, the amounts provided in this subsection shall lapse.

(2) \$14,587,000 for the teachers' retirement system and \$3,351,000 for the public employees' retirement system, or so much thereof as may be necessary, shall be distributed to local districts to increase state retirement system contributions resulting from Substitute Senate Bill No. 5418. If the bill is not enacted by June 30, 1989, the amounts provided in this subsection shall lapse.

NEW SECTION. Sec. 507. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR PUPIL TRANSPORTATION

General Fund Appropriation \$ 251,821,000

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

(1) \$22,695,000 is provided solely for distribution to school districts for the remaining months of the 1988-89 school year.

(2) A maximum of \$111,468,000 may be distributed for pupil transportation operating costs in the 1989-90 school year.

(3) A maximum of \$857,000 may be expended for regional transportation coordinators.

(4) A maximum of \$64,000 may be expended for bus driver training.

(5) The superintendent of public instruction shall study the current small fleet maintenance formula in comparison with districts' actual pupil transportation expenditures, and may implement formula revisions to distribute funding more equitably between districts that receive small fleet funding and those that do not. The superintendent may apply any moneys resulting from a reduction in the small fleet maintenance factor to a formula enhancement for midday kindergarten routes.

NEW SECTION. Sec. 508. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR VOCATIONAL-TECHNICAL INSTITUTES AND ADULT EDUCATION AT VOCATIONAL-TECHNICAL INSTITUTES

General Fund Appropriation \$ 79,469,000

Children's Initiative Fund—K-12 Education Account Appropriation \$ 1,534,000

Total Appropriation \$ 81,003,000

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

(1) Funding for vocational programs during the 1989-90 school year shall be distributed at a rate of \$3,267 per student for a maximum of 12,050 full time equivalent students. This amount includes \$154 per student solely to replace out-of-date or worn-out equipment.

(2) Funding for vocational programs from the general fund appropriation during the 1990-91 school year shall be distributed at a rate of \$3,268 per student for a maximum of 12,050 full time equivalent students. This amount includes \$154 per student solely to replace out-of-date or worn-out equipment.

(3) Funding for adult basic education programs during the 1989-90 school year shall be distributed at a rate of \$1.46 per hour of student service for a maximum of 288,690 hours.

(4) Funding for adult basic education programs during the 1990-91 school year shall be distributed at a rate of \$1.48 per hour of student service for a maximum of 288,690 hours.

(5) The K-12 education account appropriation is provided solely to increase state-funded vocational enrollment to 12,655 full time equivalent students in the 1990-91 school year. The K-12 education account appropriation in this section includes rate adjustments to achieve the salary and benefits levels attained for the 1990-91 school year as determined under sections 504 and 505 of this act.

NEW SECTION, Sec. 509. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR SCHOOL FOOD SERVICE PROGRAMS

General Fund Appropriation—State	\$	6,000,000
General Fund Appropriation—Federal	\$	85,000,000
Total Appropriation	\$	91,000,000

NEW SECTION, Sec. 510. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR HANDICAPPED EDUCATION PROGRAMS

General Fund Appropriation—State	\$	504,289,000
General Fund Appropriation—Federal	\$	59,000,000
Total Appropriation	\$	563,289,000

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

(1) \$48,111,000 of the general fund—state appropriation is provided solely for the remaining months of the 1988-89 school year.

(2) The superintendent of public instruction shall distribute state funds for the 1989-90 and 1990-91 school years in accordance with districts' actual handicapped enrollments and the allocation model established in LEAP Document 13 as developed on April 9, at 13:30 hours.

(3) A maximum of \$440,000 may be expended from the general fund—state appropriation to fund 4.66 full time equivalent teachers and one aide at Children's orthopedic hospital and medical center. This amount is in lieu of money provided through the home and hospital allocation and the handicapped program.

(4) The superintendent of public instruction shall allocate sufficient funds to maintain 1988-89 school year service levels for the early childhood home instruction program for hearing impaired infants and their families.

(5) \$150,000 of the general fund—state appropriation is provided solely for contracts for development and implementation of a process for school districts to bill medical assistance for eligible services included in handicapped education programs, pursuant to Substitute House Bill No. 2014. If the bill is not enacted by June 30, 1989, the amount provided in this subsection shall lapse.

NEW SECTION, Sec. 511. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR TRAFFIC SAFETY EDUCATION PROGRAMS

Public Safety and Education Account Appropriation	\$	14,067,000
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The appropriation in this section is subject to the following conditions and limitations: Not more than \$596,000 may be expended for regional traffic safety education coordinators.

NEW SECTION, Sec. 512. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR EDUCATIONAL SERVICE DISTRICTS

General Fund Appropriation	\$	10,654,000
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The appropriation in this section is subject to the following conditions and limitations: The educational service districts shall continue to furnish financial services required by the superintendent of public instruction and RCW 28A.21.088 (3) and (4).

NEW SECTION, Sec. 513. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR LOCAL EFFORT ASSISTANCE

General Fund Appropriation	\$	82,700,000
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The appropriation in this section is subject to the following conditions and limitations: \$82,700,000 is provided for state matching funds pursuant to RCW 28A.41.155.

NEW SECTION, Sec. 514. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR THE ENUMERATED PURPOSES

General Fund Appropriation—Federal	\$	141,817,000
(1) Education Consolidation and Improvement Act	\$	138,000,000
(2) Education of Indian Children	\$	317,000
(3) Adult Basic Education	\$	3,500,000

NEW SECTION, Sec. 515. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR INSTITUTIONAL EDUCATION PROGRAMS

General Fund Appropriation—State	\$	20,763,000
General Fund Appropriation—Federal	\$	8,006,000
Total Appropriation	\$	28,769,000

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

(1) \$3,817,000 of the general fund—state appropriation is provided solely for the remaining months of the 1988-89 school year.

(2) \$10,154,000 of the general fund—state appropriation is provided solely for the 1989-90 school year, distributed as follows:

(a) \$3,293,000 is provided solely for programs in state institutions for the handicapped or emotionally disturbed. These moneys may be distributed for that school year at a maximum rate averaged over all of these programs of \$10,903 per full time equivalent student.

(b) \$3,647,000 is provided solely for programs in state institutions for delinquent youth. These moneys may be distributed for that school year at a maximum rate averaged over all of these programs of \$6,728 per full time equivalent student.

(c) \$418,000 is provided solely for programs in state group homes for delinquent youth. These moneys may be distributed for that school year at a maximum rate averaged over all of these programs of \$5,116 per full time equivalent student.

(d) \$716,000 is provided solely for juvenile parole learning center programs. These moneys may be distributed for that school year at a maximum rate averaged over all of these programs of \$1,772 per full time equivalent student, and are in addition to moneys allocated for these students through the basic education formula established in section 502 of this act.

(e) \$2,080,000 is provided solely for programs in county detention centers. These moneys may be distributed for that school year at a maximum rate averaged over all of these programs of \$4,871 per full time equivalent student.

(3) Distribution of state funding for the 1990-91 school year shall be based upon the following overall limitations for that school year including expenditures anticipated for July and August of 1991:

(a) State funding for programs in state institutions for the handicapped or emotionally disturbed may be distributed at a maximum rate averaged over all of these programs of \$10,847 per full time equivalent student and a total allocation of no more than \$2,885,000 for that school year.

(b) State funding for programs in state institutions for delinquent youth may be distributed at a maximum rate averaged over all of these programs of \$6,741 per full time equivalent student and a total allocation of no more than \$3,701,000 for that school year.

(c) State funding for programs in state group homes for delinquent youth may be distributed in that school year at a maximum rate averaged over all of these programs of \$5,177 per full time equivalent student and a total allocation of no more than \$419,000 for that school year.

(d) State funding for juvenile parole learning center programs may be distributed at a maximum rate averaged over all of these programs of \$1,745 per full time equivalent student and a total allocation of no more than \$705,000 for that school year, excluding funds provided through the basic education formula established in section 502 of this act.

(e) State funding for programs in county detention centers may be distributed at a maximum rate averaged over all of these programs of \$4,882 per full time equivalent student and a total allocation of no more than \$2,080,000 for that school year.

(4) \$167,000 of the general fund—state appropriation is provided solely to maintain the increased teacher/student ratio for programs at mentally ill offender units within the state institutions for delinquent youth.

(5) \$214,000 of the general fund—state appropriation is provided solely for job skills training programs at state institutions for delinquent youth.

(6) Notwithstanding any other provision of this section, the superintendent of public instruction may transfer funds between the categories of institutions identified in subsections (2) and (3) of this section if the maximum expenditures per full time equivalent student for each category of institution are not thereby exceeded.

(7) State funding provided under this section is based on salaries and other expenditures for a 220-day school year. The superintendent of public instruction shall monitor school district expenditure plans for institutional education programs to ensure that districts plan for a full-time summer program.

(8) The superintendent of public instruction shall develop a plan, to be implemented in the 1991-93 biennium, to transfer institutional education programs to the department of social and health services. The plan shall be developed in cooperation with the department and shall be submitted to the legislature prior to December 1, 1990.

NEW SECTION. Sec. 516. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR PROGRAMS FOR HIGHLY CAPABLE STUDENTS

General Fund Appropriation \$ 5,937,000

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

(1) \$534,000 is provided solely for distribution to school districts for the remaining months of the 1988-89 school year.

(2) Allocations for school district programs for highly capable students during the 1989-90 and 1990-91 school years shall be distributed at a maximum rate for each school year of \$364 per student for up to one percent of each district's full time equivalent enrollment.

(3) A maximum of \$356,000 is provided to contract for gifted programs to be conducted at Fort Worden state park.

NEW SECTION. Sec. 517. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR SCHOOL DISTRICT SUPPORT

General Fund Appropriation—State \$ 6,934,000
 General Fund Appropriation—Federal \$ 5,131,000
 Children's Initiative Fund—K-12 Education Account Appropriation \$ 2,000,000
 Total Appropriation \$ 14,065,000

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

(1) \$282,000 of the general fund—state appropriation is provided solely for teacher in-service training in math, science, and computer technology.

(2) \$651,000 of the general fund—state appropriation is provided solely for teacher training workshops conducted by the Pacific science center. \$496,000 of this amount is for in-service training in science to be provided to approximately ten percent of the kindergarten through eighth grade teachers each year.

(3) \$2,629,000 of the general fund—state appropriation is provided solely for operation by the educational service districts of regional computer demonstration centers and computer information centers. This amount is intended to enable the educational service districts to expand two computer information centers to fully-staffed computer demonstration centers in the 1989-90 school year.

(4) \$872,000 of the general fund—state appropriation and \$413,000 of the general fund—federal appropriation are provided solely for teacher training in drug and alcohol abuse education and prevention in kindergarten through grade twelve. The amount provided in this subsection includes \$300,000 from license fees collected pursuant to RCW 66.24.320 and 66.24.330 which are dedicated to juvenile drug and alcohol prevention programs under RCW 66.08.180(4).

(5) \$2,000,000 of the general fund—state appropriation and \$2,000,000 of the K-12 education account appropriation are provided solely for training of paraprofessional classroom assistants and classroom teachers to whom the assistants are assigned. A maximum of \$175,000 of this amount may be spent by the superintendent for state administrative costs of this program.

(6) \$500,000 of the general fund—state appropriation is provided solely for grants to school districts for multicultural inservice training.

NEW SECTION, Sec. 518. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR SPECIAL AND PILOT PROGRAMS

General Fund Appropriation—State	\$	17,568,000
General Fund Appropriation—Federal	\$	5,973,000
Children's Initiative Fund—K-12 Education Account Appropriation	\$	31,500,000
Total Appropriation	\$	55,041,000

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

(1) \$1,731,000 of the general fund—state appropriation is provided solely for a contract with the Pacific science center for travelling van programs and other educational services for public schools. \$815,000 of this amount is provided to expand the travelling van program to serve approximately 50 percent of public elementary schools annually, and to expand the on-site instruction program to serve approximately 70,000 students and teachers each year.

(2) \$88,000 of the general fund—state appropriation is provided solely for a contract with the Cispus learning center for environmental education programs.

(3) \$3,975,000 of the general fund—federal appropriation is provided solely for substance abuse prevention programs.

(4) \$6,834,000 of the general fund—state appropriation and \$1,998,000 of the general fund—federal appropriation are provided solely for the schools for the twenty-first century pilot programs established by RCW 28A.100.030 through 28A.100.068. Grants shall be provided to establish a maximum of twenty-one new projects in fiscal year 1991.

(5) \$3,560,000 of the general fund—state appropriation is provided solely for the beginning teachers assistance program established under RCW 28A.67.240. Moneys shall be distributed under this subsection at a maximum rate per mentor/beginning teacher team of \$1,780 per year.

(6) \$204,000 of the general fund—state appropriation is provided solely for child abuse education provisions of RCW 28A.03.512 through 28A.03.514.

(7) \$2,619,000 of the general fund—state appropriation is provided solely for grants to public or private nonprofit organizations to assist parents of children in headstart or early childhood education and assistance programs, who are enrolled in adult literacy classes or tutoring programs under RCW 28A.130.010 through 28A.130.020. Grants provided under this subsection may be used for scholarships, costs of transportation and child care, and other support services. Moneys provided under this subsection may not be used by the superintendent of public instruction for state administrative costs.

(8) \$82,000 of the general fund—state appropriation is provided solely for in-service training and other costs associated with the development of a comprehensive K-12 health education curriculum, including an integral component relating to acquired immunodeficiency syndrome.

(9) \$250,000 of the general fund—state appropriation is provided solely for the continuation of student teaching pilot projects under Engrossed Senate Bill No. 5826. If the bill is not enacted by June 30, 1989, the amount provided in this subsection shall lapse.

(10) \$1,400,000 of the general fund—state appropriation is provided solely for compensation of teachers who supervise student teachers. Stipends provided under this subsection shall not exceed \$333 per college quarter of supervisory duties, or an equivalent rate adjusted to a semester or other basis.

(11) \$27,500,000 of the K-12 education account appropriation is provided for technology programs and grants, administered through the twenty-first century institute for advanced technology in schools. \$27,000,000 of this amount is provided solely for grants to school districts for the establishment of computer labs in elementary schools. These grants shall not exceed \$50,000 per school and shall require a twenty percent local match.

(12) \$2,000,000 of the K-12 education account appropriation is provided solely for grants to school districts for programs to reduce dropout rates using student tutors. These moneys may be expended to pay college students or advanced high school students for working with students in grades K-12 in public schools. School districts shall be chosen to receive grants based on the severity of their dropout rate and the participation of higher education institutions in the proposed program.

(13) \$1,000,000 of the K-12 education account is provided solely for grants to enhance alternative school programs. These grants may not be used to supplant funding for existing programs or for state administrative costs.

(14) \$1,000,000 of the K-12 education account appropriation is provided solely for grants for projects to increase the educational participation of homeless children. Projects shall be selected from applications submitted jointly by shelter providers and school districts. The homeless advisory committee appointed by the superintendent of public instruction shall review applications and assist in the selection process. The grants shall be expended for programs and services to facilitate school attendance of homeless children, or for shelter-based instructional programs.

(15) \$800,000 of the general fund—state appropriation is provided solely for a pilot program of grants to school districts for elementary school counselors and intervention specialists, targeted to those schools with the greatest needs. The superintendent of public instruction shall select proposals for funding based upon applications identifying the number of counselors and intervention specialists currently assigned to elementary schools, and providing data on the student attendance area to be served, as determined by the superintendent. The data submitted shall include but not be limited to indicators of the number of students living in poverty, unemployment rates, juvenile justice referrals, and social service caseloads. The minimum grant award per district or cooperative of districts under this subsection shall be \$20,000 per school year. For the purposes of this subsection, "intervention specialist" may include school psychologists, school social workers, counselors, and social workers employed by the department of social and health services providing services to schools under contract, and children's mental health specialists as defined in RCW 71.34.020 providing services to schools under contract.

NEW SECTION. Sec. 519. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR ENCUMBRANCES OF FEDERAL GRANTS

General Fund Appropriation—Federal \$ 36,216,000

NEW SECTION. Sec. 520. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR TRANSITIONAL BILINGUAL PROGRAMS

General Fund Appropriation \$ 14,772,000

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

(1) \$1,476,000 is provided solely for the remaining months of the 1988-89 school year.

(2) The superintendent shall distribute funds for the 1989-90 and 1990-91 school years at a rate for each year of \$452 per eligible student.

NEW SECTION. Sec. 521. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR THE LEARNING ASSISTANCE PROGRAM

General Fund Appropriation \$ 70,417,000

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

(1) \$5,899,000 is provided solely for the remaining months of the 1988-89 school year.

(2) Funding for school district learning assistance programs serving kindergarten through grade nine shall be distributed during the 1989-90 and 1990-91 school years at a maximum rate of \$389 per unit as calculated pursuant to this subsection. The number of units for each school district in each school year shall be the sum of: (a) The number of full time equivalent students enrolled in kindergarten through grade six in the district multiplied by the percentage of the district's students taking the fourth grade basic skills test who scored in the lowest quartile as compared to national norms, and then reduced by the number of students ages eleven and below in the district who are identified as specific learning disabled and are served through programs established pursuant to chapter 28A.13 RCW; and (b) the number of full time equivalent students enrolled in grades seven through nine in the district multiplied by the percentage of the district's students taking the eighth grade basic skills test who scored in the lowest quartile as compared to national norms, and then reduced by the number of students ages twelve through fourteen in the district who are identified as specific learning disabled and are served through programs established pursuant to chapter 28A.13 RCW. In determining these allocations, the superintendent shall use the most recent prior five-year average scores on the fourth grade and eighth grade state-wide basic skills tests.

NEW SECTION. Sec. 522. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR EDUCATIONAL CLINICS

General Fund Appropriation	\$	4,584,000
Children's Initiative Fund—K-12 Education Account Appropriation	\$	1,000,000
Total Appropriation	\$	5,584,000

The appropriations in this section are subject to the following conditions and limitations: Not more than \$2,292,000 of the general fund appropriation may be expended during fiscal year 1990.

NEW SECTION. Sec. 523. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—LOCAL EDUCATION PROGRAM ENHANCEMENT FUNDS

General Fund Appropriation	\$	5,053,000
Children's Initiative Fund—K-12 Education Account Appropriation	\$	26,921,000
Total Appropriation	\$	31,974,000

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

(1) \$5,053,000 of the general fund appropriation is provided solely for the remaining months of the 1988-89 school year.

(2) The K-12 education account appropriation is provided solely for allocations to school districts in the 1990-91 school year, pursuant to this section. A school district may be eligible to receive an allocation from this appropriation if the school district's board of directors has:

(a) Assessed the needs of the schools within the district;

(b) Prioritized the identified needs; and

(c) Developed an expenditure plan for the allocation and an evaluation methodology to assess benefits to students.

(3) School districts receiving moneys pursuant to this section shall expend such moneys to meet educational needs identified by the district within the following program areas:

(a) Prevention and intervention services in the elementary grades;

(b) Reduction of class size;

(c) Early childhood education;

(d) Student-at-risk programs, including dropout prevention and retrieval, and substance abuse awareness and prevention;

(e) Staff development and in-service programs;

(f) Student logical reasoning and analytical skill development;

(g) Programs for highly capable students; and

(h) Programs involving students in community services;

(i) Senior citizen volunteer programs; and

(j) Other purposes that enhance a school district's basic education program, including expenditures for nonemployee-related costs.

Allocations provided under this section for the 1990-91 school year are equivalent to increasing funding for nonemployee-related costs in basic education programs by approximately ten percent, and may be applied by school districts to that purpose. However, new and existing education program enhancements funded pursuant to this section do not fall within the definition of basic education for purposes of Article IX of the state Constitution and the state's funding duty thereunder, nor shall such funding as now or hereafter appropriated and allocated constitute levy reduction funds for purposes of RCW 84.52.0531.

(4)(a) Allocations to eligible school districts for the 1990-91 school year shall be calculated on the basis of average annual full time equivalent enrollment, at a rate of \$42.50 per pupil. For school districts enrolling not more than one hundred average annual full time equivalent students, and for small school plants within any school district designated as remote and necessary schools, the allocations shall be determined as follows:

(i) Enrollment of not more than sixty average annual full time equivalent students in grades kindergarten through six shall generate funding based on sixty full time equivalent students;

(ii) Enrollment of not more than twenty average annual full time equivalent students in grades seven and eight shall generate funding based on twenty full time equivalent students; and

(iii) Enrollment of sixty or fewer average annual full time equivalent students in grades nine through twelve shall generate funding based on sixty full time equivalent students.

(b) Allocations shall be distributed on a school-year basis pursuant to RCW 28A.48.010.

NEW SECTION. Sec. 524. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR THE STATE SCHOOL FOR THE BLIND AND THE STATE SCHOOL FOR THE DEAF

General Fund Appropriation—State	\$	17,583,000
General Fund Appropriation—Federal	\$	48,000
Total Appropriation	\$	17,631,000

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

(1) \$5,944,000 of the general fund—state appropriation is provided to pass through directly to the state school for the blind at the request of the school's superintendent.

(2) \$11,252,000 of the general fund—state appropriation and \$48,000 of the general fund—federal appropriation is provided to pass through directly to the state school for the deaf at the request of the school's superintendent.

(3) \$387,000 of the general fund—state appropriation is provided solely for transportation of day students attending the schools. The state school for the deaf and the state school for the

blind shall contract with educational service district No. 112 for the provision of pupil transportation services.

PART VI
HIGHER EDUCATION

NEW SECTION. Sec. 601. The appropriations in sections 602 through 608 of this act are subject to the following conditions and limitations:

(1) For the purposes of this section and sections 602 through 608 of this act, "institutions of higher education" means the institutions receiving appropriations pursuant to sections 602 through 608 of this act.

(2)(a) Student Quality Standard: During the 1989-91 fiscal biennium, each institution of higher education shall not spend less than the average biennial amount listed in this subsection per full time equivalent student. The amounts include total appropriated general fund—state operating expenses for the institution, less expenditures for plant maintenance and operations, with the exception of Washington State University, where cooperative extension and agriculture research are also excluded from the per student expenditures. This expenditure-per-student requirement may vary by two percent. If an institution's expenditure per student in fiscal year 1989-90 exceeds the two-percent variance, then the office of financial management shall reduce that institution's allotment for fiscal year 1990-91 by the amount above the two-percent variance.

University of Washington	\$	9,461
Washington State University	\$	7,734
Eastern Washington University	\$	5,446
Central Washington University	\$	5,463
The Evergreen State College	\$	6,923
Western Washington University	\$	5,399
State Board for Community College Education	\$	3,318

(b) If Initiative 102 is not enacted by December 31, 1989, the amounts listed in (a) of this subsection shall be revised as follows:

University of Washington	\$	9,044
Washington State University	\$	7,579
Eastern Washington University	\$	5,341
Central Washington University	\$	5,425
The Evergreen State College	\$	6,737
Western Washington University	\$	5,234
State Board for Community College Education	\$	3,189

(3) Each institution of higher education and the state board for community college education shall report to the 1990 regular session of the legislature on its plans to improve the quality of instruction. The plans should provide for:

(a) Increasing the amount of instruction by professors rather than by teaching assistants;

(b) Increasing the number of discussion sections led by professors; and

(c) Increasing the amount of writing required by students, both for classes and for tests.

(4) Each institution of higher education and the state board for community college education shall report to the higher education coordinating board on its maintenance and operation activities and expenditures. The higher education coordinating board shall monitor these reports to ensure that facilities at each institution of higher education are maintained in good condition.

(5)(a) The following are maximum amounts that each institution may spend from the appropriations in sections 602 through 610 of this act for faculty, graduate assistants, and exempt staff salary increases and are subject to all the limitations contained in this section. For the purpose of allocating these funds, "faculty" includes all instructional and research faculty, teaching and research assistants, academic deans, department chairpersons, and librarians and counselors who are not part of the state classified service system. "Exempt staff" includes all professional and administrative employees who are not part of the state classified service system. "Senior exempt staff" includes presidents, chancellors, vice-presidents, provosts, and vice-provosts.

University of Washington	\$	19,137,000
Washington State University	\$	9,731,000
Eastern Washington University	\$	3,074,000
Central Washington University	\$	2,656,000
The Evergreen State College	\$	1,350,000
Western Washington University	\$	3,889,000
State Board for Community College Education	\$	21,217,000
Higher Education Coordinating Board	\$	125,000

(b) The amounts listed in (a) of this subsection are intended to provide faculty, exempt staff, teaching and research assistants, and medical residents at each four-year institution and the community college system as a whole, a maximum of the average percentage increase, including increments, listed below on the effective dates indicated:

Faculty and Exempt Staff

	January 1, 1990	January 1, 1991
University of Washington	6.1%	6.1%
Washington State University	6.1%	6.1%
Eastern Washington University	6.4%	6.4%
Central Washington University	6.4%	6.4%
The Evergreen State College	6.4%	6.4%
Western Washington University	6.4%	6.4%
State Board for Community College Education	6.2%	6.2%
Higher Education Coordinating Board	2.5%	8.5%
	<u>Senior Exempt Staff</u>	
All Institutions	4.0%	4.0%

(c) Regardless of whether the maximum amounts authorized in this subsection are granted, they will be considered granted by the higher education coordinating board when comparing faculty salaries to other institutions for the purpose of determining salary increase requirements.

(d) The salary increase amounts authorized in this subsection for institutions other than community colleges are intended to provide an equal percentage salary increase between faculty and exempt personnel, after any merit or market pay considerations.

(e) The salary increases authorized under this subsection may be granted to state employees at Washington State University who are supported in full or in part by federal land grant formula funds.

(f) The state board for community college education shall allocate the amounts authorized in this subsection among the community college districts according to policies and guidelines established by the board that may include policies for achieving more equitable salary levels among districts and more equitable salary levels between part time and full time faculty.

(6) The following amounts from the appropriations in sections 602 through 608 of this act, or as much thereof as may be necessary, shall be spent to provide higher education personnel board classified employees with a 2.5 percent salary increase effective January 1, 1990, and an additional 8.5 percent salary increase effective January 1, 1991. The January 1, 1991, salary increase shall fund as much of the 1988 trend salary survey (catch-up plus keep-up results less the January 1, 1989, increase) as possible. If the application of this increase results in a fractional range, the higher education personnel board shall round the increase to the nearest whole range. These increases shall be implemented in compliance and conformity with all requirements of the comparable worth agreement ratified by 1986 Senate Concurrent Resolution No. 126. No salary increase may be paid under this subsection to any person whose salary has been Y-rated pursuant to rules adopted by the higher education personnel board.

University of Washington	\$ 5,327,000
Washington State University	\$ 3,508,000
Eastern Washington University	\$ 889,000
Central Washington University	\$ 681,000
The Evergreen State College	\$ 507,000
Western Washington University	\$ 943,000
State Board for Community College Education	\$ 4,768,000

(7) The following amounts from the appropriations in sections 602 through 608 of this act are provided solely for student employee salary increases:

University of Washington	\$ 130,000
Washington State University	\$ 73,000
Eastern Washington University	\$ 21,000
Central Washington University	\$ 18,000
The Evergreen State College	\$ 9,000
Western Washington University	\$ 25,000
State Board for Community College Education	\$ 142,000

(8) Any institution that grants an average salary increase in excess of the amounts authorized in subsection (3) of this section is ineligible to receive any funds appropriated for salary increases in sections 603 through 608 of this act. Any community college district that grants an average salary increase in excess of the amounts authorized in subsection (3) of this section, as allocated by the state board for community college education, is ineligible to receive any funds appropriated for salary increases in section 602 of this act. The office of financial management shall adjust an institution's allotment as necessary to enforce the restrictions imposed by this section.

(9) The office of financial management shall by November 1, 1989, develop an employee classification system for the purpose of allocating the appropriations in this act for higher education salary increases. In developing the classification system, the office of financial management shall consult with the institutions of higher education, the senate committee on ways and means, and the house of representatives committee on appropriations. The classification system shall be consistent among the institutions and shall provide for uniform application of each employee classification, including instructional and research faculty, academic and administrative deans, department chairpersons, exempt and classified staff, presidents, chancellors, vice-presidents, librarians, and counselors. An institution of higher education shall not grant any salary increase under this section unless the office of financial management determines that the increase is consistent with the classification system required by this subsection. It is the intent of the legislature to adjust the appropriations in this act during the 1990 legislative session to reflect the classification system; the appropriation adjustments shall result in a total expenditure level that is less than or equal to the total amount allocated for salary increases under this section to all institutions. The classification system shall be used solely for the purpose of salary increase allocations under this section and shall not affect any employee rights under the state higher education personnel law, chapter 28B.16 RCW.

NEW SECTION. Sec. 602. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION	
General Fund Appropriation	\$ 637,075,000
Children's Initiative Fund—Children's Services and Support Account	
Appropriation	\$ 3,000,000
Total Appropriation	\$ 640,075,000

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

(1) It is intended that enrollment increases funded by this appropriation be distributed among the community college districts on the basis of the enrollment distribution contained in the community college 1989-91 budget request document.

(2) The state board for community college education shall establish compensation guidelines for salary levels of the top administrative position at community colleges. The guidelines shall take into account criteria such as institutional size, level of responsibility, experience, and longevity.

(3) At least \$400,000 of the general fund—state appropriation shall be spent on assessment of student outcomes.

(4) At least \$240,000 of the general fund—state appropriation shall be spent to increase recruitment and retention of minority students.

(5) At least \$500,000 of the general fund—state appropriation shall be spent to fund the comparable worth salary adjustments for employees in community college childcare centers.

(6) If Initiative 102 is not enacted by December 31, 1989, the children's initiative fund—children's services and support account appropriation in this section is null and void.

(7) If Initiative 102 is not enacted by December 31, 1989, \$25,208,000 of the general fund—state appropriation in this section shall lapse.

NEW SECTION. Sec. 603. FOR THE UNIVERSITY OF WASHINGTON	
General Fund Appropriation	\$ 624,678,000
Medical Aid Fund Appropriation	\$ 3,518,000
Accident Fund Appropriation	\$ 3,517,000
Death Investigations Account Appropriation	\$ 957,000
Total Appropriation	\$ 632,670,000

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

(1) At least \$6,620,000 of the general fund appropriation shall be spent to begin off-campus upper-division course offerings in Tacoma and Bothell.

(2) The University of Washington shall establish an evening degree credit program. \$1,682,000 of the general fund appropriation is provided for this purpose.

(3) If Initiative 102 is not enacted by December 31, 1989, \$27,290,000 of the general fund appropriation in this section shall lapse.

(4) \$150,000 of the general fund appropriation is provided solely for the development of a plan for the Olympic institute for old growth forest and ocean research.

(5) \$500,000 of the general fund appropriation is provided solely for the sea grant program.

(6) At least \$400,000 of the general fund appropriation shall be spent on assessment of student outcomes.

(7) At least \$50,000 of the general fund appropriation shall be spent to increase recruitment and retention of minority students.

NEW SECTION. Sec. 604. FOR WASHINGTON STATE UNIVERSITY	
General Fund Appropriation	\$ 338,437,000

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

(1) At least \$2,018,000 shall be spent to expand upper-division and graduate off-campus course offerings.

(2) Washington State University shall continue funding three faculty positions associated with Tri-Cities diversification.

(3) If Initiative 102 is not enacted by December 31, 1989, \$6,528,000 of the appropriation in this section shall lapse.

(4) At least \$400,000 shall be spent on assessment of student outcomes.

(5) At least \$50,000 shall be spent to increase recruitment and retention of minority students.

NEW SECTION, Sec. 605. FOR EASTERN WASHINGTON UNIVERSITY

General Fund Appropriation \$ 91,758,000

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

(1) At least \$400,000 shall be spent on assessment of student outcomes.

(2) At least \$10,000 shall be spent to increase recruitment and retention of minority students.

(3) If Initiative 102 is not enacted by December 31, 1989, \$1,479,000 of the appropriation in this section shall lapse.

NEW SECTION, Sec. 606. FOR CENTRAL WASHINGTON UNIVERSITY

General Fund Appropriation \$ 77,243,000

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

(1) It is intended that enrollment increases be directed to resident students and that priority be given to students seeking entrance to upper-division courses with the intent to complete a bachelor's degree.

(2) At least \$599,000 shall be spent to provide upper-division courses in Yakima.

(3) At least \$400,000 shall be spent on assessment of student outcomes.

(4) At least \$10,000 shall be spent to increase recruitment and retention of minority students.

(5) If Initiative 102 is not enacted by December 31, 1989, \$509,000 of the appropriation in this section shall lapse.

NEW SECTION, Sec. 607. FOR THE EVERGREEN STATE COLLEGE

General Fund Appropriation \$ 48,225,000

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

(1) It is intended that enrollment increases be directed to resident students and that priority be given to students seeking entrance to upper-division courses with the intent to complete a bachelor's degree.

(2) At least \$400,000 shall be spent on assessment of student outcomes.

(3) At least \$10,000 shall be spent to increase recruitment and retention of minority students.

(4) If Initiative 102 is not enacted by December 31, 1989, \$1,457,000 of the appropriation in this section shall lapse.

NEW SECTION, Sec. 608. FOR WESTERN WASHINGTON UNIVERSITY

General Fund Appropriation \$ 103,577,000

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

(1) It is intended that enrollment increases be directed to resident students and that priority be given to students seeking entrance to upper-division courses with the intent to complete a bachelor's degree.

(2) At least \$400,000 shall be spent on assessment of student outcomes.

(3) At least \$10,000 shall be spent to increase recruitment and retention of minority students.

(4) If Initiative 102 is not enacted by December 31, 1989, \$3,909,000 of the appropriation in this section shall lapse.

NEW SECTION, Sec. 609. FOR THE COMPACT FOR EDUCATION

General Fund Appropriation \$ 92,000

NEW SECTION, Sec. 610. FOR THE HIGHER EDUCATION COORDINATING BOARD

General Fund Appropriation—State \$ 58,785,000

General Fund Appropriation—Federal \$ 4,153,000

State Educational Grant Account Appropriation \$ 40,000

Total Appropriation \$ 62,978,000

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

(1) \$53,237,000 of the general fund—state appropriation is provided solely for student financial aid, including administrative costs. Of that amount:

(a) At least \$18,100,000 shall be expended for work study grants;

(b) \$31,500,000 of the general fund—state appropriation is provided solely for the state need grant program, as redesigned by the higher education coordinating board;

(c) \$250,000 is provided solely for additions to the conditional scholarship program for nurses; and

(d) \$300,000 is provided solely for additions to the conditional scholarship program for teachers.

(2) \$966,626 of the general fund—state appropriation is provided solely for the displaced homemaker program.

(3) \$400,000 of the general fund—state appropriation is provided solely for the summer motivation and academic residential training program.

(4) \$500,000 of the general fund—state appropriation is provided solely for the educational opportunity grant program. If Initiative 102 is not enacted by December 31, 1989, \$250,000 of the amount provided in this subsection shall lapse.

(5) \$50,000 of the general fund—state appropriation is provided solely for the establishment of a Washington state writing project intended to enhance the skills of writing teachers in grades kindergarten through twelfth grade in Washington public schools.

(6) \$60,000 of the general fund—state appropriation is provided solely to make matching awards of \$2,000 to community scholarship foundations that:

(a) After the effective date of this act, begin a higher education scholarship program and raise at least \$2,000 for the program;

(b) Obtain and maintain tax-exempt status under section 501(c)(3) of the internal revenue code for the fund supporting the scholarship program; and

(c) Have not previously received a matching award from the amount provided in this subsection.

NEW SECTION. Sec. 611. FOR THE WASHINGTON INSTITUTE OF APPLIED TECHNOLOGY

General Fund Appropriation \$ 3,000,000

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

(1) \$1,500,000 is provided solely for fiscal year 1990.

(2) The state board for vocational education and the office of financial management within the governor's office shall conduct a study of the Washington institute of applied technology. The study shall include consultation with the Seattle school district, Seattle community college, and the superintendent of public instruction. The study shall examine the institute's role in the marketplace, its effectiveness in accomplishing its purpose, and alternative methods of operation. The results of the study, together with any recommendations, shall be submitted to the senate committee on ways and means and the house of representatives committee on appropriations by December 1, 1989.

(3) The office of financial management shall place \$1,500,000 of the appropriation into reserve status for release to the institute for the 1991 fiscal year only after the state board for vocational education and the office of financial management have completed their review and certified to the senate committee on ways and means and the house of representatives committee on appropriations that the institute is meeting its enrollment goals and is effectively accomplishing its purpose.

NEW SECTION. Sec. 612. FOR THE HIGHER EDUCATION PERSONNEL BOARD

Higher Education Personnel Board Service Fund Appropriation \$ 2,142,000

The appropriation in this section is subject to the following conditions and limitations: \$50,000 of the appropriation is provided solely for a 2.5% across-the-board salary increase effective January 1, 1990, and an additional average 8.5% salary increase effective January 1, 1991, for staff of the higher education personnel board. The January 1, 1991, salary increase shall fund as much of the 1988 trend salary survey, catch-up plus keep-up results less the January 1, 1989, increase, as possible. If the application of this increase results in a fractional range, the increase shall be rounded to the nearest whole range. These increases shall be implemented in compliance and conformity with all requirements of the comparable worth agreement ratified by 1986 Senate Concurrent Resolution No. 126, where applicable.

NEW SECTION. Sec. 613. FOR WASHINGTON STATE LIBRARY

General Fund Appropriation—State \$ 12,075,000

General Fund Appropriation—Federal \$ 4,622,000

General Fund Appropriation—Private/Local \$ 112,000

Western Library Network Computer System Revolving Fund Appropriation—Private/Local \$ 14,073,000

Total Appropriation \$ 30,882,000

The appropriations in this section are subject to the following conditions and limitations: \$2,331,000 of the general fund—state and the general fund—federal appropriations are provided solely for a contract with the Seattle public library for library services for the blind and physically handicapped.

NEW SECTION. Sec. 614. FOR THE WASHINGTON STATE ARTS COMMISSION

General Fund Appropriation—State \$ 4,557,000

General Fund Appropriation—Federal \$ 772,000

Total Appropriation \$ 5,329,000

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

(1) \$1,325,000 of the general fund—state appropriation is provided solely for grants of institutional support to major arts organizations.

(2) The commission shall develop and implement a plan to reduce administrative expenditures below twenty-five percent of total expenditures by fiscal year 1991. The commission shall submit a progress report on its plan to the appropriations committee of the house of representatives and the ways and means committee of the senate prior to January 8, 1990.

NEW SECTION. Sec. 615. FOR THE WASHINGTON STATE HISTORICAL SOCIETY

General Fund Appropriation \$ 880,000

NEW SECTION. Sec. 616. FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY

General Fund Appropriation—State \$ 750,000

General Fund Appropriation—Federal \$ 126,000

Total Appropriation \$ 876,000

NEW SECTION. Sec. 617. FOR THE STATE CAPITOL HISTORICAL ASSOCIATION

General Fund Appropriation	\$	987,000
State Capitol Historical Association Museum Account Appropriation	\$	119,000
Total Appropriation	\$	1,106,000

The appropriations in this section are subject to the following conditions and limitations: \$200,000 of the general fund appropriation is provided solely for the continuation of a technical assistance program for local heritage organizations.

PART VII

SPECIAL APPROPRIATIONS

NEW SECTION. Sec. 701. FOR THE STATE TREASURER—STATE REVENUES FOR

DISTRIBUTION

General Fund Appropriation for fire insurance premiums tax distribution	\$	5,239,000
General Fund Appropriation for public utility district excise tax distribution	\$	22,854,000
General Fund Appropriation for prosecuting attorneys' salaries	\$	2,277,000
General Fund Appropriation for motor vehicle excise tax distribution	\$	68,719,000
General Fund Appropriation for local mass transit assistance	\$	208,213,000
General Fund Appropriation for camper and travel trailer excise tax distribution	\$	2,600,000
Aquatic Lands Enhancement Account Appropriation for harbor improvement revenue distribution	\$	80,000
Liquor Excise Tax Fund Appropriation for liquor excise tax distribution	\$	18,667,000
Motor Vehicle Fund Appropriation for motor vehicle fuel tax and overload penalties distribution	\$	290,024,000
Liquor Revolving Fund Appropriation for liquor profits distribution	\$	41,250,000
Timber Tax Distribution Account Appropriation for distribution to "Timber" counties	\$	57,545,000
Municipal Sales and Use Tax Equalization Account Appropriation	\$	37,002,000
County Sales and Use Tax Equalization Account Appropriation	\$	12,695,000
Death Investigations Account Appropriation for distribution to counties for publicly funded autopsies	\$	636,000
Total Appropriation	\$	767,801,000

NEW SECTION. Sec. 702. FOR THE STATE TREASURER—FEDERAL REVENUES FOR

DISTRIBUTION

Forest Reserve Fund Appropriation for federal forest reserve fund distribution	\$	70,000,000
General Fund Appropriation for federal flood control funds distribution	\$	70,000
General Fund Appropriation for federal grazing fees distribution	\$	50,000
Geothermal Account Appropriation—Federal	\$	20,000
General Fund Appropriation for distribution of federal funds to counties in conformance with Public Law 97-99	\$	720,000
Total Appropriation	\$	70,860,000

NEW SECTION. Sec. 703. FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, INCLUDING ONGOING BOND REGISTRATION AND TRANSFER CHARGES; FOR GENERAL OBLIGATION DEBT SUBJECT TO THE STATUTORY DEBT LIMIT

Fisheries Bond Redemption Fund 1977 Appropriation	\$	1,367,200
Water Pollution Control Facilities Bond Redemption Fund 1967 Appropriation	\$	4,117,000
State Building and Higher Education Construction Bond Redemption Fund 1967 Appropriation	\$	8,034,700
State Building (Expo 74) Bond Redemption Fund 1973A Appropriation	\$	375,900
State Building Bond Redemption Fund 1973 Appropriation	\$	3,796,000
State Higher Education Bond Redemption Fund 1973 Appropriation	\$	4,379,300
State Building Authority Bond Redemption Fund Appropriation	\$	9,401,000
Community College Capital Improvement Bond Redemption Fund 1972 Appropriation	\$	7,514,400
State Higher Education Bond Redemption Fund 1974 Appropriation	\$	1,182,900
Waste Disposal Facilities Bond Redemption Fund Appropriation	\$	64,569,200
Water Supply Facilities Bond Redemption Fund Appropriation	\$	11,126,800
Recreation Improvements Bond Redemption Fund Appropriation	\$	5,996,200
Social and Health Services Facilities 1972 Bond Redemption Fund Appropriation	\$	3,714,100
Outdoor Recreation Bond Redemption Fund 1967 Appropriation	\$	6,298,000
Indian Cultural Center Construction Bond Redemption Fund 1976 Appropriation	\$	124,200

Fisheries Bond Redemption Fund 1976 Appropriation	\$	762,600
Higher Education Bond Redemption Fund 1975 Appropriation	\$	2,167,100
State Building Bond Retirement Fund 1975 Appropriation	\$	421,900
Social and Health Services Bond Redemption Fund 1976 Appropriation	\$	9,474,800
Emergency Water Projects Bond Retirement Fund 1977 Appropriation	\$	2,614,000
Higher Education Bond Redemption Fund 1977 Appropriation	\$	19,264,000
Salmon Enhancement Bond Redemption Fund 1977 Appropriation	\$	4,328,700
Fire Service Training Center Bond Retirement Fund 1977 Appropriation	\$	850,500
State General Obligation Bond Retirement Bond 1979 Appropriation	\$	339,761,200
Total Appropriation	\$	511,641,700

NEW SECTION. Sec. 704. FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, INCLUDING ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL OBLIGATION DEBT TO BE REIMBURSED BY ENTERPRISE ACTIVITIES

State Convention and Trade Center Account Appropriation	\$	29,433,500
University of Washington Hospital Bond Retirement Fund 1975 Appropriation	\$	1,171,600
Office-Laboratory Facilities Bond Redemption Fund Appropriation	\$	273,700
Higher Education Bond Retirement Fund 1979 Appropriation	\$	2,556,600
State General Obligation Bond Retirement Fund 1979 Appropriation	\$	9,249,000
Spokane River Toll Bridge Revolving Account Appropriation	\$	882,100
Total Appropriation	\$	43,576,200

NEW SECTION. Sec. 705. FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, INCLUDING ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL OBLIGATION DEBT TO BE REIMBURSED AS PRESCRIBED BY STATUTE

Community College Refunding Bond Retirement Fund 1974 Appropriation	\$	9,756,200
Community College Capital Construction Bond Redemption Fund 1975, 1976, 1977 Appropriation	\$	10,773,500
Higher Education Bond Retirement Fund 1979 Appropriation	\$	10,268,800
Washington State University Bond Redemption Fund 1977 Appropriation	\$	539,200
Higher Education Refunding Bond Redemption Fund 1977 Appropriation	\$	7,801,200
State General Obligation Bond Retirement Fund 1979 Appropriation	\$	29,346,300
Total Appropriation	\$	68,485,200

NEW SECTION. Sec. 706. FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, INCLUDING ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR DEBT TO BE PAID BY MOTOR VEHICLE FUND REVENUE

Highway Bond Retirement Fund Appropriation	\$	195,489,500
Ferry Bond Retirement Fund 1977 Appropriation	\$	26,531,100
Total Appropriation	\$	222,020,600

NEW SECTION. Sec. 707. FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, INCLUDING ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR DEBT TO BE PAID BY STATUTORILY PRESCRIBED REVENUE

Common School Building Bond Redemption Fund 1967 Appropriation	\$	6,906,000
State Building Bond Redemption Fund 1967 Appropriation	\$	655,600
State Building and Parking Bond Redemption Fund 1969 Appropriation	\$	2,450,900
Total Appropriation this Section	\$	10,012,500
Total Bond Retirement and Interest Appropriations, Sections 703 through 707	\$	855,736,200

NEW SECTION. Sec. 708. FOR THE GOVERNOR—EMERGENCY FUND

General Fund Appropriation	\$	2,000,000
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The appropriation in this section is for the governor's emergency fund to be allocated for the carrying out of the critically necessary work of any agency.

NEW SECTION. Sec. 709. FOR THE GOVERNOR—INDIAN CLAIMS

General Fund Appropriation	\$	4,925,000
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The appropriation in this section is subject to the following conditions and limitations: This appropriation is provided solely for implementation of the Puyallup tribal settlement agreement, as provided in Substitute House Bill No. 1788 and Engrossed Senate Bill No. 5734. If neither bill is enacted by June 30, 1989, this appropriation shall lapse.

NEW SECTION. Sec. 710. FOR THE GOVERNOR—TORT DEFENSE SERVICES

General Fund Appropriation	\$	1,500,000
Special Fund Agency Tort Defense Services Revolving Fund Appropriation	\$	1,292,000

Total Appropriation \$ 2,792,000

The appropriations in this section are subject to the following conditions and limitations: To facilitate payment of tort defense services from special funds, the state treasurer is directed to transfer sufficient moneys from each special fund to the special fund tort defense services revolving fund, hereby created, in accordance with schedules provided by the office of financial management. The governor shall distribute the moneys appropriated in this section to agencies to pay for tort defense services.

NEW SECTION, Sec. 711. FOR THE GOVERNOR—WASHINGTON FOREST RESOURCE COUNCIL

General Fund Appropriation \$ 150,000

The appropriation in this section is subject to the following conditions and limitations: If Engrossed Senate Bill No. 5911 is not enacted by June 30, 1989, this appropriation shall lapse.

NEW SECTION, Sec. 712. DEPARTMENT OF PUBLIC HEALTH—TRANSITION

General Fund Appropriation \$ 1,000,000

The appropriation in this section is subject to the following conditions and limitations: If a department of public health or a department of health is not established by law by June 30, 1989, this appropriation shall lapse.

NEW SECTION, Sec. 713. FOR BELATED CLAIMS

(1) There is appropriated to the office of financial management for payment of supplies and services furnished in previous biennia, from the General Fund \$ 1,140,000

(2) The following sums, or so much thereof as shall severally be found necessary, are hereby appropriated and authorized to be expended out of the several funds indicated, for the period from the effective date of this act to June 30, 1991, except as otherwise noted.

To reimburse the general fund for expenditures from belated claims appropriations to be disbursed on vouchers approved by the office of financial management:

Medical Disciplinary Account	\$	520
Institutional Impact Account	\$	26,153
ORV (Off-Road-Vehicle) Account	\$	23
Hospital Commission Account	\$	15,224
Centennial Commission Account	\$	940
Public Safety and Education Account	\$	1151
Health Professions Account	\$	734
Forest Development Account	\$	6,122
Real Estate Commission Account	\$	1,614
Reclamation Revolving Account	\$	103
Landowner Contingency Forest Fire Suppression Account	\$	600
Capitol Building Construction Account	\$	40,251
Resource Management Cost Account	\$	9,295
Litter Control Account	\$	34,305
State Building Construction Account	\$	35
Outdoor Recreation Account	\$	1,958
Local Governance Study Commission Account	\$	42
Grade Crossing Protective Fund	\$	1,029
State Patrol Highway Account	\$	25,745
Motorcycle Safety Education Fund	\$	266
Fire Service Training Account	\$	447
Seed Fund	\$	3,023
Electrical License Fund	\$	724
State Wildlife Fund	\$	20,500
Highway Safety Fund	\$	7,774
Motor Vehicle Fund	\$	14,046
Puget Sound Ferry Operations Account	\$	12
Public Service Revolving Fund	\$	6,042
Insurance Commissioner's Regulatory Account	\$	1,910
State Treasurer's Service Fund	\$	1,053
Legal Services Revolving Fund	\$	2,557
Municipal Revolving Fund	\$	5,671
Department of Personnel Service Fund	\$	6,472
State Auditing Services Revolving Fund	\$	1,240
Liquor Revolving Fund	\$	15,445
Department of Retirement Systems Expense Fund	\$	2,982
Accident Fund	\$	62,964
Medical Aid Fund	\$	57,948
Western Library Network Computer System Revolving Fund	\$	460
Pressure Systems Safety Fund	\$	32

NEW SECTION, Sec. 714. FOR SUNDRY CLAIMS

The following sums, or so much thereof as are necessary, are appropriated from the general fund, unless otherwise indicated, for the payment of court judgments and for relief of various individuals, firms, and corporations for sundry claims. These appropriations are to be disbursed on vouchers approved by the director of the department of general administration, except as otherwise provided, as follows:

(1) For transfer to the Tort Claims Revolving Fund to reimburse the Tort Claims Revolving Fund for payments made to Lori Ann Newman per order of Pierce County Superior Court, Cause No. 85-2-06030-5	\$	6,000.00
(2) Juan Manuel Palomarez, in settlement of all claims for expenses per order of Yakima County Superior Court, Cause No. 86-1-01381-0, pursuant to RCW 9.01.200, including interest	\$	17,114.96
(3) Michael Ringo, in settlement of all claims for expenses per order of Kitsap County Superior Court, Cause No. 87-1-00115-4, pursuant to RCW 9.01.200, including interest	\$	8,500.17
(4) Lee Arthur Jackson, in settlement of all claims for expenses per order of Spokane County Superior Court, Cause No. 87-1-00516-1, pursuant to RCW 9.01.200, including interest	\$	11,946.92
(5) Thomas A. Simmons, in settlement of all claims for expenses per order of Airport District Court, King County, Cause No. POS 94143, pursuant to RCW 9.01.200, including interest	\$	2,781.87
(6) Daniel L. Boyer, in settlement of all claims for expenses per order of Wahkiakum County Superior Court, Cause No. CR-296, pursuant to RCW 9.01.200, including interest	\$	4,264.05
(7) Alex Rooney, in settlement of all claims for expenses per order of Mason County Superior Court, Cause No. 87-1-00074-5, pursuant to RCW 9.01.200, including interest	\$	31,687.80
(8) Kevin Keniston, in settlement of all claims for expenses per order of Airport District Court, King County, Cause No. 85-188358, pursuant to RCW 9.01.200, including interest	\$	2,862.77
(9) Richard Woods, in settlement of all claims for expenses per order of Pierce County District Court No. 1, Cause No. 88-661977-9, pursuant to RCW 9.01.200, including interest	\$	3,264.21
(10) Donald L. Bakko, in settlement of all claims for expenses per order of Cowlitz County District Court, Cause No. 13818/88-2168, pursuant to RCW 9.01.200, including interest	\$	3,353.09
(11) Curtis A. Fifield, in settlement of all claims for expenses per order of Aukeen District Court, King County, Cause No. K-91052, pursuant to RCW 9.01.200, including interest	\$	4,782.20
(12) Richard J. Giakovmis, in settlement of all claims for expenses per order of Grant County Superior Court, Cause No. 86-2-00119-7	\$	6,437.50
(13) Edward Frank Simpson, in settlement of all claims for expenses per order of Spokane County Superior Court, Cause No. 88-1-00710-2, pursuant to RCW 9.01.200, including interest	\$	12,454.06
(14) Lisa Marie Jones, payment of judgment against The Evergreen State College, per order of Thurston County Superior Court, Cause No. 87-2-01331-3	\$	22,900.00
(15) Mary F. Simmerer Lewis and Timothy P. Lewis, payment of judgment against The Evergreen State College, per order of Thurston County Superior Court, Cause No. 87-2-01331-3	\$	6,000.00
(16) Quigg Bros.-McDonald, Inc., payment based upon consent decree against Bekaert Steel Wire, per order of King County Superior Court, Cause No. 87-2-10275-1 and Stipulation of Settlement No. C88-289TB entered in the U.S. District Court, Western District of Washington	\$	8,571.00
(17) Clyde Waverly Fondern, in settlement of all claims for expenses per order of Klickitat County Superior Court, Cause No. C-2100, pursuant to RCW 9.01.200, including interest	\$	128,601.04
(18) Compensation to the following for all pending claims of damage to crops by game: PROVIDED, That payment shall be made from the Wildlife Fund:		
(a) Phyllis L. Thompson, on behalf of Hidden Valley Nursery	\$	3,587.92
(b) Harold J. Weber	\$	6,145.76
(c) Joe C. Grentz	\$	11,591.75
NEW SECTION, Sec. 715. FOR THE GOVERNOR—COMPENSATION—SALARY AND INSURANCE BENEFITS		
General Fund Appropriation—State	\$	72,621,000
General Fund Appropriation—Federal	\$	22,503,000

Special Fund Salary and Insurance Contribution

Increase Revolving Fund Appropriation	\$	53,624,000
Total Appropriation	\$	148,748,000

The appropriations in this section, or so much thereof as may be necessary, shall be expended solely for the purposes designated in this section and are subject to the conditions and limitations specified in this section.

(1) \$47,410,000 of the general fund—state appropriation, \$15,799,000 of the general fund—federal appropriation, and \$34,920,000 of the special fund salary and insurance contribution increase revolving fund appropriation are provided for a 2.5% across-the-board salary increase effective January 1, 1990, and an additional average 8.5% salary increase effective January 1, 1991, for all classified and exempt employees under the state personnel board, staff of the higher education personnel board. The January 1, 1991, salary increase shall fund as much of the 1988 trend salary survey (catch-up plus keep-up results less the January 1, 1989, increase) as possible. If the application of this increase results in a fractional range, the increase shall be rounded to the nearest whole range. These increases shall be implemented in compliance and conformity with all requirements of the comparable worth agreement ratified by 1986 Senate Concurrent Resolution No. 126, where applicable.

(2) \$191,000 of the general fund—state appropriation and \$2,954,000 of the special fund salary and insurance contribution increase revolving fund appropriation are provided for a 4.0 percent salary increase effective January 1, 1990, and an additional 4.0 percent salary increase effective January 1, 1991, for commissioned officers of the Washington state patrol. These increases shall be implemented in compliance and conformity with all requirements of the comparable worth agreement ratified by 1986 Senate Concurrent Resolution No. 126, where applicable.

(3) The governor shall allocate to state agencies from the general fund—state appropriation \$3,327,000 for fiscal year 1990 and \$6,654,000 for fiscal year 1991, from the general fund—federal appropriation \$513,000 for fiscal year 1990 and \$1,027,000 for fiscal year 1991, and from the special fund salary and insurance contribution increase revolving fund appropriation \$2,587,000 for fiscal year 1990 and \$5,173,000 for fiscal year 1991 to fulfill the 1989-91 obligations of the comparable worth agreement ratified by 1986 Senate Concurrent Resolution No. 126.

(4)(a) The monthly contributions for insurance benefit premiums shall not exceed \$239.86 per eligible employee.

(b) The monthly contributions for the margin in the self-insured medical and dental plans and for the operating costs of the health care authority shall not exceed \$16.21 per eligible employee.

(c) Any returns of funds to the health care authority resulting from favorable claims experienced during the 1989-91 biennium shall be held in reserve within the state employees insurance account until appropriated by the legislature.

(d) Funds provided under this section, including funds resulting from dividends or refunds, shall not be used to increase employee insurance benefits over the level of services provided on the effective date of this act. Contributions by any county, municipal, or other political subdivision to which coverage is extended after the effective date of this act shall not receive the benefit of any surplus funds attributable to premiums paid prior to the date on which coverage is extended.

(5) To facilitate the transfer of moneys from dedicated funds and accounts, the state treasurer is directed to transfer sufficient moneys from each dedicated fund or account to the special fund salary and insurance contribution increase revolving fund in accordance with schedules provided by the office of financial management.

(6) In calculating individual agency allocations for this section, the office of financial management shall calculate the allocation of each subsection separately. The separate allocations for each agency may be combined under a single appropriation code for improved efficiency. The office of financial management shall transmit a list of agency allocations by subsection to the senate committee on ways and means and the house of representatives committee on appropriations.

(7) No salary increase may be paid under this section to any person whose salary has been Y-rated pursuant to rules adopted by the state personnel board.

(8) Moneys from the appropriation in this section may be expended for salary and benefit increases for ferry workers in accordance with the 1989-91 transportation appropriations act.

NEW SECTION, Sec. 716. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS—CONTRIBUTIONS TO RETIREMENT SYSTEMS

The appropriations in this section are subject to the following conditions and limitations: The appropriations shall be made on a quarterly basis.

(1) There is appropriated for state contributions to the law enforcement officers' and fire fighters' retirement system:

		FY 1990	FY 1991
General Fund Appropriation	\$	63,000,000	62,167,000
Total Appropriation		\$125,167,000	

The appropriation in this subsection is subject to the following conditions and limitations: If Substitute Senate Bill No. 5418 is enacted before June 30, 1989, the FY 1991 appropriation in this subsection shall lapse.

(2) There is appropriated for contributions to the judicial retirement system:

	FY 1990	FY 1991
General Fund Appropriation	\$ 1,100,000	1,100,000
Total Appropriation	\$2,200,000	

(3) There is appropriated for contributions to the judges retirement system:

	FY 1990	FY 1991
General Fund Appropriation	\$ 250,000	250,000
Total Appropriation	\$500,000	

(4) If Substitute Senate Bill No. 5418 is enacted by June 30, 1989, the initial employer trust fund contribution rate for all employers of members of the retirement system governed by chapter 41.32 RCW (the teachers' retirement system) shall be set at 11.34% of earnable compensation, beginning July 1, 1989, and 12.60% of earnable compensation, beginning September 1, 1990. If Substitute Senate Bill No. 5418 is not enacted by June 30, 1989, the initial employer trust fund contribution rate for all employers of members of the retirement system governed by chapter 41.32 RCW (the teachers' retirement system) shall be set at 11.34% of earnable compensation, beginning July 1, 1989.

(5) If Substitute Senate Bill No. 5418 is enacted by June 30, 1989, the initial employer trust fund contribution rate for all employers of members of the retirement system governed by chapter 41.40 RCW (the public employees' retirement system) shall be set at 5.99% of compensation earnable, beginning July 1, 1989, and 7.1% of earnable compensation, beginning September 1, 1990. If Substitute Senate Bill No. 5418 is not enacted by June 30, 1989, the initial employer trust fund contribution rate for all employers of members of the retirement system governed by chapter 41.40 RCW (the public employees' retirement system) shall be set at 5.99% of compensation earnable, beginning July 1, 1989.

(6) The employer rate for all employers of members of the retirement system governed by chapter 43.43 RCW (the state patrol retirement system) shall be set at 19.88% of compensation for the 1989-91 biennium.

NEW SECTION, Sec. 717. FOR THE OFFICE OF FINANCIAL MANAGEMENT—CONTRIBUTIONS TO RETIREMENT SYSTEMS

	FY 1990	FY 1991
General Fund—State Appropriation	\$ 2,469,000	9,417,000
General Fund—Federal Appropriation	\$ 480,000	2,012,000
Retirement Contribution Increase Revolving Fund Appropriation	\$ 1,954,000	9,494,000
Total Appropriation	\$25,826,000	

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

(1) \$500,000, or as much thereof as may be necessary, shall be distributed to state agencies to increase state contributions to the public employees' retirement system.

(2) \$4,108,000 of the general fund—state appropriation, \$948,000 of the general fund—federal appropriation, and \$4,349,000 of the retirement contribution increase revolving fund appropriation, or as much thereof as may be necessary, shall be distributed to state agencies to increase state contributions to the public employees' retirement system resulting from Engrossed Substitute House Bill No. 1322. If the bill is not enacted by June 30, 1989, the amount provided in this subsection shall lapse.

(3) \$6,544,000 of the general fund—state appropriation, \$1,486,000 of the general fund—federal appropriation, and \$7,157,000 of the retirement contribution increase revolving fund appropriation, or as much thereof as may be necessary, shall be distributed to state agencies to increase state contributions to the public employees' retirement system resulting from Engrossed Substitute Senate Bill No. 5418. If the bill is not enacted by June 30, 1989, the amount provided in this subsection shall lapse.

(4) \$343,000, or as much as may be necessary, shall be distributed to state agencies to increase state contributions to the teachers' retirement fund resulting from Engrossed Substitute House Bill No. 1322. If the bill is not enacted by June 30, 1989, the amount provided in this subsection shall lapse.

(5) \$391,000, or as much thereof as may be necessary, shall be distributed to state agencies to increase state contributions to the teachers' retirement fund resulting from Substitute Senate Bill No. 5418. If the bill is not enacted by June 30, 1989, the amount provided in this subsection shall lapse.

NEW SECTION, Sec. 718. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS—TRANSFERS

General Fund Appropriation: For transfer to the Department of Retirement Systems Expense Fund	\$	28,000
Motor Vehicle Fund—State Patrol Highway Account Appropriation: For transfer to the Department of Retirement Systems Expense Fund	\$	125,000

NEW SECTION. Sec. 719. FOR THE STATE TREASURER—TRANSFERS

General Fund Appropriation: For transfer to the Institutional Impact Account	\$ 332,536
General Government Special Revenue Fund—State Treasurer's Service Account Appropriation: For transfer to the general fund on or before July 20, 1991, an amount up to \$10,000,000 in excess of the cash requirements in the State Treasurer's Service Account for fiscal year 1992, for credit to the fiscal year in which earned	\$ 10,000,000
General Fund Appropriation: For transfer to the Natural Resources Fund—Water Quality Account	\$ 15,378,000
Data Processing Revolving Account: For transfer to the General Fund	\$ 2,400,000
Public Facilities Construction Loan and Grant Revolving Fund: For transfer to the General Fund	\$ 3,110,000
Puget Sound Ferry Operations Account: For transfer to the Tort Claims Revolving Fund for claims paid on behalf of the department of transportation, Washington state ferry system during the period July 1, 1989, through June 30, 1991	\$ 1,353,000
Motor Vehicle Fund: For transfer to the Tort Claims Revolving Fund for claims paid on behalf of the department of transportation and the state patrol during the period July 1, 1989, through June 30, 1991	\$ 14,000,000
Resource Cost Management Cost Account: For transfer to the University of Washington Bond Retirement Account	\$ 15,000,000
Water Quality Account Appropriation: For transfer to the water pollution revolving fund. Transfers shall be made at intervals coinciding with deposits of federal capitalization grant money into the revolving fund. The amounts transferred shall not exceed the match required for each federal deposit	\$ 15,800,000
Building Code Council Account Appropriation: For transfer to the general fund	\$ 210,000
General Fund Appropriation, FY 1991: For transfer to the law enforcement officers' and fire fighters' retirement system as provided in Substitute Senate Bill No. 5418. If the bill is not enacted by June 30, 1989, this appropriation shall lapse	\$ 62,167,000
Children's Initiative Fund—K-12 Education Account Appropriation: For transfer to the Common School Construction Fund	\$ 45,000,000

PART VIII

MISCELLANEOUS

NEW SECTION. Sec. 801. The appropriations contained in this act are maximum expenditure authorizations. Pursuant to RCW 43.88.037, moneys disbursed from the treasury on the basis of formalized loan agreements with other governmental entities shall be treated as loans and are to be recorded as loans receivable and not as expenditures for accounting purposes. To the extent that moneys are disbursed on a loan basis, the corresponding appropriation shall be reduced by the amount of loan moneys disbursed from the treasury during the 1989-91 biennium.

NEW SECTION. Sec. 802. Agencies shall comply with the following requirements regarding information systems projects when specifically directed to do so by this act.

(1) The agency shall produce a feasibility study for each information systems project in accordance with published department of information services instructions. In addition to department of information services requirements, the study shall examine and evaluate the costs and benefits of maintaining status quo.

(2) The agency shall produce a project management plan for each project. The plan or plans shall address all factors critical to successful completion of each project. The plan shall include, but is not limited to, the following elements: A description of the problem or opportunity that the information systems project is intended to address; a statement of project objectives and assumptions; definition of phases, tasks, and activities to be accomplished and the estimated cost of each phase; a description of how the agency will facilitate responsibilities of oversight agencies; a description of key decision points in the project life cycle; a description of variance control measures; a definitive schedule that shows the elapsed time estimated to complete the project and when each task is to be started and completed; and a description of resource requirements to accomplish the activities within specified time, cost, and functionality constraints.

(3) A copy of each feasibility study and project management plan shall be provided to the department of information services, the office of financial management, and appropriate legislative committees. Authority to expend any funds for individual information systems projects is conditioned on approval of the relevant feasibility study and project management plan by the department of information services and the office of financial management.

(4) A project status report shall be submitted to the department of information services, the office of financial management, and appropriate legislative committees for each project prior to reaching key decision points identified in the project management plan. Project status reports shall examine and evaluate project management, accomplishments, budget, action to address variances, risk management, cost and benefits analysis, and other aspects critical to completion of a project.

Work shall not commence on any task in a subsequent phase of a project until the status report for the preceding key decision point has been approved by the department of information services and the office of financial management.

(5) If a project review is requested in accordance with department of information services policies, the reviews shall examine and evaluate: System requirements specifications; scope; system architecture; change controls; documentation; user involvement; training; availability and capability of resources; programming languages and techniques; system inputs and outputs; plans for testing, conversion, implementation, and post-implementation; and other aspects critical to successful construction, integration, and implementation of automated systems. Copies of project review written reports shall be forwarded to the office of financial management and appropriate legislative committees by the agency.

(6) A written post-implementation review report shall be prepared by the agency for each information systems project in accordance with published department of information services instructions. In addition to the information requested pursuant to the department of information services instructions, the post-implementation report shall evaluate the degree to which a project accomplished its major objectives including, but not limited to, a comparison of original cost and benefit estimates to actual costs and benefits achieved. Copies of the post-implementation review report shall be provided to the department of information services, the office of financial management, and appropriate legislative committees.

NEW SECTION. Sec. 803. No agency may spend any portion of any appropriation in this act for new video telecommunication equipment, new video telecommunication transmission, or new video telecommunication programming, or for expanding current video telecommunication systems without first complying with chapter 43.105 RCW, including but not limited to RCW 43.105.041(2), and without first submitting a video telecommunications expenditure plan, in accordance with the policies of the department of information services, for review and assessment by the department of information services under RCW 43.105.052. Prior to any such expenditure by a public school, a video telecommunications expenditure plan shall be approved by the superintendent of public instruction. The office of the superintendent of public instruction shall coordinate the use of video telecommunications in public schools by providing educational information to local school districts and shall assist local school districts and educational service districts in telecommunications planning and curriculum development. Prior to any such expenditure by a public institution of postsecondary education, a telecommunications expenditure plan shall be approved by the higher education coordinating board. The higher education coordinating board shall coordinate the use of video telecommunications for instruction and instructional support in postsecondary education, including the review and approval of instructional telecommunications course offerings.

NEW SECTION. Sec. 804. Prior to submitting any request to the department of personnel for personnel reclassifications or other modifications to any compensation plans or schedules, an agency shall submit to the office of financial management a report describing the fiscal impact of the request and a description of the moneys available to the agency to fund the request. The office of financial management, pursuant to its statutory duties under RCW 43.88.160(1)(c), shall review the report. The results of that review shall be submitted to the requesting agency, the department of personnel, the senate committee on ways and means, and the house of representatives committee on appropriations prior to action on the request by the personnel board or its successor.

NEW SECTION. Sec. 805. Except for the appropriations in sections 107 through 112 of this act, the general fund—state appropriations in this act are subject to the following conditions and limitations: For any agency, the percentage of its total 1989–91 biennial general fund—state appropriations spent for personal service contracts shall not exceed the percentage of its total 1987–89 biennial general fund—state appropriations spent for personal service contracts, unless such excess expenditures are approved in advance by the director of the office of financial management for good cause.

NEW SECTION. Sec. 806. Whenever allocations are made from the governor's emergency fund appropriation to an agency that is financed in whole or in part by other than general fund moneys, the director of financial management may direct the repayment of such allocated amount to the general fund from any balance in the fund or funds which finance the agency. No appropriation shall be necessary to effect such repayment.

NEW SECTION. Sec. 807. In addition to the amounts appropriated in this act for revenue for distribution, state contributions to the law enforcement officers' and fire fighters' retirement system, and bond retirement and interest including ongoing bond registration and transfer charges, transfers, interest on registered warrants, and certificates of indebtedness, there is also

appropriated such further amounts as may be required or available for these purposes under any statutory formula or under any proper bond covenant made in accordance with law.

NEW SECTION. Sec. 808. In addition to such other appropriations as are made by this act, there is hereby appropriated to the state finance committee from legally available bond proceeds in the applicable construction or building funds and accounts such amounts as are necessary to pay the expenses incurred in the issuance and sale of the subject bonds.

NEW SECTION. Sec. 809. No agency may expend or transfer any portion of any appropriation from the children's initiative fund—children's services and support account or from the children's initiative fund—K-12 education account unless Initiative 102 is enacted by December 31, 1989. If Initiative 102 is not enacted by December 31, 1989, these accounts, and all appropriations from them, are null and void.

Sec. 810. Section 10, chapter 218, Laws of 1973 1st ex. sess. as last amended by section 505, chapter 405, Laws of 1985 and RCW 9.46.100 are each amended to read as follows:

There is hereby created a fund to be known as the "gambling revolving fund" which shall consist of all moneys receivable for licensing, penalties, forfeitures, and all other moneys, income, or revenue received by the commission. The state treasurer shall be custodian of the fund. All moneys received by the commission or any employee thereof, except for change funds and an amount of petty cash as fixed by rule or regulation of the commission, shall be deposited each day in a depository approved by the state treasurer and transferred to the state treasurer to be credited to the gambling revolving fund. Disbursements from the revolving fund shall be on authorization of the commission or a duly authorized representative thereof. In order to maintain an effective expenditure and revenue control the gambling revolving fund shall be subject in all respects to chapter 43.88 RCW but no appropriation shall be required to permit expenditures and payment of obligations from such fund. All expenses relative to commission business, including but not limited to salaries and expenses of the director and other commission employees shall be paid from the gambling revolving fund.

The ~~(office of financial management may direct the)~~ state treasurer ~~(to loan)~~ shall transfer to the general fund ~~(an amount not to exceed \$1,400,000)~~ one million dollars from the gambling revolving fund for the ~~(1983-85)~~ 1989-91 fiscal biennium.

Sec. 811. Section 7, chapter 13, Laws of 1983 1st ex. sess. as amended by section 710, chapter 289, Laws of 1988 and RCW 50.16.070 are each amended to read as follows:

The federal interest payment fund shall consist of contributions payable by each employer (except employers as described in RCW 50.44.010 and 50.44.030 who have properly elected to make payments in lieu of contributions, employers who are required to make payments in lieu of contributions, and employers paying contributions under RCW 50.44.035) for any calendar quarter which begins on or after January 1, 1984, and for which the commissioner determines that the department will have an outstanding balance of accruing federal interest at the end of the calendar quarter. The amount of wages subject to tax shall be determined according to RCW 50.24.010. The tax rate applicable to wages paid during the calendar quarter shall be determined by the commissioner and shall not exceed fifteen one-hundredths of one percent. In determining whether to require contributions as authorized by this section, the commissioner shall consider the current balance in the federal interest payment fund and the projected amount of interest which will be due and payable as of the following September 30. Except as appropriated for the fiscal biennium ending June 30, ~~(1989)~~ 1991, any excess moneys in the federal interest payment fund shall be retained in the fund for future interest payments.

Contributions under this section shall become due and be paid by each employer in accordance with such rules as the commissioner may prescribe and shall not be deducted, in whole or in part, from the remuneration of individuals in the employ of the employer. Any deduction in violation of this section is unlawful.

In the payment of any contributions under this section, a fractional part of a cent shall be disregarded unless it amounts to one-half cent or more, in which case it shall be increased to one cent.

NEW SECTION. Sec. 812. Notwithstanding RCW 43.01.090 the house of representatives, the senate, and the permanent statutory committees shall pay expenses quarterly to the department of general administration facilities and services revolving fund for services rendered by the department for operations, maintenance, and supplies relating to buildings, structures, and facilities used by the legislature for the biennium beginning July 1, 1989.

NEW SECTION. Sec. 813. Amounts received by an agency as reimbursements pursuant to RCW 39.34.130 shall be considered as returned loans of materials supplied or services rendered. Such amounts may be expended as a part of the original appropriation of the fund to which it belongs, without further or additional appropriation, subject to conditions and procedures prescribed by the director of financial management, which shall provide for determination of full costs, disclosure of such reimbursements in the governor's budget, maximum interagency usage of data processing equipment and services, and such restrictions as will promote more economical operations of state government without incurring continuing costs beyond those reimbursed.

NEW SECTION. Sec. 814. The appropriations of moneys and the designation of funds and accounts by this and other acts of the 1989 legislature shall be construed in a manner consistent

with legislation enacted by the 1985 and 1987 legislatures to conform state funds and accounts with generally accepted accounting principles.

NEW SECTION, Sec. 815. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION, Sec. 816. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1989."

On page 1, line 1 of the title, after "matters;" strike the remainder of the title and insert "making appropriations and authorizing expenditures for the operations of state agencies for the fiscal biennium beginning July 1, 1989, and ending June 30, 1991; amending RCW 9.46.100 and 50.16.070; providing an effective date; and declaring an emergency."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Newhouse, the Senate refuses to concur in the House amendments to Engrossed Substitute Senate Bill No. 5352 and requests of the House a conference thereon.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Substitute Senate Bill No. 5352 and the House amendments thereto: Senators McDonald, Gaspard and Hayner.

MOTION

On motion of Senator Newhouse, the Conference Committee appointments were confirmed.

MOTION

At 3:13 p.m., on motion of Senator Newhouse, the Senate adjourned until 2:00 p.m., Thursday, May 4, 1989.

JOEL PRITCHARD, President of the Senate.

GORDON A. GOLOB, Secretary of the Senate.

ELEVENTH DAY

AFTERNOON SESSION

Senate Chamber, Olympia, Thursday, May 4, 1989

The Senate was called to order at 2:00 p.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Conner, DeJarnatt, Fleming, Gaspard, Hayner, McDonald, McMullen, Nelson and Niemi. On motion of Senator Bender, Senators DeJarnatt, Fleming, Gaspard, McMullen and Niemi were excused. On motion of Senator Anderson, Senators Hayner, McDonald and Nelson were excused.

The Sergeant at Arms Color Guard, consisting of Pages Jill Hollingsworth and Russell Olson, presented the Colors. The Reverend Charles Leps, pastor of the Gloria Dei Lutheran Church of Olympia, offered the prayer.

MOTION

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

MESSAGE FROM THE GOVERNOR

May 3, 1989

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to advise you that on May 3, 1989, Governor Gardner approved the following Senate Bills entitled:

Substitute Senate Bill No. 5144

Relating to the preservation of documents recorded or filed with county auditors.

Senate Bill No. 5250

Relating to surface mining.

Second Substitute Senate Bill No. 5400

Relating to mental health systems.

Substitute Senate Bill No. 5591

Relating to franchises on highway rights-of-way.

Senate Bill No. 5737

Relating to educational service districts.

Senate Bill No. 5738

Relating to the development of student motivation, retention, and retrieval programs.

Senate Bill No. 5853

Penalizing use of a machine gun in a felony.

Senate Bill No. 5858

Relating to education.

Sincerely,

TERRY SEBRING, Legal Counsel to the Governor

MESSAGE FROM THE SECRETARY OF STATE

The Honorable
President of the Senate
The Legislature of the State of Washington
Olympia, Washington
Mr. President:

We respectfully transmit for your consideration the following bill which has been partially vetoed by the Governor, together with the official veto message of the Governor setting forth his objections to the sections or items of the bill as required by Article III, section 12, of the Washington State Constitution.

Section 1, of Senate Bill No. 6076, the remainder of which has been designated Chapter 203, Laws of 1989.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of the state of Washington at Olympia, this third day of May, 1989.

(Seal)

RALPH MUNRO, Secretary of State

PARTIAL VETO MESSAGE ON SENATE BILL NO. 6076

May 3, 1989

To the Honorable, the Senate
of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to section 1, Senate Bill No. 6076, entitled:

"AN ACT Relating to motorcycle public awareness."

Section 2 of this bill increases the examination and endorsement fees which fund the motorcycle safety education account. Section 3 contains an emergency clause making the increase effective immediately. Note the appropriation is not contained in this bill. I am supportive of this program and its intent to increase public safety for motorcyclists.

In 1983, a motorcycle safety education advisory committee was statutorily created to assist the Director of Licensing in the development of a motorcycle operator training program. In 1987, these statutes were revised to rename the committee as a board and to provide for selection criteria for members and a list of priorities for an education training program. The new board created in section 1 of this bill appears to be duplicative of the existing board and incompatible in a number of areas. If the legislature desires a different composition of members or a different size board, then future legislation could make these changes in the existing board or abolish the existing board and create a new board.

Mandating new boards and commissions should be done only after careful consideration of their need. I have instructed the Director of Licensing to ensure the intent of Senate Bill No. 6076 is carried out by the department.

With the exception of section 1, Senate Bill No. 6076 is approved.

Respectfully submitted,
BOOTH GARDNER, Governor

MESSAGES FROM THE HOUSE

May 4, 1989

Mr. President:

The House grants the request of the Senate for a conference on ENGROSSED SUBSTITUTE SENATE BILL NO. 5352. The Speaker has appointed the following as Conferees:

Representatives Ebersole, Locke and Silver.

ALAN THOMPSON, Chief Clerk

May 4, 1989

Mr. President:

The Speaker has signed HOUSE BILL NO. 2242, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:
HOUSE BILL NO. 2242.

INTRODUCTION AND FIRST READING

SB 6150 by Senator Johnson

AN ACT Relating to actuarial funding of state pension systems; and amending RCW 41.---.---

HOLD.

MOTION

On motion of Senator Newhouse, the rules were suspended and Senate Bill No. 6150 was advanced to second reading and placed on the second reading calendar.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Lee, Gubernatorial Appointment No. 9033, Thomas P. Keefe, as a member of the Gambling Commission, was confirmed.

Senator Moore spoke to the confirmation of Thomas P. Keefe as a member of the Gambling Commission.

APPOINTMENT OF THOMAS P. KEEFE

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 40; absent, 1; excused, 8.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Craswell, Hansen, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, Metcalf, Moore, Murray, Newhouse, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 40.

Absent: Senator Conner - 1.

Excused: Senators DeJarnatt, Fleming, Gaspard, Hayner, McDonald, McMullen, Nelson, Niemi - 8.

SECOND READING

SENATE BILL NO. 6150, by Senator Johnson

Changing dates for initial application of supplemental rates for pension systems.

The bill was read the second time.

MOTION

On motion of Senator Newhouse, the rules were suspended, Senate Bill No. 6150 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator Johnson, you have on line 23, 'January 1, 1989,' making it retro-active?"

Senator Johnson: "No, that's when the new COLA's--Engrossed Substitute House Bill No. 1322--puts the COLA's into effect. So, this would line up Senate Bill No. 5418, the pension funding bill, with the COLA's bill."

Senator Rasmussen: "Thank you. You're sure you're right?"

POINT OF INQUIRY

Senator Smitherman: "Senator Johnson, in reading line 7, you have referenced to a rate established in Section 6 of this act, and I'm looking for a Section 6 of this act. Now, does that mean you are referring to another measure--Section 6? I'm trying to understand that."

Senator Johnson: "Will you state that again?"

Senator Smitherman: "As you begin reading the document, say if you began on line 6 and you read down to line 7 where it says, 'Employer contribution rates established in Section 6 of this act.' I'm wondering where Section 6 is. There's no Section 6 to this, so it obviously is referencing to something else. What is something else?"

Senator Johnson: "I do not know."

Senator Smitherman: "Could it be the bill that this is amending? Would it work that way? That's probably it. We'll assume it's to the bill that this is amending and that should clear it up."

Senator Johnson: "Good enough for me. Just vote 'yes.'"

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6150.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6150 and the bill passed the Senate by the following vote: Yeas, 40; absent, 1; excused, 8.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Craswell, Hansen, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, Metcalf, Moore, Murray, Newhouse, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 40.

Absent: Senator Conner - 1.

Excused: Senators DeJarnatt, Fleming, Gaspard, Hayner, McDonald, McMullen, Nelson, Niemi - 8.

SENATE BILL NO. 6150, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

MOTION

On motion of Senator Metcalf, the following resolution was adopted:

SENATE RESOLUTION 1989-8664

by Senators Metcalf, Smitherman, Anderson, McDonald, West, Lee, Thorsness, Conner, Nelson, Bluechel, Stratton, Saling, Bauer, Bailey, Benitz, McCaslin, von Reichbauer, Pullen, Craswell Amondson, Barr, Bender, Cantu, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Madsen, Matson, McMullen, Moore, Murray, Newhouse, Niemi, Owen, Patterson, Rasmussen, Rinehart, Sellar, Smith, Sutherland, Talmadge, Vognild, Warnke, Williams and Wojahn

WHEREAS, Adele Doran has been honored with the 1989 "Jefferson Award," a part of a national awards program sponsored in this state by the American Institute of Public Service and the Seattle Post-Intelligencer; and

WHEREAS, Adele has demonstrated self-sacrifice and her desire to enrich the lives of others in her deep concern for sexually abused children. Adele has spoken out for those who cannot speak for themselves--child victims of sexual abuse. At every opportunity, in her church and in her community, Adele has made known the victim's plight; a plight she knows all too well through the hundreds of victims who have told their stories to her in their plea for help and consolation; and

WHEREAS, Adele has been a valued employee of the Senate for the past eight years. On behalf of the Senate, she has organized a series of state-wide community awareness programs entitled "The Unspoken Plea," to educate the public on child sexual abuse and the myriad of lifelong problems caused therefrom;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate does hereby recognize and commend the dedication of Adele Doran and, in this Washington State Centennial Year, express its gratitude for Adele's efforts. We hope that Adele's faith and concern for abused children will be an example for us all.

Senators Pullen, Stratton, Bailey and Bauer spoke to Senate Resolution 1989-8664.

MOTION

On motion of Senator Warnke, all members will be added as sponsors of Senate Resolution 1989-8664.

INTRODUCTION OF SPECIAL GUEST

The President introduced Adele Doran who was seated on the rostrum.

MOTION

At 2:30 p.m., on motion of Senator Newhouse, the Senate was declared to be at ease.

At 2:49 p.m., the Senate was called to order by President Pritchard.

MOTION

At 2:49 p.m., on motion of Senator Newhouse, the Senate adjourned until 10:00 a.m., Friday, May 5, 1989.

JOEL PRITCHARD, President of the Senate.

GORDON A. GOLOB, Secretary of the Senate.

TWELFTH DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, May 5, 1989

The Senate was called to order at 10:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Conner, DeJarnatt, Fleming, Kreidler, Lee, McMullen, Pullen, Smitherman, Talmadge and Wojahn. On motion of Senator Bender, Senators DeJarnatt, Fleming, McMullen and Wojahn were excused.

The Sergeant at Arms Color Guard, consisting of Pages Alison Mulka and Randy Castro presented the Colors. The Reverend Charles Leps, pastor of the Gloria Dei Lutheran Church of Olympia, offered the prayer.

MOTION

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

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Bailey, Gubernatorial Appointment No. 9059, Ruby N. Ryles, as a member of the Board of Trustees for the State School for the Blind, was confirmed.

APPOINTMENT OF RUDY N. RYLES

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 39; absent, 6; excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Craswell, Gaspard, Hansen, Hayner, Johnson, Madsen, Matson, McCaslin, McDonald, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Stratton, Sutherland, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams - 39.

Absent: Senators Conner, Kreidler, Lee, Pullen, Smitherman, Talmadge - 6.

Excused: Senators DeJarnatt, Fleming, McMullen, Wojahn - 4.

MOTIONS

On motion of Senator Anderson, Senator Pullen was excused.

On motion of Senator Bender, Senators Conner and Talmadge were excused.

MOTION

On motion of Senator Newhouse, Gubernatorial Appointment No. 9052, Carl M. Ooka, as a member of the Lottery Commission, was confirmed.

APPOINTMENT OF CARL M. OOKA

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 41; absent, 1; excused, 7.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Craswell, Gaspard, Hansen, Hayner, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams - 41.

Absent: Senator Johnson - 1.

Excused: Senators Conner, DeJarnatt, Fleming, McMullen, Pullen, Talmadge, Wojahn - 7.

SECOND READING

ENGGROSSED SUBSTITUTE HOUSE BILL NO. 1479, by Committee on Appropriations (originally sponsored by Representatives Locke, Silver, Grant, H. Sommers, Holland and Sayan) (by request of Governor Gardner)

Making appropriations for the 1987-89 biennium.

The bill was read the second time.

MOTION

Senator McDonald moved that the following amendment be adopted:

Strike everything after the enacting clause and insert the following:

***NEW SECTION.** Sec. 1. (1) A budget is hereby adopted and, subject to the provisions set forth in the following sections, the several amounts specified in the following sections, or so much thereof as shall be sufficient to accomplish the purposes designated, are hereby appropriated and authorized to be incurred for salaries, wages, and other expenses of the agencies and offices of the state and for other specified purposes for the fiscal biennium beginning July 1, 1987, and ending June 30, 1989, except as otherwise provided, out of the several funds of the state hereinafter named.

(2) Unless the context clearly requires otherwise, the definitions in this section apply throughout this act.

(a) "Fiscal year 1988" or "FY 1988" means the fiscal year ending June 30, 1988.

(b) "Fiscal year 1989" or "FY 1989" means the fiscal year ending June 30, 1989.

(c) "FTE" means full time equivalent.

(d) "Provided solely" means the specified amount may be spent only for the specified purpose. Unless otherwise specifically authorized in this act, any portion of an amount provided solely for a specified purpose which is unnecessary to fulfill the specified purpose shall revert.

(e) "Revert" or "lapse" means the amount shall return to an unappropriated status.

PART I

GENERAL GOVERNMENT

Sec. 101. Section 107, chapter 7, Laws of 1987 1st ex. sess. as amended by section 102, chapter 289, Laws of 1988 (uncodified) is amended to read as follows:

FOR THE SUPREME COURT

General Fund Appropriation	\$	((16,924,000))
		<u>11,524,000</u>

The appropriation in this section is subject to the following conditions and limitations: ~~((3,337,000))~~ \$3,937,000 is provided solely for the indigent appeals program.

Sec. 102. Section 108, chapter 7, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE LAW LIBRARY

General Fund Appropriation	\$	((2,574,000))
		<u>2,617,000</u>

Sec. 103. Section 111, chapter 7, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE ~~((JUDICIAL QUALIFICATIONS))~~ COMMISSION ON JUDICIAL CONDUCT

General Fund Appropriation	\$	((477,000))
		<u>572,000</u>

Sec. 104. Section 113, chapter 7, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE LIEUTENANT GOVERNOR

General Fund Appropriation	\$	((363,000))
		<u>391,000</u>

Sec. 105. Section 114, chapter 7, Laws of 1987 1st ex. sess. as amended by section 105, chapter 289, Laws of 1988 (uncodified) is amended to read as follows:

FOR THE SECRETARY OF STATE

General Fund Appropriation	\$	((6,457,000))
		<u>7,428,000</u>
Archives and Records Management Account Appropriation	\$	2,116,000
Total Appropriation	\$	((8,573,000))
		<u>9,544,000</u>

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

(1) ~~\$(1,021,000))~~ 967,000 of the general fund appropriation is provided solely to reimburse counties for the state's share of primary and general election costs and the costs of conducting mandatory recounts on state measures.

(2) ~~\$(1,661,000))~~ \$2,627,000 of the general fund appropriation is provided solely for the verification of initiative and referendum petitions and the maintenance of related voter registration records, legal advertising of state measures, and the publication and distribution of the voters and candidates pamphlet.

(3) \$60,000 of the archives and records management account appropriation is provided solely for a project that will evaluate the need for, and potential archival requirements of, storage of data contained in magnetic media (tapes and disks). Implementation of an archival program for magnetic media shall not begin prior to approval of the findings and recommendations of the project by the office of financial management.

(4) ~~\$(83,000)~~ 59,000 of the general fund appropriation is provided solely for advertising Washington state's March 8, 1988, precinct caucuses.

(5) \$19,000 of the general fund appropriation is provided solely for census maps and activities related to the census redistricting data program.

(6) \$20,000 of the general fund appropriation is provided solely for the payment of productivity board awards under chapter 41.60 RCW.

Sec. 106. Section 130, chapter 7, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE BOARD OF TAX APPEALS

General Fund Appropriation	\$	(1,214,000)
		1,253,000

The appropriation in this section is subject to the following conditions and limitations: \$72,070 is provided solely to conduct appeals in eastern Washington and other locations to handle increased appeals from audits and King county board of equalization assessments.

NEW SECTION. Sec. 107. A new section is added to chapter 7, Laws of 1987 1st ex. sess. to read as follows:

FOR THE DEPARTMENT OF REVENUE

State Toxics Control Account Appropriation	\$	106,000
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The appropriation in this section shall be reduced by any amounts expended under the appropriations in section 53, chapter 2, Laws of 1987 3rd ex. sess. and section 53, chapter 112, Laws of 1988.

PART II
HUMAN SERVICES

Sec. 201. Section 201, chapter 7, Laws of 1987 1st ex. sess. as amended by section 201, chapter 289, Laws of 1988 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

(1) COMMUNITY SERVICES

General Fund Appropriation	\$	62,559,000
Public Safety and Education Account Appropriation	\$	100,000
Total Appropriation	\$	62,659,000

The appropriations in this subsection are subject to the following conditions and limitations: (a) \$2,071,000 of the general fund appropriation is provided solely for the support of the office of the director of community services.

(b) \$200,000 of the general fund appropriation is provided solely for the notification of victims and witnesses of any parole, work release placement, furlough, or unescorted leave of absence from a state correctional facility of any inmate convicted of a violent offense.

(c) A maximum of \$285,000 of the general fund appropriation may be spent for the replacement of used equipment within the community services division.

(d) \$100,000 of the public safety and education account appropriation is provided solely for training community corrections officers in the identification and prevention of child abuse by offenders under their supervision.

(2) INSTITUTIONAL SERVICES

General Fund Appropriation	\$	273,329,000
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The appropriation in this subsection is subject to the following conditions and limitations:

(a) \$1,725,000 is provided solely for the implementation of the sex offender treatment program within the division of prisons.

(b) \$1,049,000 is provided solely for the operation of the new in-patient floor at the Monroe reformatory hospital.

(c) \$5,369,000 is provided solely for the support of the office of the director of the division of prisons.

(d) A maximum of \$1,898,000 may be spent for the replacement of used equipment within the institutional services division.

(e) \$200,000 is provided solely for alleviation of parking problems experienced by McNeil Island corrections personnel.

(3) ADMINISTRATION AND PROGRAM SUPPORT

General Fund Appropriation	\$	17,331,000
Institutional Impact Account Appropriation	\$	317,000
Total Appropriation	\$	17,648,000

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

(a) The department shall report to the ways and means committees of the senate and house of representatives on January 1, 1988, and January 1, 1989, regarding its progress toward employing more minorities and women in top-level management positions.

(b) A maximum of \$1,258,000 of the general fund appropriation may be transferred to the tort claims revolving fund for tort claims against the department. The department shall develop a report, including brief descriptions and estimated amounts of all outstanding tort claims. The report is due to the ways and means committees of the senate and house of representatives on January 1, 1988. During the 1987-89 biennium, the department shall report on a quarterly basis the tort claim payments resulting from settlements and court judgments. New claims against the state shall be included in the quarterly updates.

(c) A maximum of \$150,000 may be spent for the replacement of used equipment within the administration division.

(4) INSTITUTIONAL INDUSTRIES

General Fund Appropriation \$ 2,218,000

The appropriation in this subsection is subject to the following conditions and limitations: A maximum of \$500,000 may be spent for the replacement of used equipment within the institutional industries division.

(5) The appropriations in this section are subject to the following conditions and limitations: The department may spend money appropriated in a manner other than as provided in this section only after approval by the director of financial management. The director of financial management shall notify the appropriate fiscal committees of the senate and house of representatives in writing prior to approving any deviation from the appropriation levels set forth in this section and any deviation from the conditions and limitations enacted in subsections (1) through (4) of this section.

NEW SECTION. Sec. 202. A new section is added to chapter 7, Laws of 1987 1st ex. sess. to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

General Fund Appropriation—State	\$ 2,415,917,000
General Fund Appropriation—Federal	\$ 1,970,020,000
General Fund Appropriation—Local	\$ 12,052,000
Institutional Impact Account Appropriation	\$ 78,000
Public Safety and Education Account Appropriation	\$ 600,000
Total Appropriation	\$ 4,398,667,000

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

(1) The appropriations in this section shall be expended for the programs and in the amounts listed in this subsection. However, except as provided in subsection (2) of this section, the department may transfer funds among programs listed in this subsection after approval by the director of financial management. The director of financial management shall notify the appropriate fiscal committees of the senate and house of representatives in writing prior to approving any deviation from the appropriation levels listed below and any deviation from the conditions and limitations enacted in chapter 7, Laws of 1987 1st ex. sess. as amended by chapter 289, Laws of 1988.

	GENERAL FUND—	
	STATE	TOTAL
CHILDREN AND FAMILY SERVICES	193,319,000	255,608,000
JUVENILE REHABILITATION	74,170,000	75,116,000
MENTAL HEALTH	271,586,000	339,887,000
DEVELOPMENTAL DISABILITIES	173,789,000	348,225,000
LONG-TERM CARE SERVICES	347,005,000	699,882,000
INCOME ASSISTANCE PROGRAM	468,058,000	876,369,000
MEDICAL ASSISTANCE PROGRAM	556,146,000	1,070,259,000
PUBLIC HEALTH PROGRAM	63,160,000	149,690,000
VOCATIONAL REHABILITATION PROGRAM	12,529,000	48,319,000
ADMINISTRATION AND SUPPORT PROGRAM	42,827,000	74,415,000
COMMUNITY SERVICES ADMINISTRATION	160,758,000	344,468,000
REVENUE COLLECTIONS PROGRAM	24,980,000	74,689,000
PAYMENTS TO OTHER AGENCIES	27,590,000	41,740,000
SECTION TOTALS	2,415,917,000	4,398,667,000

(2) A maximum of \$78,100,000 of the general fund—state appropriation in this section may be spent for the general assistance—unemployable program. In addition, a maximum of \$1,200,000 may be spent for the general assistance—unemployable program, if such amount or any portion thereof is transferred pursuant to section 203(3) of this act. No other moneys may be transferred into or out of the general assistance—unemployable program.

(3) The department of social and health services shall not initiate any services that will require expenditure of state general fund moneys except as expressly authorized in this act, unless the services were previously provided. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act, and an equal amount

of appropriated state general fund moneys shall lapse. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on explicitly defined projects or matched on a formula basis by state funds.

(4) This act is not intended to affect any vendor rate increases that were implemented prior to the effective date of this act.

(5) \$1,117,000 of the general fund—state appropriation and \$778,000 of the general fund—federal appropriation is provided solely to increase community residential services to developmentally disabled and mentally ill persons most in need of assistance as determined by the department.

(6) \$346,000 of the general fund—state appropriation and \$782,000 of the general fund—federal appropriation are provided solely to comply with the mandatory provisions of P.L. 100-203 as it relates to developmentally disabled and mentally ill persons.

(7) Department staff shall assist general assistance clients in establishing eligibility for social security or supplemental security income benefits. The assistance shall include providing to the client or the appropriate social security office any documentation of the client's disability and, if appropriate, referral to legal counsel with expertise in social security law.

(8) It is the continuing intention of the legislature that payment levels in the aid to families with dependent children, general assistance, and refugee assistance programs contain an energy allowance to offset the high and rising costs of energy and that such allowance be excluded from consideration as income for the purpose of determining eligibility and benefit levels of the food stamp program to the maximum extent such exclusion is authorized under federal law and RCW 74.08.046. To this end, up to \$150,000,000 is so designated for exemptions of the following amounts:

Family Size:	1	2	3	4	5	6	7	8 or more
Exemption:	\$30	\$39	\$46	\$56	\$63	\$72	\$84	\$92

(9) \$550,000 of the general fund—state appropriation is provided solely to expand the home builders program to provide assistance to families.

(10) \$30,000 of the general fund—state appropriation is provided solely for training services to providers of therapeutic day care.

(11)(a) \$100,000, of which \$55,000 is from the general fund—state appropriation, is provided solely for increased staff to investigate backlogged complaints of fraud in public assistance and food stamp programs and to establish and recover overpayments. The department shall increase the April 1988 level of staff in the verification and overpayment control system by 20 FTE positions. The department shall assign the additional staff with the goals of (i) reducing and ultimately eliminating the complaint backlog and (ii) maximizing overpayment recoveries during the biennium ending June 30, 1991.

(b) Expenditures for the purposes of this subsection shall be charged to a unique identifier in the department's accounting system. The department shall collect necessary data on the backlogged complaints and report to the legislative budget committee on December 1, 1989, and December 1, 1990, regarding the utilization, performance, and cost-effectiveness of the additional funding provided for complaint backlog work by this section and by the 1989-91 appropriations act.

(12) \$172,000 of the general fund—state appropriation is provided solely to expand the supplemental security income referral pilot program established by chapter 177, Laws of 1987 (uncodified).

(13) The amounts appropriated by this section reflect the amounts previously appropriated to the department for the 1987-89 biennium by the sections repealed by this act.

Sec. 203, Section 209, chapter 7, Laws of 1987 1st ex. sess. as amended by section 209, chapter 289, Laws of 1988 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—COMMUNITY SOCIAL SERVICES PROGRAM

General Fund Appropriation—State	\$	(61,100,000)
		60,923,000
General Fund Appropriation—Federal	\$	(16,866,000)
		20,838,000
General Fund Appropriation—Local	\$	166,000
Total Appropriation	\$	(78,212,000)
		81,927,000

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

(1) Vendor rate increases shall average 2.0 percent on September 1, 1987, and 4.0 percent on September 1, 1988.

(2) \$195,000 of the general fund—state appropriation is provided solely to increase the annual base level of grants for county alcohol and drug abuse treatment services to \$40,000 per county.

(3) \$23,165,000 of the general fund—state appropriation is provided solely for implementation of the alcohol and drug addiction treatment and support act, except that a maximum of \$1,200,000 of this amount may be transferred to and spent for the general assistance—unemployable program.

NEW SECTION. Sec. 204. A new section is added to chapter 7, Laws of 1987 1st ex. sess. to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

State Toxics Control Account Appropriation \$ 710,000

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

(1) \$124,000, or as much thereof as may be necessary, shall be used to test public drinking water supplies for organic chemicals.

(2) \$313,000, or as much thereof as may be necessary, shall be used to monitor drinking water supplies potentially affected by hazardous waste releases.

(3) \$273,000, or as much thereof as may be necessary, shall be used for health risk assessments, health monitoring activities, and health information services for communities near a hazardous waste site.

(4) This appropriation shall be reduced by any amounts expended under the appropriations in section 54, chapter 2, Laws of 1987 3rd ex. sess. and section 54, chapter 112, Laws of 1988.

Sec. 205. Section 217, chapter 7, Laws of 1987 1st ex. sess. as amended by section 215, chapter 289, Laws of 1988 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

General Fund Appropriation—State \$ ((34,357,666))

34,869,000

General Fund Appropriation—Federal \$ ((143,389,666))

142,312,000

Building Code Council Account Appropriation \$ 407,000

Fire Service Training Account Appropriation \$ 500,000

Low Income Weatherization Account Appropriation \$ 6,000,000

Total Appropriation \$ ((184,653,666))

184,088,000

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

(1) \$3,576,000 of the general fund—state appropriation is provided solely for grants to public and private nonprofit organizations to operate food banks, food distribution centers, and emergency shelters.

(2) \$100,000 of the general fund—state appropriation may be used for increased department administrative staff if the department receives federal grants in excess of \$1,000,000 under U.S. House of Representatives Resolution 558. If the department does not receive grants of at least \$1,000,000, the amount provided in this subsection shall lapse.

(3) \$12,136,000 of the general fund—state appropriation is provided solely for early childhood education and assistance programs under Substitute Senate Bill No. 5476 or Engrossed Second Substitute House Bill No. 456. These moneys shall be used to provide services to at least 2,000 children. If neither bill is enacted by June 30, 1987, the amount provided in this subsection shall lapse.

(4) The department shall conduct a state-wide housing needs study. The study, with preliminary recommendations, shall be submitted to the housing committee of the house of representatives and the commerce and labor committee of the senate no later than December 31, 1987, and a final report shall be submitted by December 31, 1988.

(5) \$325,000 of the general fund—state appropriation is provided solely for pilot demonstrations and development of model vocational programs, including a study of a technology demonstration skills center, in Lewis county.

(6) \$708,000 of the general fund—state appropriation is provided solely for grants to public broadcast stations under section 3 of Engrossed Substitute Senate Bill No. 5285. \$42,000 of the general fund—state appropriation is provided solely for grants to public broadcast stations under section 4 of Engrossed Substitute Senate Bill No. 5285. If the bill is not enacted by June 30, 1987, the amounts provided in this subsection shall lapse.

(7) The department shall review the needs of low-income migrant and seasonal workers. To the extent that funds are available, the legislature encourages the department to give special attention to low-income migrant and seasonal workers.

(8) \$360,000 of the general fund—state appropriation is provided solely for grants to three nonprofit agencies and local government agencies for local reemployment centers. In order to provide a breadth of experience and geographic dispersion, one center shall be located in King county, one center shall be located in a southwest Washington county in which the unemployment rate was at least 20 percent above the state average during the preceding calendar year, and one center shall be located in an eastern Washington standard metropolitan statistical area in which the unemployment rate was at least 20 percent above the state average during the preceding calendar year. Each center shall provide direct and referral services to the unemployed. These services may include reemployment assistance, medical services, social services including marital counseling, psychotherapy, mortgage foreclosure and utility problem counseling, drug and alcohol abuse counseling, credit counseling, and other services deemed appropriate. These services are designed to supplement and not supplant the on-going efforts of local job centers administered by the employment security

department. Each grant recipient must match state dollars on a one-for-one basis with non-state dollars.

(9) \$118,000 of the general fund—state appropriation is provided solely for a study to determine the economic contribution of sport and commercial salmon and sturgeon fishing.

(10) \$100,000 of the general fund—state appropriation is provided solely to implement Substitute House Bill No. 430. If the bill is not enacted by June 30, 1987, the amount provided in this subsection shall lapse.

(11) \$173,000 of the general fund—state appropriation is provided solely for a study of the uses, structure, and operation of a state-wide video telecommunications network. The department shall submit a report to the house of representatives and senate by January 1, 1989, recommending a plan for using video telecommunications in state government and assessing the potential of a state-wide public affairs satellite/cable television network broadcasting programs on state government to Washington state citizens. The department shall consult with the telecommunications division of the department of general administration for technical assistance in preparing this report.

(12) \$250,000 of the general fund—state appropriation is provided solely for the border town impact mitigation program.

(13) \$25,000 is provided solely for the purpose of implementing Engrossed Second Substitute Senate Bill No. 5252. If Engrossed Second Substitute Senate Bill No. 5252 is not enacted by June 30, 1987, the amount provided in this subsection shall lapse.

(14) In addition to the fee imposed under RCW 19.27.085, there is imposed through June 30, 1989, a fee of two dollars on each building permit issued by a county or a city. Quarterly, each county and city shall remit moneys collected under this subsection to the state treasury for deposit in the building code council account. However, no remittance is required until at least fifty dollars has accumulated pursuant to this subsection.

(15) \$212,000 of the general fund—state appropriation is provided solely for technical assistance to Okanogan county for the preparation of plans and permits, including enforcement, relating to winter sports facilities development.

(16) \$58,000 of the general fund—state appropriation is provided solely for the state's share of the cost of the acquisition, installation, and maintenance of a Mt. St. Helen's flood warning system in Cowlitz county.

(17) \$125,000 of the general fund—state appropriation is provided solely for grants to the city of Omak and Okanogan county for enhanced surveillance and investigation needed because of school-related arson incidents. The department shall make grants based on demonstration of impact by the city and county.

(18) \$45,000 of the general fund—state appropriation is provided solely for a study assessing the positive and negative economic impacts of state correctional institutions on communities in which they are located. A report on the findings of the study shall be made to the legislature no later than December 31, 1988.

(19) \$250,000 of the general fund—state appropriation is provided solely for continuing Lewis county pilot demonstrations and model vocational programs under subsection (5) of this section, including such projects as career education and assessment, technology partnership on-site programs, centers for teaching the principles of technology, and a business partnership in medical technology program.

(20) \$30,000 of the general fund—state appropriation is provided solely for gathering, developing, and disseminating informational materials on the impacts of seismic occurrences and ways to protect people and property from them, and for other work to increase the public's awareness of the potential for a seismic event, including but not limited to, audio, visual, and written information, meetings, workshops, and seminars.

(21) \$1,000,000 of the general fund appropriation is provided solely for deposit in the housing trust fund under chapter 43.185 RCW for eligible housing activities to benefit the homeless. This may include the funding of shelters and transitional and permanent housing for homeless families and individuals.

(22) The department shall develop an analysis and report on homelessness and self-sufficiency in the manner specified in Substitute House Bill No. 1564 as passed by the house of representatives.

(23) \$512,000 of the general fund—state appropriation is provided solely to offset the loss of federal funds for local emergency management programs.

NEW SECTION. Sec. 206. A new section is added to chapter 7, Laws of 1987 1st ex. sess. to read as follows:

FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT
State Toxics Control Account Appropriation \$ 384,000
This appropriation shall be reduced by any amounts expended under the appropriations in section 52, chapter 2, Laws of 1987 3rd ex. sess. and section 52, chapter 112, Laws of 1988.

Sec. 207. Section 219, chapter 7, Laws of 1987 1st ex. sess. as amended by section 217, chapter 289, Laws of 1988 (unmodified) is amended to read as follows:

FOR THE HUMAN RIGHTS COMMISSION

General Fund Appropriation—State	\$	((3,250,000))
		<u>3,398,000</u>
General Fund Appropriation—Federal	\$	964,000
Total Appropriation	\$	((4,222,000))
		<u>4,362,000</u>

Sec. 208, Section 223, chapter 7, Laws of 1987 1st ex. sess. as amended by section 218, chapter 289, Laws of 1988 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LABOR AND INDUSTRIES

General Fund Appropriation	\$	8,227,000
Public Safety and Education Account Appropriation	\$	10,866,000
Accident Fund Appropriation	\$	85,159,000
Electrical License Fund Appropriation	\$	((9,907,000))
		<u>9,994,000</u>
Farm Labor Revolving Account Appropriation	\$	58,000
Medical Aid Fund Appropriation	\$	82,105,000
Plumbing Certificate Fund Appropriation	\$	660,000
Pressure Systems Safety Fund Appropriation	\$	1,148,000
Worker and Community Right to Know Fund Appropriation	\$	2,059,000
Total Appropriation	\$	((200,190,000))
		<u>200,276,000</u>

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

(1) The department shall study the feasibility of establishing an independent ombudsman office to aid employers and employees, including self-insured employees, in dealing with the workers' compensation system. The study shall include an evaluation of the need for the office, the recommended functions of the office, and the mechanisms for oversight and funding. The department shall submit its findings and recommendations to the commerce and labor committees of the senate and house of representatives by January 11, 1988.

(2) The department shall evaluate the effectiveness of the workers' compensation vocational rehabilitation program, including the effectiveness of a worker resource center to provide injured worker adjustment services. The study shall be conducted in consultation with the workers' compensation advisory committee and interested groups representing injured workers, labor, and employers. The department shall submit its findings and recommendations to the commerce and labor committees of the senate and house of representatives by January 11, 1988.

(3) The department shall study, in cooperation with the employment security department and the department of social and health services, the potential impact in the state of a state minimum wage based on ninety percent of the federal poverty level. The results of the study shall be submitted to the commerce and labor committees of the senate and house of representatives by January 11, 1988.

(4) The department shall prepare a report on workers' compensation caseload information including, but not limited to, the average number of claims by type by adjudicator compared to optimal caseloads used in the private sector and any recommendations concerning improvement of caseloads. The report shall be submitted to the commerce and labor committees of the senate and house of representatives by January 11, 1988.

(5) All funds appropriated under this section for lease or lease development office space may be used to lease new office space only if the lease is for a period not exceeding three years and does not extend beyond June 30, 1991.

(6) The department shall establish an office of information and assistance to aid workers, employers, health care providers, and other department clients. The department shall report on the activities of the office to the appropriate committees of the legislature by January 1, 1989.

PART III
NATURAL RESOURCES

Sec. 301, Section 303, chapter 7, Laws of 1987 1st ex. sess. as amended by section 303, chapter 289, Laws of 1988 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

General Fund Appropriation—State	\$	51,886,000
General Fund Appropriation—Federal	\$	40,846,000
General Fund Appropriation—Private/Local	\$	398,000
Hazardous Waste Control and Elimination Account Appropriation	\$	2,616,000
Flood Control Account Appropriation	\$	3,999,000
Wood Stove Public Education Account Appropriation	\$	((366,000))
		<u>276,000</u>
Special Grass Seed Burning Research Account Appropriation	\$	40,000
State Toxics Control Account	\$	620,000
Reclamation Revolving Account Appropriation	\$	836,000
Emergency Water Project Revolving Account Appropriation: Appropriated pursuant to chapter 1, Laws of 1977 ex. sess.	\$	907,000

Litter Control Account Appropriation	\$	6,395,000
State and Local Improvements Revolving Account—Waste Disposal Facilities: Appropriated pursuant to chapter 127, Laws of 1972 ex. sess. (Referendum 26)	\$	761,000
State and Local Improvements Revolving Account—Waste Disposal Facilities 1980: Appropriated pursuant to chapter 159, Laws of 1980 (Referendum 39)	\$	2,575,000
State and Local Improvements Revolving Account—Water Supply Facilities: Appropriated pursuant to chapter 234, Laws of 1979 ex. sess. (Referendum 38)	\$	1,111,000
Stream Gaging Basic Data Fund Appropriation	\$	139,000
Tire Recycling Account Appropriation	\$	548,000
Water Quality Account Appropriation	\$	2,398,000
Workers and Community Right to Know Fund Appropriation	\$	229,000
Total Appropriation	\$	((116,670,000)) <u>116,580,000</u>

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

(1) The department shall implement the Nisqually river task force recommendations. \$150,000 of the general fund—state appropriation is provided solely for this purpose.

(2) \$985,000 of the general fund—state appropriation is provided solely for allocation to local air pollution control authorities.

(3) The appropriation from the wood stove public education account is contingent upon the enactment of House Bill No. 16. If the bill is not enacted by June 30, 1987, this appropriation shall lapse.

(4) \$9,250,000 of the general fund—state appropriation is provided solely to carry out the department's responsibilities contained in the Puget Sound water quality plan and perform corresponding state-wide water quality activities.

(5) \$715,000 of the general fund—state appropriation is provided for the purposes of solid waste management.

(6) \$553,000 of the general fund—state appropriation is provided solely for implementing the timber, fish, and wildlife agreement. If Senate Bill No. 5845 is not enacted by June 30, 1987, the amount provided in this subsection shall lapse.

(7) \$225,000 of the general fund—state appropriation and \$50,000 of the hazardous waste control and elimination account appropriation are provided solely to: (a) Contract with the University of Washington college of ocean and fisheries sciences to develop a damage assessment methodology for determining damages as a result of oil spills, and (b) contract with the department of community development to design a model oil spill contingency plan.

(8) Within the general fund appropriation, the department shall prepare penalty regulations for waste disposal permit violations, including minimum penalties, based upon severity and frequency of violation.

(9) \$302,000 of the general fund—state appropriation is provided solely for operating the Padilla Bay estuarine sanctuary interpretive center.

(10) \$288,000 of the general fund—state appropriation is provided solely to implement Senate Bill No. 5570. If the bill is not enacted by June 30, 1987, the amount provided in this subsection shall lapse.

(11) \$392,000 of the emergency water project revolving account appropriation (emergency water supply) is provided solely for the purpose of planning and administering drought relief activities as required by Second Substitute Senate Bill No. 6513. If the bill is not enacted by June 30, 1988, the amount provided in this subsection shall lapse.

(12) \$200,000 of the emergency water project revolving account appropriation (emergency water supply) is provided solely for staff support and contract services as required by Engrossed Second Substitute Senate Bill No. 6724. If the bill is not enacted by June 30, 1988, the amount provided in this subsection shall lapse.

(13) \$140,000 of the emergency water project revolving account appropriation (emergency water supply) is provided solely for a comprehensive state water use efficiency study as required by Engrossed Substitute House Bill No. 1594. If the bill is not enacted by June 30, 1988, the amount provided in this subsection shall lapse.

(14) \$20,000 of the general fund—state appropriation and \$100,000 of the general fund—federal appropriation are provided solely for a grant to Pend Oreille county for the purpose of controlling milfoil in the Pend Oreille river. In addition to the funds provided in this subsection, the department shall provide up to \$75,000 from other appropriate state fund sources. These amounts, when combined with local matching funds, shall equal a total project cost of at least \$200,000.

(15) \$200,000 of the general fund—state appropriation is provided solely for the completion of phase two of the site closure and perpetual care report required by RCW 43.200.190.

Sec. 302, Section 312, chapter 7, Laws of 1987 1st ex. sess. as amended by section 308, chapter 289, Laws of 1988 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES

General Fund Appropriation—State	\$	((42,574,000))
		57,760,000
General Fund Appropriation—Federal	\$	((78,000))
		752,000
General Fund Appropriation—Private/Local	\$	((20,000))
		50,000
ORV (Off-Road Vehicle) Account Appropriation—Federal	\$	3,086,000
Geothermal Account Appropriation—Federal	\$	16,000
Forest Development Account Appropriation	\$	((21,294,000))
		21,315,000
Survey and Maps Account Appropriation	\$	838,000
Aquatic Land Dredged Material Disposal Site Account Appropriation	\$	106,000
Landowner Contingency Forest Fire Suppression Account Appropriation	\$	((1,636,000))
		3,207,000
Resource Management Cost Account Appropriation	\$	((55,279,000))
		55,328,000
Total Appropriation	\$	((124,927,000))
		142,458,000

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

(1) \$((8,721,000)) 23,877,000 of the general fund—state appropriation is provided solely for the emergency fire suppression subprogram.

(2) \$2,649,000 of the general fund—state appropriation is provided solely for implementing the provisions of the timber fish wildlife agreement. This amount is contingent on: (a) The department reorganizing existing staff in the forest practices subprogram so that the majority of the staff positions are dedicated to regulating forest practices and are not responsible for state land management; and (b) the enactment of Senate Bill No. 5845. If the bill is not enacted by June 30, 1987, this amount shall lapse.

(3) \$270,000 of the general fund—state appropriation is provided solely for the department's responsibilities in implementing the recommendations contained in the Puget Sound water quality plan.

(4) From the resource management cost account and general fund—state appropriations in this section, the department shall create an additional one hundred full time equivalent jobs, providing employment opportunities for a total of 200 people, 50 each for a period not to exceed six months, under the provisions of the employment security department's counter-cyclical employment program in section 226 of this act. These jobs shall pay at least eight dollars per hour, excluding benefits. Work performed under this subsection must provide economic benefits to state trust lands.

(5) \$193,000 of the general fund—state and the aquatic land dredged material disposal site account appropriations are provided solely for the purposes of Senate Bill No. 5501. If the bill is not enacted by June 30, 1987, this appropriation shall lapse.

(6) \$439,000 of the general fund—state appropriation is provided solely for spraying to control spruce budworm infestations.

(7) \$75,000 of the resource management cost account appropriation is provided solely for a feasibility study, under the guidance of the office of financial management and the department of information systems, directed at the development of a cost allocation system.

(8) Based on schedules submitted by the director of financial management, the state treasurer shall transfer from the general fund—state or such other funds as the state treasurer deems appropriate to the Clarke McNary fund such amounts as are necessary to meet unbudgeted forest fire fighting expenses. All amounts borrowed under the authority of this section shall be repaid to the appropriate fund, together with interest at a rate determined by the state treasurer to be equivalent to the return on investments of the state treasury during the period the amounts are borrowed.

(9) \$30,000 of the general fund—state appropriation, \$49,000 of the resource management cost account appropriation, and \$21,000 of the forest development account appropriation are provided solely for the purpose of conducting a study of costs and options connected with slash disposal. The general fund—state amount identified in this subsection may be spent only in an amount equal to private matching funds received and applied by the department of natural resources for the same purpose.

Sec. 303, Section 313, chapter 7, Laws of 1987 1st ex. sess. as amended by section 309, chapter 289, Laws of 1988 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF AGRICULTURE

General Fund Appropriation—State	\$	((16,073,000))
		16,408,000
General Fund Appropriation—Federal	\$	601,000
Feed and Fertilizer Account Appropriation	\$	22,000
Fertilizer, Agricultural, Mineral and Lime Fund Appropriation	\$	455,000
Commercial Feed Fund Appropriation	\$	409,000

Seed Fund Appropriation	\$	979,000
Nursery Inspection Fund Appropriation	\$	1,011,000
Livestock Security Interest Account Appropriation	\$	34,000
Total Appropriation	\$	(19,584,000) 19,919,000

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

(1) \$48,000 of the general fund—state appropriation is provided solely for carrying out the water quality plan.

(2) \$53,000 of the general fund—state appropriation is provided solely for the control of starlings as a part of the predatory animal control program.

(3) \$20,000 of the general fund—state appropriation is provided solely to purchase poultry disease diagnostic laboratory equipment through a cooperative agreement with Washington State University.

(4) \$120,000 of the general fund—state appropriation is provided solely for the continuation of the brucellosis vaccination program.

(5) \$200,000 of the general fund—state appropriation is provided solely for enhancement of the noxious weed control program.

(6) \$200,000 of the general fund—state appropriation is provided solely to initiate a marketing program for Washington-bred horses.

(7) \$120,000 of the general fund—state appropriation is provided solely for the aquaculture program.

(8) \$12,000 of the general fund—state appropriation is provided solely for the implementation of Substitute Senate Bill No. 6240. If the bill is not enacted by June 30, 1988, the amount provided in this subsection shall lapse.

Sec. 304. Section 316, chapter 7, Laws of 1987 1st ex. sess. as amended by section 313, chapter 289, Laws of 1988 (uncodified) is amended to read as follows:

FOR THE WASHINGTON CENTENNIAL COMMISSION

General Fund Appropriation	\$	7,377,000
State Centennial Commission Account Appropriation	\$	(2,546,000) 2,420,000
Total Appropriation	\$	(9,917,000) 9,797,000

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

(1) State agencies, at the request of the centennial commission, may develop programs or activities related to the Washington state centennial. Agencies that develop programs or activities in conjunction with the centennial commission shall not charge the commission for overhead or administrative costs.

(2) The commission may contract with Pacific Celebration '89 for promotion of Washington state's future trade and economic ties with nations in the Pacific rim. Any contract with Pacific Celebration '89 shall include, but is not limited to, the following conditions:

(a) Pacific Celebration '89 activities shall create increased opportunities for marketing Washington state products and services, include a series of leadership conferences on emerging issues of the Pacific economy, promote Washington state as the focus of trade activity within the Pacific basin, recognize the contributions to the development of Washington state by people of Pacific heritage, and increase knowledge and understanding of Pacific cultures by Washington citizens. Activities shall be staged in communities throughout the state during the centennial year.

(b) Each \$1.00 in state funds provided to Pacific Celebration shall be matched over the course of the biennium by at least \$1.60 in private contributions and event sponsorships. If, at any point during the biennium, the centennial commission determines that private contributions and event sponsorships will, by the end of the biennium, amount to less than \$1.60 for each \$1.00 of state money provided, it shall reduce disbursements proportionally.

(c) Any state money used for contracts with Pacific Celebration shall be repaid, to the greatest extent possible, from net revenue of Pacific Celebration activities. Net revenues from these activities shall be maximized and returned to the general fund according to a financial plan approved by the commission.

(3) The general fund appropriation is intended to be the final state contribution to the funding of centennial commission projects.

(4) If the commission terminates the contracts authorized under subsection (2) of this section prior to the effective date of this 1988 section, the commission shall use all money that had been committed to but will not be expended for these contracts on the following activities: (a) Efforts to increase opportunities for marketing Washington state products and services; (b) a series of leadership conferences on emerging issues of the Pacific economy; (c) promotion of Washington state as the focus of trade activity within the Pacific basin; (d) recognition of the contributions to the development of Washington state by people of Pacific heritage; and (e) efforts to increase knowledge and understanding of Pacific cultures by Washington citizens.

~~((5) \$50,000 of the general fund appropriation is provided solely for staff and administrative services by the department of community development for a 20-20 commission. The 20-20~~

commission shall develop a plan to prepare the state to respond positively to the economic, social, and environmental changes which will face its citizens as they enter the next century:))

Sec. 305. Section 12, chapter 8, Laws of 1987 1st ex. sess. as amended by section 312, chapter 289, Laws of 1988 (uncodified) is amended to read as follows:

~~\$(11,956,000))~~ 13,784,000 or so much thereof as may be necessary, is appropriated from the state convention and trade center operations account to the state convention and trade center corporation, for the fiscal biennium ending June 30, 1989, for the purposes of operation and promotion of the center. The appropriation in this section is subject to the following conditions and limitations:

(1) \$1,540,000 is provided solely for marketing the facilities and services of the convention center, for promoting the locale as a convention and visitor destination, and for related activities. ((Unless a bill increasing the special excise tax under RCW 67.40.090 to six percent in the city of Seattle and two and four-tenths percent in King county outside the city of Seattle is enacted by June 30, 1988, the amount provided in the previous sentence shall lapse:))

(2) Not more than \$9,500,000 of the moneys appropriated in this section may be expended from moneys transferred from the state general fund to the state convention and trade center operations account pursuant to RCW 67.40.055.

(3) \$50,000 is provided solely for installation of a donated bronze Japanese temple bell.

NEW SECTION. Sec. 306. A new section is added to chapter 7, Laws of 1987 1st ex. sess. to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

State Toxics Control Account Appropriation \$ 13,761,000

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

(1) \$9,080,000, or as much thereof as may be necessary, shall be expended for the purposes of administering and conducting remedial action.

(2) \$4,030,000, or as much thereof as may be necessary, shall be expended for the ongoing implementation of the hazardous waste regulatory program authorized by chapter 70.105 RCW including, but not limited to, activities to permit and inspect hazardous waste facilities.

(3) \$340,000, or as much thereof as may be necessary, shall be used to provide technical assistance to local governments in accordance with RCW 70.105.170 and 70.105.255, and for local planning grants as provided in RCW 70.105.220 and 70.105.235(1)(a), (b), and (c).

(4) \$311,000, or as much thereof as may be necessary, shall be used for solid waste management activities including, but not limited to: (a) State and local solid waste enforcement; (b) development and dissemination of technical assistance information for local governments regarding proper management and disposal of solid waste in accordance with RCW 70.95.100 and 70.95.263(2); and (c) local planning grants as provided in RCW 70.95.130.

(5) The appropriation in this section shall be reduced by any amounts expended under the appropriations in section 50, chapter 2, Laws of 1987 3rd ex. sess. and section 50, chapter 112, Laws of 1988.

NEW SECTION. Sec. 307. A new section is added to chapter 7, Laws of 1987 1st ex. sess. to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

State Toxics Control Account Appropriation \$ 150,000

The appropriation in this section is subject to the following conditions and limitations: The entire appropriation shall be used for the business assistance program. The appropriation in this section shall be reduced by any amounts expended under the appropriations in section 57, chapter 2, Laws of 1987 3rd ex. sess. and section 57, chapter 112, Laws of 1988.

NEW SECTION. Sec. 308. A new section is added to chapter 7, Laws of 1987 1st ex. sess. to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Local Toxics Control Account Appropriation \$ 16,185,000

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

(1) \$936,000, or as much thereof as may be necessary, shall be expended for local solid waste enforcement grants.

(2) \$15,249,000, or as much thereof as may be necessary, shall be used for grants pursuant to section 7(3), chapter 2, Laws of 1989.

(3) This appropriation shall be reduced by any amounts expended under the appropriations in Initiative 97, section 55, chapter 2, Laws of 1987 3rd ex. sess. and section 55, chapter 112, Laws of 1988.

NEW SECTION. Sec. 309. A new section is added to chapter 7, Laws of 1987 1st ex. sess. to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Water Quality Permit Account Appropriation \$ 3,600,000

The appropriation in this section shall be reduced by any amount expended under the appropriation in section 58, chapter 2, Laws of 1987 3rd ex. sess. and section 58, chapter 112, Laws of 1988.

NEW SECTION. Sec. 310. A new section is added to chapter 7, Laws of 1987 1st ex. sess. to read as follows:

FOR THE DEPARTMENT OF AGRICULTURE

State Toxics Control Account Appropriation \$ 234,000

The appropriation in this section shall be reduced by any amounts expended under the appropriations in section 51, chapter 2, Laws of 1987 3rd ex. sess. and section 51, chapter 112, Laws of 1988.

PART IV

TRANSPORTATION

Sec. 401. Section 402, chapter 7, Laws of 1987 1st ex. sess. as amended by section 402, chapter 289, Laws of 1988 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LICENSING

General Fund Appropriation	\$	((15,764,000))
		15,846,000
Architects' License Account Appropriation	\$	765,000
Health Professions Account Appropriation	\$	9,709,000
Medical Disciplinary Account Appropriation	\$	1,195,000
Professional Engineers' Account Appropriation	\$	1,207,000
Real Estate Commission Account Appropriation	\$	4,936,000
Total Appropriation	\$	((33,516,000))
		33,658,000

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

(1) A maximum of \$426,000 from the health professions account appropriation may be used to contract with the board of pharmacy for drug-related investigations regarding licensed health care professionals.

(2) \$750,000 of the general fund appropriation is provided solely for expansion of the master license system.

(3) \$42,000 of the general fund appropriation is provided solely for implementation of Engrossed House Bill No. 713. If the bill is not enacted by June 30, 1987, the amount provided in this subsection shall lapse.

(4) \$64,000 of the general fund appropriation is provided solely for enhanced regulation and scrutiny of debenture companies under the provisions of Substitute House Bill No. 1525. If the bill is not enacted by June 30, 1988, the amount provided in this subsection shall lapse.

(5) \$28,000 of the general fund appropriation is provided solely for recording federal liens under Engrossed Senate Bill No. 6563. If the bill is not enacted by June 30, 1988, the amount provided in this subsection shall lapse. The amount spent under this subsection shall not exceed the amount of additional fee revenue generated under the bill.

(6) \$83,000 of the health professions account appropriation is provided solely for certifying and registering nursing assistants under Engrossed Substitute House Bill No. 1530. If the bill is not enacted by June 30, 1988, the amount provided in this subsection shall lapse.

(7) \$25,000 of the health professions account appropriation is provided solely for adopting rules governing the use of sedation and anesthesia for dental practice under Engrossed House Bill No. 668. If the bill is not enacted by June 30, 1988, the amount provided in this subsection shall lapse.

(8) \$104,000 of the general fund appropriation is provided solely for regulation of camping clubs under Substitute House Bill No. 791. If the bill is not enacted by June 30, 1988, the amount provided in this subsection shall lapse.

(9) \$142,000 of the general fund appropriation is provided solely for costs associated with AIDS training of licensed health care professionals mandated by chapter 206, Laws of 1988. Amounts expended under this subsection shall be repaid by the licensed professions receiving training.

PART V

EDUCATION

Sec. 501. Section 502, chapter 7, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR EDUCATIONAL SERVICE DISTRICTS

General Fund Appropriation	\$	((9,966,000))
		9,967,000

The appropriation in this section is subject to the following conditions and limitations: The educational service districts shall continue to furnish financial services required by the superintendent of public instruction and RCW 28A.21.088 (3) and (4).

Sec. 502. Section 503, chapter 7, Laws of 1987 1st ex. sess. as last amended by section 502, chapter 289, Laws of 1988 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR GENERAL APPORTIONMENT (BASIC EDUCATION)

General Fund Appropriation	\$	((3,834,946,000))
		3,837,883,000
Revenue Accrual Account Appropriation	\$	55,100,000

Total Appropriation	\$	(3,890,046,000)
		<u>3,892,983,000</u>

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

(1) \$367,323,000 is provided solely for the remaining months of the 1986-87 school year.

(2) Allocations for certificated staff salaries for the 1987-88 and 1988-89 school years shall be determined by multiplying each district's average basic education certificated instructional and administrative salaries as determined under section 504, chapter 7, Laws of 1987 1st ex. sess., as amended, by the districts' formula-generated staff units as follows:

(a) On the basis of average annual full time equivalent enrollments, excluding handicapped full time equivalent enrollment as recognized for funding purposes under section 507, chapter 7, Laws of 1987 1st ex. sess., and excluding full time equivalent enrollment otherwise recognized for certificated staff unit allocations under (d) through (i) of this subsection:

(i) Forty-six certificated instructional staff units for each one thousand full time equivalent kindergarten through twelfth grade students.

(ii) Four certificated administrative staff units for each one thousand full time equivalent kindergarten through twelfth grade students.

(b)(i) For the 1987-88 school year, an additional two certificated instructional staff units for each one thousand average annual full time equivalent students in kindergarten through third grade.

(ii) For the 1988-89 school year, an additional three certificated instructional staff units for each one thousand average annual full time equivalent students in kindergarten through third grade.

(c)(i) For school districts with a minimum enrollment of 250 full time equivalent students, whose full time equivalent student enrollment count in a given month exceeds the first of the month full time equivalent enrollment count by 5 percent, an additional state allocation of 110 percent of the share that such increased enrollment would have generated had such additional full time equivalent students been included in the normal enrollment count for that particular month.

(ii) For school districts that are located in a special economic distress impact area as defined in this subsection, and that experienced a decline in average annual full time equivalent enrollment between the 1987-88 and 1988-89 school years of at least two hundred full time equivalent students or four percent, whichever is less, additional staff unit allocations for the 1988-89 school year equivalent to the number of staff units generated under (a) of this subsection by half of the enrollment difference between the two school years. "Special economic distress impact area" shall mean a county that had an average unemployment rate for fiscal year 1988 which exceeded the average state unemployment rate for the same period by fifteen percent, and which is located in whole or in part within a fifty mile radius of a nuclear reactor scheduled to be placed in inoperative standby status.

(d) 0.92 certificated instructional staff units and 0.08 certificated administrative staff units for each seventeen and one-half full time equivalent students enrolled in a vocational education program approved by the superintendent of public instruction. However, for skill center programs, the ratio shall be 0.92 certificated instructional staff units and 0.08 certificated administrative staff units for each annual average 16.67 full time equivalent students enrolled in an approved vocational education program.

(e) For districts enrolling not more than twenty-five average annual full time equivalent students in kindergarten through grade eight, and for small school plants within any school district which enroll not more than twenty-five average annual full time equivalent kindergarten through eighth grade students and have been judged to be remote and necessary by the state board of education:

(i) For those enrolling no students in grades seven or eight, 1.76 certificated instructional staff units and 0.24 certificated administrative staff units for enrollment of not more than five students, plus one-twentieth of a certificated instructional staff unit for each additional student enrolled; and

(ii) For those enrolling students in either grades seven or eight, 1.68 certificated instructional staff units and 0.32 certificated administrative staff units for enrollment of not more than five students, plus one-tenth of a certificated instructional staff unit for each additional student enrolled.

(f) For districts enrolling more than twenty-five but not more than one hundred average annual full time equivalent students in kindergarten through grade eight, and for small school plants within any school district which enroll more than twenty-five average annual full time equivalent kindergarten through eighth grade students and have been judged to be remote and necessary by the state board of education, in the following cases:

(i) For districts and small school plants with enrollments of up to sixty annual average full time equivalent students in kindergarten through grade six, 2.76 certificated instructional staff units and 0.24 certificated administrative staff units;

(ii) For districts and small school plants with enrollments of up to twenty annual average full time equivalent students in grades seven and eight, 0.92 certificated instructional staff units and 0.08 certificated administrative staff units.

(g) For each nonhigh school district having an enrollment of more than seventy annual average full time equivalent students and less than one hundred eighty students, operating a grades K-8 program or a grades 1-8 program, an additional one-half of a certificated instructional staff unit.

(h) For each nonhigh school district having an enrollment of more than fifty annual average full time equivalent students and less than one hundred eighty students, operating a grades K-6 program or a grades 1-6 program, an additional one-half of a certificated instructional staff unit.

(i) For districts that operate no more than two high schools with enrollments of not more than three hundred average annual full time equivalent students, for enrollments in each such high school, excluding handicapped and vocational full time equivalent enrollments for the 1987-88 school year only:

(i) Nine certificated instructional staff units and one-half of a certificated administrative staff unit for the first sixty annual average full time equivalent students;

(ii) Additional certificated staff units based upon a ratio of 0.8732 certificated instructional staff units and 0.1268 certificated administrative staff units per forty-three and one-half average annual full time equivalent students; and

(iii) For the 1988-89 school year, excluding certificated staff units at the rate of 46 certificated instructional staff units and 4 certificated administrative staff units per 1,000 vocational and handicapped full time equivalent students.

(3) Allocations for classified salaries for the 1987-88 and 1988-89 school years shall be calculated by multiplying each district's average basic education classified salary allocation as determined under section 504(2), chapter 7, Laws of 1987 1st ex. sess., as amended, by the district's formula-generated classified staff units determined as follows:

(a) For enrollments generating certificated staff unit allocations under subsections (2) (e) through (i) of this section, one classified staff unit per each three certificated staff units allocated under such subsections.

(b) For all other enrollment in grades kindergarten through twelve, including vocational but excluding handicapped full time equivalent enrollments, one classified staff unit for each sixty average annual full time equivalent students.

(c) For each nonhigh school district with an enrollment of more than fifty annual average full time equivalent students and less than one hundred eighty students, an additional one-half of a classified staff unit.

(4) Fringe benefit allocations shall be calculated at a rate of 19.41 percent in the 1987-88 school year and ~~((+9.53))~~ 19.59 percent in the 1988-89 school year of certificated salary allocations provided under subsection (2) of this section, and a rate of 17.00 percent in the 1987-88 school year and ~~((+7.12))~~ 17.18 percent in the 1988-89 school year of classified salary allocations provided under subsection (3) of this section.

(5) Insurance benefit allocations for the 1987-88 and 1988-89 school years shall be calculated at a rate of \$167 per month for the number of certificated staff units determined in subsection (2) of this section and for the number of classified staff units determined in subsection (3) of this section multiplied by 1.152.

(6)(a) For nonemployee related costs with each certificated staff unit allocated under subsections (2) (a), (b), (c), and (e) through (i) of this section, there shall be provided a maximum of \$5,973 per certificated staff unit in the 1987-88 school year and a maximum of \$6,188 per certificated staff unit in the 1988-89 school year.

(b) For nonemployee related costs with each certificated staff unit allocated under subsection (2)(d) of this section, there shall be provided a maximum of \$11,382 per certificated staff unit in the 1987-88 school year and a maximum of \$11,792 per certificated staff unit in the 1988-89 school year.

(7) Allocations for costs of substitutes for classroom teachers shall be distributed at a maximum rate of \$275 per full time equivalent basic education classroom teacher during the 1987-88 and 1988-89 school years.

(8) The superintendent may distribute a maximum of ~~((3,269,666))~~ \$3,191,000 outside the basic education formula during fiscal years 1988 and 1989 as follows:

(a) For fire protection for school districts located in a fire protection district as now or hereafter established pursuant to chapter 52.04 RCW, a maximum of ~~((3342,666))~~ \$324,000 may be expended in fiscal year 1988 and a maximum of \$342,000 in fiscal year 1989.

(b) For summer vocational programs at skills centers, a maximum of \$1,099,000 may be expended in fiscal year 1988 and a maximum of \$1,135,000 may be expended in fiscal year 1989.

(c) A maximum of \$472,000 may be expended for school district emergencies.

(9) Formula enhancements are provided under this section which are not attributable to enrollment or workload changes, compensation increases, or inflationary adjustments. For the purposes of RCW 84.52.0531, the following allocations shall be recognized as levy reduction funds:

(a) For the 1987-88 school year, for certificated instructional staff units generated under subsection (2)(b)(i) of this section, all allocations for nonemployee-related costs and one-half of all allocations for certificated salaries and benefits.

(b) For the 1988-89 school year, for certificated instructional staff units generated under subsection (2)(b)(ii) of this section, one-third of all allocations including nonemployee-related costs and certificated staff salaries and benefits.

(10) For the purposes of section 101, chapter 2, Laws of 1987 1st ex. sess., the increase per full time equivalent student in the state basic education appropriation provided under this section and section 514 of this 1988 act is 2.75 percent between the 1986-87 and 1987-88 school years, and 4.93 percent between the 1987-88 and 1988-89 school years.

(11) The revenue accrual account appropriation is provided solely for allocations for employer contributions to the teachers' retirement system included under subsection (4) of this section.

(12) A maximum of \$372,000 may be distributed to enhance funding provided in subsections (1) through (8) of this section for remote and necessary school plants on islands without scheduled public transportation which are the sole school plants serving students in elementary grades on these islands. To be eligible in any school year for an allocation under this subsection, a school district must demonstrate that, either on an aggregate or per pupil basis, the percentage growth from the prior year in the district's expenditures for programs for students enrolled in the remote school plant is not less than the percentage growth from the prior school year in the district's operating expenditures district-wide. The superintendent of public instruction shall ensure compliance with this subsection, including appropriate distribution of school district overhead costs. The superintendent shall study and, in a report submitted to the legislature prior to December 1, 1988, make recommendations on adequate but not excessive funding formulas for remote and necessary school plants serving less than twenty-five students.

(13) The appropriations in this section include \$119,343,000 allocated for compensation increases for basic education staff, as provided pursuant to section 504, chapter 7, Laws of 1987 1st ex. sess., as amended.

Sec. 503, Section 504, chapter 7, Laws of 1987 1st ex. sess. as last amended by section 503, chapter 289, Laws of 1988 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—BASIC EDUCATION EMPLOYEE COMPENSATION

For the purposes of section 503, chapter 7, Laws of 1987 1st ex. sess., as amended, and this section, the following conditions and limitations apply:

(1) (a) Districts shall certify to the superintendent of public instruction such information as may be necessary regarding the years of service and educational experience of basic education certificated instructional employees for the purposes of calculating certificated instructional staff salary allocations pursuant to this section. Any change in information previously certified, on the basis of additional years of experience or educational credits, shall be reported and certified to the superintendent of public instruction at the time such change takes place.

(b) For the purposes of this section, "basic education certificated instructional staff" is defined as provided in RCW 28A.41.110.

(c) "LEAP Document 1" means the computerized tabulation establishing staff mix factors for basic education certificated instructional staff according to education and years of experience, as developed by the legislative evaluation and accountability program committee on August 18, 1987, at 13:26 hours.

(d) "LEAP Document 10" means the computerized tabulation of 1986-87 average salary allocations for basic education certificated administrative staff and basic education classified staff, as developed by the legislative evaluation and accountability program committee on May 11, 1987, at 11:06 hours.

(e) "LEAP Document 11" means the computerized tabulation of 1986-87 derived base salaries for basic education certificated instructional staff, as developed by the legislative evaluation and accountability program committee on August 19, 1987, at 10:29 hours.

(f) "Derived base salary" means a school district's average salary for basic education certificated instructional staff, divided by the district's average staff mix factor for such staff computed using LEAP Document 1.

(2)(a)(i) For the 1987-88 school year, average salary allocations for basic education certificated administrative staff under section 503, chapter 7, Laws of 1987 1st ex. sess., as amended, shall be the district's 1986-87 certificated administrative average salary shown on LEAP Document 10, increased by 2.1 percent of the 1986-87 LEAP Document 10 state-wide average salary for certificated administrative staff.

(ii) For the 1988-89 school year, average salary allocations for basic education certificated administrative staff under section 503, chapter 7, Laws of 1987 1st ex. sess., as amended, shall be the district's certificated administrative average salary allocation for the 1987-88 school year provided under this section, further increased by 2.14 percent of the 1986-87 LEAP Document 10 state-wide average salary.

(b)(i) For the 1987-88 school year, average salary allocations for basic education classified staff under section 503, chapter 7, Laws of 1987 1st ex. sess., as amended, shall be the district's 1986-87 classified average salary shown on LEAP Document 10, increased by 2.7 percent of the 1986-87 LEAP Document 10 state-wide average salary for classified staff.

(ii) For the 1988-89 school year, average salary allocations for basic education classified staff under section 503, chapter 7, Laws of 1987 1st ex. sess., as amended, shall be the district's classified average salary allocation for the 1987-88 school year provided under this section, further increased by 2.77 percent of the 1986-87 LEAP Document 10 state-wide average classified salary.

(c) Allocations for certificated instructional salaries in the 1987-88 school year under section 503(2), chapter 7, Laws of 1987 1st ex. sess., as amended, shall be the greater of:

(i) The district's average salary as determined by placing the district's actual full time equivalent basic education certificated instructional staff for that school year on the 1987-88 state-wide salary allocation schedule established in subsection (3)(a) of this section; or

(ii) The district's actual average annual basic education certificated instructional staff salary for the 1986-87 school year, as reported to the superintendent of public instruction prior to June 1, 1987, improved by 2.1 percent; or

(iii) The district's 1986-87 derived base salary for basic education certificated instructional staff as shown on LEAP Document 11, multiplied by the district's average staff mix factor determined using LEAP Document 1 for 1987-88 basic education certificated instructional staff, and further increased by 2.1 percent.

(d) Allocations for certificated instructional salaries in the 1988-89 school year under section 503(2), chapter 7, Laws of 1987 1st ex. sess., as amended, shall be the greater of:

(i) The district's average salary as determined by placing the district's actual full time equivalent basic education certificated instructional staff for that school year on the 1988-89 state-wide salary allocation schedule established in subsection (3)(b) of this section; or

(ii) For districts which received salary allocations for the 1987-88 school year under subsection (2)(c)(i) or (iii) of this section, the district's actual 1987-88 derived base salary for basic education certificated instructional staff computed as of January 9, 1989, by the superintendent of public instruction using LEAP Document 1, multiplied by the district's average staff mix factor determined using LEAP Document 1 for 1988-89 basic education certificated instructional staff, and further increased by 2.1 percent. In no case shall the actual 1987-88 derived base salary recognized in this subsection exceed the average salary used for state allocations in the 1987-88 school year for basic education certificated instructional staff under section 502 of this 1988 act, including the increases provided under this section and section 504(4) of this 1988 act, divided by the district's average staff mix factor for 1987-88 basic education certificated instructional staff.

(3) Pursuant to RCW 28A.41.112, the following state-wide salary allocation schedules for certificated instructional staff, for allocation purposes only, are established:

(a) 1987-88 STATE-WIDE SALARY ALLOCATION SCHEDULE
FOR INSTRUCTIONAL STAFF

Years of Service	BA	BA+15	BA+30	BA+45
0	17,050	17,510	17,988	18,465
1	17,681	18,158	18,653	19,164
2	18,329	18,823	19,335	19,897
3	19,011	19,522	20,051	20,648
4	19,710	20,255	20,801	21,432
5	20,443	21,006	21,568	22,250
6	21,210	21,773	22,370	23,103
7	21,995	22,574	23,188	23,972
8	22,796	23,410	24,041	24,893
9		24,279	24,944	25,831
10			25,865	26,820
11				27,843
12				
13				
14 or more				

1987-88 STATE-WIDE SALARY ALLOCATION SCHEDULE
FOR INSTRUCTIONAL STAFF

Years of Service	BA+90	BA+135	MA	MA+45	MA+90 or PHD
0	20,000	20,989	20,000	21,210	22,250
1	20,750	21,756	20,750	21,995	23,069

1987-88 STATE-WIDE SALARY ALLOCATION SCHEDULE
FOR INSTRUCTIONAL STAFF

Years of Service	BA+90	BA+135	MA	MA+45	MA+90 or PHD
2	21,517	22,557	21,517	22,813	23,921
3	22,301	23,393	22,301	23,648	24,808
4	23,137	24,262	23,137	24,518	25,728
5	23,989	25,166	23,989	25,439	26,666
6	24,876	26,087	24,876	26,376	27,655
7	25,797	27,058	25,797	27,348	28,678
8	26,751	28,064	26,751	28,354	29,752
9	27,740	29,104	27,740	29,411	30,843
10	28,763	30,179	28,763	30,502	31,986
11	29,838	31,287	29,838	31,628	33,162
12	30,946	32,446	30,946	32,804	34,390
13	32,088	33,640	32,088	34,015	35,669
14 or more *		34,884	33,265	35,276	36,981

(b) 1988-89 STATE-WIDE SALARY ALLOCATION SCHEDULE
FOR INSTRUCTIONAL STAFF

Years of Service	BA	BA+15	BA+30	BA+45
0	17,600	18,075	18,568	19,061
1	18,251	18,744	19,254	19,782
2	18,920	19,430	19,958	20,539
3	19,624	20,152	20,698	21,314
4	20,346	20,909	21,472	22,123
5	21,102	21,683	22,264	22,968
6	21,894	22,475	23,091	23,848
7	22,704	23,302	23,936	24,746
8	23,531	24,165	24,816	25,696
9		25,062	25,749	26,664
10			26,699	27,685
11				28,741
12				
13				
14 or more				

1988-89 STATE-WIDE SALARY ALLOCATION SCHEDULE
FOR INSTRUCTIONAL STAFF

Years of Service	BA+90	BA+135	MA	MA+45	MA+90 or PHD
0	20,645	21,666	20,645	21,894	22,968
1	21,419	22,458	21,419	22,704	23,813
2	22,211	23,285	22,211	23,549	24,693
3	23,021	24,147	23,021	24,411	25,608
4	23,883	25,045	23,883	25,309	26,558
5	24,763	25,978	24,763	26,259	27,526
6	25,678	26,928	25,678	27,227	28,547
7	26,629	27,931	26,629	28,230	29,603
8	27,614	28,970	27,614	29,269	30,712
9	28,635	30,043	28,635	30,360	31,838
10	29,691	31,152	29,691	31,486	33,018
11	30,800	32,296	30,800	32,648	34,232
12	31,944	33,493	31,944	33,862	35,499
13	33,123	34,725	33,123	35,112	36,819
14 or more		36,010	34,338	36,414	38,174

(c) As used in this subsection:

(i) "BA" means a baccalaureate degree;

(ii) "MA" means a masters degree;

(iii) "PHD" means a doctorate degree;

(iv) "+(N)" means the number of college quarter hour credits and inservice credits earned since the highest degree. Inservice hours shall be converted to equivalent college quarter hour credits in accordance with RCW 28A.71.110.

(4) (a) Prior to August 31st of each school year, each school district shall report to the superintendent of public instruction the following information for each certificated instructional employee employed by the district as of October 1st of that school year:

- (i) The full time equivalency of the employee by duty code and program assignment;
- (ii) The number of days in the employee's base contract;
- (iii) The finalized salary amount provided for the employee's base contract;
- (iv) The amount contributed by the school district for the employee's fringe benefits as defined in RCW 28A.58.0951(3)(b); and
- (v) The finalized amount paid to the employee for any supplemental contracts under RCW 28A.58.0951(4).

Districts shall also confirm this data and submit any necessary revisions prior to December 1st of the subsequent school year.

(b) Prior to August 31st of each school year, each school district shall submit to the superintendent of public instruction copies of the district's finalized salary schedules used for compensation of certificated instructional employees.

(c) The superintendent of public instruction shall make available to school districts, the legislature, and the governor the information submitted by the school districts under this subsection (4), including calculation of average amounts provided by each school district for base salary contracts, supplemental contracts, and fringe benefits of basic education certificated instructional staff and of other certificated instructional staff.

Sec. 504. Section 505, chapter 7, Laws of 1987 1st ex. sess. as last amended by section 504, chapter 289, Laws of 1988 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR MINIMUM SALARIES AND CATEGORICAL PROGRAM SALARY INCREASES
 General Fund Appropriation S 23,684,000

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

(1) "Incremental fringe benefits" means 18.77 percent in the 1987-88 school year and ~~((18.89))~~ 18.95 percent in the 1988-89 school year for certificated staff, and 13.47 percent in the 1987-88 school year and ~~((13.59))~~ 13.65 percent in the 1988-89 school year for classified staff, which percentages shall be the fringe benefit rates applied to the respective salary adjustments provided in subsections (3) and (4) of this section.

(2) A maximum of ~~((88,185,666))~~ \$8,252,000 is provided to implement salary increases for each school year for state-supported school employees in the following categorical programs: Transitional bilingual instruction, learning assistance, education of highly capable students, vocational technical institutes, and pupil transportation. Moneys provided by this subsection include costs of incremental fringe benefits and shall be distributed by increasing allocation rates for each school year by the amounts specified:

(a) Transitional bilingual instruction: The rates specified in section 509, chapter 7, Laws of 1987 1st ex. sess. shall be increased by \$10.51 per pupil for the 1987-88 school year and by ~~((521.68))~~ \$21.69 per pupil for the 1988-89 school year.

(b) Learning assistance: The rates specified in section 510, chapter 7, Laws of 1987 1st ex. sess. shall be increased by \$9.15 per pupil for the 1987-88 school year and by \$16.72 per pupil for the 1988-89 school year.

(c) Education of highly capable students: The rates specified in section 511, chapter 7, Laws of 1987 1st ex. sess. shall be increased by \$6.23 per pupil for the 1987-88 school year and by \$12.84 per pupil for the 1988-89 school year.

(d) Vocational technical institutes: The rates for vocational programs specified in section 513, chapter 7, Laws of 1987 1st ex. sess. shall be increased by \$57.15 per full time equivalent student for the 1987-88 school year, and by ~~((114.91))~~ \$114.97 per full time equivalent student for the 1988-89 school year.

(e) Pupil transportation: The rates provided under section 516, chapter 7, Laws of 1987 1st ex. sess. shall be increased by \$0.47 per weighted pupil-mile for the 1987-88 school year, and by \$0.86 per weighted pupil-mile for the 1988-89 school year.

(3) A maximum of ~~((14,979,000))~~ \$15,332,000 is provided for salary increases and incremental fringe benefits for state-supported staff unit allocations in the handicapped program, section 507, and for state-supported staff in institutional education programs, section 508, and in educational service districts, section 502. The superintendent of public instruction shall distribute salary increases for these programs not to exceed the percentage salary increases provided for basic education staff under section 504, chapter 7, Laws of 1987 1st ex. sess.

(4) A maximum of \$100,000 is provided solely to implement minimum salaries, distributed as follows:

(a) For any certificated instructional employee in the 1987-88 school year, the superintendent of public instruction may allocate additional salary moneys equal to:

- (i) The minimum salary required for the employee under RCW 28A.58.0951(2); minus
- (ii) The salary that the school district would have paid to such an employee in the 1986-87 school year at the employee's 1987-88 level of experience and education, increased by the

average percentage increase provided in the district's derived base salary for basic education certificated instructional staff under section 2 of this 1987 act between the 1986-87 and 1987-88 school years. For the purposes of this section, no salary which an employee would have been paid in the 1986-87 school year shall be considered to be less than \$16,500 on a full time equivalent basis if the district had received funds under section 502(3)(f) of chapter 7, Laws of 1987, to establish a minimum certificated salary of \$16,500.

(b) For any certificated instructional employee in the 1988-89 school year, the superintendent of public instruction may allocate additional salary moneys equal to:

(i) The minimum salary required for the employee under RCW 28A.58.0951(2); minus

(ii) The salary that the school district would have paid to such an employee during the 1987-88 school year at the employee's 1988-89 level of experience and education, increased by the average percentage increase provided in the district's derived base salary for basic education certificated instructional staff under section 2 of this 1987 act between the 1987-88 and 1988-89 school years.

(c) The superintendent of public instruction shall allocate incremental fringe benefits as defined in subsection (1) of this section for additional salary moneys allocated under (a) and (b) of this subsection.

Sec. 505. Section 507, chapter 7, Laws of 1987 1st ex. sess. as amended by section 506, chapter 289, Laws of 1988 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR HANDICAPPED EDUCATION PROGRAMS

General Fund Appropriation—State	\$	((423,035,000))
		<u>431,188,000</u>
General Fund Appropriation—Federal	\$	45,318,000
Total Appropriation	\$	((468,353,000))
		<u>476,506,000</u>

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

(1) ~~((441,570,000))~~ \$41,568,000 of the general fund—state appropriation is provided solely for the remaining months of the 1986-87 school year.

(2) The superintendent of public instruction shall distribute state funds for the 1987-88 and 1988-89 school years in accordance with districts' actual handicapped enrollments and the allocation model established in LEAP Document 9 as developed by the legislative evaluation and accountability program committee on April 27, 1987, at 14:43 hours.

(3) A maximum of \$411,000 may be expended from the general fund—state appropriation to fund 4.66 full time equivalent teachers and one aide at Children's Orthopedic Hospital and Medical Center. This amount is in lieu of money provided through the home and hospital allocation and the handicapped program.

(4) From state or federal funds appropriated under this section, the superintendent of public instruction shall allocate a total of \$130,000 for the early childhood home instruction program for hearing impaired infants and their families.

Sec. 506. Section 508, chapter 7, Laws of 1987 1st ex. sess. as amended by section 507, chapter 289, Laws of 1988 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR INSTITUTIONAL EDUCATION PROGRAMS

General Fund Appropriation—State	\$	((21,445,000))
		<u>21,449,000</u>
General Fund Appropriation—Federal	\$	7,034,000
Total Appropriation	\$	((28,479,000))
		<u>28,483,000</u>

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

(1) \$3,462,000 of the general fund—state appropriation is provided solely for the remaining months of the 1986-87 school year.

(2) \$10,908,000 of the general fund—state appropriation is provided solely for the 1987-88 school year, distributed as follows:

(a) \$4,128,000 is provided solely for programs in state institutions for the handicapped or emotionally disturbed. These moneys may be distributed for that school year at a maximum rate averaged over all of these programs of \$10,294 per full time equivalent student.

(b) \$3,368,000 is provided solely for programs in state institutions for delinquent youth. These moneys may be distributed for that school year at a maximum rate averaged over all of these programs of \$6,112 per full time equivalent student.

(c) \$390,000 is provided solely for programs in state group homes for delinquent youth. These moneys may be distributed for that school year at a maximum rate averaged over all of these programs of \$3,678 per full time equivalent student.

(d) \$733,000 is provided solely for juvenile parole learning center programs. These moneys may be distributed for that school year at a maximum rate averaged over all of these programs of \$1,815 per full time equivalent student, and are in addition to moneys allocated for these students through the basic education formula established in section 503 of this act.

(e) \$2,289,000 is provided solely for programs in county detention centers. These moneys may be distributed for that school year at a maximum rate averaged over all of these programs of \$4,471 per full time equivalent student.

(3) Distribution of state funding for the 1988-89 school year shall be based upon the following overall limitations for that school year including expenditures anticipated for July and August of 1989:

(a) State funding for programs in state institutions for the handicapped or emotionally disturbed may be distributed at a maximum rate averaged over all of these programs of \$10,296 per full time equivalent student and a total allocation of no more than ~~((53,735,000))~~ \$3,736,000 for that school year.

(b) State funding for programs in state institutions for delinquent youth may be distributed at a maximum rate averaged over all of these programs of ~~((56,116))~~ \$6,119 per full time equivalent student and a total allocation of no more than ~~((53,272,000))~~ \$3,274,000 for that school year.

(c) State funding for programs in state group homes for delinquent youth may be distributed in that school year at a maximum rate averaged over all of these programs of ~~((53,600))~~ \$3,690 per full time equivalent student and a total allocation of no more than \$391,000 for that school year.

(d) State funding for juvenile parole learning center programs may be distributed at a maximum rate averaged over all of these programs of ~~((51,000))~~ \$1,810 per full time equivalent student and a total allocation of no more than ~~((5730,000))~~ \$731,000 for that school year, excluding funds provided through the basic education formula established in section 503 of this act.

(e) State funding for programs in county detention centers may be distributed at a maximum rate averaged over all of these programs of ~~((54,402))~~ \$4,484 per full time equivalent student and a total allocation of no more than ~~((52,295,000))~~ \$2,296,000 for that school year.

(4) The superintendent of public instruction may distribute a maximum of \$33,000 from the general fund—state appropriation to supplement moneys provided under subsections (1) through (3) of this section, for the purpose of addressing enrollment variations or other program needs, including increases in summer school programs.

(5) \$100,000 of the general fund—state appropriation is provided solely for grants for the establishment of job search skills, preemployment training, and job placement programs at state institutions for delinquent youth. Grants provided under this subsection shall not exceed twenty-five thousand dollars for any individual institution.

(6) \$120,000 of the general fund—state appropriation is provided solely to increase the teacher/student ratio for programs at mentally ill offender units within the state institutions for delinquent youth.

(7) Notwithstanding any other provision of this section, the superintendent of public instruction may transfer funds between the categories of institutions identified in subsections (2) and (3) of this section, so long as the maximum expenditures per full time equivalent student for each category of institution are not thereby exceeded.

Sec. 507, Section 509, chapter 7, Laws of 1987 1st ex. sess. as amended by section 508, chapter 289, Laws of 1988 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR TRANSITIONAL BILINGUAL PROGRAMS
 General Fund Appropriation \$ ~~((12,175,000))~~
12,791,000

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

- (1) \$1,111,000 is provided solely for the remaining months of the 1986-87 school year.
- (2) The superintendent shall distribute funds for the 1987-88 and 1988-89 school years at a rate for each year of \$420 per eligible student.

Sec. 508, Section 510, chapter 7, Laws of 1987 1st ex. sess. as amended by section 509, chapter 289, Laws of 1988 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR THE LEARNING ASSISTANCE PROGRAM
 General Fund Appropriation \$ ~~((48,886,000))~~
48,640,000

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

- (1) \$3,929,000 is provided solely for the remaining months of the 1986-87 school year.
- (2) Funding for school district learning assistance programs serving kindergarten through grade nine shall be distributed during the 1987-88 ~~((and 1988-89 school years))~~ school year at a maximum rate of \$356 per unit, and during the 1988-89 school year at a maximum rate of \$357 per unit, as calculated pursuant to this subsection. The number of units for each school district in each school year shall be the sum of: (a) The number of full time equivalent students enrolled in kindergarten through grade six in the district multiplied by the percentage of the district's students taking the fourth grade basic skills test who scored in the lowest quartile as compared to national norms, and then reduced by the number of students ages eleven and below in the district who are identified as specific learning disabled and are served through

programs established pursuant to chapter 28A.13 RCW; and (b) the number of full time equivalent students enrolled in grades seven through nine in the district multiplied by the percentage of the district's students taking the eighth grade basic skills test who scored in the lowest quartile as compared to national norms, and then reduced by the number of students ages twelve through fourteen in the district who are identified as specific learning disabled and are served through programs established pursuant to chapter 28A.13 RCW. For the purposes of allocating funds for the 1987-88 school year, the superintendent shall use the most recent prior five-year average scores on the fourth grade test and the most recent prior three-year average scores on the eighth grade test. For the purposes of allocating funds for the 1988-89 school year, the superintendent shall use the most recent prior five-year average scores on the fourth grade test and the most recent prior four-year average scores on the eighth grade test.

Sec. 509. Section 511, chapter 7, Laws of 1987 1st ex. sess. as amended by section 510, chapter 289, Laws of 1988 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR PROGRAMS FOR HIGHLY CAPABLE STUDENTS

General Fund Appropriation	\$	((5,275,000))
		<u>5,287,000</u>

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

- (1) \$458,000 is provided solely for distribution to school districts for the remaining months of the 1986-87 school year.
- (2) ~~((2,458,000))~~ \$2,464,000 is provided solely for allocations for school district programs for highly capable students during the 1987-88 school year, distributed at a maximum rate of \$338 per student for up to one percent of each district's 1987-88 full time equivalent enrollment.
- (3) Allocations for school district programs for highly capable students in the 1988-89 school year are to be calculated at a maximum rate for that school year of \$341 per student for up to one percent of each district's 1988-89 full time equivalent enrollment.
- (4) A maximum of \$340,000 is provided to contract for gifted programs to be conducted at Fort Worden state park.

Sec. 510. Section 513, chapter 7, Laws of 1987 1st ex. sess. as amended by section 511, chapter 289, Laws of 1988 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR VOCATIONAL-TECHNICAL INSTITUTES AND ADULT EDUCATION AT VOCATIONAL-TECHNICAL INSTITUTES

General Fund Appropriation	\$	((75,023,000))
		<u>75,031,000</u>

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

- (1) Funding for vocational programs during the 1987-88 school year shall be distributed at a rate of \$2,888 per student for a maximum of 12,050 full time equivalent students.
- (2) Funding for vocational programs during the 1988-89 school year shall be distributed at a rate of ~~((2,936))~~ \$2,931 per student for a maximum of 12,050 full time equivalent students.
- (3) Funding for adult basic education programs during the 1987-88 school year shall be distributed at a rate of \$1.40 per hour of student service for a maximum of 288,690 hours.
- (4) Funding for adult basic education programs during the 1988-89 school year shall be distributed at a rate of \$1.41 per hour of student service for a maximum of 288,690 hours.
- (5) \$2,000,000 is provided solely for purchase and replacement of equipment to be used in vocational courses.
- (6) \$2,700,000 is provided solely for the establishment and operation of the Washington institute of applied technology within the Seattle area. This program shall be administered under a cooperative agreement between the Seattle school district, Seattle community college district No. 6, and the Seattle private business community. If Engrossed Senate Bill No. 5996 is not enacted by June 30, 1987, the amount provided in this subsection shall lapse.
- (7) \$185,000 is provided solely to increase the funding rate for vocational programs, effective May 1, 1989, by \$147 per full time equivalent student. The increase is provided to assist vocational-technical institutes in replacing out-of-date or worn-out equipment used for vocational training.

Sec. 511. Section 514, chapter 7, Laws of 1987 1st ex. sess. as amended by section 512, chapter 289, Laws of 1988 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR SPECIAL AND PILOT PROGRAMS

General Fund Appropriation—State	\$	((13,808,000))
		<u>14,468,000</u>
General Fund Appropriation—Federal	\$	4,000,000
Total Appropriation	\$	((17,806,000))
		<u>18,468,000</u>

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

- (1) \$855,000 of the general fund—state appropriation is provided solely for a contract with the Pacific Science Center for travelling van programs and other educational services for public schools. The Pacific Science Center shall work towards an equitable distribution of program activities state-wide. The center shall also determine the extent to which the state-wide

need for science enrichment for K-12 students and teachers is being met by the outreach programs partially funded by this appropriation. The Pacific Science Center shall examine the geographical and demographic distribution of the populations served by these activities and recommend methods for efficiently reaching underserved student and teacher populations. These findings and recommendations shall be reported to the legislature by July 1, 1988.

(2) \$84,000 of the general fund—state appropriation is provided solely for a contract with the Cispus learning center for environmental education programs.

(3) \$4,000,000 of the general fund—federal appropriation is provided solely for the implementation of the substance abuse prevention programs.

(4) \$5,500,000 of the general fund—state appropriation is provided for solely for the implementation of the drop-out prevention and retrieval provisions of RCW 28A.120.060 through 28A.120.072.

(5) ~~\$(2,020,000)~~ 2,680,000 of the general fund—state appropriation is provided solely for the implementation of the schools for the twenty-first century pilot programs established by RCW 28A.100.030 through 28A.100.068.

(6) \$2,900,000 of the general fund—state appropriation is provided solely for the beginning teachers assistance program established under RCW 28A.67.240. For fiscal year 1989, moneys shall be distributed under this subsection at a maximum rate of \$1,700 per mentor/beginning teacher team.

(7) \$225,000 of the general fund—state appropriation is provided solely for child abuse education provisions of RCW 28A.03.512 through 28A.03.514.

(8) \$1,600,000 of the general fund—state appropriation is provided solely for grants to public or private nonprofit organizations for scholarships or support services, including but not limited to child care or transportation, for parents of children in headstart or early childhood education and assistance programs who are enrolled in adult literacy classes or tutoring programs under RCW 28A.130.010 through 28A.130.020.

(9) \$250,000 of the general fund—state appropriation is provided solely for the implementation of the student teaching pilot project established by RCW 28A.100.030 through 28A.100.068.

(10) \$314,000 of the general fund—state appropriation is provided solely for in-service training and other costs associated with the development of a comprehensive K-12 health education curriculum, including an integral component relating to acquired immunodeficiency syndrome.

(11) \$60,000 of the general fund—state appropriation is provided solely to establish and operate a toll free telephone number at the Lifeline Institute to assist school districts in youth suicide prevention.

Sec. 512. Section 515, chapter 7, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR EDUCATIONAL CLINICS

General Fund Appropriation \$ 3,400,000

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

(((((+)))) Not more than \$1,688,000 of this appropriation shall be expended during fiscal year 1988.

Sec. 513. Section 516, chapter 7, Laws of 1987 1st ex. sess. as amended by section 513, chapter 289, Laws of 1988 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR PUPIL TRANSPORTATION

General Fund Appropriation \$ ~~((21,840,000))~~

223,315,000

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

(1) \$20,422,000 is provided solely for distribution to school districts for the remaining months of the 1986-87 school year.

(2) A maximum of \$97,507,000 may be distributed for pupil transportation operating costs in the 1987-88 school year.

(3) A maximum of \$800,000 may be expended for regional transportation coordinators.

(4) A maximum of \$60,000 may be expended for bus driver training.

(5) A maximum of ~~(\$152,000)~~ \$189,000 may be expended for the state school for the deaf and the state school for the blind to contract for transportation of day students enrolled in those schools. Transportation services funded under this subsection are not eligible for additional state reimbursement provided through the allocation formulas for school district or educational service district pupil transportation programs, but shall, to the maximum extent feasible, be reimbursed on the same basis.

Sec. 514. Section 521, chapter 7, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR THE STATE SCHOOL FOR THE DEAF

General Fund Appropriation—State \$ ~~((9,613,000))~~

9,673,000

General Fund Appropriation—Federal	\$	((148,000)) 58,000
Total Appropriation	\$	((9,761,000)) 9,731,000

Sec. 515. Section 522, chapter 7, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR THE STATE SCHOOL FOR THE

BLIND

General Fund Appropriation	\$	((5,201,000)) 5,218,000
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Sec. 516. Section 514, chapter 289, Laws of 1988 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR SCHOOL EMPLOYEE INSURANCE BENEFIT INCREASES

General Fund Appropriation	\$	((31,878,000)) 32,030,000
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The appropriation in this section is subject to the following conditions and limitations:

(1) Effective October 1, 1988, allocations for insurance benefits for school district and education service district employees are increased to a rate of \$224.75 per month for each full time equivalent certificated employee, and \$224.75 per month for each full time equivalent classified employee as calculated pursuant to this subsection. For the purposes of allocations of insurance benefits, full time equivalent classified employees shall be calculated on the basis of 1440 hours of work per year, with no individual employee counted as more than one full time equivalent.

(2) The appropriation in this section is provided solely to increase insurance benefit allocations for state-funded certificated and classified staff units in the 1988-89 school year, distributed as follows:

(a) A maximum of ~~((25,717,000))~~ \$25,780,000 may be expended to increase insurance benefit allocations for basic education staff units under section 502(5) of this act by \$57.75 per month.

(b) A maximum of ~~((3,363,000))~~ \$3,416,000 may be expended to increase insurance benefit allocations for handicapped program staff units as calculated under section 506 of this act by \$57.75 per month.

(c) A maximum of \$174,000 may be expended to increase insurance benefit allocations for state-funded staff in educational service districts and institutional education programs by \$57.75 per month.

(d) A maximum of ~~((2,684,000))~~ \$2,660,000 may be expended to fund insurance benefit increases in the following categorical programs by increasing state funding rates for the 1988-89 school year as follows:

- (i) For pupil transportation, an increase of \$0.48 per weighted pupil mile;
- (ii) For learning assistance, an increase of \$13.23 per pupil;
- (iii) For education of highly capable students, an increase of \$4.54 per pupil;
- (iv) For transitional bilingual education, an increase of \$8.59 per pupil;
- (v) For vocational-technical institutes, an increase of \$35.22 per full time equivalent pupil.

PART VI

HIGHER EDUCATION

Sec. 601. Section 601, chapter 7, Laws of 1987 1st ex. sess. as amended by section 601, chapter 289, Laws of 1988 (uncodified) is amended to read as follows:

The appropriations in sections 602 through 608 of this act are subject to the following conditions and limitations:

(1) For the purposes of this section and sections 602 through 608 of this act, "institutions of higher education" means the institutions receiving appropriations pursuant to sections 602 through 608 of this act.

(2) Student Quality Standard: During the 1987-89 fiscal biennium, each institution of higher education shall not expend less than the average biennial amount listed in this subsection per full time equivalent student. The amounts include total appropriated operating expenses for the institution, less expenditures for plant maintenance and operations, with the exception of Washington State University, where cooperative extension and agriculture research are also excluded from the per student expenditures. This expenditure per student requirement may vary by two percent if the director of financial management certifies that the failure to meet the minimum expenditures per student is attributable to circumstances beyond the control of the institution.

University of Washington	\$	7,763
Washington State University	\$	6,549
Central Washington University, Eastern Washington University, The Evergreen State College, and Western Washington University:		
The first 3000 FTE Students	\$	5,974
Each Student over 3000 FTE	\$	3,895
State Board for Community College Education	\$	2,793

(3) Each institution of higher education and the state board for community college education shall report to the 1989 regular session of the legislature the following information:

(a) The number of minority students attending the institution or the community college system and the measures taken by such institution or system during the 1987-89 fiscal biennium to increase the number of minority students and reduce the drop-out rates for minority and other students;

(b) The number of women employed by the institution or system and the actions taken by the institution or system to increase the number of women in managerial and senior-level positions;

(c) Actions taken by the institution or community college system to improve the quality of undergraduate and graduate education programs;

(d) Actions taken by the institution or system to expand or improve educational services off the campus and the process for evaluating the need for educational services in locations away from the campus;

(e) The process for evaluating and accepting students for admission into the institution or the system;

(f) Any process developed by the institution or the system for evaluating student performance;

(g) Actions taken by the institution or system to operate programs jointly with another public or private institution;

(h) How the faculty and exempt salary increase funds were distributed among the faculty and staff at each institution and the results of the increased salary levels on faculty and staff recruitment and retention;

(i) The annual faculty turnover rates experienced by the institution or the system; and

(j) The amount spent on instructional equipment, the type of equipment purchased, and the instructional enhancements that resulted from the additional equipment.

The state board for community college education shall collect and report the information required of the community college system under this subsection.

(4) The state board for community college education shall, jointly with the superintendent of public instruction, develop an integrated state plan for all state and federally funded vocational education services. The superintendent of public instruction and the state board for community college education shall also jointly develop a consistent and reliable data base on public vocational education, including enrollments, costs, program activities, and job placement. Such data shall be made available to the office of the governor and the legislature.

(5) Central Washington University, Eastern Washington University, and Western Washington University shall each collect summer term tuition fees at the same rates established for the regular academic quarter and shall transfer the fees to the state treasury in accordance with RCW 28B.15.031.

(6) The appropriations in sections 602 through 608 of this act provide the following amounts to identify and recruit minority students from junior high and high schools in the state, to foster minority student interest in a college education, to provide support services such as counseling and tutorial assistance, and to improve the retention of such students in higher education through and beyond the baccalaureate level. At least \$147,000 of the amount appropriated to the University of Washington shall go to increase the efforts of the math, engineering, and science achievement program.

University of Washington	\$	522,000
Washington State University	\$	225,000
Central Washington University	\$	113,000
Eastern Washington University	\$	150,000
The Evergreen State College	\$	75,000
Western Washington University	\$	150,000

(7) The following are the maximum amounts that may be expended at each institution of higher education from the appropriations in sections 602 through 608 of this act for continuing the salary increases authorized by section 604, chapter 7, Laws of 1987 (ESSB 5351) from July 1, 1987, through February 29, 1988:

University of Washington	\$	3,893,000
Washington State University	\$	2,083,000
Central Washington University	\$	405,000
Eastern Washington University	\$	489,000
The Evergreen State College	\$	212,000
Western Washington University	\$	575,000
State Board for Community College Education	\$	3,196,000

Expenditures under this subsection shall be consistent with all terms and conditions contained in section 604, chapter 7, Laws of 1987 (ESSB 5351), which are hereby incorporated by reference.

(8) The following are maximum amounts which each institution may spend from the appropriations in sections 602 through 608 of this act for faculty and exempt staff salary increases and are subject to all the limitations contained in this section. For the purpose of

allocating these funds. "faculty" includes all instructional and research faculty, academic deans, department chairpersons, and community college librarians and counselors who are not part of the state classified service system. "Exempt staff" includes presidents, chancellors, vice-presidents, administrative deans and professional personnel, and four-year institution librarians and counselors who are exempt from the classified service system.

University of Washington	\$	19,058,000
Washington State University	\$	(9,336,666)
		<u>9,367,000</u>
Central Washington University	\$	2,152,000
Eastern Washington University	\$	2,441,000
The Evergreen State College	\$	1,060,000
Western Washington University	\$	2,851,000
State Board for Community College Education	\$	14,667,000
Higher Education Coordinating Board	\$	55,000

These amounts are intended to provide full time faculty and teaching and research assistants, and medical residents at each four-year institution and the community college system as a whole the average percentage increase, including increments, enumerated below on the effective dates indicated:

	March 1, 1988	January 1, 1989
University of Washington	8.5%	8.4%
Washington State University	8.2%	8.1%
Central Washington University	7.6%	7.6%
Eastern Washington University	7.6%	7.6%
The Evergreen State College	7.6%	7.6%
Western Washington University	7.6%	7.6%
State Board for Community College Education	6.3%	6.0%

Exempt staff and part time faculty at each four-year institution, the community college system as a whole, and the higher education coordinating board are entitled to receive the average salary increases enumerated below on the effective dates indicated:

	March 1, 1988	January 1, 1989
University of Washington	5%	3%
Washington State University	5%	3%
Central Washington University	4.5%	3%
Eastern Washington University	4.5%	3%
The Evergreen State College	4.5%	3%
Western Washington University	4.5%	3%
State Board for Community College Education	4.0%	3%
Higher Education Coordinating Board	3%	3%

However, exempt librarians and counselors may be given the same percentage salary increase as the faculty at their institution if the total amount paid out for faculty and exempt salary increases is within the amounts provided in this subsection.

The salary increase authorized under this subsection may be granted to state employees at Washington State University who are supported in full or in part by federal land grant formula funds.

(9) In addition to the 6.3 and 6.0 percent salary increases provided to community college faculty in subsection (8) of this section, \$1,129,000 is provided solely to reduce the disparity in full time faculty salaries among community colleges. No funds in this subsection may be expended on administrative staff salaries. The state board for community college education shall allocate one third of these funds in fiscal year 1988 and two thirds in fiscal year 1989 as follows:

Lower Columbia College	\$	124,000
Shoreline Community College	\$	242,000
Community College of Spokane	\$	533,000
Skagit Valley College	\$	115,000
Whatcom Community College	\$	18,000
Community College District 12	\$	52,000
Walla Walla Community College	\$	18,000
Highline Community College	\$	27,000

(10) From the appropriations in sections 602 through 609 of this act, the following amounts for each institution are provided solely for higher education personnel board classified employees to provide a 2.65 percent or \$50 per month, whichever is greater, salary increase effective January 1, 1988, and an additional 3.0 percent salary increase effective January 1, 1989. These increases shall be implemented in compliance and conformity with all requirements of the comparable worth agreement ratified by 1986 Senate Concurrent Resolution No. 126.

University of Washington	\$	3,501,000
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Washington State University	\$	2,365,000
Central Washington University	\$	478,000
Eastern Washington University	\$	583,000
The Evergreen State College	\$	337,000
Western Washington University	\$	652,000
State Board for Community College Education	\$	3,350,000
Higher Education Coordinating Board	\$	23,000

No salary increase may be paid under this subsection to any person whose salary has been Y-rated pursuant to rules adopted by the higher education personnel board.

(11) Any institution that grants an average salary increase in excess of the amounts authorized in subsection (8) of this section is ineligible to receive any funds appropriated for salary increases in sections 603 through 608 of this act. Any community college district that grants an average salary increase in excess of the amounts authorized in subsections (8) and (9) of this section is ineligible to receive any funds appropriated for salary increases in section 602 of this act. The office of financial management shall adjust an institution's allotment as necessary to enforce the restrictions imposed by this section.

Sec. 602. Section 603, chapter 7, Laws of 1987 1st ex. sess. as amended by section 603, chapter 289, Laws of 1988 (uncodified) is amended to read as follows:

FOR THE UNIVERSITY OF WASHINGTON

General Fund Appropriation	\$	(516,689,666)
		<u>521,489,000</u>
Medical Aid Fund Appropriation	\$	2,553,000
Accident Fund Appropriation	\$	2,553,000
Death Investigations Account Appropriation	\$	594,000
Total Appropriation	\$	((521,789,666))
		<u>527,189,000</u>

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

(1) \$10,500,000 of the general fund appropriation is provided solely for equipment.

(2) A maximum of \$75,000 may be spent to identify suitable spaces in the vicinity of the University of Washington for use as child day care centers for the children of university civil service employees and for start-up costs of the day care centers.

(3) \$400,000 is provided solely to conduct a study of the potential environmental and economic impacts of oil and mineral exploration off the coast of Washington.

(4) At least \$75,000 of the appropriations in this section shall be spent for research on the health and safety hazards of video display terminals in the workplace.

(5) \$200,000 of the general fund appropriation is provided solely for rental costs on a building to house clinical and laboratory space for the treatment of patients with AIDS and the training of health care professionals in such treatment.

(6) The University of Washington shall take whatever actions are necessary to maximize refunds from the social security administration during the 1987-89 biennium and shall transfer to the general fund the refund received from the social security administration for graduate teaching and research assistants paid from the state general fund from January 1, 1980, through June 30, 1987.

(7) At least \$10,000 shall be spent for a study on the predation of sockeye smolt in Lake Washington.

(8) \$300,000 of the general fund—state appropriation is provided solely to conduct an assessment, in consultation with local community organizations in the Puget Sound area, of higher education needs and programs to be offered at branch campuses in accordance with the higher education coordinating board master plan.

(9) \$5,400,000 of the general fund appropriation is provided solely for additional support for Harborview medical center operations.

Sec. 603. Section 604, chapter 7, Laws of 1987 1st ex. sess. as amended by section 604, chapter 289, Laws of 1988 (uncodified) is amended to read as follows:

FOR WASHINGTON STATE UNIVERSITY

General Fund Appropriation	\$	((287,152,666))
		<u>287,189,000</u>

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

(1) \$4,717,000 is provided solely for equipment.

(2) Funds are provided to Washington State University to continue the Yakima nursing training program.

(3) \$500,000 of the appropriation is provided solely to initiate upper division programs and expand graduate programs at the Southwest Washington joint center for education.

(4) \$165,000 of the appropriation is provided solely for additional training of education professionals at the Southwest Washington joint center for education.

(5) \$427,000 is provided solely for start-up and operation of the health research and education center in Spokane.

(6) \$750,000 is provided solely to enhance and operate the Washington higher education telecommunications system (WHETS) for the purpose of allowing the delivery of university courses directly to Spokane, Vancouver, Seattle, and the Tri-Cities.

(7) \$37,000 of the appropriation is provided solely for the salary increases for the intercollegiate center for nursing education faculty.

(8) \$119,000 of the appropriation is provided solely for health insurance benefits for agricultural research employees.

PART VII
SPECIAL APPROPRIATIONS

Sec. 701, Section 712, chapter 7, Laws of 1987 1st ex. sess. as amended by section 705, chapter 289, Laws of 1988 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER—TRANSFERS

General Fund Appropriation: For transfer to the Institutional Impact Account	\$	316,600
General Fund Appropriation: For transfer to the Landowner Contingency Forest Fire Suppression Account	\$	285,000
General Government Special Revenue Fund—State Treasurer's Service Account Appropriation: For transfer to the general fund on or before July 20, 1989, an amount up to \$5,000,000 in excess of the cash requirements in the State Treasurer's Service Account for fiscal year 1990, for credit to the fiscal year in which earned	\$	5,000,000
Charitable, Educational, Penal and Reformatory Institutions Account Appropriations: For transfer to the Resource Management Cost Account to the extent that funds are available as determined by the department of natural resources. The department shall provide the state treasurer with a schedule of such transfers	\$	3,000,000
General Fund Appropriation: For transfer to the Natural Resources Fund—Water Quality Account	\$	7,913,300
General Fund Appropriation: For transfer to the Miscellaneous Fund—Tort Claims Revolving Fund	\$	((5,978,000)) <u>11,327,000</u>
Liquor Revolving Fund Appropriation: For Transfer to the Miscellaneous Fund—Tort Claims Revolving Fund	\$	573,000
Employment Security Fund—Deferred Compensation Revolving Fund: For transfer to the Motor Vehicle Fund	\$	861,000
Ferry System Fund: For transfer to the Tort Claims Revolving Fund for claims paid on behalf of the department of transportation, Washington state ferry system during the period July 1, 1987, through June 30, 1989	\$	884,100
Puget Sound Ferry Operations Account: For transfer to the Tort Claims Revolving Fund for claims paid on behalf of the department of transportation, Washington state ferry system during the period July 1, 1987, through June 30, 1989	\$	378,900
Motor Vehicle Fund: For transfer to the Tort Claims Revolving Fund for claims paid on behalf of the department of transportation and the state patrol during the period July 1, 1987 through June 30, 1989	\$	14,200,000
State Employees Insurance Principal Account: For transfer to the General Fund	\$	2,700,000

Sec. 702, Section 714, chapter 7, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR BELATED CLAIMS

(1) There is appropriated to the office of financial management for payment of supplies and services furnished in previous biennia, from the General Fund

\$	((1,125,000)) <u>1,258,016</u>
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(2) The following sums, or so much thereof as shall severally be found necessary, are hereby appropriated and authorized to be expended out of the several funds indicated, for the period from the effective date of this act to June 30, 1989, except as otherwise noted.

To reimburse the general fund for expenditures from belated claims appropriations to be disbursed on vouchers approved by the office of financial management:

Medical Disciplinary Account	\$	4,655
Institutional Impact Account	\$	36,816
Architects' License Account	\$	1,062
Cemetery Account	\$	45
Hazardous Waste Control and Elimination Account	\$	6
Public Safety and Education Account	\$	31,011
Health Professions Account	\$	13,465
Professional Engineers' Account	\$	81

Real Estate Commission Account	\$	623
Reclamation Revolving Account	\$	14
State Investment Board Expense Account	\$	134
Capitol Building Construction Account	\$	55,831
Motor Transport Account	\$	9,665
State Capitol Historical Association Museum Account	\$	76
Resource Management Cost Account	\$	7,684
Capitol Purchase and Development Account	\$	16,603
Litter Control Account	\$	358
State and Local Improvements Revolving Account (Waste Disposal Facilities)	\$	12
State Building Construction Account	\$	67,372
Outdoor Recreation Account	\$	268
State Social and Health Services Construction Account	\$	1,142
Grade Crossing Protective Fund	\$	79,466
State Patrol Highway Account	\$	45,879
Motorcycle Safety Education Fund	\$	7,725
Nursery Inspection Fund	\$	38
Seed Fund	\$	347
Electrical License Fund	\$	1,727
State Game Fund	\$	64,064
Highway Safety Fund	\$	6,297
Motor Vehicle Fund	\$	24,572
Public Service Revolving Fund	\$	5,418
State Treasurer's Service Fund	\$	1,561
Legal Services Revolving Fund	\$	9,650
Municipal Revolving Fund	\$	4,146
General Administration Facilities and Services Revolving Fund	\$	6,140
Department of Personnel Service Fund	\$	366
Higher Education Personnel Board Service Fund	\$	331
State Employees' Insurance Fund	\$	499
State Auditing Services Revolving Fund	\$	3,028
Liquor Revolving Fund	\$	4,629
Department of Retirement Systems Expense Fund	\$	10,264
Accident Fund	\$	29,386
Medical Aid Fund	\$	29,232
Western Library Network Computer System Revolving Fund	\$	30,443
Pressure Systems Safety Fund	\$	196
Sec. 703, Section 715, chapter 7, Laws of 1987 1st ex. sess. as amended by section 706, chapter 289, Laws of 1988 (uncodified) is amended to read as follows:		
FOR THE STATE TREASURER—STATE REVENUES FOR DISTRIBUTION		
General Fund Appropriation for fire insurance premiums tax distribu- tion	\$	((6,225,000)) 4,599,000
General Fund Appropriation for public utility district excise tax distri- bution	\$	((21,138,000)) 20,879,000
General Fund Appropriation for prosecuting attorneys' salaries	\$	1,950,000
General Fund Appropriation for motor vehicle excise tax distribution	\$	((59,751,000)) 58,239,000
General Fund Appropriation for local mass transit assistance	\$	((185,535,000)) 183,800,000
General Fund Appropriation for camper and travel trailer excise tax distribution	\$	((2,152,000)) 2,164,000
Aquatic Lands Enhancement Account Appropriation for harbor improvement revenue distribution	\$	60,000
Liquor Excise Tax Fund Appropriation for liquor excise tax distribu- tion	\$	((10,233,000)) 18,266,000
Motor Vehicle Fund Appropriation for motor vehicle fuel tax and overload penalties distribution	\$	((268,082,000)) 278,124,000
Liquor Revolving Fund Appropriation for liquor profits distribution	\$	((42,740,000)) 42,620,000
Timber Tax Distribution Account Appropriation for distribution to "Timber" counties	\$	((44,291,000)) 46,397,000

Municipal Sales and Use Tax Equalization Account Appropriation	\$	((32,174,000)) 31,359,000
County Sales and Use Tax Equalization Account Appropriation	\$	((1,062,000)) 10,788,000
Death Investigations Account Appropriation for distribution to counties for publicly funded autopsies	\$	((600,000)) 713,000
Total Appropriation	\$	((694,001,000)) 699,958,000

The appropriations in this section are subject to the following conditions and limitations: \$96,000 is provided from the death investigations account appropriation for the purpose of reimbursing counties up to the maximum level authorized by RCW 68.08.104 for expenses incurred in the 1985-87 biennium.

Sec. 704. Section 716, chapter 7, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE STATE TREASURER—FEDERAL REVENUES FOR DISTRIBUTION

Forest Reserve Fund Appropriation for federal forest reserve fund distribution	\$	((58,414,601)) 75,915,000
General Fund Appropriation for federal flood control funds distribution	\$	((24,000)) 74,000
General Fund Appropriation for federal grazing fees distribution	\$	50,000
Geothermal Account Appropriation—Federal	\$	((60,000)) 10,000
General Fund Appropriation for distribution of federal funds to counties in conformance with Public Law 97-99	\$	((300,000)) 400,000
Total Appropriation	\$	((58,848,601)) 76,449,000

Sec. 705. Section 717, chapter 7, Laws of 1987 1st ex. sess. as amended by section 707, chapter 289, Laws of 1988 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, INCLUDING ONGOING BOND REGISTRATION AND TRANSFER CHARGES

(Fisheries Bond Redemption Fund 1977 Appropriation	\$	1,200,467
Salmon Enhancement Bond Redemption Fund 1977 Appropriation	\$	5,479,684
Higher Education Refunding Bond Redemption Fund 1977 Appropriation	\$	8,773,875
Fire Service Training Center Bond Retirement Fund 1977 Appropriation	\$	1,619,731
Highway Bond Retirement Fund Appropriation	\$	171,910,324
Indian Cultural Center Construction Bond Redemption Fund 1976 Appropriation	\$	233,575
Higher Education Bond Redemption Fund 1977 Appropriation	\$	19,528,417
Ferry Bond Retirement Fund 1977 Appropriation	\$	25,627,988
Emergency Water Projects Bond Retirement Fund 1977 Appropriation	\$	2,604,490
Public School Building Bond Redemption Fund 1965 Appropriation	\$	1,238,790
Higher Education Bond Retirement Fund 1979 Appropriation	\$	10,736,990
State General Obligation Bond Retirement Fund 1979 Appropriation	\$	307,961,175
Fisheries Bond Redemption Fund 1976 Appropriation	\$	764,034
State Building Bond Redemption Fund 1967 Appropriation	\$	656,000
Community College Capital Construction Bond Redemption Fund 1975, 1976, 1977 Appropriation	\$	11,423,031
Common School Building Bond Redemption Fund 1967 Appropriation	\$	6,890,745
Outdoor Recreation Bond Redemption Fund 1967 Appropriation	\$	6,292,542
Water Pollution Control Facilities Bond Redemption Fund 1967 Appropriation	\$	4,067,765
State Building and Higher Education Construction Bond Redemption Fund 1967 Appropriation	\$	10,349,392
State Building and Parking Bond Redemption Fund 1969 Appropriation	\$	2,448,830
Waste Disposal Facilities Bond Redemption Fund Appropriation	\$	57,944,960
Water Supply Facilities Bond Redemption Fund Appropriation	\$	11,952,815
Social and Health Services Facilities 1972 Bond Redemption Fund Appropriation	\$	3,765,665
Recreation Improvements Bond Redemption Fund Appropriation	\$	5,986,813
Community College Capital Improvement Bond Redemption Fund 1972 Appropriation	\$	7,499,389

State Building Authority Bond Redemption Fund Appropriation	\$	9,452,680
Office-Laboratory Facilities Bond Redemption Fund Appropriation	\$	270,900
University of Washington Hospital Bond Retirement Fund 1975 Appropriation	\$	1,163,924
Washington State University Bond Redemption Fund 1977 Appropriation	\$	559,915
Higher Education Bond Redemption Fund 1975 Appropriation	\$	2,165,785
State Building Bond Redemption Fund 1973 Appropriation	\$	3,794,144
State Building Bond Retirement Fund 1975 Appropriation	\$	424,780
State Higher Education Bond Redemption Fund 1973 Appropriation	\$	4,367,163
Social and Health Services Bond Redemption Fund 1976 Appropriation	\$	9,475,867
State Building (Expo 74) Bond Redemption Fund 1973A Appropriation	\$	372,820
Community College Refunding Bond Retirement Fund 1974 Appropriation	\$	9,436,996
State Higher Education Bond Redemption Fund 1974 Appropriation	\$	1,190,700
Total Appropriation	\$	729,653,901))
(1) FOR GENERAL OBLIGATION DEBT SUBJECT TO THE STATUTORY DEBT LIMIT		

Fisheries Bond Redemption Fund 1977 Appropriation	\$	1,360,800
Water Pollution Control Facilities Bond Redemption Fund 1967 Appropriation	\$	4,067,800
State Building and Higher Education Construction Bond Redemption Fund 1967 Appropriation	\$	10,349,400
Public School Building Bond Redemption Fund 1965 Appropriation	\$	1,238,800
State Building (Expo 74) Bond Redemption Fund 1973A Appropriation	\$	372,900
State Building Bond Redemption Fund 1973 Appropriation	\$	3,794,200
State Higher Education Bond Redemption Fund 1973 Appropriation	\$	4,367,200
State Building Authority Bond Redemption Fund Appropriation	\$	9,452,700
Community College Capital Improvement Bond Redemption Fund 1972 Appropriation	\$	7,499,400
State Higher Education Bond Redemption Fund 1974 Appropriation	\$	1,190,800
Waste Disposal Facilities Bond Redemption Fund Appropriation	\$	50,221,900
Water Supply Facilities Bond Redemption Fund Appropriation	\$	11,750,900
Recreation Improvements Bond Redemption Fund Appropriation	\$	5,986,900
Social and Health Services Facilities 1972 Bond Redemption Fund Appropriation	\$	3,705,700
Outdoor Recreation Bond Redemption Fund 1967 Appropriation	\$	6,292,600
Indian Cultural Center Construction Bond Redemption Fund 1976 Appropriation	\$	207,100
Fisheries Bond Redemption Fund 1976 Appropriation	\$	764,100
Higher Education Bond Redemption Fund 1975 Appropriation	\$	2,165,800
State Building Bond Retirement Fund 1975 Appropriation	\$	424,800
Social and Health Services Bond Redemption Fund 1976 Appropriation	\$	9,475,900
Emergency Water Projects Bond Retirement Fund 1977 Appropriation	\$	2,603,500
Higher Education Bond Redemption Fund 1977 Appropriation	\$	16,435,200
Salmon Enhancement Bond Redemption Fund 1977 Appropriation	\$	4,327,100
Fire Service Training Center Bond Retirement Fund 1977 Appropriation	\$	1,329,300
State General Obligation Bond Retirement Bond 1979 Appropriation	\$	265,044,100
Total Appropriation this Subsection	\$	424,428,900
(2) FOR GENERAL OBLIGATION DEBT TO BE REIMBURSED BY ENTERPRISE ACTIVITIES		

University of Washington Hospital Bond Retirement Fund 1975 Appropriation	\$	1,164,000
Office-Laboratory Facilities Bond Redemption Fund Appropriation	\$	271,000
Higher Education Bond Retirement Fund 1979 Appropriation	\$	3,078,900
State General Obligation Bond Retirement Bond 1979 Appropriation	\$	8,474,100
Total Appropriation this Subsection	\$	12,988,000
(3) FOR GENERAL OBLIGATION DEBT TO BE REIMBURSED AS PRESCRIBED BY STATUTE		

Community College Refunding Bond Retirement Fund 1974 Appropriation	\$	9,437,000
Community College Capital Construction Bond Redemption Fund 1975, 1976, 1977 Appropriation	\$	10,758,100
Higher Education Bond Retirement Fund 1979 Appropriation	\$	7,279,200

Washington State University Bond Redemption Fund 1977 Appropriation	\$	532,500
Higher Education Refunding Bond Redemption Fund 1977 Appropriation	\$	8,773,900
State General Obligation Bond Retirement Bond 1979 Appropriation	\$	23,569,300
Total Appropriation this Subsection	\$	60,350,000

(4) FOR DEBT TO BE PAID BY MOTOR VEHICLE REVENUE

Highway Bond Retirement Fund Appropriation	\$	160,379,000
Ferry Bond Retirement Fund 1977 Appropriation	\$	24,683,800
Total Appropriation this Subsection	\$	185,062,800

(5) FOR DEBT TO BE PAID BY STATUTORILY SET REVENUE

Common School Building Bond Redemption Fund 1967 Appropriation	\$	6,890,800
State Building Bond Redemption Fund 1967 Appropriation	\$	656,900
State Building and Parking Bond Redemption Fund 1969 Appropriation	\$	2,448,900
Total Appropriation this Subsection	\$	9,996,400
Total	\$	692,826,100

Sec. 706. Section 708, chapter 289, Laws of 1988 (uncodified) is amended to read as follows:
BOND RETIREMENT—STATE TRADE AND CONVENTION CENTER

The following is appropriated from the state trade and convention center account for reimbursement to the general fund for the transfer to the state general obligation bond retirement fund for disbursement of bond retirement and interest, including ongoing bond registration and transfer charges:

State Convention and Trade Center Account Appropriation	\$	((19,746,278))
		21,135,000

Sec. 707. Section 709, chapter 289, Laws of 1988 (uncodified) is amended to read as follows:
BOND RETIREMENT—SPOKANE RIVER TOLL BRIDGE

The following is appropriated from the Spokane River toll bridge revolving account to the Spokane River toll bridge account for disbursement of bond retirement and interest, including ongoing bond registration and transfer charges:

Spokane River Toll Bridge Revolving Account Appropriation	\$	((889,888))
		889,100

NEW SECTION. Sec. 708. A new section is added to chapter 7, Laws of 1987 1st ex. sess. to read as follows:

FOR SUNDRY CLAIMS

General Fund Appropriation	\$	10,000,000
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This appropriation is for payment of the state's portion of a comprehensive settlement in IN RE WASHINGTON PUBLIC POWER SUPPLY SYSTEM SECURITIES LITIGATION (U.S. Dist. Ct. Ariz. MDL 551) which settlement includes a relinquishment of all claims by the bondholder class of WPPSS projects numbers 4 and 5 against the state of Washington.

**PART VIII
 MISCELLANEOUS**

NEW SECTION. Sec. 801. The appropriations contained in this act are maximum expenditure authorizations. Pursuant to RCW 43.88.037, moneys disbursed from the treasury on the basis of a formalized loan agreement with another governmental entity shall be treated as a loan and are to be recorded as loans receivable and not as expenditures for accounting purposes. To the extent that moneys are disbursed on a loan basis, the corresponding appropriation shall be reduced by the amount of loan moneys disbursed from the treasury during the 1987-89 biennium.

NEW SECTION. Sec. 802. In addition to the amounts appropriated in this act for revenue for distribution, bond retirement and interest including ongoing bond registration and transfer charges, transfers, interest on registered warrants, and certificates of indebtedness, there is also appropriated such further amounts as may be required or available for these purposes under any statutory formula or under any proper bond covenant made in accordance with law.

NEW SECTION. Sec. 803. In addition to such other appropriations as are made by this act, there is hereby appropriated to the state finance committee from legally available bond proceeds in the respective construction or building funds and accounts such amounts as are necessary to pay the expenses incurred in the issuance and sale of the subject bonds.

NEW SECTION. Sec. 804. The following acts or parts of acts are each repealed:

- (1) Section 202, chapter 7, Laws of 1987 1st ex. sess., section 202, chapter 289, Laws of 1988 (uncodified);
- (2) Section 203, chapter 7, Laws of 1987 1st ex. sess., section 203, chapter 289, Laws of 1988 (uncodified);
- (3) Section 204, chapter 7, Laws of 1987 1st ex. sess., section 204, chapter 289, Laws of 1988 (uncodified);

- (4) Section 205, chapter 7, Laws of 1987 1st ex. sess., section 205, chapter 289, Laws of 1988 (uncodified);
- (5) Section 206, chapter 7, Laws of 1987 1st ex. sess., section 206, chapter 289, Laws of 1988 (uncodified);
- (6) Section 207, chapter 7, Laws of 1987 1st ex. sess., section 207, chapter 289, Laws of 1988 (uncodified);
- (7) Section 208, chapter 7, Laws of 1987 1st ex. sess., section 208, chapter 289, Laws of 1988 (uncodified);
- (8) Section 210, chapter 7, Laws of 1987 1st ex. sess., section 210, chapter 289, Laws of 1988 (uncodified);
- (9) Section 211, chapter 7, Laws of 1987 1st ex. sess., section 211, chapter 289, Laws of 1988 (uncodified);
- (10) Section 212, chapter 7, Laws of 1987 1st ex. sess., section 212, chapter 289, Laws of 1988 (uncodified);
- (11) Section 213, chapter 7, Laws of 1987 1st ex. sess., section 213, chapter 289, Laws of 1988 (uncodified);
- (12) Section 214, chapter 7, Laws of 1987 1st ex. sess., section 214, chapter 289, Laws of 1988 (uncodified);
- (13) Section 215, chapter 7, Laws of 1987 1st ex. sess. (uncodified);
- (14) Section 216, chapter 7, Laws of 1987 1st ex. sess. (uncodified); and
- (15) Section 56, chapter 112, Laws of 1988 (uncodified).

NEW SECTION. Sec. 805. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 806. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator McDonald to Engrossed Substitute House Bill No. 1479.

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

MOTIONS

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

On page 1, line 1 of the title, after "budget," strike the remainder of the title and insert "amending section 107, chapter 7, Laws of 1987 1st ex. sess. as amended by section 102, chapter 289, Laws of 1988 (uncodified); amending section 108, chapter 7, Laws of 1987 1st ex. sess. (uncodified); amending section 111, chapter 7, Laws of 1987 1st ex. sess. (uncodified); amending section 113, chapter 7, Laws of 1987 1st ex. sess. (uncodified); amending section 114, chapter 7, Laws of 1987 1st ex. sess. as amended by section 105, chapter 289, Laws of 1988 (uncodified); amending section 130, chapter 7, Laws of 1987 1st ex. sess. (uncodified); amending section 201, chapter 7, Laws of 1987 1st ex. sess. as amended by section 201, chapter 289, Laws of 1988 (uncodified); amending section 209, chapter 7, Laws of 1987 1st ex. sess. as amended by section 209, chapter 289, Laws of 1988 (uncodified); amending section 217, chapter 7, Laws of 1987 1st ex. sess. as amended by section 215, chapter 289, Laws of 1988 (uncodified); amending section 219, chapter 7, Laws of 1987 1st ex. sess. as amended by section 217, chapter 289, Laws of 1988 (uncodified); amending section 223, chapter 7, Laws of 1987 1st ex. sess. as amended by section 218, chapter 289, Laws of 1988 (uncodified); amending section 303, chapter 7, Laws of 1987 1st ex. sess. as amended by section 303, chapter 289, Laws of 1988 (uncodified); amending section 312, chapter 7, Laws of 1987 1st ex. sess. as amended by section 308, chapter 289, Laws of 1988 (uncodified); amending section 313, chapter 7, Laws of 1987 1st ex. sess. as amended by section 309, chapter 289, Laws of 1988 (uncodified); amending section 316, chapter 7, Laws of 1987 1st ex. sess. as amended by section 313, chapter 289, Laws of 1988 (uncodified); amending section 12, chapter 8, Laws of 1987 1st ex. sess. as amended by section 312, chapter 289, Laws of 1988 (uncodified); amending section 402, chapter 7, Laws of 1987 1st ex. sess. as amended by section 402, chapter 289, Laws of 1988 (uncodified); amending section 502, chapter 7, Laws of 1987 1st ex. sess. (uncodified); amending section 503, chapter 7, Laws of 1987 1st ex. sess. as last amended by section 502, chapter 289, Laws of 1988 (uncodified); amending section 504, chapter 7, Laws of 1987 1st ex. sess. as last amended by section 503, chapter 289, Laws of 1988 (uncodified); amending section 505, chapter 7, Laws of 1987 1st ex. sess. as last amended by section 504, chapter 289, Laws of 1988 (uncodified); amending section 507, chapter 7, Laws of 1987 1st ex. sess. as amended by section 506, chapter 289, Laws of 1988 (uncodified); amending section 508, chapter 7, Laws of 1987 1st ex. sess. as amended by section 507, chapter 289, Laws of 1988 (uncodified); amending section 509, chapter 7, Laws of 1987 1st ex. sess. as amended by section 508, chapter 289, Laws of 1988 (uncodified); amending section 510, chapter 7, Laws of 1987 1st ex. sess. as amended by section 509, chapter 289, Laws of 1988 (uncodified); amending section 511, chapter 7, Laws of 1987 1st ex. sess. as amended by section

510, chapter 289, Laws of 1988 (uncodified); amending section 513, chapter 7, Laws of 1987 1st ex. sess. as amended by section 511, chapter 289, Laws of 1988 (uncodified); amending section 514, chapter 7, Laws of 1987 1st ex. sess. as amended by section 512, chapter 289, Laws of 1988 (uncodified); amending section 515, chapter 7, Laws of 1987 1st ex. sess. (uncodified); amending section 516, chapter 7, Laws of 1987 1st ex. sess. as amended by section 513, chapter 289, Laws of 1988 (uncodified); amending section 521, chapter 7, Laws of 1987 1st ex. sess. (uncodified); amending section 522, chapter 7, Laws of 1987 1st ex. sess. (uncodified); amending section 514, chapter 289, Laws of 1988 (uncodified); amending section 601, chapter 7, Laws of 1987 1st ex. sess. as amended by section 601, chapter 289, Laws of 1988 (uncodified); amending section 603, chapter 7, Laws of 1987 1st ex. sess. as amended by section 603, chapter 289, Laws of 1988 (uncodified); amending section 604, chapter 7, Laws of 1987 1st ex. sess. as amended by section 604, chapter 289, Laws of 1988 (uncodified); amending section 712, chapter 7, Laws of 1987 1st ex. sess. as amended by section 705, chapter 289, Laws of 1988 (uncodified); amending section 714, chapter 7, Laws of 1987 1st ex. sess. (uncodified); amending section 715, chapter 7, Laws of 1987 1st ex. sess. as amended by section 706, chapter 289, Laws of 1988 (uncodified); amending section 716, chapter 7, Laws of 1987 1st ex. sess. (uncodified); amending section 717, chapter 7, Laws of 1987 1st ex. sess. as amended by section 707, chapter 289, Laws of 1988 (uncodified); amending section 708, chapter 289, Laws of 1988 (uncodified); amending section 709, chapter 289, Laws of 1988 (uncodified); adding new sections to chapter 7, Laws of 1987 1st ex. sess. (uncodified); creating new sections; repealing section 202, chapter 7, Laws of 1987 1st ex. sess., section 202, chapter 289, Laws of 1988 (uncodified); repealing section 203, chapter 7, Laws of 1987 1st ex. sess., section 203, chapter 289, Laws of 1988 (uncodified); repealing section 204, chapter 7, Laws of 1987 1st ex. sess., section 204, chapter 289, Laws of 1988 (uncodified); repealing section 205, chapter 7, Laws of 1987 1st ex. sess., section 205, chapter 289, Laws of 1988 (uncodified); repealing section 206, chapter 7, Laws of 1987 1st ex. sess., section 206, chapter 289, Laws of 1988 (uncodified); repealing section 207, chapter 7, Laws of 1987 1st ex. sess., section 207, chapter 289, Laws of 1988 (uncodified); repealing section 208, chapter 7, Laws of 1987 1st ex. sess., section 208, chapter 289, Laws of 1988 (uncodified); repealing section 210, chapter 7, Laws of 1987 1st ex. sess., section 210, chapter 289, Laws of 1988 (uncodified); repealing section 211, chapter 7, Laws of 1987 1st ex. sess., section 211, chapter 289, Laws of 1988 (uncodified); repealing section 212, chapter 7, Laws of 1987 1st ex. sess., section 212, chapter 289, Laws of 1988 (uncodified); repealing section 213, chapter 7, Laws of 1987 1st ex. sess., section 213, chapter 289, Laws of 1988 (uncodified); repealing section 214; chapter 7, Laws of 1987 1st ex. sess., section 214, chapter 289, Laws of 1988 (uncodified); repealing section 215, chapter 7, Laws of 1987 1st ex. sess. (uncodified); repealing section 216, chapter 7, Laws of 1987 1st ex. sess. (uncodified); and repealing section 56, chapter 112, Laws of 1988 (uncodified); and declaring an emergency."

On motion of Senator Newhouse, the rules were suspended, Engrossed Substitute House Bill No. 1479, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1479, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1479, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 41; nays, 2; excused, 6.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Craswell, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Matson, McDonald, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Thorsness, Vognild, von Reichbauer, Warnke, Williams, Wojahn - 41.

Voting nay: Senators Madsen, McCaslin - 2.

Excused: Senators Conner, DeJarnatt, Fleming, McMullen, Talmadge, West - 6.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1479, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

MOTION

On motion of Senator Sutherland, the following resolution was adopted:

SENATE RESOLUTION 1989-8677

by Senator Sutherland

WHEREAS, The state of Washington is blessed with an abundance of natural resources; and

WHEREAS, Our state strives to maintain a balance between the preservation of its natural resources and its economic development needs; and

WHEREAS, The Columbia River Gorge has been designated a National Scenic Area; and

WHEREAS, One of the stated purposes of a National Scenic Area is to promote and support recreation and tourism; and

WHEREAS, The wind of the Columbia River Gorge is an inexhaustible resource that has begun to attract great numbers of people interested in the increasingly popular sport of windsurfing; and

WHEREAS, The Columbia River Gorge has gained renown as one of the top windsurfing areas in the world; and

WHEREAS, The number of windsurfers attracted to the Columbia River Gorge is growing rapidly; and

WHEREAS, The majority of the best windsurfing locations can be found on the Washington side of the Columbia River Gorge, however the majority of the windsurfers have not yet been attracted to surf Washington; and

WHEREAS, There is a demand for new windsurfing ports in the Columbia River Gorge to relieve the overcrowding at existing windsurfing ports; and

WHEREAS, Windsurfers bring millions of dollars to the economies of the Columbia River Gorge counties; and

WHEREAS, The Columbia River Gorge counties suffer from chronic high unemployment; and

WHEREAS, Windsurfing has the potential to increasingly benefit the Columbia River Gorge and Washington economies and stimulate job growth; and

WHEREAS, Windsurfing is a clean industry, using an abundant and renewable resource in a manner consistent with the purposes of the National Scenic Area;

NOW, THEREFORE, BE IT RESOLVED, That the Senate recognize the economic opportunities provided to our Columbia River Gorge counties by the sport of windsurfing, and condone, encourage, and support all businesses and activities that promote the sport of windsurfing in the state of Washington; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the Commissioners of Klickitat and Skamania counties.

MOTION

At 10:29 a.m., on motion of Senator Newhouse, the Senate was declared to be at ease.

The Senate was called to order at 11:19 a.m. by President Pritchard.

MOTIONS

On motion of Senator Newhouse, the Committee on Rules was relieved of further consideration of House Bill No. 1512, Engrossed Substitute Senate Bill No. 6074 and Senate Bill No. 6095.

On motion of Senator Newhouse, the rules were suspended and House Bill No. 1512 was placed on the second reading calendar.

On motion of Senator Newhouse, the rules were suspended and Engrossed Substitute Senate Bill No. 6074 and Senate Bill No. 6095 were placed on the third reading calendar.

SECOND READING

HOUSE BILL NO. 1512, by Representatives H. Sommers, Schoon, Ebersole, Holland, Jacobsen, Rasmussen and P. King (by request of Governor Gardner)

Making appropriations for capital projects for the 1987-89 biennium.

The bill was read the second time.

MOTION

On motion of Senator Newhouse, the rules were suspended, House Bill No. 1512 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1512.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1512 and the bill passed the Senate by the following vote: Yeas, 42; nays, 1; absent, 1; excused, 5.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Craswell, Gaspard, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Thorsness, Vogndild, von Reichbauer, Warnke, West, Williams, Wojahn - 42.

Voting nay: Senator Hansen - 1.

Absent: Senator Matson - 1.

Excused: Senators Conner, DeJarnatt, Fleming, McMullen, Talmadge - 5.

HOUSE BILL NO. 1512, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

STATEMENT FOR THE JOURNAL

May 5, 1989

Mary Wiley
Journal Clerk

Due to an unavoidable business commitment in Seattle, I missed the votes on Gubernatorial Appointment No. 9059, Gubernatorial Appointment No. 9052, Engrossed Substitute House Bill No. 1479 and House Bill No. 1512. I would have voted 'aye' on each.

SENATOR PHIL TALMADGE, 34th District

MOTION

At 11:26 a.m., on motion of Senator Newhouse, the Senate recessed until 4:00 p.m.

The Senate was called to order at 4:01 p.m. by President Pritchard.

There being no objection, the President returned the Senate to the fourth order of business.

MESSAGES FROM THE HOUSE

May 5, 1989

Mr. President:

The House has passed ENGROSSED HOUSE BILL NO. 1182, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

May 5, 1989

Mr. President:

The House has passed SENATE BILL NO. 6150, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:
SENATE BILL NO. 6150.

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

INTRODUCTION AND FIRST READING

SCR 8422 by Senators Smith and Stratton

Creating a select committee on adoption.

Referred to Committee on Children and Family Services.

INTRODUCTION AND FIRST READING OF HOUSE BILL

EHB 1182 by Representatives Rust, D. Sommers, G. Fisher, Fraser and Phillips
(by request of Director of Ecology)

Revising local government roles in hazardous waste siting.

MOTION

On motion of Senator Newhouse, the rules were suspended and Engrossed House Bill No. 1182 was advanced to second reading and placed on the second reading calendar.

MOTION

At 4:04 p.m., on motion of Senator Newhouse, the Senate adjourned until 10:00 a.m., Saturday, May 6, 1989.

JOEL PRITCHARD, President of the Senate.

GORDON A. GOLOB, Secretary of the Senate.

THIRTEENTH DAY

MORNING SESSION

Senate Chamber, Olympia, Saturday, May 6, 1989

The Senate was called to order at 10:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Bauer, Conner, DeJarnatt, Fleming, Gaspard, Hayner, Lee, McDonald, McMullen, Owen, Pullen, Smitherman, Williams and Wojahn. On motion of Senator Anderson, Senators Hayner, Lee and McDonald were excused. On motion of Senator Bender, Senators DeJarnatt, Fleming, Gaspard and McMullen were excused.

The Sergeant at Arms Color Guard, consisting of Pages Ian Henderson and Ian Burkheimer, presented the Colors. The Reverend Charles Leps, pastor of the Gloria Dei Lutheran Church of Olympia, offered the prayer.

MOTION

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

MESSAGE FROM THE GOVERNOR

May 5, 1989

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to advise you that on May 5, 1989, Governor Gardner approved the following Senate Bills entitled:

Substitute Senate Bill No. 5128

Relating to local improvements.

Substitute Senate Bill No. 5191

Relating to uniform application of good-time credit statutes.

Senate Bill No. 5466

Relating to the state building code council.

Substitute Senate Bill No. 5663

Relating to the recall of county officials.

Substitute Senate Bill No. 5759

Relating to a school breakfast program.

Substitute Senate Bill No. 5812

Relating to motor vehicle common carriers.

Senate Bill No. 5826

Relating to student teaching pilot projects.

Substitute Senate Bill No. 5857

Relating to proceeds of bonds issued for facilities for persons with sensory, physical or mental handicaps.

Substitute Senate Bill No. 5905

Relating to the building code council.

Senate Bill No. 5907

Relating to annexations and incorporations that include a portion of a fire protection district.

Sincerely,

TERRY SEBRING, Legal Counsel to the Governor

SECOND READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Nelson, Gubernatorial Appointment No. 9096, Michael Murphy, as a member of the Liquor Control Board, was confirmed.

APPOINTMENT OF MICHAEL MURPHY

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 35; absent, 7; excused, 7.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bender, Benitz, Bluechel, Cantu, Craswell, Hansen, Johnson, Kreidler, Madsen, Matson, McCaslin, Metcalif, Moore, Murray, Nelson, Newhouse, Niemi, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West - 35.

Absent: Senators Bauer, Conner, Owen, Pullen, Smitherman, Williams, Wojahn - 7.

Excused: Senators DeJarnatt, Fleming, Gaspard, Hayner, Lee, McDonald, McMullen - 7.

MOTIONS

On motion of Senator Warnke, Senators Conner and Wojahn were excused.

On motion of Senator Anderson, Senator Pullen was excused.

MOTION

On motion of Senator Nelson, Gubernatorial Appointment No. 9039, Bernard Korth, as a member of the Small Business Export Financial Assistance Center Board of Directors, was confirmed.

APPOINTMENT OF BERNARD KORTH

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 36; absent, 3; excused, 10.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Craswell, Hansen, Johnson, Kreidler, Madsen, McCaslin, Metcalif, Moore, Murray, Nelson, Newhouse, Niemi, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West - 36.

Absent: Senators Matson, Owen, Williams - 3.

Excused: Senators Conner, DeJarnatt, Fleming, Gaspard, Hayner, Lee, McDonald, McMullen, Pullen, Wojahn - 10.

MOTION

On motion of Senator Bender, Senator Owen was excused.

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

THIRD READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 6074, by Committee on Ways and Means (originally sponsored by Senators West, Stratton, McCaslin and Saling)

Revising provisions on public facilities districts.

MOTION

On motion of Senator West, the rules were suspended and Engrossed Substitute Senate Bill No. 6074 was returned to second reading and read the second time.

MOTION

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

On page 5, line 4, strike "one million dollars" and insert "five hundred thousand dollars"

On page 5, line 13, after "district," strike everything down to and including "1993." on line 15

MOTION

On motion of Senator West, the rules were suspended, Reengrossed Substitute Senate Bill No. 6074 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Reengrossed Substitute Senate Bill No. 6074.

ROLL CALL

The Secretary called the roll on the final passage of Reengrossed Substitute Senate Bill No. 6074 and the bill passed the Senate by the following vote: Yeas, 35; nays, 2; absent, 1; excused, 11.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Craswell, Hansen, Johnson, Kreidler, Madsen, Matson, McCaslin, Metcalf, Murray, Nelson, Newhouse, Niemi, Patterson, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West - 35.

Voting nay: Senators Moore, Rasmussen - 2.

Absent: Senator Williams - 1.

Excused: Senators Conner, DeJarnatt, Fleming, Gaspard, Hayner, Lee, McDonald, McMullen, Owen, Pullen, Wojahn - 11.

REENGROSSED SUBSTITUTE SENATE BILL NO. 6074, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

SECOND READING

ENGROSSED HOUSE BILL NO. 1182, by Representatives Rust, D. Sommers, G. Fisher, Fraser and Phillips (by request of Director of Ecology)

Revising local government roles in hazardous waste siting.

The bill was read the second time.

MOTION

On motion of Senator Metcalf, the rules were suspended, Engrossed House Bill No. 1182 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 1182.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1182 and the bill passed the Senate by the following vote: Yeas, 36; absent, 2; excused, 11.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Craswell, Hansen, Johnson, Kreidler, Madsen, Matson, McCaslin, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke - 36.

Absent: Senators West, Williams - 2.

Excused: Senators Conner, DeJarnatt, Fleming, Gaspard, Hayner, Lee, McDonald, McMullen, Owen, Pullen, Wojahn - 11.

ENGROSSED HOUSE BILL NO. 1182, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

MOTION

On motion of Senator Kreidler, the following resolution was adopted:

SENATE RESOLUTION 1989-8704

by Senator Kreidler

WHEREAS, Associated Ministries of Thurston County has been in existence for sixteen years, providing interfaith and community leadership; and

WHEREAS, Associated Ministries has diligently organized the Legislative Chaplain Program during the last six legislative sessions providing inspiration to the opening of the daily sessions of the Washington State Senate; and

WHEREAS, Associated Ministries has been instrumental in the creation and/or survival of numerous crucial local human service agencies directly benefiting thousands of people which include the Food Bank, the Refugee Resource Center, the Thurston County Housing Task Force, the Special Olympics, the Community Care Clinic, and other volunteer programs to assist the divorced, the separated, the widowed, the sick, the indigent, and the lonely; and

WHEREAS, Associated Ministries has played a key role in developing and disseminating quality information about interfaith and community needs awareness to churches, the news media, and community members; and

WHEREAS, The manifold achievements of Associated Ministries have been due in great part to the dedicated, sensitive, and tireless leadership of Nancy Hoff, who has been its Executive Director for the last sixteen years, and who recently retired from this position;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate expresses its deep appreciation to Nancy Hoff and Associated Ministries of Thurston County for so faithfully organizing the Chaplain Program for so many years; and

BE IT FURTHER RESOLVED, That we join the citizens of Thurston County in expressing our deep appreciation for Nancy Hoff's outstanding leadership which has led to an improved quality of life in Thurston County and in wishing her a fulfilling and active retirement.

MOTION

At 10:34 a.m., on motion of Senator Newhouse, the Senate recessed until 2:00 p.m.

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

MOTION

At 2:00 p.m., on motion of Senator Newhouse, the Senate was declared to be at ease.

The Senate was called to order at 2:40 p.m. by President Pritchard.

MOTION

At 2:40 p.m., on motion of Senator Newhouse, the Senate adjourned until 1:00 p.m., Sunday, May 7, 1989.

JOEL PRITCHARD, President of the Senate.

GORDON A. GOLOB, Secretary of the Senate.

FOURTEENTH DAY

AFTERNOON SESSION

Senate Chamber, Olympia, Sunday, May 7, 1989

The Senate was called to order at 1:00 p.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators DeJarnatt, Fleming, McDonald, McMullen and Williams. There being no objection, the President excused Senator DeJarnatt.

The Sergeant at Arms Color Guard, consisting of Pages Mark Antone and Brad Curtis, presented the Colors. The Reverend Ruth Gray, pastor of the First United Methodist Church of Olympia, offered the prayer.

MOTION

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

MOTIONS

On motion of Senator Newhouse, the Committee on Rules was relieved of further consideration of Second Substitute Senate Bill No. 5065, Engrossed Second Substitute Senate Bill No. 5624, Engrossed Substitute Senate Bill No. 5897, Engrossed Senate Bill No. 6106, Engrossed Substitute House Bill No. 1737 and Substitute House Bill No. 1788.

On motion of Senator Newhouse, the rules were suspended and Second Substitute Senate Bill No. 5065, Engrossed Second Substitute Senate Bill No. 5624, Engrossed Substitute Senate Bill No. 5897 and Engrossed Senate Bill No. 6106 were placed on the third reading calendar.

On motion of Senator Newhouse, the rules were suspended and Engrossed Substitute House Bill No. 1737 and Substitute House Bill No. 1788 were placed on the second reading calendar.

MOTION

At 1:09 p.m., on motion of Senator Newhouse, the Senate was declared to be at ease.

The Senate was called to order at 3:51 p.m. by President Pritchard.

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

MESSAGES FROM THE HOUSE

May 3, 1989

Mr. President:

The House has adopted HOUSE CONCURRENT RESOLUTION NO. 4418, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

May 3, 1989

Mr. President:

The House has passed ReENGROSSED HOUSE BILL NO. 1648, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

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

INTRODUCTION AND FIRST READING

ESB 6152 by Senators Wojahn, Barr, Gaspard, West, Stratton, Johnson, Rasmussen, Bluechel, Vognild, von Reichbauer, Warnke, Smitherman, Bailey, Craswell, Thorsness, Bender, Bauer, Amondson, Lee, Metcalf, Cantu and Sutherland

AN ACT Relating to health; amending RCW 9.02.005, 26.04.165, 26.09.020, 26.09.150, 28B.104.020, 42.48.010, 43.20.025, 43.20.050, 43.20A.010, 43.20A.030, 43.20A.060, 43.20A.360, 43.20A.660, 43.20B.110, 43.21A.170, 43.21A.445, 48.21A.090, 48.42.070, 48.44.320, 48.46.040, 68.50.280, 69.04.915, 71.12.460, 71.12.480, 71.12.485, 71.12.490, 71.12.500, 71.12.520, 71.12.530, 71.12.540, 71.12.640, 70.123.030, 43.20A.600, 43.20A.615, 43.20A.620, 43.20A.625, 43.20A.640, 43.20A.645, 43.20A.650, 43.20A.655, 43.20A.665, 70.37.030, 74.15.060, 74.15.080, 18.120.040, 18.122.010, 18.122.020, 18.122.030, 18.122.050, 18.122.100, 18.122.110, 18.130.020, 18.130.310, 43.24.020, 43.24.086, 19.02.040, 19.02.050, 43.24.015, 18.64.044, 18.64.245, 18.64.080, 18.64.165, 69.41.020, 18.64.005, 18.64.009, 18.64.011, 18.64.040, 18.64.043, 18.64.044, 18.64.045, 18.64.046, 18.64.047, 18.64.050, 18.64.080, 18.64.140, 18.64A.010, 18.64A.030, 18.64A.050, 18.64A.060, 69.41.010, 69.41.075, 69.41.220, 69.50.101, 69.50.201, 69.50.301, 69.50.302, 69.50.303, 69.50.304, 69.50.310, 69.50.311, 69.50.500, 69.51.030, 69.51.040, 69.38.060, 69.43.040, 69.43.050, 69.43.090, 69.45.010, 69.45.020, 69.45.030, 69.45.070, 70.38.015, 70.38.025, 70.38.105, 70.38.111, 70.38.115, 70.38.125, 70.38.135, 70.41.090, 70.41.170, 43.17.010, 43.17.020, 42.17.2401, and 74.38.020; reenacting and amending RCW 43.20.030, 43.200.040, 42.17.310, and 74.04.005; adding a new section to chapter 15.36 RCW; adding a new section to chapter 18.64 RCW; adding a new section to chapter 18.104 RCW; adding a new section to chapter 19.32 RCW; adding a new section to chapter 28A.31 RCW; adding a new section to chapter 41.06 RCW; adding a new section to chapter 43.83B RCW; adding a new section to chapter 43.99D RCW; adding a new section to chapter 43.99E RCW; adding new sections to chapter 69.41 RCW; adding a new section to chapter 70.— RCW (ESHB 1968); adding a new section to chapter 70.05 RCW; adding a new section to chapter 70.08 RCW; adding a new section to chapter 70.12 RCW; adding a new section to chapter 70.22 RCW; adding a new section to chapter 70.24 RCW; adding a new section to chapter 70.40 RCW; adding a new section to chapter 70.41 RCW; adding a new section to chapter 70.54 RCW; adding a new chapter to Title 18 RCW; adding a new chapter to Title 43 RCW; adding new chapters to Title 70 RCW; creating new sections; recodifying RCW 43.20A.600, 43.20A.615, 43.20A.620, 43.20A.625, 43.20A.640, 43.20A.645, 43.20A.650, 43.20A.655, 43.20A.665, 43.24.015, 43.20A.140, and 43.24.072; repealing RCW 18.32.326, 18.34.040, 43.24.075, 70.38.055, 70.38.065, 70.38.145, 18.64.007, 70.38.045, 70.38.085, 70.38.035, and 74.—,---- (section 35, chapter -- (ESHB 1968), Laws of 1989); prescribing penalties; making an appropriation; providing an effective date; and declaring an emergency.

HOLD.

INTRODUCTION AND FIRST READING OF HOUSE BILL

REHB 1648 by Representatives R. King, Basich, S. Wilson, Cole, Haugen and Spanel

Regulating commercial crab fishing in coastal waters.

HOLD.

MOTION

On motion of Senator Newhouse, the rules were suspended and Senate Bill No. 6152 and Reengrossed House Bill No. 1648 were advanced to second reading and placed on the second reading calendar.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1484, by Committee on Capital Facilities and Financing (originally sponsored by Representatives H. Sommers, Schoon, Sayan and Rasmussen) (by request of Governor Gardner)

Authorizing the issuance of state general obligation bonds to finance projects in capital and operating budgets for the 1989-91 biennium.

The bill was read the second time.

MOTION

On motion of Senator Newhouse, the rules were suspended, Substitute House Bill No. 1484 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1484.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1484 and the bill passed the Senate by the following vote: Yeas, 43; nays, 1; absent, 4; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vogndil, von Reichbauer, Warnke, West, Wojahn - 43.

Voting nay: Senator Barr - 1.

Absent: Senators Fleming, McDonald, McMullen, Williams - 4.

Excused: Senator DeJarnatt - 1.

SUBSTITUTE HOUSE BILL NO. 1484, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Bender, Senators Fleming, McMullen, Talmadge and Williams were excused.

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

THIRD READING

SECOND SUBSTITUTE SENATE BILL NO. 5065, by Committee on Ways and Means (originally sponsored by Senators Craswell, Smith, Stratton and Bailey)

Creating a citizen review board system for cases involving substitute care of children.

MOTION

On motion of Senator Newhouse, the rules were suspended and Second Substitute Senate Bill No. 5065 was returned to second reading and read the second time.

MOTION

Senator Craswell moved that the following amendment by Senators Craswell and Bailey be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. The legislature recognizes the importance of permanency and continuity to children and of fairness to parents in the provision of child welfare services.

The legislature intends to create a citizen review board system that will function in an advisory capacity to the judiciary, the department, and the legislature. The purpose of the citizen review board system is to:

(1) Provide periodic review of cases involving substitute care of children in a manner that complies with case review requirements and time lines imposed by federal laws pertaining to child welfare services;

(2) Improve the quality of case review provided to children in substitute care and their families; and

(3) Provide a means for community involvement in monitoring cases of children in substitute care.

In order to accomplish the foregoing purposes, the citizen review board system shall not be subject to the procedures and standards usually applicable to judicial and administrative hearings, except as otherwise specifically provided in this chapter and RCW 13.34.130, 13.34.145, and 26.44.115. Nothing in this chapter and RCW 13.34.130, 13.34.145, and 26.44.115 shall limit the ability of the department to utilize court review hearings and administrative reviews to meet the periodic review requirements imposed by federal law.

NEW SECTION, Sec. 2. Periodic case review of all children in substitute care shall be provided in at least one class 1 or higher county, in accordance with this act.

The administrator for the courts shall coordinate and assist in the administration of the local citizen review board pilot program created by this act.

NEW SECTION, Sec. 3. Unless the context requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Board" means the local citizen review board established pursuant to this chapter.

(2) "Child" means a person less than eighteen years of age.

(3) "Conflict of interest" means that a person appointed to a board has a personal or pecuniary interest in a case being reviewed by that board.

(4) "Court" means the juvenile court.

(5) "Custodian" means that person who has legal custody of the child.

(6) "Department" means the department of social and health services.

(7) "Mature child" means a child who is able to understand and participate in the decision-making process without excessive anxiety or fear. A child twelve years old or over shall be rebuttably presumed to be a mature child.

(8) "Parent" or "parents" means the biological or adoptive parents of a child unless the legal rights of that person have been terminated by judicial proceedings.

(9) "Placement episode" means the period of time that begins with the date the child was removed from the home of the parent or legal custodian for the purposes of placement in substitute care and continues until the child returns home or an adoption decree or guardianship order is entered.

(10) "Records" means any information in written form, pictures, photographs, charts, graphs, recordings, or documents pertaining to a case.

(11) "Resides" or "residence," when used in reference to the residence of a child, means the place where the child is actually living and not the legal residence or domicile of the parent or guardian.

(12) "Substitute care" means an out-of-home placement of a child for purposes related to the provision of child welfare services in accordance with chapter 74.13 RCW where the child is in the care, custody, and control of the department pursuant to a proceeding under chapter 13.34 RCW or pursuant to the written consent of the child's parent or parents or custodian.

NEW SECTION, Sec. 4. The supreme court is requested to:

(1) Establish and approve policies and procedures for the creation, recruitment, and operation of local citizen substitute care review boards;

(2) Approve and cause to have conducted training programs for board members;

(3) Provide consultation services on request to the boards;

(4) Establish reporting procedures to be followed by the boards to provide data for the evaluation of this chapter;

(5) Monitor the boards to ensure the impartiality of reviews and consistency of review standards throughout the state;

(6) Employ staff and provide for support services for the boards which shall be provided with staff through the local juvenile court in accordance with guidelines and procedures established by the supreme court;

(7) Direct the administrator for the courts to carry out duties prescribed by the supreme court relating to the administration of this chapter;

(8) Submit a report to the governor, the appropriate committees of the legislature, and the public on January 1, 1991, and biennially thereafter. The report shall address the following issues:

(a) State laws, policies, and practices affecting permanence and appropriate care for children in the custody of the department and other agencies;

(b) Whether the boards are effective in bringing about permanence and appropriate care for children in the custody of the department and other agencies; and

(c) Whether adequate resources are available to permit the department to make reasonable efforts to keep families together.

(9) Adopt rules regarding:

(a) Procedures for providing written notice of the review to the department, any other child placement agency directly responsible for supervising the placement of the child, the child's parents and their attorneys, the child's legal custodians and their attorneys, mature children and their attorneys, the court-appointed attorney and guardian ad litem of any child, any prosecuting attorney or attorney general actively involved in the case, and the child's Indian tribe if the child is an Indian as defined in the Indian child welfare act, 25 U.S.C. 1901, et seq. The notice shall include advice that persons receiving a notice may participate in the review and be accompanied by a representative;

(b) Procedures for removing members from the board for nonparticipation or other good cause.

NEW SECTION, Sec. 5. Each board shall be composed of five members appointed by the juvenile court. Three members shall constitute a quorum.

NEW SECTION, Sec. 6. Each board shall be appointed according to the following guidelines:

(1) Members of each board shall represent the various socioeconomic and ethnic groups of the area served.

(2) No person employed by a juvenile court or by the department for purposes related to the provision of child welfare services under chapter 74.13 RCW may serve on any board. No more than one person from any private agency or individual licensed by the department to provide child welfare services under chapter 74.13 RCW may serve on any board. A majority

of the members on each board shall be persons who have no current professional or volunteer relationship with the department.

(3) No person who has had a child of his or her own, or one under his or her control, placed in substitute care within the last two years may serve on any board.

(4) All board members must be of good character and must demonstrate the understanding, ability, and judgment necessary to carry out the duties under this chapter.

(5) All board members shall serve a term of two years, except that if a vacancy occurs, a successor shall be appointed to serve the unexpired term. The terms of the initial members shall be staggered. Members shall be limited to two terms unless there are insufficient volunteers to replace them.

(6) Each board shall elect annually from its membership a chair and vice-chair to serve in the absence of the chair.

(7) Board members shall be domiciled within the counties of the appointing courts.

NEW SECTION, Sec. 7. Prior to reviewing cases, all persons appointed to serve as board members shall participate in a training program established and approved by the supreme court. Board members shall participate in at least sixteen hours of training prior to reviewing cases and, thereafter, at least eight hours of training annually.

NEW SECTION, Sec. 8. (1) Before beginning to serve on a board, each member shall swear or affirm to the court that the member shall keep confidential the information reviewed by the board and its actions and recommendations in individual cases.

(2) A member of a board who violates the duty imposed by subsection (1) of this section is subject to dismissal from the board and other penalties as provided by law.

NEW SECTION, Sec. 9. Each board shall have access to the following information unless disclosure is otherwise specifically prohibited by law:

(1) Any records of the court which are pertinent to the case;

(2) Any records of the department pertaining to the child, the child's parents, or legal custodian; and

(3) Any records in the possession of an agency or other entity pertaining to the child, the child's parents, or legal custodian if such records are relevant to review of the case.

NEW SECTION, Sec. 10. The department and any other agency directly responsible for the care and placement of the child in substitute care shall require the employee who has primary case-planning responsibility for the case to attend the review. If the employee is unable to attend the review, an employee with knowledge of the case plan shall attend the review.

NEW SECTION, Sec. 11. (1) Whenever a member of a board has a potential conflict of interest in a case being reviewed, the member shall declare to the board the nature of the potential conflict prior to participating in the case review. The declaration of the member shall be recorded in the official records of the board and disclosed to all parties participating in the review. If, in the judgment of the majority of the local board, the potential conflict of interest may prevent the member from fairly and objectively reviewing the case, the board may remove the member from participation in the review.

(2) The board shall keep accurate records, including a verbatim record of board reviews, and retain these records.

(3) The board may hold joint or separate reviews for groups of siblings.

(4) The board may disclose information to participants in the board review of a case. Before participating in a board review, each participant shall swear or affirm to the board that the participant shall keep confidential the information disclosed by the board in the case review and to disclose it only as authorized by law.

(5) Members of the board shall be held immune from suit and not be held liable in any civil action for recommendations made or activities performed under this chapter.

NEW SECTION, Sec. 12. (1) This section shall apply to cases where a child has been placed in substitute care pursuant to written parental consent and a dependency petition has not been filed under chapter 13.34 RCW. If a dependency petition is subsequently filed and the child's placement in substitute care continues pursuant to a court order entered in a proceeding under chapter 13.34 RCW, the provisions set forth in section 13 of this act shall apply.

(2) Within thirty days following commencement of the placement episode, the department shall send a copy of the written parental consent to the juvenile court with jurisdiction over the geographical area in which the child resides.

(3) Within forty-five days following commencement of the placement episode, the court shall assign the child's case to a board and forward to the board a copy of the written parental consent to placement.

(4) The board shall review the case plan for each child in substitute care whose case is assigned to the board by the court. The review shall take place at times set by the board. The first review shall occur within ninety days following commencement of the placement episode. The second review shall occur within six months following commencement of the placement episode. The next review shall occur within one year following commencement of the placement episode unless the child is no longer in substitute care or unless a guardianship order or adoption decree is entered.

(5) The board shall prepare written findings and recommendations with respect to:

(a) Whether reasonable efforts were made before the placement to prevent or eliminate the need for removal of the child from the home;

(b) Whether reasonable efforts have been made subsequent to the placement to make it possible for the child to be returned home;

(c) Whether the child has been placed in the least-restrictive setting appropriate to the child's needs, including whether consideration has been given to placement with the child's relatives;

(d) Whether there is a continuing need for and whether the placement is appropriate;

(e) Whether there has been compliance with the case plan;

(f) Whether progress has been made toward alleviating the need for placement;

(g) A likely date by which the child may be returned home or other permanent plan of care may be implemented; and

(h) Other problems, solutions, or alternatives the board determines should be explored.

(6) Within ten working days following the review, the board shall send a copy of its findings and recommendations to the child's parents and their attorneys, the child's custodians and their attorneys, mature children and their attorneys, and the department and other child placement agencies directly responsible for supervising the child's placement. If the child is an Indian as defined in the Indian child welfare act, 25 U.S.C. 1901 et seq., a copy of the board's findings and recommendations shall also be sent to the child's Indian tribe.

(7) If the department is unable or unwilling to implement the board recommendations, the department shall submit to the board, within ten working days after receipt of the findings and recommendations, an implementation report setting forth the reasons why the department is unable or unwilling to implement the board's recommendations. The report will also set forth the case plan which the department intends to implement.

(8) The court shall not review the findings and recommendations of the board in cases where the child has been placed in substitute care with signed parental consent unless a dependency petition has been filed and the child has been taken into custody under RCW 13.34.050.

NEW SECTION. Sec. 13. (1) This section shall apply to cases where a child has been placed in substitute care pursuant to a proceeding under chapter 13.34 RCW.

(2) Within forty-five days following commencement of the placement episode, the court shall assign the child's case to a board and forward to the board a copy of the dependency petition and any shelter care or dependency disposition orders which have been entered in the case by the court.

(3) The board shall review the case plan for each child whose case is assigned to the board by the court. The review shall take place at times set by the board. The first review shall occur within ninety days following commencement of the placement episode. The second review shall occur within six months following commencement of the placement episode. The next review shall occur within one year after commencement of the placement episode. Within eighteen months following commencement of the placement episode, a permanency planning hearing shall be held before the court in accordance with RCW 13.34.145. Thereafter, a board review or a court review hearing pursuant to RCW 13.34.130(4) shall take place at least once every six months until the child is no longer within the jurisdiction of the court or no longer in substitute care or until a guardianship order or adoption decree is entered. A court review hearing must occur at least once a year as provided in RCW 13.34.130. The board shall review any case where a petition to terminate parental rights has been denied, and such review shall occur as soon as practical but no later than forty-five days after the denial.

(4) The board shall prepare written findings and recommendations with respect to:

(a) Whether reasonable efforts were made before the placement to prevent or eliminate the need for removal of the child from the home, including whether consideration was given to removing the alleged offender, rather than the child, from the home;

(b) Whether reasonable efforts have been made subsequent to the placement to make it possible for the child to be returned home;

(c) Whether the child has been placed in the least-restrictive setting appropriate to the child's needs, including whether consideration has been given to placement with the child's relatives;

(d) Whether there is a continuing need for placement and whether the placement is appropriate;

(e) Whether there has been compliance with the case plan;

(f) Whether progress has been made toward alleviating the need for placement;

(g) A likely date by which the child may be returned home or other permanent plan of care may be implemented; and

(h) Other problems, solutions, or alternatives the board determines should be explored.

(5) Within ten working days following the review, the board shall send a copy of its findings and recommendations to the parents and their attorneys, the child's custodians and their attorneys, mature children and their attorneys, other attorneys or guardians ad litem appointed by the court to represent children, the department and other child placement

agencies directly responsible for supervising the child's placement, and any prosecuting attorney or attorney general actively involved in the case. If the child is an Indian as defined in the Indian child welfare act, 25 U.S.C. Sec. 1901 et seq., a copy of the board's findings and recommendations shall also be sent to the child's Indian tribe.

(6) If the department is unable or unwilling to implement the board recommendations, the department shall submit to the board, within ten working days after receipt of the findings and recommendations, an implementation report setting forth the reasons why the department is unable or unwilling to implement the board's recommendations. The report will also set forth the case plan which the department intends to implement.

(7) Within forty-five days following the review, the board shall either:

(a) Schedule the case for further review by the board;

(b) File with the court a motion for a review hearing;

(c) Submit to the court the board's findings and recommendations, the department's implementation reports, if any, and a proposed amended court order agreed to by the parties to the action, if any.

(8) Upon receipt of the board's written findings and recommendations, the department's implementation report, if any, and the proposed amended court order, if any, the court shall either:

(a) Approve the recommendations; or

(b) Upon its own motion, schedule a review hearing.

(9) The findings and recommendations of the board and the department's implementation report, if any, shall become part of the department's case file and the court file pertaining to the child.

(10) Nothing in this section shall limit or otherwise modify the rights of any party to a dependency proceeding to request and receive a court review hearing pursuant to the provisions of chapter 13.34 RCW or applicable court rules.

NEW SECTION. Sec. 14. In addition to reviewing individual cases of children in substitute care, boards may make recommendations to the court and the department concerning substitute care services, policies, procedures, and laws.

NEW SECTION. Sec. 15. The administrator for the courts may apply for and receive funds from federal, local, and private sources for carrying out the purposes of this chapter.

NEW SECTION. Sec. 16. For cases which are subject to the foster care citizen review board pilot project under section 2 of this act, a court review hearing shall occur no later than eighteen months following commencement of the child's placement episode. Thereafter, court review hearings shall occur at least once every year until the child is no longer within the jurisdiction of the court or the child returns home or a guardianship order or adoption decree is entered. The court may review the case more frequently upon the court's own motion or upon the request of any party to the proceeding or the citizen review board assigned to the child's case.

Sec. 17. Section 4, chapter 188, Laws of 1984 as amended by section 2, chapter 189, Laws of 1988, section 2, chapter 190, Laws of 1988, and by section 1, chapter 194, Laws of 1988 and RCW 13.34.130 are each reenacted and amended to read as follows:

If, after a fact-finding hearing pursuant to RCW 13.34.110, as now or hereafter amended, it has been proven by a preponderance of the evidence that the child is dependent within the meaning of RCW 13.34.030(2); after consideration of the predisposition report prepared pursuant to RCW 13.34.110 and after a disposition hearing has been held pursuant to RCW 13.34.110, the court shall enter an order of disposition pursuant to this section.

(1) The court shall order one of the following dispositions of the case:

(a) Order a disposition other than removal of the child from his or her home, which shall provide a program designed to alleviate the immediate danger to the child, to mitigate or cure any damage the child has already suffered, and to aid the parents so that the child will not be endangered in the future. In selecting a program, the court should choose those services that least interfere with family autonomy, provided that the services are adequate to protect the child.

(b) Order that the child be removed from his or her home and ordered into the custody, control, and care of a relative or the department of social and health services or a licensed child placing agency for placement in a foster family home or group care facility licensed pursuant to chapter 74.15 RCW or in a home not required to be licensed pursuant to chapter 74.15 RCW. Unless there is reasonable cause to believe that the safety or welfare of the child would be jeopardized or that efforts to reunite the parent and child will be hindered, such child shall be placed with a grandparent, brother, sister, stepbrother, stepsister, uncle, aunt, or first cousin with whom the child has a relationship and is comfortable, and who is willing and available to care for the child. An order for out-of-home placement may be made only if the court finds that reasonable efforts have been made to prevent or eliminate the need for removal of the child from the child's home and to make it possible for the child to return home and that:

(i) There is no parent or guardian available to care for such child;

(ii) The child is unwilling to reside in the custody of the child's parent, guardian, or legal custodian;

(iii) The parent, guardian, or legal custodian is not willing to take custody of the child;

(iv) A manifest danger exists that the child will suffer serious abuse or neglect if the child is not removed from the home and an order under RCW 26.44.063 would not protect the child from danger; or

(v) The extent of the child's disability is such that the parent, guardian, or legal custodian is unable to provide the necessary care for the child and the parent, guardian, or legal custodian has determined that the child would benefit from placement outside of the home.

(2) Whenever a child is ordered removed from the child's home, the agency charged with his or her care shall provide the court with a specific plan as to where the child will be placed, what steps will be taken to return the child home, and what actions the agency will take to maintain parent-child ties. All aspects of the plan shall include the goal of achieving permanence for the child.

(a) The agency plan shall specify what services the parents will be offered in order to enable them to resume custody, what requirements the parents must meet in order to resume custody, and a time limit for each service plan and parental requirement.

(b) The agency shall be required to encourage the maximum parent-child contact possible, including regular visitation and participation by the parents in the care of the child while the child is in placement.

(c) A child shall be placed as close to the child's home as possible, preferably in the child's own neighborhood, unless the court finds that placement at a greater distance is necessary to promote the child's or parents' well-being.

(d) The agency charged with supervising a child in placement shall provide all reasonable services that are available within the agency, or within the community, or those services which the department of social and health services has existing contracts to purchase. It shall report to the court if it is unable to provide such services.

(3) If there is insufficient information at the time of the disposition hearing upon which to base a determination regarding the suitability of a proposed placement with a relative, the child shall remain in foster care and the court shall direct the supervising agency to conduct necessary background investigations as provided in chapter 74.15 RCW and report the results of such investigation to the court within thirty days. However, if such relative appears otherwise suitable and competent to provide care and treatment, the criminal history background check need not be completed before placement, but as soon as possible after placement. Any placements with relatives, pursuant to this section, shall be contingent upon cooperation by the relative with the agency case plan and compliance with court orders related to the care and supervision of the child including, but not limited to, court orders regarding parent-child contacts and any other conditions imposed by the court. Noncompliance with the case plan or court order shall be grounds for removal of the child from the relative's home, subject to review by the court.

(4) The status of all children found to be dependent shall be reviewed by the court at least every six months from the beginning date of the placement episode or the date dependency is established, whichever is first, at a hearing in which it shall be determined whether court supervision should continue. The review shall include findings regarding the agency and parental completion of disposition plan requirements, and if necessary, revised permanency time limits.

(a) A child shall not be returned home at the review hearing unless the court finds that a reason for removal as set forth in this section no longer exists. The parents, guardian, or legal custodian shall report to the court the efforts they have made to correct the conditions which led to removal. If a child is returned, casework supervision shall continue for a period of six months, at which time there shall be a hearing on the need for continued intervention.

(b) If the child is not returned home, the court shall establish in writing:

(i) Whether reasonable services have been provided to or offered to the parties to facilitate reunion;

(ii) ~~(The extent to which)~~ Whether the child has been placed in the least-restrictive setting appropriate to the child's needs, including whether consideration has been given to placement with the child's relatives;

(iii) Whether there is a continuing need for placement and whether the placement is appropriate;

(iv) Whether there has been compliance with the case plan by the child, the child's parents, and the agency supervising the placement;

(v) Whether progress has been made toward correcting the problems that necessitated the child's placement in out-of-home care;

(vi) Whether the parents have visited the child and any reasons why visitation has not occurred or has been infrequent;

~~((iii)) Whether the agency is satisfied with the cooperation given to it by the parents;~~

~~((iv))~~ (vii) Whether additional services are needed to facilitate the return of the child to the child's parents; if so, the court shall order that reasonable services be offered; and

~~((v))~~ When return of the child can be expected)) (viii) The projected date by which the child will be returned home or other permanent plan of care will be implemented.

(c) The court at the review hearing may order that a petition seeking termination of the parent and child relationship be filed.

Sec. 18. Section 3, chapter 194, Laws of 1988 and RCW 13.34.145 are each amended to read as follows:

~~((A dependency may only be maintained for a maximum period of two years, at which time the court shall:))~~

(1) In all cases where a child has been placed in substitute care for at least fifteen months, a permanency planning hearing shall be held before the court no later than eighteen months following commencement of the placement episode.

(2) At the permanency planning hearing, the court shall enter findings as required by RCW 13.34.130(4). In addition the court shall: (a) Approve a permanent plan of care which can include one of the following: Adoption, guardianship, or placement of the child in the home of the child's parent; ~~((a))~~ (b) require filing of a petition for termination of parental rights; or ~~((c))~~ (c) dismiss the dependency, unless the court finds, based on clear, cogent, and convincing evidence, that it is in the best interest of the child to continue the dependency beyond ~~((two years))~~ eighteen months, based on a permanent plan of care. Extensions may only be granted in increments of ~~((six))~~ twelve months or less ~~((unless a juvenile court guardianship is in effect)).~~

NEW SECTION. Sec. 19. Sections 1 through 16 of this act shall expire June 30, 1991."

POINT OF INQUIRY

Senator Vognild: "Senator Craswell, this amendment caught me a little bit by surprise, and I'm trying to read it very quickly. Are there any changes in this amendment from the original bill with the exception of the appropriation?"

Senator Craswell: "Senator Vognild, I don't think there is any change at all. It still sets up the same program for citizen review boards. I've gone over it. I don't see any change at all except the gearing down to fit the present appropriation in the budget. It will allow us to continue the Snohomish County pilot program which is doing so well up in Snohomish County and probably pick up one or two other counties."

Senator Vognild: "Thank you."

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Craswell and Bailey to Second Substitute Senate Bill No. 5065.

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

MOTIONS

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

On page 1, line 1 of the title, after "children," strike the remainder of the title and insert "amending RCW 13.34.145; reenacting and amending RCW 13.34.130; creating new sections; and providing an expiration date."

MOTION

On motion of Senator Nelson, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5065 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Niemi: "Senator Craswell, I'm still not clear about the differences in this bill and the original bill. As I understand it, the appropriation is cut down, is that correct?"

Senator Craswell: "The appropriation in the budget is five hundred thousand. When we passed the bill out, it was based on a one point five million dollar program."

Senator Niemi: "But, is this a pilot program bill or does this set up a state wide citizen review board system for foster care services?"

Senator Craswell: "No, if you see the language in new Section 2 on page 2, it says that you will provide periodic case review of all children in substitute care in at least one Class 1 or higher county in accordance with the act. The money, the five hundred thousand, will actually allow, depending on which county we go to, but will allow two or three, possibly even four county programs. It comes under the jurisdiction of the State Supreme Court and the court administrator to approve the

projects and do the funding. The original bill established the program in seven counties, but this obviously will not cover the seven counties that we'd looked at before. Our main hope is to keep it going in Snohomish County and perhaps one other county."

Senator Niemi: "Thank you."

MOTION

On motion of Senator Anderson, Senators Pullen and Thorsness were excused.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Second Substitute Senate Bill No. 5065.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5065 and the bill passed the Senate by the following vote: Yeas, 36; nays, 6; excused, 7.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Johnson, Lee, Matson, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Owen, Patterson, Rasmussen, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Vognild, von Reichbauer, Warnke, West, Wojahn - 36.

Voting nay: Senators Kreidler, Madsen, Moore, Murray, Niemi, Rinehart - 6.

Excused: Senators DeJarnatt, Fleming, McMullen, Pullen, Talmadge, Thorsness, Williams - 7.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5065, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

STATEMENT FOR THE JOURNAL

May 7, 1989

Mary Wiley
Journal Clerk

Due to my presence at the bill-signing ceremony on Engrossed Second Substitute House Bill No. 1793, I missed the vote on Engrossed Second Substitute Senate Bill No. 5065. I would have voted 'nay' on the bill.

SENATOR PHIL TALMADGE, 34th District

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

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1788, by Committee on Appropriations (originally sponsored by Representatives Wang, Brough, Ebersole, Walker, Walk, Tate, R. Fisher, Winsley, Locke, Dorn, R. Meyers, Dellwo, Pruitt, Belcher, Crane, Rasmussen and Schoon) (by request of Department of Community Development)

Pertaining to the Puyallup tribe of Indians' land claims.

The bill was read the second time.

MOTION

Senator von Reichbauer moved that the following amendment by Senators von Reichbauer, McDonald and Gaspard be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The governor is empowered to execute the appropriate documents to relinquish the state's claims to title of the current riverbed of the Puyallup river within the 1873 survey area to the United States in trust for the tribe subject to the provisions on existing rights of way, discharges, easements, flood control, and fishing rights as set forth in the settlement agreement.

NEW SECTION. Sec. 2. A new section is added to chapter 35.43 RCW to read as follows:

(1) The settlement of Indian land and other claims against public and private property owners is declared to be in the interest of public health and safety, orderly government, environmental protection, economic development, and the social well-being of the citizens of this state, and to specifically benefit the properties released from those claims.

It is the purpose of this act to encourage the settlement of such Indian land and other claims lawsuits by permitting the establishment and use of local improvement districts to finance all or a portion of the settlement costs of such lawsuits.

(2) A local improvement district may be established by a local government legislative authority to finance all or part of the settlement costs in an Indian land and other claims settlement related to public and private property located within the local government. The settlement of an Indian land claim lawsuit shall be deemed to be an improvement that may be financed in whole or in part through use of a local improvement district.

Except as expressly provided in this section, all matters relating to the establishment and operation of such a local improvement district, the levying and collection of special assessments, the issuance of local improvement district bonds and other obligations, and all related matters, shall be subject to the provisions of chapters 35.43 through 35.54 RCW. The resolution or petition initiating the creation of a local improvement district used to finance all or a portion of an Indian land and other claims settlement shall describe the general nature of the Indian land and other claims and the proposed settlement. The value of a contribution by any person, municipal corporation, political subdivision, or the state of money, real property, or personal property to the settlement of Indian land and other claims shall be credited to any assessment for a local improvement district under this section.

NEW SECTION. Sec. 3. A new section is added to chapter 36.32 RCW to read as follows:

(1) The settlement of Indian land and other claims against public and private property owners is declared to be in the interest of public health and safety, orderly government, environmental protection, economic development, and the social well-being of the citizens of this state, and to specifically benefit the properties released from those claims.

It is the purpose of this act to encourage the settlement of such Indian land and other claims lawsuits by permitting the establishment and use of local improvement districts to finance all or a portion of the settlement costs of such lawsuits.

(2) A local improvement district may be established by a county legislative authority to finance all or part of the settlement costs in an Indian land and other claims settlement related to public and private property located within the incorporated or unincorporated areas of the county. The settlement of an Indian land and other claims lawsuit shall be deemed to be an improvement that may be financed in whole or in part through use of a local improvement district.

(3) Except as expressly provided in this section, all matters relating to the establishment and operation of such a local improvement district, the levying and collection of special assessments, the issuance of local improvement district bonds and other obligations, and all related matters, shall be subject to the provisions of chapter 36.94 RCW concerning the use of local improvement districts to finance sewer or water facilities. The requirements of chapter 36.94 RCW concerning the preparation of a general plan and formation of a review committee shall not apply to a local improvement district used to finance all or a portion of Indian land and other claims settlements. The resolution or petition that initiates the creation of a local improvement district used to finance all or a portion of an Indian land and other claims settlement shall describe the general nature of the Indian land and other claims and the proposed settlement. The value of a contribution by any person, municipal corporation, political subdivision, or the state of money, real property, or personal property to the settlement of Indian land and other claims shall be credited to any assessment for a local improvement district under this section.

NEW SECTION. Sec. 4. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Debate ensued.

POINT OF INQUIRY

Senator Smitherman: "Senator Rasmussen, I understand that you have some language in the budget proviso that specifically deals with the possibility of there being suits brought against property owners and such and that you provided for the Attorney General, in effect, to act on behalf of the property owners. This amendment seems to indicate that the people are going to need to form an LID, so that costs and so on are taken care of. Is that the way you read this and what's your feeling about the amendment?"

Senator Rasmussen: "My understanding and I've been assured by Senator McDonald and Senator Gaspard, that there is the provision for the Attorney General to defend any home owner who had suits brought against them because of this land settlement. The attorneys have said the individual may sue and if they so desire, then the Attorney General would represent those individuals, because the state is paying this large amount of money in to settle the claim. I doubt that it will be used. I doubt there will be any suits, but it's good protection and it is in the Omnibus Budget."

Senator Smitherman: "But, I guess my question had more to do with whether or not this was an appropriate instrument then, if this does the same thing as your particular budget--"

Senator Rasmussen: "Oh, it's a different subject."

Senator Smitherman: "Thank you, Senator."

Further Debate ensued.

POINT OF INQUIRY

Senator Bender: "Senator von Reichbauer, with regards to this settlement. As you well know, part of that package deals with the revenue package in the transportation funding source. If that revenue package doesn't pass and we're unable to get any type of a tax increase, in terms of the gas tax through, there's some null and void language in the budget that doesn't take care of that settlement, regarding to the transportation section. What impact would that have on the total settlement?"

Senator von Reichbauer: "Senator Bender and members of the Senate, over the course of the last few days that we've discussed the troubles with the Transportation Budget we've been working with Representative George Walk, the chairman of the House Transportation Committee on language that would be appropriate to make sure that that null and void issue is taken care of. I understand that Senator Johnson has been working on that issue and he would like to respond to the change."

Senator Bender: "Well, let me just respond to that because several of us have been meeting regarding what happens if we can't get a revenue package through this body and that money is not in that no-tax increase budget in the Department of Transportation."

Senator von Reichbauer: "Mr. President, I'd like to yield to Senator Johnson who has been working with the Pierce County delegation on that specific issue."

REMARKS BY SENATOR JOHNSON

Senator Johnson: "Mr. President, in working with the members of the House, the two striking amendments that they have prepared over there—two versions—both of them do not have the null and void language in it. Our Transportation Budget has it in, but when it goes over there, they intend to put a striking amendment on it."

POINT OF INQUIRY

Senator McCaslin: "Senator Johnson, on your first section we discussed the 1873 survey, but then the new sections discussed LIDs by local governments on Indian land claims. Would those other sections pertain to any county in the state of Washington, and any Indian claims on land, so that any government or county government in the state could form an LID without a referendum?"

Senator Johnson: "I don't know the answer to that Senator McCaslin. I would guess if it's a broad statute, it would then apply to everybody in the state."

Senator McCaslin: "I assume that this amendment then would allow any--any--county in the state of Washington to, by resolution, form an LID to pay for Indian land claims."

Senator Johnson: "Let me explain the basic reason for the LID. When we come down to the end of the settlement and additional funds are needed that are unexpected, then the property owners in that area along with the county, will form an LID to tax themselves to help pay off the rest of the claim."

Senator McCaslin: "I understand that and I understand that the thrust of the bill is for your problem in Pierce County, but as I read it, unless somebody can help me on it, it pertains to any county in the state of Washington."

The President declared the question before the Senate to be the adoption of the amendment by Senators von Reichbauer, McDonald and Gaspard.

The motion by Senator von Reichbauer carried and the amendment was adopted.

MOTIONS

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

On page 1, line 2 of the title, after "settlement;" strike the remainder of the title and insert "adding a new section to chapter 35.43 RCW; adding a new section to chapter 36.32 RCW; and creating a new section."

On motion of Senator von Reichbauer, the rules were suspended, Substitute House Bill No. 1788, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator Nelson, in the first section of the new section, it says, 'The Governor is empowered to execute the appropriate documents to relinquish the state's claim to title current riverbed of the Puyallup River within the 1873 survey.' Is it your contention that the balance of the bill does not make clear that this only relates to the Puyallup River--the Puyallup Indian Tribe settlement?"

Senator Nelson: "Senator Rasmussen, that's absolutely correct. You're now adding new chapters in 3543 on LIDs. The first section is a non-codified chapter. It kind of gives nice glowing words, but it does not get codified in our statutes."

Senator Rasmussen: "Thank you."

Further debate ensued.

MOTION

On motion of Senator Newhouse, further consideration of Substitute House Bill No. 1788, as amended by the Senate, was deferred.

MOTION

At 4:27 p.m. on motion of Senator Newhouse, the Senate was declared to be at ease.

The Senate was called to order at 5:16 p.m. by President Pritchard.

NOTICE FOR RECONSIDERATION

Having voted on the prevailing side, Senator Vognild served notice for reconsideration of the vote by which Engrossed Second Substitute Senate Bill No. 5065 passed the Senate earlier today.

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

There being no objection, the Senate resumed consideration of Substitute House Bill No. 1788, as amended by the Senate, deferred on third reading earlier today.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1788, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1788, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 35; nays, 10; excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hayner, Johnson, Kreidler, Lee, Madsen, McDonald, Moore, Murray, Newhouse, Niemi, Owen, Rasmussen, Rinehart, Sellar, Smith, Smitherman, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Wojahn - 35.

Voting nay: Senators Barr, Hansen, Matson, McCaslin, Metcalf, Nelson, Patterson, Pullen, Saling, Stratton - 10.

Excused: Senators DeJarnatt, Fleming, McMullen, Williams - 4.

SUBSTITUTE HOUSE BILL NO. 1788, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the President returned the Senate to the fourth order of business.

MESSAGE FROM THE HOUSE

May 7, 1989

Mr. President:

The House has passed REENGROSSED SUBSTITUTE SENATE BILL NO. 6074 with the following amendments:

On page 3, line 17 strike "~~(except that no such tax may be levied on any premises having fewer than forty lodging units)~~" and insert ", except that no such tax may be levied on any premises having fewer than forty lodging units"

On page 5, beginning on line 4 strike sections 6 and 7

On page 1, line 4 of the title after "36.100.060" strike "; authorizing a reappropriation; providing an effective date; and declaring an emergency".

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator West, the Senate concurred in the House amendments to Reengrossed Substitute Senate Bill No. 6074.

The President declared the question before the Senate to be the roll call on the final passage of Reengrossed Substitute Senate Bill No. 6074, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Reengrossed Substitute Senate Bill No. 6074, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; nays, 1; excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Wojahn - 44.

Voting nay: Senator Sutherland - 1.

Excused: Senators DeJarnatt, Fleming, McMullen, Williams - 4.

REENGROSSED SUBSTITUTE SENATE BILL NO. 6074, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGES FROM THE HOUSE

May 7, 1989

Mr. President:

The House concurred in the Senate amendments to ENGGROSSED SUBSTITUTE HOUSE BILL NO. 1479 and passed the bill as amended by the Senate.

ALAN THOMPSON, Chief Clerk

May 6, 1989

Mr. President:

The Speaker has signed SENATE BILL NO. 6150, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

May 6, 1989

Mr. President:

The Speaker has signed HOUSE BILL NO. 1182, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

May 6, 1989

Mr. President:

The Speaker has signed HOUSE BILL NO. 1512, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:
HOUSE BILL NO. 1182.

HOUSE BILL NO. 1512.

WITHDRAWAL OF NOTICE FOR RECONSIDERATION

On motion of Senator Vognild, the notice of reconsideration of the vote by which Engrossed Second Substitute Senate Bill No. 5065 passed the Senate, was withdrawn.

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

THIRD READING

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5624, by Committee on Ways and Means (originally sponsored by Senators Craswell, Anderson, Smith, Owen, Hayner, Nelson, Stratton, Johnson, Amondson and Rasmussen)

Regarding high-risk youth.

MOTION

On motion of Senator Newhouse, the rules were suspended and Engrossed Second Substitute Senate Bill No. 5624 was returned to second reading and read the second time.

MOTION

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

On page 19, line 20, following "RCW" insert "and shall apply only in Pierce County for the purposes of implementation of the pilot project established by section 3 of this act"

MOTION

On motion of Senator Nelson, the rules were suspended, Reengrossed Second Substitute Senate Bill No. 5624 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

MOTION

On motion of Senator Bender, Senator Rinehart was excused.

The President declared the question before the Senate to be the roll call on the final passage of Reengrossed Second Substitute Senate Bill No. 5624.

ROLL CALL

The Secretary called the roll on the final passage of Reengrossed Second Substitute Senate Bill No. 5624 and the bill passed the Senate by the following vote: Yeas, 39; nays, 5; excused, 5.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Johnson, Lee, Madsen, Matson, McCaslin, McDonald, Metcalf, Murray, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Thorsness, von Reichbauer, Warnke, West, Wojahn - 39.

Voting nay: Senators Kreidler, Moore, Niemi, Talmadge, Vognild - 5.

Excused: Senators DeJarnatt, Fleming, McMullen, Rinehart, Williams - 5.

RENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5624, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

THIRD READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 5338, by Committee on Transportation (originally sponsored by Senators Patterson, Bender, Bluechel and Nelson) (by request of Governor Gardner)

Modifying transportation tax rates and distributions.

MOTION

On motion of Senator Nelson, the rules were suspended and Engrossed Substitute Senate Bill No. 5338 was returned to second reading and read the second time.

MOTION

Senator Patterson moved that the following amendment be adopted:

Strike everything after the enacting clause and insert the following:

***NEW SECTION.** Sec. 1. PURPOSE OF STATE AND LOCAL TRANSPORTATION FUNDING PROGRAM. (1) The legislature finds that a new comprehensive funding program is required to maintain the state's commitment to the growing mobility needs of its citizens and commerce. The transportation funding program is intended to satisfy the following state policies and objectives:

(a) State-wide system: Provide for preservation of the existing state-wide system and improvements for current and expected capacity needs in rural, established urban, and growing suburban areas throughout the state;

(b) Local flexibility: Provide for necessary state highway improvements, as well as providing local governments with the option to use new funding sources for projects meeting local and regional needs;

(c) Multimodal: Provide a source of funds that may be used for multimodal transportation purposes;

(d) Program compatibility: Implement transportation facilities and services that are consistent with adopted land use and transportation plans and coordinated with recently authorized programs such as the act authorizing creation of transportation benefit districts and the Local Transportation Act of 1988;

(e) Interjurisdictional cooperation: Encourage transportation planning and projects that are multi-jurisdictional in their conception, development, and benefit, recognizing that mobility problems do not respect jurisdictional boundaries;

(f) Public and private sector: Use a state, local, and private sector partnership that equitably shares the burden of meeting transportation needs.

(2) The legislature further recognizes that the revenues currently available to the state and to counties, cities, and transit authorities for highway, road, and street construction and preservation fall far short of the identified need. The 1988 Washington Road Jurisdiction Study identified a state-wide funding shortfall of between \$14.6 and \$19.9 billion to bring existing roads to acceptable standards. The gap between identified transportation needs and available revenues continues to increase. A comprehensive transportation funding program is required to meet the current and anticipated future needs of this state.

(3) The legislature further recognizes the desirability of making certain changes in the collection and distribution of motor vehicle excise taxes with the following objectives: Simplifying administration and collection of the taxes including adoption of a predictable depreciation schedule for vehicles; simplifying the allocation of the taxes among various recipients; and the dedication of a portion of motor vehicle excise taxes for transportation purposes.

(4) The legislature, therefore, declares a need for the three-part funding program embodied in this act: (a) State-wide funding for highways, roads, and streets in urban and rural areas; (b) local option funding authority, available immediately, for the construction and preservation of roads, streets, and transit improvements and facilities; and (c) the creation of a multimodal transportation fund that is funded by the dedication of a portion of motor vehicle excise tax. This funding program is intended, through the targeting of certain new revenues, to produce a significant increase in the overall capacity of the state, county, and city transportation systems to satisfy and efficiently accommodate the movement of people and goods.

(5) This section is null and void unless sections 101 through 114, 201 through 206, 301 through 333, and 401 through 412 of ESSB 5338 are enacted into law by June 30, 1989.

PART I: STATE-WIDE PROGRAM

Sec. 101. STATE-WIDE MOTOR VEHICLE FUEL TAXES. Section 6, chapter 317, Laws of 1977 ex. sess. as last amended by section 27, chapter 49, Laws of 1983 1st ex. sess. and RCW 82.36.025 are each amended to read as follows:

The motor vehicle fuel tax rate shall be computed as the sum of the tax rate provided in subsection (1) of this section and the additional tax rates provided in subsections (2) through ~~((4))~~ (6) of this section.

(1) ~~((Except as required in subsection (5) of this section;))~~ ~~A~~ motor vehicle fuel tax rate of ~~((fifteen))~~ seventeen cents per gallon shall apply to the sale, distribution, or use of motor vehicle fuel ~~((from July 1, 1983, through June 30, 1984, and a motor vehicle fuel tax rate of seventeen cents per gallon shall apply thereafter)).~~

(2) An additional motor vehicle fuel tax rate of one-third cent per gallon shall apply to the sale, distribution, or use of motor vehicle fuel, and the proceeds from this additional tax rate, reduced by an amount equal to the sum of the payments under RCW 46.68.090 ~~((1) and (2))~~ ((1) (a) and (b)) multiplied by the additional tax rate prescribed by this subsection divided by the motor vehicle fuel tax rate provided in this section, shall be deposited in the rural arterial trust account in the motor vehicle fund for expenditures under RCW 36.79.020.

(3) An additional motor vehicle fuel tax rate of one-third cent per gallon shall apply to the sale, distribution, or use of motor vehicle fuel, and the proceeds from this additional tax rate, reduced by an amount equal to the sum of the payments under RCW 46.68.090 ~~((1) and (2))~~ ((1) (a) and (b)) multiplied by the additional tax rate prescribed by this subsection divided by the

motor vehicle fuel tax rate provided in this section, shall be deposited in the urban arterial trust account in the motor vehicle fund.

(4) An additional motor vehicle ~~((fuel))~~ fuel tax rate of one-third cent per gallon shall be applied to the sale, distribution, or use of motor vehicle fuel, and the proceeds from this additional tax rate, reduced by an amount equal to the sum of the payments under RCW 46.68.090 ~~((1) and (2))~~ (1) (a) and (b) multiplied by the additional tax rate prescribed by this subsection divided by the motor vehicle fuel tax rate provided in this section, shall be deposited in the motor vehicle fund to be expended for highway purposes of the state as defined in RCW 46.68.130.

(5) ~~((a) Before the start of each fiscal year, the department of licensing shall estimate the total aggregate motor vehicle fuel tax revenues and the total of all other revenues that will accrue to the motor vehicle fund during the fiscal year. The estimated total of all other state revenues to accrue to the motor vehicle fund during the fiscal year shall include those revenues (other than the aggregate motor vehicle fuel tax revenues) which the department of transportation with the concurrence of the office of financial management determines will accrue during the fiscal year, assuming that collections of such revenues for the fiscal year shall be at the same level as during the fiscal year just ended, adjusted however for historic variations in collections according to yearly periods and for projected trends, but shall not include the proceeds of the sale of bonds, reimbursements to the motor vehicle fund for services performed by the department of transportation for others, moneys derived from nonfuel tax sources that are deposited directly in the several accounts within the motor vehicle fund, interest deposited directly in the several accounts within the motor vehicle fund, nor federal funds. The estimated total aggregate motor vehicle fuel tax revenues for the fiscal year shall include those revenues that the department of licensing determines will accrue during the fiscal year, assuming the sale, distribution, and use of motor vehicle fuel and special fuel within the state for the fiscal year will be at the same volume as during the fiscal year last ended, adjusted however for the historic variations in sales, distribution, and use according to yearly periods and for projected trends.~~

~~((b) If the estimated aggregate motor fuel tax revenues plus all other state revenues that will accrue to the motor vehicle fund during a fiscal year as computed in (a) of this subsection exceed the motor vehicle fund revenue limit in the fiscal year as computed in (c) of this subsection, the rate of motor fuel tax provided in subsection (1) of this section shall be reduced by one-half cent increments for the fiscal year only, commencing at the beginning of the fiscal year, as may be necessary to reduce the estimated total revenues for the fiscal year to within the motor vehicle fund revenue limit.~~

~~((c) The motor vehicle fund revenue limit for any fiscal year shall be the previous fiscal year's motor vehicle fund revenue limit multiplied by the average state personal income ratio for the three calendar years immediately preceding the beginning of the fiscal year for which the limit is being computed. For purposes of computing the motor vehicle fund revenue limit for the fiscal year ending June 30, 1981, the phrase "the previous fiscal year's motor vehicle fund revenue limit" means the motor vehicle fund revenue collected in the fiscal year ending June 30, 1979, multiplied by the average state personal income ratio for the calendar years 1976, 1977, and 1978.~~

~~((6) The legislative transportation committee shall study and analyze each biennium the financial condition of the motor vehicle fund and accounts thereof with particular emphasis on RCW 82.36.010 and 82.36.025.) An additional motor vehicle fuel tax rate of five cents per gallon applies to the sale, distribution, or use of motor vehicle fuel. The proceeds from the additional tax rate under this subsection, reduced by an amount equal to the sum of the payments under RCW 46.68.090 (1) (a) and (b) multiplied by the additional tax rate prescribed by this subsection divided by the motor fuel tax rate provided in this section, shall be deposited in the motor vehicle fund and shall be distributed by the state treasurer according to section 106 of this act.~~

The 1989 amendments to this section are null and void unless sections 101 through 114, 201 through 206, 301 through 333, and 401 through 412 of ESSB 5338 are enacted into law by June 30, 1989.

Sec. 102. DISTRIBUTION OF STATE-WIDE TAXES. Section 46.68.090, chapter 12, Laws of 1961 as last amended by section 21, chapter 49, Laws of 1983 1st ex. sess. and RCW 46.68.090 are each amended to read as follows:

(1) All moneys that have accrued or may accrue to the motor vehicle fund from the motor vehicle fuel tax and special fuel tax shall be first expended for the following purposes:

~~((1))~~ (a) For payment of refunds of motor vehicle fuel tax and special fuel tax that has been paid and is refundable as provided by law;

~~((2))~~ (b) For payment of amounts to be expended pursuant to appropriations for the administrative expenses of the offices of state treasurer, state auditor, and the department of licensing of the state of Washington in the administration of the motor vehicle fuel tax and the special fuel tax, which sums shall be distributed monthly;

~~((3))~~ (c) For ~~((payments))~~ distribution to the rural arterial trust account in the motor vehicle fund, an amount as provided in RCW 82.36.025(2) and section 106(4) of this act:

~~((4))~~ (d) For ~~((payments))~~ distribution to the urban arterial trust account in the motor vehicle fund, an amount as provided in RCW 82.36.025(3); ~~((and~~

~~(5))~~ (e) For distribution to the motor vehicle fund for category C projects, an amount as provided in section 106(1) of this act;

(f) For distribution to the transportation improvement account in the motor vehicle fund, an amount as provided in section 106(2) of this act;

(g) For distribution to the special category C account, hereby created in the motor vehicle fund, an amount as provided in section 106(3) of this act;

(h) For distribution to the county arterial preservation account, hereby created in the motor vehicle fund, an amount as provided in section 106(5) of this act;

(i) For distribution to the motor vehicle fund to be allocated to cities and towns as provided in RCW 46.68.110, an amount as provided in section 106(6) of this act;

(j) For distribution to the motor vehicle fund to be allocated to counties as provided in RCW 46.68.120, an amount as provided in section 106(7) of this act;

(k) For expenditure for highway purposes of the state as defined in RCW 46.68.130, an amount as provided in RCW 82.36.025(4).

(2) The amount accruing to the motor vehicle fund by virtue of the motor vehicle fuel tax and the special fuel tax and remaining after payments, distributions, and expenditures as provided in ~~((subsections (1), (2), (3), (4), and (5)-of))~~ this section shall, for the purposes of this chapter, be referred to as the "net tax amount."

(3) The 1989 amendments to this section are null and void unless sections 101 through 114, 201 through 206, 301 through 333, and 401 through 412 of ESSB 5338 are enacted into law by June 30, 1989.

NEW SECTION. Sec. 103. STUDY OF STATE-WIDE FUEL TAX DISTRIBUTIONS TO LOCAL GOVERNMENTS. A study shall be undertaken under the direction of the legislative transportation committee to assess the state-wide fuel tax distributions to local governments. The study shall include, but not be limited to, evaluation of alternative distribution methods, such as minimum allocations to each local government, assessment of distribution criteria employed by other states, and recommendations for equitable revenue distributions to local governments. The study findings shall be reported by December 15, 1989.

This section is null and void unless sections 101 through 114, 201 through 206, 301 through 333, and 401 through 412 of ESSB 5338 are enacted into law by June 30, 1989.

Sec. 104. REPORTS BY DISTRIBUTORS. Section 82.36.030, chapter 15, Laws of 1961 as amended by section 2, chapter 174, Laws of 1987 and RCW 82.36.030 are each amended to read as follows:

Every distributor shall on or before the twenty-fifth day of each calendar month file, on forms furnished by the director, a statement signed by the distributor or his authorized agent showing the total number of gallons of motor vehicle fuel sold, distributed, or used by such distributor within this state during the preceding calendar month and, for all local jurisdictions within which an additional excise tax on motor vehicle fuel has been levied by that jurisdiction under section 201 of this act, showing the total number of gallons of motor vehicle fuel distributed and sold to dealers by the distributor for sale within the boundaries of the jurisdiction during the preceding calendar month.

If any distributor fails to file such report, the director shall proceed forthwith to determine from the best available sources, the amount of motor vehicle fuel sold, distributed, or used by such distributor for the unreported period, and said determination shall be presumed to be correct for that period until proved by competent evidence to be otherwise. The director shall immediately assess the excise tax in the amount so determined, adding thereto a penalty of ten percent for failure to report. Such penalty shall be cumulative of other penalties herein provided. All statements filed with the director, as required in this section, shall be public records.

If any distributor establishes by a fair preponderance of evidence that his or her failure to file a report by the due date was attributable to reasonable cause and was not intentional or willful, the department may waive the penalty imposed by this section.

The 1989 amendments to this section are null and void unless sections 101 through 114, 201 through 206, 301 through 333, and 401 through 412 of ESSB 5338 are enacted into law by June 30, 1989.

Sec. 105. Section 16, chapter 175, Laws of 1971 ex. sess. as last amended by section 1, chapter 23, Laws of 1988 and RCW 82.38.150 are each amended to read as follows:

For the purpose of determining the amount of ~~((his))~~ liability for the tax herein imposed each special fuel dealer and each special fuel user shall file tax reports with the department, on forms prescribed by the department. Special fuel dealers shall file the reports at the intervals as shown in the following schedule:

Estimated Yearly

Tax Liability
 \$ 0 - \$100
 \$101 - 250
 \$251 - 499
 \$500 and over

Reporting Frequency

Yearly
 Semi-yearly
 Quarterly
 Monthly

Special fuel users whose estimated yearly tax liability is two hundred fifty dollars or less, shall file a report yearly, and special fuel users whose estimated yearly tax liability is more than two hundred fifty dollars, shall file reports quarterly.

The department shall establish the reporting frequency for each applicant at the time the special fuel license is issued. If it becomes apparent that any special fuel licensee is not reporting in accordance with the above schedule, the department shall change the licensee's reporting frequency by giving thirty days' notice to the licensee by mail to his address of record. A report shall be filed with the department even though no special fuel was used, or tax is due, for the reporting period. Each tax report shall contain a declaration by the person making the same, to the effect that the statements contained therein are true and are made under penalties of perjury, which declaration shall have the same force and effect as a verification of the report and (~~shall be~~) is in lieu of such verification. The report shall show such information as the department may reasonably require for the proper administration and enforcement of this chapter: PROVIDED, That if a special fuel dealer or special fuel user is also a special fuel supplier at a location where special fuel is delivered into the supply tank of a motor vehicle, and if separate storage is provided thereat from which special fuel is delivered or placed into fuel supply tanks of motor vehicles, the tax report to the department need not include inventory control data covering bulk storage from which wholesale distribution of special fuel is made. For all local jurisdictions within which an additional excise tax on special fuel has been levied by that jurisdiction under section 201 of this act, the report must show the quantities of special fuel distributed and sold by the reporting dealer or user within the jurisdiction's boundaries and the tax liability from its levy. The special fuel dealer or special fuel user shall file the report on or before the twenty-fifth day of the next succeeding calendar month following the period to which it relates.

Subject to the written approval of the department, tax reports may cover a period ending on a day other than the last day of the calendar month. Taxpayers granted approval to file reports in this manner will file such reports on or before the twenty-fifth day following the end of the reporting period. No change to this reporting period will be made without the written authorization of the department.

If the final filing date falls on a Saturday, Sunday, or legal holiday the next secular or business day shall be the final filing date. Such reports shall be considered filed or received on the date shown by the post office cancellation mark stamped upon an envelope containing such report properly addressed to the department, or on the date it was mailed if proof satisfactory to the department is available to establish the date it was mailed.

The department, if it deems it necessary in order to insure payment of the tax imposed by this chapter, or to facilitate the administration of this chapter, (~~shall have~~) has the authority to require the filing of reports and tax remittances at shorter intervals than one month if, in its opinion, an existing bond has become insufficient.

The department may permit any special fuel user whose sole use of special fuel is in motor vehicles or equipment exempt from tax as provided in RCW 82.38.075 and RCW 82.38.080 (1), (2), (3), (8), and (9), in lieu of the reports required in this section, to submit reports annually or as requested by the department, in such form as the department may require.

A special fuel user whose sole use of special fuel is for purposes other than the propulsion of motor vehicles upon the public highways of this state shall not be required to submit the reports required in this section.

The 1989 amendments to this section are null and void unless sections 101 through 114, 201 through 206, 301 through 333, and 401 through 412 of ESSB 5338 are enacted into law by June 30, 1989.

NEW SECTION, Sec. 106. DISTRIBUTION OF ADDITIONAL STATE-WIDE TAXES. A new section is added to chapter 46.68 RCW to read as follows:

All moneys that have accrued or may accrue to the motor vehicle fund from the motor vehicle fuel tax and special fuel tax imposed by RCW 82.36.025(5) shall be distributed monthly by the state treasurer in the following proportions:

(1) One and one-half cents shall be deposited in the motor vehicle fund and shall be expended for category C projects, as defined in RCW 47.05.030, subject to the conditions imposed by chapter 47.05 RCW.

(2) One and four-tenths cents shall be deposited in the transportation improvement account and expended in accordance with RCW 47.26.084.

(3) Six-tenths of one cent shall be deposited in the special category C account in the motor vehicle fund for special category C projects. Special category C projects are category C projects as defined in RCW 47.05.030(3) that, due to high cost only, will require bond financing to complete construction.

The following criteria, listed in order of priority, shall be used in determining which special category C projects have the highest priority:

- (a) Its accident experience; and
- (b) Its fatal accident experience; and
- (c) Its capacity to move people and goods safely and at reasonable speeds without undue congestion; and

(d) Continuity of development of the highway transportation network.

Moneys deposited in the special category C account in the motor vehicle fund may be used for payment of debt service on bonds the proceeds of which were used to finance special category C projects under this subsection.

(4) Two-tenths of one cent shall be deposited in the rural arterial trust account in the motor vehicle fund.

(5) Six-tenths of one cent shall be deposited in the county arterial preservation account. These funds shall be distributed by the county road administration board to counties in proportions corresponding to the number of arterial lane miles in the unincorporated area of each county and shall be used for improvements to sustain the structural, safety, and operational integrity of county arterials. The county road administration board shall adopt reasonable rules and develop policies to implement this program and to assure that the pavement management system is used.

(6) Four-tenths of one cent shall be allocated to cities and towns as provided in RCW 46.68.110.

(7) Three-tenths of one cent shall be allocated to counties as provided in RCW 46.68.120.

This section is null and void unless sections 101 through 114, 201 through 206, 301 through 333, and 401 through 412 of ESSB 5338 are enacted into law by June 30, 1989.

Sec. 107. Section 14, chapter 49, Laws of 1983 1st ex. sess. as amended by section 1, chapter 113, Laws of 1984 and RCW 36.79.140 are each amended to read as follows:

At the time the board reviews the six-year program of each county each even-numbered year, it shall consider and shall approve for inclusion in its recommended budget, as required by RCW 36.79.130, the portion of the rural arterial construction program scheduled to be performed during the biennial period beginning the following July 1st. Subject to the appropriations actually approved by the legislature, the board shall as soon as feasible approve rural arterial trust account funds to be spent during the ensuing biennium for preliminary proposals in priority sequence as established pursuant to RCW 36.79.090. Only those counties that during the preceding twelve months have spent all revenues collected for road purposes only for such purposes, including traffic law enforcement, as are allowed to the state by Article II, section 40 of the state Constitution are eligible to receive funds from the rural arterial trust account: PROVIDED HOWEVER, That counties of the seventh class are exempt from this eligibility restriction; AND PROVIDED FURTHER, That counties expending revenues collected for road purposes only on other governmental services after authorization from the voters of that county under RCW 84.55.050 are also exempt from this eligibility restriction. The board shall authorize rural arterial trust account funds for the construction project portion of a project previously authorized for a preliminary proposal in the sequence in which the preliminary proposal has been completed and the construction project is to be placed under contract. At such time the board may reserve rural arterial trust account funds for expenditure in future years as may be necessary for completion of preliminary proposals and construction projects to be commenced in the ensuing biennium.

The board may, within the constraints of available rural arterial trust funds, consider additional projects for authorization upon a clear and conclusive showing by the submitting county that the proposed project is of an emergent nature and that its need was unable to be anticipated at the time the six-year program of the county was developed. The proposed projects shall be evaluated on the basis of the priority rating factors specified in RCW 36.79.080.

The 1989 amendments to this section are null and void unless sections 101 through 114, 201 through 206, 301 through 333, and 401 through 412 of ESSB 5338 are enacted into law by June 30, 1989.

Sec. 108. Section 82.36.440, chapter 15, Laws of 1961 as amended by section 5, chapter 181, Laws of 1979 ex. sess. and RCW 82.36.440 are each amended to read as follows:

The tax (~~herein~~) levied in this chapter is in lieu of any excise, privilege, or occupational tax upon the business of manufacturing, selling, or distributing motor vehicle fuel, and no city, town, county, township or other subdivision or municipal corporation of the state shall levy or collect any excise tax upon or measured by the sale, receipt, distribution, or use of motor vehicle fuel(~~PROVIDED, That nothing in this section or chapter 82.36 RCW shall be construed to prohibit in any manner the imposition of a city tax upon motor vehicle fuel pursuant to RCW 82.39.010~~), except as provided in section 201 of this act.

The 1989 amendments to this section are null and void unless sections 101 through 114, 201 through 206, 301 through 333, and 401 through 412 of ESSB 5338 are enacted into law by June 30, 1989.

Sec. 109. Section 29, chapter 175, Laws of 1971 ex. sess. as amended by section 6, chapter 181, Laws of 1979 ex. sess. and RCW 82.38.280 are each amended to read as follows:

The tax (~~herein~~) levied in this chapter is in lieu of any excise, privilege, or occupational tax upon the business of manufacturing, selling, or distributing special fuel, and no city, town, county, township or other subdivision or municipal corporation of the state shall levy or collect any excise tax upon or measured by the sale, receipt, distribution, or use of special fuel(~~PROVIDED, That nothing in this section or chapter 82.38 RCW shall be construed to prohibit in~~

any manner the imposition of a city tax upon special fuel pursuant to RCW 82.39.010), except as provided in section 201 of this act.

The 1989 amendments to this section are null and void unless sections 101 through 114, 201 through 206, 301 through 333, and 401 through 412 of ESSB 5338 are enacted into law by June 30, 1989.

Sec. 110. LICENSE FEE ON TRUCKS, BUSES, AND FOR HIRE VEHICLES BASED ON GROSS WEIGHT. Section 1, chapter 156, Laws of 1989 and RCW 46.16.070 are each amended to read as follows:

(1) In lieu of all other vehicle licensing fees, unless specifically exempt, and in addition to the excise tax prescribed in chapter 82.44 RCW and the mileage fees prescribed for buses and stages in RCW 46.16.125, there shall be paid and collected annually for each motor truck, truck tractor, road tractor, tractor, bus, auto stage, or for hire vehicle with seating capacity of more than six, based upon the declared combined gross weight or declared gross weight thereof pursuant to the provisions of chapter 46.44 RCW, the following licensing fees by such gross weight:

4,000 lbs.	\$	((28-75))	29.94
6,000 lbs.		((33-72))	36.15
8,000 lbs.	\$	((41-30))	45.63
10,000 lbs.	\$	((46-37))	51.96
12,000 lbs.	\$	((53-62))	61.03
14,000 lbs.	\$	((60-06))	70.08
16,000 lbs.	\$	((68-31))	79.39
18,000 lbs.	\$	((+00-02))	119.03
20,000 lbs.	\$	((+10-94))	132.68
22,000 lbs.	\$	((+19-76))	143.70
24,000 lbs.	\$	((+28-95))	155.19
26,000 lbs.	\$	((+36-08))	164.00
28,000 lbs.	\$	((+59-66))	193.58
30,000 lbs.	\$	((+83-18))	222.98
32,000 lbs.	\$	((+19-70))	268.63
34,000 lbs.	\$	((233-06))	285.33
36,000 lbs.	\$	((252-39))	309.49
38,000 lbs.	\$	((276-51))	339.64
40,000 lbs.	\$	((315-99))	388.99
42,000 lbs.	\$	((320-16))	404.20
44,000 lbs.	\$	((335-02))	412.78
46,000 lbs.	\$	((359-91))	443.89
48,000 lbs.	\$	((375-19))	462.99
50,000 lbs.	\$	((406-36))	501.95
52,000 lbs.	\$	((427-45))	528.31
54,000 lbs.	\$	((461-02))	570.28
56,000 lbs.	\$	((486-21))	601.76
58,000 lbs.	\$	((565-53))	625.91
60,000 lbs.	\$	((538-29))	666.86
62,000 lbs.	\$	((576-50))	714.63
64,000 lbs.	\$	((589-75))	731.19
66,000 lbs.	\$	((656-14))	814.18
68,000 lbs.	\$	((683-99))	848.99
70,000 lbs.	\$	((736-14))	914.18
72,000 lbs.	\$	((786-36))	976.95
74,000 lbs.	\$	((854-15))	1,061.69
76,000 lbs.	\$	((923-05))	1,147.81
78,000 lbs.	\$	((+067-10))	1,252.88
80,000 lbs.	\$	((+086-95))	1,352.69

(The proceeds from such fees shall be distributed in accordance with RCW 46.68.035.

Effective with motor vehicle licenses that expire in January, 1989, and thereafter, a surcharge of four dollars and seventy-five cents is added to such fees. The proceeds of this surcharge shall be forwarded to the state treasurer to be deposited into the state patrol highway account of the motor vehicle fund.)

Every motor truck, truck tractor, and tractor exceeding 6,000 pounds empty scale weight registered under chapter 46.16, 46.87, or 46.88 RCW shall be licensed for not less than one hundred fifty percent of its empty weight unless the amount would be in excess of the legal limits prescribed for such a vehicle in RCW 46.44.041 or 46.44.042, in which event the vehicle shall be licensed for the maximum weight authorized for such a vehicle.

The following provisions apply when increasing gross or combined gross weight for a vehicle licensed under this section:

((†)) (a) The new license fee will be one-twelfth of the fee listed above for the new gross weight, multiplied by the number of months remaining in the period for which licensing fees have been paid, including the month in which the new gross weight is effective.

((‡)) (b) Upon surrender of the current certificate of registration or cab card, the new licensing fees due shall be reduced by the amount of the licensing fees previously paid for the same period for which new fees are being charged.

(2) The proceeds from the fees collected under subsection (1) of this section shall be distributed as follows:

(a) The rate in subsection (1) of this section less nineteen dollars, or its prorated equivalent, divided by 1.25 plus nineteen dollars, or its prorated equivalent, shall be distributed in accordance with RCW 46.68.035.

(b) The balance shall be forwarded to the state treasurer to be deposited to the credit of the motor vehicle fund and distributed monthly to the motor vehicle fund to be expended for highway purposes of the state as defined in RCW 46.68.130.

(3) A surcharge of four dollars and seventy-five cents is added to the fees in subsection (1) of this section. The proceeds of this surcharge shall be forwarded to the state treasurer to be deposited into the state highway patrol account of the motor vehicle fund.

(4) The 1989 amendments to this section are null and void unless sections 101 through 114, 201 through 206, 301 through 333, and 401 through 412 of ESSB 5338 are enacted into law by June 30, 1989.

Sec. 111. GROSS WEIGHT FEES ON FARM VEHICLES. Section 10, chapter 18, Laws of 1986 as amended by section 3, chapter 156, Laws of 1989 and RCW 46.16.090 are each amended to read as follows:

(1) Motor trucks, truck tractors, and tractors may be specially licensed based on the declared gross weight thereof for the various amounts set forth in the schedule provided in RCW 46.16.070 less twenty-three dollars; divide the difference by two and add twenty-three dollars, when such vehicles are owned and operated by farmers, but only if the following condition or conditions exist:

((†)) (a) When such vehicles are to be used for the transportation of the farmer's own farm, orchard, or dairy products, or the farmer's own private sector cultured aquatic products as defined in RCW 15.85.020, from point of production to market or warehouse, and of supplies to be used on the farmer's farm. Fish other than those that are such private sector cultured aquatic products and forestry products are not considered as farm products; and/or

((‡)) (b) When such vehicles are to be used for the infrequent or seasonal transportation by one farmer for another farmer in the farmer's neighborhood of products of the farm, orchard, dairy, or aquatic farm owned by the other farmer from point of production to market or warehouse, or supplies to be used on the other farm, but only if transportation for another farmer is for compensation other than money. Farmers shall be permitted an allowance of an additional eight thousand pounds, within the legal limits, on such vehicles, when used in the transportation of the farmer's own farm machinery between the farmer's own farm or farms and for a distance of not more than thirty-five miles from the farmer's farm or farms.

The department shall prepare a special form of application to be used by farmers applying for licenses under this section, which form shall contain a statement to the effect that the vehicle concerned will be used subject to the limitations of this section. The department shall prepare special insignia which shall be placed upon all such vehicles to indicate that the vehicle is specially licensed, or may, in its discretion, substitute a special license plate for such vehicle for such designation.

Operation of such a specially licensed vehicle in transportation upon public highways in violation of the limitations of this section is a traffic infraction.

(2) The rate in subsection (1) of this section, less twenty-three dollars or its prorated equivalent divided by 1.25 plus twenty-three dollars or its prorated equivalent, shall be distributed in accordance with RCW 46.68.035. The balance shall be forwarded to the state treasurer to be deposited to the credit of the motor vehicle fund and distributed monthly to the motor vehicle fund to be expended for highway purposes of the state as defined in RCW 46.68.130.

(3) The 1989 amendments to this section are null and void unless sections 101 through 114, 201 through 206, 301 through 333, and 401 through 412 of ESSB 5338 are enacted into law by June 30, 1989.

Sec. 112. SPECIAL PERMITS FOR OVERSIZE OR OVERWEIGHT MOVEMENTS. Section 2, chapter 137, Laws of 1965 as last amended by section 5, chapter 351, Laws of 1985 and RCW 46.44.0941 are each amended to read as follows:

The following fees, in addition to the regular license and tonnage fees, shall be paid for all movements under special permit made upon state highways. All funds collected shall be forwarded to the state treasury and shall be deposited in the motor vehicle fund:

All overlegal loads, except overweight, single trip	\$ 5.00
Continuous operation of overlegal loads having either overwidth or overheight features only, for a period not to exceed thirty days	\$ 20.00
Continuous operations of overlegal loads having overlength features only, for a period not to exceed thirty days	\$ 10.00

Continuous operation of a combination of vehicles having one trailing unit that exceeds forty-eight feet and is not more than fifty-six feet in length, for a period of one year	\$100.00
Continuous operation of a combination of vehicles having two trailing units which together exceed sixty feet and are not more than sixty-eight feet in length, for a period of one year	\$100.00
Continuous operation of a three-axle fixed load vehicle having less than 65,000 pounds gross weight, for a period not to exceed thirty days	\$ 50.00
Continuous operation of overlegal loads having nonreducible features not to exceed eighty-five feet in length and fourteen feet in width, for a period of one year	\$150.00
Continuous operation of farm implements under a permit issued as authorized by RCW 46.44.140 by:	
(1) Farmers in the course of farming activities, for any three-month period	\$ 10.00
(2) Farmers in the course of farming activities, for a period not to exceed one year	\$ 25.00
(3) Persons engaged in the business of the sale, repair, or maintenance of such farm implements, for any three-month period	\$ 25.00
(4) Persons engaged in the business of the sale, repair, or maintenance of such farm implements, for a period not to exceed one year	\$100.00

Overweight Fee Schedule

Weight over total registered gross weight plus additional gross weight purchased under RCW 46.44.095 or 46.44.047, or any other statute authorizing the state department of transportation to issue annual overweight permits.	Fee per mile on state highways
1- 5,999 pounds	\$ ((-05)) .06
6,000-11,999 pounds	\$ ((-10)) .13
12,000-17,999 pounds	\$ ((-15)) .19
18,000-23,999 pounds	\$ ((-25)) .31
24,000-29,999 pounds	\$ ((-35)) .44
30,000-35,999 pounds	\$ ((-45)) .56
36,000-41,999 pounds	\$ ((-60)) .75
42,000-47,999 pounds	\$ ((-75)) .94
48,000-53,999 pounds	\$ ((-90)) 1.13
54,000-59,999 pounds	\$ ((-105)) 1.31
60,000-65,999 pounds	\$ ((-120)) 1.50
66,000-71,999 pounds	\$ ((-145)) 1.81
72,000-79,999 pounds	\$ ((-170)) 2.13
80,000 pounds or more	\$ ((2-00)) 2.50

PROVIDED: ~~((+))~~ (a) The minimum fee for any overweight permit shall be \$5.00, ~~((+))~~ (b) the fee for issuance of a duplicate permit shall be \$5.00, ~~((+))~~ (c) when computing overweight fees that result in an amount less than even dollars the fee shall be carried to the next full dollar if fifty cents or over and shall be reduced to the next full dollar if forty-nine cents or under.

The 1989 amendments to this section are null and void unless sections 101 through 114, 201 through 206, 301 through 333, and 401 through 412 of ESSB 5338 are enacted into law by June 30, 1989.

Sec. 113. ANNUAL ADDITIONAL TONNAGE PERMITS. Section 46.44.095, chapter 12, Laws of 1961 as last amended by section 1, chapter 55, Laws of 1988 and RCW 46.44.095 are each amended to read as follows:

When a combination of vehicles has been lawfully licensed to a total gross weight of eighty thousand pounds and when a three or more axle single unit vehicle has been lawfully licensed to a total gross weight of forty thousand pounds pursuant to provisions of RCW 46.44-.041, a permit for additional gross weight may be issued by the department of transportation upon the payment of ~~((thirty-seven dollars and fifty))~~ forty-six dollars and eighty-eight cents per year for each one thousand pounds or fraction thereof of such additional gross weight: PROVIDED, That the tire limits specified in RCW 46.44.042 shall apply, and the gross weight on any single axle shall not exceed twenty thousand pounds, and the gross load on any group of axles shall not exceed the limits set forth in RCW 46.44.041: PROVIDED FURTHER, That within the tire limits of RCW 46.44.042, and notwithstanding RCW 46.44.041 and 46.44.091, a permit for an additional six thousand pounds may be purchased for the rear axles of a two-axle garbage truck or eight thousand pounds for the tandem axle of a three axle garbage truck at a rate not to exceed thirty-seven dollars and fifty cents per thousand. Such additional weight in the case of garbage trucks shall not be valid or permitted on any part of the federal interstate highway system.

The annual additional tonnage permits provided for in this section shall be issued upon such terms and conditions as may be prescribed by the department pursuant to general rules adopted by the transportation commission. Such permits shall entitle the permittee to carry such additional load in an amount and upon highways or sections of highways as may be determined by the department of transportation to be capable of withstanding increased gross load without undue injury to the highway: PROVIDED, That the permits (~~shall~~) are not (~~be~~) valid on any highway where the use of such permits would deprive this state of federal funds for highway purposes.

For those vehicles registered under chapter 46.87 RCW, the annual additional tonnage permits provided for in this section may be issued to coincide with the registration year of the base jurisdiction. For those vehicles registered under chapter 46.16 RCW and whose registration has staggered renewal dates, the annual additional tonnage permits may be issued to coincide with the expiration date of the registration. The permits may be purchased at any time, and if they are purchased for less than a full year, the fee shall be one-twelfth of the full fee multiplied by the number of months, including any fraction thereof, covered by the permit. When the department issues a duplicate permit to replace a lost or destroyed permit and where the department transfers a permit from one vehicle to another a fee of five dollars shall be charged for each duplicate issued or each transfer. The department of transportation shall issue permits on a temporary basis for periods not less than five days at one dollar per day for each two thousands pounds or fraction thereof.

The fees levied in RCW 46.44.0941 and this section shall not apply to any vehicles owned and operated by the state of Washington, any county within the state, or any city or town or metropolitan municipal corporation within the state, or by the federal government.

In the case of fleets prorating license fees under the provisions of chapter 46.87 RCW, the fees provided for in this section shall be computed by the department of transportation by applying the proportion of the Washington mileage of the fleet in question to the total mileage of the fleet as reported pursuant to chapter 46.87 RCW to the fees that would be required to purchase the additional weight allowance for all eligible vehicles or combinations of vehicles for which the extra weight allowance is requested.

The 1989 amendments to this section are null and void unless sections 101 through 114, 201 through 206, 301 through 333, and 401 through 412 of ESSB 5338 are enacted into law by June 30, 1989.

Sec. 114. DISPOSITION OF VEHICLE LICENSE FEES. Section 20, chapter 380, Laws of 1985 and RCW 46.68.030 are each amended to read as follows:

Except for proceeds from fees for vehicle licensing for vehicles paying such fees under RCW 46.16.070 and 46.16.085, and as otherwise provided in chapter 46.16 RCW, all fees received by the director for vehicle licenses under the provisions of chapter 46.16 RCW shall be forwarded to the state treasurer, accompanied by a proper identifying detailed report, and be (~~by him~~) deposited to the credit of the motor vehicle fund, except that the proceeds from the vehicle license fee and renewal license fee shall be deposited by the state treasurer as hereinafter provided. After July 1, 1981, that portion of each vehicle license fee in excess of \$7.40 and that portion of each renewal license fee in excess of \$3.40 shall be deposited in the state patrol highway account in the motor vehicle fund, hereby created. Vehicle license fees, renewal license fees, and all other funds in the state patrol highway account shall be for the sole use of the Washington state patrol for highway activities of the Washington state patrol, subject to proper appropriations and reappropriations therefor, for any fiscal biennium after June 30, 1981, and twenty-seven and three-tenths percent of the proceeds from \$7.40 of each vehicle license fee and \$3.40 of each renewal license fee shall be deposited each biennium in the Puget Sound ferry operations account to partially finance, together with other funds in the account, any budgeted state ferry system maintenance and operating deficit for that biennium. The deficit shall be calculated by subtracting from total costs the sum of all unappropriated funds available to the state ferry system, including revenues from tolls that are adjusted by the transportation commission. Any remaining amounts of vehicle license fees and renewal license fees that are not deposited in the Puget Sound ferry operations account shall be deposited in the motor vehicle fund.

The 1989 amendments to this section are null and void unless sections 101 through 114, 201 through 206, 301 through 333, and 401 through 412 of ESSB 5338 are enacted into law by June 30, 1989.

PART II: LOCAL OPTION FUNDING AUTHORITY

NEW SECTION. Sec. 201. LOCAL OPTION MOTOR VEHICLE AND SPECIAL FUEL TAX. (1) Subject to the conditions of this section, any county may levy, by approval of its legislative body and a majority of the registered voters of the county voting on the proposition at a general or special election, additional excise taxes equal to ten percent of the state-wide motor vehicle fuel tax rate under RCW 82.36.025 on each gallon of motor vehicle fuel as defined in RCW 82.36.010(2) and on special fuel as defined in RCW 82.38.020(5), per gallon or one hundred cubic feet of compressed natural gas measured at standard temperature and pressure sold within the boundaries of the county. An election held under this section must be held not more

than twelve months before the date on which the proposed tax is to be levied. The ballot setting forth the proposition shall state the tax rate that is proposed. The county's authority to levy additional excise taxes under this section includes the incorporated and unincorporated areas of the county. The additional excise taxes are subject to the same exceptions and rights of refund as applicable to the other motor vehicle fuel and special fuel excise taxes levied under chapters 82.36 and 82.38 RCW.

(2) Every person subject to the tax shall pay, in addition to any other taxes provided by law, an additional excise tax to the director of licensing at the rate levied by a county exercising its authority under this section.

(3) The state treasurer shall distribute monthly to the levying county and cities contained therein the proceeds of the additional excise taxes collected under this section, after the deductions for payments and expenditures as provided in RCW 46.68.090 (1) (a) and (b) and under the conditions and limitations provided in section 206 of this act.

(4) The proceeds of the additional excise taxes levied under this section shall be used strictly for transportation purposes in accordance with section 205 of this act.

(5) This section is null and void unless sections 101 through 114, 201 through 206, 301 through 333, and 401 through 412 of ESSB 5338 are enacted into law by June 30, 1989.

NEW SECTION. Sec. 202. LOCAL OPTION VEHICLE LICENSE FEE. (1) The legislative authority of a county, upon the approval of a majority of the registered voters of the county voting on the proposition at a general or special election, may fix and impose an additional fee, not to exceed fifteen dollars per vehicle, for each vehicle that is subject to license fees under RCW 46.16.060 and is determined by the department of licensing to be registered within the boundaries of the county. An election held under this section must be held not more than twelve months before the date on which the proposed fee is to be imposed. The ballot setting forth the proposition shall state the fee that is proposed.

(2) The department of licensing shall administer and collect the fee. The department shall deduct a percentage amount, as provided by contract, not to exceed two percent of the taxes collected, for administration and collection expenses incurred by it. The remaining proceeds shall be remitted to the state treasurer for monthly distribution under section 206 of this act.

(3) The proceeds of this fee shall be used strictly for transportation purposes in accordance with section 205 of this act.

(4) A county imposing this fee shall delay the effective date at least six months to allow the department of licensing to implement administration and collection of the fee.

(5) This section is null and void unless sections 101 through 114, 201 through 206, 301 through 333, and 401 through 412 of ESSB 5338 are enacted into law by June 30, 1989.

Sec. 203. STATE PREEMPTS LICENSING FIELD. Section 46.08.010, chapter 12, Laws of 1961 and RCW 46.08.010 are each amended to read as follows:

The provisions of this title relating to the certificate of ownership, certificate of license registration, vehicle license, vehicle license plates and vehicle operator's license shall be exclusive and no political subdivision of the state of Washington shall require or issue any licenses or certificates for the same or a similar purpose except as provided in section 202 of this act, nor shall any city or town in this state impose a tax, license, or other fee upon vehicles operating exclusively between points outside of such city or town limits, and to points therein.

The 1989 amendments to this section are null and void unless sections 101 through 114, 201 through 206, 301 through 333, and 401 through 412 of ESSB 5338 are enacted into law by June 30, 1989.

NEW SECTION. Sec. 204. LOCAL OPTION COMMERCIAL PARKING TAX. (1) Subject to the conditions of this section, the governing body of a county or city, upon the approval of a majority of the registered voters of the county or city voting on the proposition at a general or special election, may fix and impose a parking tax on all persons engaged in a commercial parking business within its respective jurisdiction. An election held under this section must be held not more than twelve months before the date on which the proposed tax is to be levied. The ballot setting forth the proposition shall state the tax rate that is proposed. The jurisdiction of a county, for purposes of this section, includes only the unincorporated area of the county. The jurisdiction of a city includes only the area within its incorporated boundaries.

(2) "Commercial parking business" as used in this section, means the ownership, lease, operation, or management of a commercial parking lot in which fees are charged. "Commercial parking lot" means a covered or uncovered area with stalls for the purpose of parking motor vehicles.

(3) The rate of the tax may be based either upon gross proceeds or the number of vehicle stalls available for commercial parking use. The rates charged must be uniform for the same class or type of commercial parking business.

(4) The county or city levying the tax may provide for its payment on a monthly, quarterly, or annual basis. Each local government may develop by ordinance or resolution rules for administering the tax, including provisions for reporting by commercial parking businesses, collection, and enforcement.

(5) The proceeds of the commercial parking tax fixed and imposed under this section shall be used strictly for transportation purposes in accordance with section 205 of this act.

(6) This section is null and void unless sections 101 through 114, 201 through 206, 301 through 333, and 401 through 412 of ESSB 5338 are enacted into law by June 30, 1989.

NEW SECTION. Sec. 205. USE OF LOCAL OPTION REVENUES. (1) The proceeds collected pursuant to the exercise of the local option authority of sections 201, 202, and 204 of this act (hereafter called "local option transportation revenues") shall be used for transportation purposes only, including but not limited to the following: The operation and preservation of roads, streets, and other transportation improvements; new construction, reconstruction, and expansion of city streets, county roads, and state highways and other transportation improvements; development and implementation of public transportation and high-capacity transit improvements and programs; and planning, design, and acquisition of right of way and sites for such transportation purposes. The proceeds collected from excise taxes on the sale, distribution, or use of motor vehicle fuel and special fuel under section 201 of this act shall be used exclusively for "highway purposes" as that term is construed in Article II, section 40 of the state Constitution.

(2) The local option transportation revenues shall be expended for transportation uses consistent with the adopted transportation and land use plans of the jurisdiction expending the funds and consistent with any applicable and adopted regional transportation plan for metropolitan planning areas.

(3) Each local government with a population greater than eight thousand that levies or expends local option transportation funds, is also required to develop and adopt a specific transportation program that contains the following elements:

(a) The program shall identify the geographic boundaries of the entire area or areas within which local option transportation revenues will be levied and expended.

(b) The program shall be based on an adopted transportation plan for the geographic areas covered and shall identify the proposed operation and construction of transportation improvements and services in the designated plan area intended to be funded in whole or in part by local option transportation revenues and shall identify the annual costs applicable to the program.

(c) The program shall indicate how the local transportation plan is coordinated with applicable transportation plans for the region and for adjacent jurisdictions.

(d) The program shall include at least a six-year funding plan, updated annually, identifying the specific public and private sources and amounts of revenue necessary to fund the program. The program shall include a proposed schedule for construction of projects and expenditure of revenues. The funding plan shall consider the additional local tax revenue estimated to be generated by new development within the plan area if all or a portion of the additional revenue is proposed to be earmarked as future appropriations for transportation improvements in the program.

(4) Local governments with a population greater than eight thousand exercising the authority for local option transportation funds shall periodically review and update their transportation program to ensure that it is consistent with applicable local and regional transportation and land use plans and within the means of estimated public and private revenue available.

(5) In the case of expenditure for new or expanded transportation facilities, improvements, and services, priorities in the use of local option transportation revenues shall be identified in the transportation program and expenditures shall be made based upon the following criteria, which are stated in descending order of weight to be attributed:

(a) First, the project serves a multijurisdictional function;

(b) Second, it is necessitated by existing or reasonably foreseeable congestion;

(c) Third, it has the greatest person-carrying capacity;

(d) Fourth, it is partially funded by other government funds, such as from the state transportation improvement board, or by private sector contributions, such as those from the Local Transportation Act, chapter 39.92 RCW; and

(e) Fifth, it meets such other criteria as the local government determines is appropriate.

(6) It is the intent of the legislature that as a condition of levying, receiving, and expending local option transportation revenues, no local government agency use the revenues to replace, divert, or loan any revenues currently being used for transportation purposes to nontransportation purposes. The association of Washington cities and the Washington state association of counties, in consultation with the legislative transportation committee, shall study the issue of nondiversion and make recommendations to the legislative transportation committee for language implementing the intent of this section by December 1, 1989.

(7) Local governments are encouraged to enter into interlocal agreements to jointly develop and adopt with other local governments the transportation programs required by this section for the purpose of accomplishing regional transportation planning and development.

(8) Local governments may use all or a part of the local option transportation revenues for the amortization of local government general obligation and revenue bonds issued for transportation purposes consistent with the requirements of this section.

(9) This section is null and void unless sections 101 through 114, 201 through 206, 301 through 333, and 401 through 412 of ESSB 5338 are enacted into law by June 30, 1989.

NEW SECTION. Sec. 206. DISTRIBUTION OF LOCAL OPTION TAXES. The state treasurer shall distribute revenues, less authorized deductions, generated by the local option taxes authorized in sections 201 and 202 of this act, levied by counties to the levying counties, and cities contained in those counties, based on the relative per capita population. County population for purposes of this section is equal to one and one-half of the unincorporated population of the county. In calculating the distributions, the state treasurer shall use the population estimates prepared by the state office of financial management and shall further calculate the distribution based on information supplied by the departments of licensing and revenue, as appropriate.

This section is null and void unless sections 101 through 114, 201 through 206, 301 through 333, and 401 through 412 of ESSB 5338 are enacted into law by June 30, 1989.

PART III: MOTOR VEHICLE EXCISE TAX

Sec. 301. Section 82.44.010, chapter 15, Laws of 1961 as last amended by section 10, chapter 107, Laws of 1979 and RCW 82.44.010 are each amended to read as follows:

For the purposes of this chapter, unless context otherwise requires:

(1) "Department" means the department of licensing.

(2) "Motor vehicle" means all motor vehicles, trailers and semitrailers used, or of the type designed primarily to be used, upon the public streets and highways, for the convenience or pleasure of the owner, or for the conveyance, for hire or otherwise, of persons or property, including fixed loads and facilities for human habitation; but shall not include ((+)) (a) vehicles carrying exempt licenses, ((+)) (b) dock and warehouse tractors and their cars or trailers, lumber carriers of the type known as spiders, and all other automotive equipment not designed primarily for use upon public streets, or highways, ((+)) (c) motor vehicles or their trailers used entirely upon private property, ((+)) (d) mobile homes and travel trailers as defined in RCW 82.50.010, or ((+)) (e) motor vehicles owned by nonresident military personnel of the armed forces of the United States stationed in the state of Washington provided personnel were also nonresident at the time of their entry into military service.

(3) "Truck-type power or trailing unit" means any vehicle that is subject to the fees under RCW 46.16.070, 46.16.079, 46.16.080, 46.16.085, or 46.16.090, excluding light duty vehicles. Light duty vehicles include pick-ups, vans, or utility vehicles of the type normally used for the personal use of the owner.

The 1989 amendments to this section are null and void unless sections 101 through 114, 201 through 206, 301 through 333, and 401 through 412 of ESSB 5338 are enacted into law by June 30, 1989.

Sec. 302. Section 1, chapter 191, Laws of 1988 and RCW 82.44.020 are each amended to read as follows:

(1) An excise tax is imposed for the privilege of using in the state any motor vehicle, except those operated under reciprocal agreements, the provisions of RCW 46.16.160 as now or hereafter amended, or dealer's licenses. The annual amount of such excise tax shall be two percent of the ((fair market)) value of such vehicle.

(2) An additional excise tax is imposed, in addition to any other tax imposed by this section, for the privilege of using in the state any such motor vehicle, and the annual amount of such additional excise shall be two-tenths of one percent of the ((fair market)) value of such vehicle.

(3) ~~(Effective with January, 1989, motor vehicle license expirations, and ending after December, 1991, expirations, an additional excise tax is imposed, in addition to any other tax imposed by this section, for the privilege of using in the state any such motor vehicle, and the annual amount of such additional excise tax shall be one-tenth of one percent of the fair market value of such vehicle.~~

(4) The department of licensing and county auditors shall collect the additional tax imposed by subsections (2) and (3) of this section for any registration year for the months of that registration year in which such additional tax is effective, and in the same manner and at the same time as the tax imposed by subsection (1) of this section.

(5) In no case shall the total tax be less than two dollars except for proportionally registered vehicles.

~~((6) An additional tax is imposed equal to the taxes payable under subsections (1) and (2) of this section multiplied by the rate specified in RCW 82.02.030.~~

(7) (4) Washington residents, as defined in RCW 46.16.028, who license motor vehicles in another state or foreign country and avoid Washington motor vehicle excise taxes are liable for such unpaid excise taxes. The department of revenue may assess and collect the unpaid excise taxes under chapter 82.32 RCW, including the penalties and interest provided therein.

(5) The 1989 amendments to this section are null and void unless sections 101 through 114, 201 through 206, 301 through 333, and 401 through 412 of ESSB 5338 are enacted into law by June 30, 1989.

NEW SECTION. Sec. 303. A new section is added to chapter 82.44 RCW to read as follows:

(1) For the purpose of determining the tax under this chapter, the value of a truck-type power or trailing unit shall be the latest purchase price of the vehicle, excluding applicable

federal excise taxes, state and local sales or use taxes, transportation or shipping costs, or preparatory or delivery costs, multiplied by the following percentage based on year of service of the vehicle since last sale. The latest purchase year shall be considered the first year of service.

<u>YEAR OF SERVICE</u>	<u>PERCENTAGE</u>
1	100
2	90
3	83
4	75
5	67
6	59
7	52
8	44
9	36
10	28
11	21
12	13
13 or older	10

(2) The reissuance of title and registration for a truck-type power or trailing unit because of the installation of body or special equipment shall be treated as a sale, and the value of the truck-type power or trailing unit at that time, as determined by the department from such information as may be available, shall be considered the latest purchase price.

(3) For the purpose of determining the tax under this chapter, the value of a motor vehicle other than a truck-type power or trailing unit shall be the manufacturer's base suggested retail price of the vehicle when first offered for sale as a new vehicle, excluding any optional equipment, applicable federal excise taxes, state and local sales or use taxes, transportation or shipping costs, or preparatory or delivery costs, multiplied by the applicable percentage listed in this subsection based on year of service of the vehicle.

If the manufacturer's base suggested retail price is unavailable or otherwise unascertainable at the time of initial registration in this state, the department shall determine a value equivalent to a manufacturer's base suggested retail price as follows:

(a) The department shall determine a value using any information that may be available, including any guidebook, report, or compendium of recognized standing in the automotive industry or the selling price and year of sale of the vehicle. The department may use an appraisal by the county assessor. In valuing a vehicle for which the current value or selling price is not indicative of the value of similar vehicles of the same year and model, the department shall establish a value that more closely represents the average value of similar vehicles of the same year and model.

(b) The value determined in (a) of this subsection shall be divided by the applicable percentage listed in this subsection to establish a value equivalent to a manufacturer's base suggested retail price. The applicable percentage shall be based on the year of service of the vehicle for which the value is determined.

<u>YEAR OF SERVICE</u>	<u>PERCENTAGE</u>
1	100
2	100
3	91
4	83
5	74
6	65
7	57
8	48
9	40
10	31
11	22
12	14
13 or older	10

(4) For purposes of this chapter, value shall exclude value attributable to modifications of a motor vehicle and equipment that are designed to facilitate the use or operation of the motor vehicle by a handicapped person.

(5) This section is null and void unless sections 101 through 114, 201 through 206, 301 through 333, and 401 through 412 of ESSB 5338 are enacted into law by June 30, 1989.

Sec. 304. Section 82.44.060, chapter 15, Laws of 1961 as last amended by section 12, chapter 222, Laws of 1981 and RCW 82.44.060 are each amended to read as follows:

The excise tax hereby imposed shall be due and payable to the department (~~(of licensing)~~) or its agents at the time of registration of a motor vehicle. Whenever an application is made to the department (~~(of licensing)~~) or its agents for a license for a motor vehicle there shall be collected, in addition to the amount of the license fee or renewal license fee, the amount of the excise tax imposed by this chapter (~~(prorated to comply with the effective date of the annual schedule prepared pursuant to RCW 82.44.040)~~), and no dealer's license or license

plates, and no license or license plates for a motor vehicle shall be issued unless such tax is paid in full. The excise tax hereby imposed shall be collected for each registration year (~~(PROVIDED, That)~~). The excise tax upon a motor vehicle licensed for the first time in this state (~~((after the last day of any registration month))~~) shall (~~((only))~~) be levied for (~~((the remaining months of the registration year including the month in which the motor vehicle is being licensed))~~) one full registration year commencing on the date of the calendar year designated by the department and ending on the same date of the next succeeding calendar year. For vehicles registered under chapter 46.87 RCW, proportional registration, and for vehicle dealer plates issued under chapter 46.70 RCW, the registration year is the period provided in those chapters. PROVIDED FURTHER, That the tax shall in no case be less than two dollars except for proportionally registered vehicles.

A motor vehicle shall be deemed licensed for the first time in this state when such vehicle was not previously licensed by this state for the registration year immediately preceding the registration year in which the application for license is made or when the vehicle has been registered in another jurisdiction subsequent to any prior registration in this state.

No additional tax shall be imposed under this chapter upon any vehicle upon the transfer of ownership thereof if the tax imposed with respect to such vehicle has already been paid for the registration year or fraction of a registration year in which transfer of ownership occurs.

The 1989 amendments to this section are null and void unless sections 101 through 114, 201 through 206, 301 through 333, and 401 through 412 of ESSB 5338 are enacted into law by June 30, 1989.

NEW SECTION, Sec. 305. A new section is added to chapter 82.44 RCW to read as follows:

If the department determines a value for a motor vehicle under section 303 of this act equivalent to a manufacturer's base suggested retail price or the value of a truck-type power or trailing unit under section 303(2) of this act, any person who pays the tax under this chapter for that vehicle may appeal the valuation to the department under chapter 34.05 RCW. If the taxpayer is successful on appeal, the department shall refund the excess tax in the manner provided in RCW 82.44.120.

This section is null and void unless sections 101 through 114, 201 through 206, 301 through 333, and 401 through 412 of ESSB 5338 are enacted into law by June 30, 1989.

Sec. 306. Section 82.44.110, chapter 15, Laws of 1961 as last amended by section 7, chapter 9, Laws of 1987 1st ex. sess. and RCW 82.44.110 are each amended to read as follows:

The county auditor shall regularly, when remitting license fee receipts, pay over and account to the director of licensing for the excise taxes collected under the provisions of this chapter. The director shall forthwith transmit the excise taxes to the state treasurer (~~(ninety-eight percent of which excise tax revenue shall upon receipt thereof be credited by the state treasurer to the general fund, and two percent of which excise tax revenue shall be credited by the state treasurer to the motor vehicle fund to defray administrative and other expenses incurred by the state department of licensing in the collection of the excise tax.~~ PROVIDED, That:

(1) One hundred percent of the proceeds of the additional tax imposed by RCW 82.44.020(2) shall be credited by the state treasurer to the Puget Sound capital construction account in the motor vehicle fund;

(2) One hundred percent of the proceeds of the additional tax imposed by RCW 82.44.020(3) shall be credited by the state treasurer to the Puget Sound ferry operations account in the motor vehicle fund; and

(3) All revenues collected under RCW 82.44.020(6) shall be credited by the state treasurer to the general fund).

The state treasurer shall deposit the excise taxes collected under RCW 82.44.020(1) as follows:

(1) 1.60 percent into the motor vehicle fund to defray administrative and other expenses incurred by the state department of licensing in the collection of the excise tax.

(2) 8.15 percent into the Puget Sound capital construction account in the motor vehicle fund.

(3) 4.07 percent into the Puget Sound ferry operations account in the motor vehicle fund.

(4) 8.83 percent into the general fund to be distributed under section 309 of this act.

(5) 4.75 percent into the municipal sales and use tax equalization account in the general fund created in RCW 82.14.210.

(6) 1.60 percent into the county sales and use tax equalization account in the general fund created in RCW 82.14.200.

(7) 71 percent into the general fund.

The state treasurer shall deposit the excise taxes collected under RCW 82.44.020(2) into the transportation fund created in section 312 of this act.

The 1989 amendments to this section are null and void unless sections 101 through 114, 201 through 206, 301 through 333, and 401 through 412 of ESSB 5338 are enacted into law by June 30, 1989.

Sec. 307. Section 82.44.120, chapter 15, Laws of 1961 as last amended by section 2, chapter 68, Laws of 1989 and RCW 82.44.120 are each amended to read as follows:

Whenever any person has paid a motor vehicle license fee, and together therewith has paid an excise tax imposed under the provisions of this chapter, and the director of licensing determines that the payor is entitled to a refund of the entire amount of the license fee as provided by law, then ~~(he)~~ the payor shall also be entitled to a refund of the entire excise tax collected under the provisions of this chapter. In case the director determines that any person is entitled to a refund of only a part of the license fee so paid, the payor shall be entitled to a refund of the difference, if any, between the excise tax collected and that which should have been collected ~~((and the state treasurer shall determine the amount of such refund by reference to the applicable excise tax schedule prepared by the department of revenue in cooperation with the department of licensing))~~.

In case no claim is to be made for the refund of the license fee or any part thereof but claim is made by any person that he has paid an erroneously excessive amount of excise tax, the department ~~((of licensing))~~ shall determine in the manner generally provided in this chapter the amount of such excess, if any, that has been paid and shall certify to the state treasurer that such person is entitled to a refund in such amount.

In any case where due to error, a person has been required to pay an excise tax pursuant to this chapter and a vehicle license fee pursuant to Title 46 RCW which amounts to an overpayment of ten dollars or more, such person shall be entitled to a refund of the entire amount of such overpayment, regardless of whether or not a refund of the overpayment has been requested. Conversely, if due to error, the department or its agents has failed to collect the full amount of the license fee and excise tax due, which underpayment is in the amount of ten dollars or more, the department shall charge and collect such additional amount as will constitute full payment of the tax.

If the department approves the claim it shall notify the state treasurer to that effect, and the treasurer shall make such approved refunds and the other refunds herein provided for from the general fund and shall mail or deliver the same to the person entitled thereto.

Any person making any false statement under which he or she obtains any amount of refund to which he or she is not entitled under the provisions of this section is guilty of a gross misdemeanor.

The 1989 amendments to this section are null and void unless sections 101 through 114, 201 through 206, 301 through 333, and 401 through 412 of ESSB 5338 are enacted into law by June 30, 1989.

Sec. 308. Section 1, chapter 18, Laws of 1988 and RCW 82.44.150 are each amended to read as follows:

(1) The director of licensing shall, on the twenty-fifth day of February, May, August, and November of each year, ~~((commencing with November, 1971;))~~ advise the state treasurer of the total amount of motor vehicle excise taxes remitted to the department ~~((of licensing))~~ during the preceding calendar quarter ending on the last day of March, June, September, and December, respectively, except for those payable under RCW ~~((82.44.020(6) and))~~ 82.44.030, from motor vehicle owners residing within each municipality ~~((which has levied a tax under RCW 35.58.273)),~~ which amount of excise taxes shall be determined by the director as follows:

The total amount of motor vehicle excise taxes remitted to the department, except those payable under RCW ~~((82.44.020(6) and))~~ 82.44.030, from each county shall be multiplied by a fraction, the numerator of which is the population of the municipality residing in such county, and the denominator of which is the total population of the county in which such municipality or portion thereof is located. The product of this computation shall be the amount of excise taxes from motor vehicle owners residing within such municipality or portion thereof. Where the municipality ~~((levying a tax))~~ receiving tax revenues under RCW 35.58.273 is located in more than one county, the above computation shall be made by county, and the combined products shall provide the total amount of motor vehicle excise taxes from motor vehicle owners residing in the municipality as a whole. Population figures required for these computations shall be supplied to the director by the office of financial management, who shall adjust the fraction annually.

(2) On the first day of the months of January, April, July, and October of each year, the state treasurer based upon information provided by the department ~~((of licensing))~~ shall ~~((make the following apportionment and distribution of))~~ deposit into the rail development account created in RCW 47.78.010 from motor vehicle excise taxes deposited in the general fund ~~((except taxes collected under RCW 82.44.020(6)).~~

A sum equal to seventeen percent thereof shall be paid to cities and towns in the proportions and for the purposes hereinafter set forth, a sum equal to two percent thereof shall be allocable to the county sales and use tax equalization account under RCW 82.14.200, and) under RCW 82.44.110(7) a sum equal to ~~((four and two tenths))~~ the amount obtained by multiplying three and four-tenths percent ~~((of the special excise tax levied under RCW 35.58.273))~~ by the distribution under this section to those municipalities that are authorized to ~~((levy a special excise tax))~~ receive a distribution under RCW 35.58.273 at a rate not exceeding ~~((ninety-six one-hundredths of one))~~ .7824 percent on the ~~((fair market))~~ value of every motor vehicle owned by a resident of such municipality ~~((shall be deposited in the rail development account established in RCW 47.78.010)).~~

(3) ~~((The amount payable to cities and towns shall be apportioned among the several cities and towns within the state according to the following formula:~~

~~(a) Sixty-five percent of the sum specified in subsection (2) of this section to be paid to cities and towns shall be apportioned ratably on the basis of population as last determined by the office of financial management:~~

~~(b) Thirty-five percent of the sum specified in subsection (2) of this section to be paid to cities and towns shall be apportioned to cities and towns under RCW 82.14.210:~~

~~(4) When so apportioned, the amount payable to each such city and town shall be transmitted to the city treasurer thereof, and shall be utilized by such city or town for the purposes of police and fire protection and the preservation of the public health therein, and not otherwise. In case it be adjudged that revenue derived from the excise tax imposed by this chapter cannot lawfully be apportioned or distributed to cities or towns, all moneys directed by this section to be apportioned and distributed to cities and towns shall be credited and transferred to the state general fund:~~

~~(5)) On the first day of the months of January, April, July, and October of each year, the state treasurer, based upon information provided by the department ~~((of licensing)), shall ((remitt)) distribute motor vehicle excise tax revenues ~~((imposed and collected under)) deposited in the general fund under RCW 82.44.110(7) according to RCW 35.58.273 ~~((as follows)) with the following additional limitations:~~~~~~~~

~~(a) The amount required to be remitted by the state treasurer to the treasurer of any municipality ~~((levying)) eligible to receive the ((tax)) distribution shall not exceed in any calendar year the amount of locally-generated tax revenues ~~((excluding the excise tax imposed under RCW 35.58.273 for the purposes of this section))~~ which shall have been budgeted by the municipality to be collected in such calendar year for any public transportation purposes including but not limited to operating costs, capital costs, and debt service on general obligation or revenue bonds issued for these purposes; and~~~~

~~(b) ~~((in no event may the amount remitted in a single calendar quarter exceed the amount collected on behalf of the municipality under RCW 35.58.273 during the calendar quarter next preceding the immediately preceding quarter)) For distributions under this subsection, beginning with the fiscal year ending June 30, 1991, and for each fiscal year through the fiscal year ending June 30, 1996, total distributions for that fiscal year shall be the amount distributed in the fiscal year ending June 30, 1990, multiplied by the quotient resulting from dividing the consumer price index for the calendar year preceding the date of adjustment by the consumer price index for the calendar year ending December 31, 1988. The distributions in any fiscal year shall be adjusted to reflect the dissolution of existing systems, the formation of systems newly eligible, or the consolidation of systems, when one or more of those systems is newly eligible. When municipalities are eligible for amounts greater than any fiscal year total, the distributions shall be prorated among systems based on their respective proportion of the total distributions. The consumer price index used in the computation is the United States city average for all urban consumers published by the bureau of labor statistics.~~~~

~~((6)) (4) At the close of each calendar year accounting period, but not later than April 1, each municipality that has received ~~((motor vehicle excise taxes)) a distribution under subsection ~~((5)) (3) of this section shall transmit to the director of licensing and the state auditor a written report showing by source the previous year's budgeted tax revenues for public transportation purposes as compared to actual collections. Any municipality that has not submitted the report by April 1 shall cease to be eligible to receive ~~((motor vehicle excise taxes)) a distribution under subsection ~~((5)) (3) of this section until the report is received by the director of licensing. If a municipality has received more or less money under subsection ~~((5)) (3) of this section for the period covered by the report than it is entitled to receive by reason of its locally-generated ~~((collected)) tax revenues, the director of licensing shall, during the next ensuing quarter that the municipality is eligible to receive ~~((motor vehicle excise tax funds)) a distribution under subsection (3) of this section, increase or decrease the amount to be remitted in an amount equal to the difference between the locally-generated budgeted tax revenues and the locally-generated ~~((collected)) tax revenues. In no event may the amount remitted for a calendar year exceed the amount ~~((collected on behalf of)) authorized for the municipality under RCW 35.58.273 during that same calendar year. At the time of the next fiscal audit of each municipality, the state auditor shall verify the accuracy of the report submitted and notify the director of licensing of any discrepancies.~~~~~~~~~~~~~~~~~~~~

~~((7) The motor vehicle excise taxes imposed under RCW 35.58.273 and required to be remitted under this section shall be remitted without legislative appropriation:~~

~~((8)) (5) On the first day of the months of January, April, July, and October of each year, after distributions are made under subsections (2) and (3) of this section, the state treasurer shall, based upon information provided by the department of licensing, distribute to the transportation fund created in section 312 of this act the difference between these actual distributions and the amount that would otherwise have been distributed under subsections (2) and (3)(a) of this section had the limitation of subsection (3)(b) of this section not been in effect.~~

(6) Any municipality (~~levying and collecting a tax~~) receiving revenues under RCW 35.58-.273 which does not have an operating, public transit system or a contract for public transportation services in effect within one year from the initial effective date of the tax shall return to the state treasurer all motor vehicle excise taxes received under subsection ~~((5))~~ (3) of this section.

(7) The 1989 amendments to this section are null and void unless sections 101 through 114, 201 through 206, 301 through 333, and 401 through 412 of ESSB 5338 are enacted into law by June 30, 1989.

NEW SECTION, Sec. 309. A new section is added to chapter 82.44 RCW to read as follows:

(1) When distributions are made under RCW 82.44.150, the state treasurer shall apportion and distribute the motor vehicle excise taxes deposited into the general fund under RCW 82.44.110(4) to the cities and towns ratably on the basis of population as last determined by the office of financial management except as provided in subsection (2) of this section. When so apportioned, the amount payable to each such city and town shall be transmitted to the city treasurer thereof, and shall be used by the city or town for the purposes of police and fire protection and the preservation of the public health in the city or town, and not otherwise. If it is adjudged that revenue derived from the excise tax imposed by this chapter cannot lawfully be apportioned or distributed to cities or towns, all moneys directed by this section to be apportioned and distributed to cities and towns shall be credited and transferred to the state general fund.

(2) Beginning with the fiscal year ending June 30, 1991, and for each fiscal year through the fiscal year ending June 30, 1996, the amount of distributions for that fiscal year under this section shall be the amount distributed to cities and towns in the fiscal year ending June 30, 1990, under RCW 82.44.150, for the purposes of police and fire protection and the preservation of the public health, multiplied by the quotient resulting from dividing the consumer price index for the calendar year preceding the date of adjustment by the consumer price index for the calendar year ending December 31, 1988. The consumer price index used in the computation shall be the United States city average for all urban consumers published by the bureau of labor statistics. Any excess funds shall be deposited into the transportation fund under section 312 of this act.

(3) This section is null and void unless sections 101 through 114, 201 through 206, 301 through 333, and 401 through 412 of ESSB 5338 are enacted into law by June 30, 1989.

Sec. 310. Section 82.44.160, chapter 15, Laws of 1961 as last amended by section 7, chapter 54, Laws of 1974 ex. sess. and RCW 82.44.160 are each amended to read as follows:

Before distributing moneys to the cities and towns from the general fund, as provided in ~~((RCW 82.44.156))~~ section 309 of this act, and from the municipal sales and use tax equalization account, as provided in RCW 82.14.210, the state treasurer shall, on the first day of July of each year, make an annual deduction therefrom of a sum equal to one-half of the biennial appropriation made pursuant to this section, which amount shall be at least seven cents per capita of the population of all cities or towns as legally certified on that date, determined as provided in ~~((said section))~~ RCW 82.44.150, which sum shall be apportioned and transmitted to the municipal research council, herein created. Sixty-five percent of the annual deduction shall be from the distribution to cities and towns under section 309 of this act, and thirty-five percent of the annual deduction shall be from the distribution to the municipal sales and use tax equalization account under RCW 82.14.210. The municipal research council may contract with and allocate moneys to any state agency, educational institution, or private consulting firm, which in its judgment is qualified to carry on a municipal research and service program. Moneys may be utilized to match federal funds available for technical research and service programs to cities and towns. Moneys allocated shall be used for studies and research in municipal government, publications, educational, conferences, and attendance thereat, and in furnishing technical, consultative, and field services to cities and towns in problems relating to planning, public health, municipal sanitation, fire protection, law enforcement, postwar improvements, and public works, and in all matters relating to city and town government. The programs shall be carried on and all expenditures shall be made in cooperation with the cities and towns of the state acting through the Association of Washington Cities by its board of directors which is hereby recognized as their official agency or instrumentality.

Funds appropriated to the municipal research council shall be kept in the treasury in the general fund, and shall be disbursed by warrant or check to contracting parties on invoices or vouchers certified by the ~~((chairman))~~ chair of the municipal research council or his or her designee. Payments to public agencies may be made in advance of actual work contracted for, in the discretion of the council.

Sixty-five percent of any moneys remaining unexpended or uncontracted for by the municipal research council at the end of any fiscal biennium shall be returned to the general fund and be paid to cities and towns under ((the provisions of RCW 82.44.156)) section 309 of this act. The remaining thirty-five percent shall be deposited into the municipal sales and use tax equalization account.

The 1989 amendments to this section are null and void unless sections 101 through 114, 201 through 206, 301 through 333, and 401 through 412 of ESSB 5338 are enacted into law by June 30, 1989.

Sec. 311. Section 22, chapter 380, Laws of 1985 as amended by section 56, chapter 244, Laws of 1987 and RCW 82.44.170 are each amended to read as follows:

For each IRP jurisdiction that cannot report to the director the sums of dollars that are collected for the motor vehicle excise tax pursuant to chapter 82.44 RCW separately from other vehicle licensing fees pursuant to RCW 46.16.070 and 46.16.085, the director shall distribute ~~(thirty-six)~~ thirty-three percent of the total fees collected as reported on the IRP vehicle registration recap information forwarded to the director by such jurisdiction pursuant to RCW 82.44.110, until such time as such jurisdiction begins reporting excise tax amounts separately from other vehicle licensing fees. The remainder of the fees collected shall be distributed in accordance with RCW 46.68.035.

The 1989 amendments to this section are null and void unless sections 101 through 114, 201 through 206, 301 through 333, and 401 through 412 of ESSB 5338 are enacted into law by June 30, 1989.

NEW SECTION. Sec. 312. A new section is added to chapter 82.44 RCW to read as follows:

The transportation fund is created in the state treasury. Revenues under RCW 82.44.110, 82.44.150, and section 309 of this act, and the surcharge under RCW 82.50.510 shall be deposited into the fund as provided in those sections.

Moneys in the fund may be spent only after appropriation. Expenditures from the fund may be used only for transportation purposes.

This section is null and void unless sections 101 through 114, 201 through 206, 301 through 333, and 401 through 412 of ESSB 5338 are enacted into law by June 30, 1989.

Sec. 313. Section 2, chapter 296, Laws of 1971 ex. sess. as last amended by section 216, chapter 3, Laws of 1983 and by section 1, chapter 112, Laws of 1984 and RCW 82.14.045 are each reenacted and amended to read as follows:

(1) The legislative body of any city pursuant to RCW 35.92.060, of any county which has created an unincorporated transportation benefit area pursuant to RCW 36.57.100 and 36.57.110, of any public transportation benefit area pursuant to RCW 36.57A.080 and 36.57A.090, of any county transportation authority established pursuant to chapter 36.57 RCW, and of any metropolitan municipal corporation within a class AA county pursuant to chapter 35.58 RCW, may, by resolution or ordinance for the sole purpose of providing funds for the operation, maintenance, or capital needs of public transportation systems and in lieu of the excise taxes authorized by RCW 35.95.040, submit an authorizing proposition to the voters or include such authorization in a proposition to perform the function of public transportation and if approved by a majority of persons voting thereon, fix and impose a sales and use tax in accordance with the terms of this chapter: PROVIDED, That no such legislative body shall impose such a sales and use tax without submitting such an authorizing proposition to the voters and obtaining the approval of a majority of persons voting thereon: PROVIDED FURTHER, That where such a proposition is submitted by a county on behalf of an unincorporated transportation benefit area, it shall be voted upon by the voters residing within the boundaries of such unincorporated transportation benefit area and, if approved, the sales and use tax shall be imposed only within such area. Notwithstanding any provisions of this section to the contrary, any county in which a county public transportation plan has been adopted pursuant to RCW 36.57.070 and the voters of such county have authorized the imposition of a sales and use tax pursuant to the provisions of section 10, chapter 167, Laws of 1974 ex. sess., prior to July 1, 1975, shall be authorized to fix and impose a sales and use tax as provided in this section at not to exceed the rate so authorized without additional approval of the voters of such county as otherwise required by this section.

The tax authorized pursuant to this section shall be in addition to the tax authorized by RCW 82.14.030 and shall be collected from those persons who are taxable by the state pursuant to chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within such city, public transportation benefit area, county, or metropolitan municipal corporation as the case may be. The rate of such tax shall be one-tenth, two-tenths, three-tenths, four-tenths, five-tenths, or six-tenths of one percent of the selling price (in the case of a sales tax) or value of the article used (in the case of a use tax). The rate of such tax shall not exceed the rate authorized by the voters unless such increase shall be similarly approved.

(2) (a) In the event a metropolitan municipal corporation shall impose a sales and use tax pursuant to this chapter no city, county which has created an unincorporated transportation benefit area, public transportation benefit area authority, or county transportation authority wholly within such metropolitan municipal corporation shall be empowered to levy and/or collect taxes pursuant to RCW ~~((35.56.273;))~~ 35.95.040((-and/or 82.14.045;)) or this section, or be eligible to receive motor vehicle excise tax revenues under RCW 82.44.150, but nothing herein shall prevent such city or county from imposing sales and use taxes pursuant to any other authorization.

(b) In the event a county transportation authority shall impose a sales and use tax pursuant to this section, no city, county which has created an unincorporated transportation benefit

area, public transportation benefit area, or metropolitan municipal corporation, located within the territory of the authority, shall be empowered to levy or collect taxes pursuant to RCW ~~((35-58-273))~~ 35.95.040~~((;))~~ or ~~((82-14-045))~~ this section, or be eligible to receive motor vehicle excise tax revenues under RCW 82.44.150.

(c) In the event a public transportation benefit area shall impose a sales and use tax pursuant to this section, no city, county which has created an unincorporated transportation benefit area, or metropolitan municipal corporation, located wholly or partly within the territory of the public transportation benefit area, shall be empowered to levy or collect taxes pursuant to RCW ~~((35-58-273))~~ 35.95.040~~((;))~~ or ~~((82-14-045))~~ this section, or be eligible to receive motor vehicle excise tax revenues under RCW 82.44.150.

(3) Any local sales and use tax revenue collected pursuant to this section by any city or by any county for transportation purposes pursuant to RCW 36.57.100 and 36.57.110 shall not be counted as locally generated tax revenues for the purposes of apportionment and distribution ~~((in the manner prescribed by chapter 82-44 RCW))~~ of ~~((the proceeds of the))~~ motor vehicle excise tax ~~((authorized pursuant to RCW 35-58-273))~~ revenues under RCW 82.44.150.

(4) The 1989 amendments to this section are null and void unless sections 101 through 114, 201 through 206, 301 through 333, and 401 through 412 of ESSB 5338 are enacted into law by June 30, 1989.

Sec. 314. Section 21, chapter 49, Laws of 1982 1st ex. sess. as last amended by section 82, chapter 57, Laws of 1985 and RCW 82.14.200 are each amended to read as follows:

There is created in the state treasury a special account to be known as the "county sales and use tax equalization account." Into this account shall be placed a portion of all motor vehicle excise tax receipts as provided in RCW ~~((82-44-156(2)))~~ 82.44.110~~(6)~~. Funds in this account shall be allocated by the state treasurer according to the following procedure:

(1) Prior to April 1st of each year the director of revenue shall inform the state treasurer of the total and the per capita levels of revenues for the unincorporated area of each county and the state-wide weighted average per capita level of revenues for the unincorporated areas of all counties imposing the sales and use tax authorized under RCW 82.14.030(1) for the previous calendar year.

(2) At such times as distributions are made under RCW 82.44.150, as now or hereafter amended, the state treasurer shall apportion to each county imposing the sales and use tax under RCW 82.14.030(1) at the maximum rate and receiving less than one hundred fifty thousand dollars from the tax for the previous calendar year, an amount from the county sales and use tax equalization account sufficient, when added to the amount of revenues received the previous calendar year by the county, to equal one hundred fifty thousand dollars.

The department of revenue shall establish a governmental price index as provided in this subsection. The base year for the index shall be the end of the third quarter of 1982. Prior to November 1, 1983, and prior to each November 1st thereafter, the department of revenue shall establish another index figure for the third quarter of that year. The department of revenue may use the implicit price deflators for state and local government purchases of goods and services calculated by the United States department of commerce to establish the governmental price index. Beginning on January 1, 1984, and each January 1st thereafter, the one hundred fifty thousand dollar base figure in this subsection shall be adjusted in direct proportion to the percentage change in the governmental price index from 1982 until the year before the adjustment. Distributions made under this subsection for 1984 and thereafter shall use this adjusted base amount figure.

(3) Subsequent to the distributions under subsection (2) of this section and at such times as distributions are made under RCW 82.44.150, as now or hereafter amended, the state treasurer shall apportion to each county imposing the sales and use tax under RCW 82.14.030(1) at the maximum rate and receiving less than seventy percent of the state-wide weighted average per capita level of revenues for the unincorporated areas of all counties as determined by the department of revenue under subsection (1) of this section, an amount from the county sales and use tax equalization account sufficient, when added to the per capita level of revenues for the unincorporated area received the previous calendar year by the county, to equal seventy percent of the state-wide weighted average per capita level of revenues for the unincorporated areas of all counties determined under subsection (1) of this section, subject to reduction under subsections (6) and (7) of this section. When computing distributions under this section, any distribution under subsection (2) of this section shall be considered revenues received from the tax imposed under RCW 82.14.030(1) for the previous calendar year.

(4) Subsequent to the distributions under subsection (3) of this section and at such times as distributions are made under RCW 82.44.150, as now or hereafter amended, the state treasurer shall apportion to each county imposing the sales and use tax under RCW 82.14.030(2) at the maximum rate and receiving a distribution under subsection (2) of this section, a third distribution from the county sales and use tax equalization account. The distribution to each qualifying county shall be equal to the distribution to the county under subsection (2) of this section, subject to the reduction under subsections (6) and (7) of this section. To qualify for the total distribution under this subsection, the county must impose the tax under RCW 82.14.030(2) for the

entire calendar year. Counties imposing the tax for less than the full year shall qualify for prorated allocations under this subsection proportionate to the number of months of the year during which the tax is imposed.

(5) Subsequent to the distributions under subsection (4) of this section and at such times as distributions are made under RCW 82.44.150, as now or hereafter amended, the state treasurer shall apportion to each county imposing the sales and use tax under RCW 82.14.030(2) at the maximum rate and receiving a distribution under subsection (3) of this section, a fourth distribution from the county sales and use tax equalization account. The distribution to each qualifying county shall be equal to the distribution to the county under subsection (3) of this section, subject to the reduction under subsections (6) and (7) of this section. To qualify for the distributions under this subsection, the county must impose the tax under RCW 82.14.030(2) for the entire calendar year. Counties imposing the tax for less than the full year shall qualify for prorated allocations under this subsection proportionate to the number of months of the year during which the tax is imposed.

(6) Revenues distributed under this section in any calendar year shall not exceed an amount equal to seventy percent of the state-wide weighted average per capita level of revenues for the unincorporated areas of all counties during the previous calendar year. If distributions under subsections (3) through (5) of this section cannot be made because of this limitation, then distributions under subsections (3) through (5) of this section shall be reduced ratably among the qualifying counties.

(7) If inadequate revenues exist in the county sales and use tax equalization account to make the distributions under subsections (3) through (5) of this section, then the distributions under subsections (3) through (5) of this section shall be reduced ratably among the qualifying counties. At such time during the year as additional funds accrue to the county sales and use tax equalization account, additional distributions shall be made under subsections (3) through (5) of this section to the counties.

(8) If the level of revenues in the county sales and use tax equalization account exceeds the amount necessary to make the distributions under subsections (2) through (5) of this section, then the additional revenues shall be credited and transferred to the state general fund.

(9) All earnings of investments of balances in the county sales and use tax equalization account shall be credited to the general fund.

The 1989 amendments to this section are null and void unless sections 101 through 114, 201 through 206, 301 through 333, and 401 through 412 of ESSB 5338 are enacted into law by June 30, 1989.

Sec. 315. Section 22, chapter 49, Laws of 1982 1st ex. sess. as last amended by section 83, chapter 57, Laws of 1985 and RCW 82.14.210 are each amended to read as follows:

There is created in the state treasury a special account to be known as the "municipal sales and use tax equalization account." Into this account shall be placed such revenues as are provided under RCW (~~(82-44-150(3)(b))~~) 82.44.110(5). Funds in this account shall be allocated by the state treasurer according to the following procedure:

(1) Prior to April 1st of each year the director of revenue shall inform the state treasurer of the total and the per capita levels of revenues for each city and the state-wide weighted average per capita level of revenues for all cities imposing the sales and use tax authorized under RCW 82.14.030(1) for the previous calendar year.

(2) At such times as distributions are made under RCW 82.44.150, as now or hereafter amended, the state treasurer shall apportion to each city not imposing the sales and use tax under RCW 82.14.030(2) an amount from the municipal sales and use tax equalization account equal to the amount distributed to the city under (~~RCW 82-44-150(3)(a))~~ section 309 of this act multiplied by thirty-five sixty-fifths.

(3) Subsequent to the distributions under subsection (2) of this section, and at such times as distributions are made under RCW 82.44.150, as now or hereafter amended, the state treasurer shall apportion to each city imposing the sales and use tax under RCW 82.14.030(1) at the maximum rate and receiving less than seventy percent of the state-wide weighted average per capita level of revenues for all cities as determined by the department of revenue under subsection (1) of this section, an amount from the municipal sales and use tax equalization account sufficient, when added to the per capita level of revenues received the previous calendar year by the city, to equal seventy percent of the state-wide weighted average per capita level of revenues for all cities determined under subsection (1) of this section, subject to reduction under subsection (5) of this section.

(4) Subsequent to the distributions under subsection (3) of this section, and at such times as distributions are made under RCW 82.44.150, as now or hereafter amended, the state treasurer shall apportion to each city imposing the sales and use tax under RCW 82.14.030(2) at the maximum rate and receiving a distribution under subsection (3) of this section, a third distribution from the municipal sales and use tax equalization account. The distribution to each qualifying city shall be equal to the distribution to the city under subsection (3) of this section, subject to the reduction under subsection (5) of this section. To qualify for the distributions under this subsection, the city must impose the tax under RCW 82.14.030(2) for the entire calendar year.

Cities imposing the tax for less than the full year shall qualify for prorated allocations under this subsection proportionate to the number of months of the year during which the tax is imposed.

(5) If inadequate revenues exist in the municipal sales and use tax equalization account to make the distributions under subsection (3) or (4) of this section, then the distributions under subsection (3) or (4) of this section shall be reduced ratably among the qualifying cities. At such time during the year as additional funds accrue to the municipal sales and use tax equalization account, additional distributions shall be made under subsections (3) and (4) of this section to the cities.

(6) If the level of revenues in the municipal sales and use tax equalization account exceeds the amount necessary to make the distributions under subsections (2) through (4) of this section, then the additional revenues shall be apportioned among the several cities within the state ratably on the basis of population as last determined by the office of financial management: PROVIDED, That no such distribution shall be made to those cities receiving a distribution under subsection (2) of this section.

(7) For a city or town initially incorporated on or after January 1, 1983, at the time distributions are made under subsection (3) of this section, the state treasurer shall place into a separate designated account for such city or town a pro rata amount of the revenues received under RCW ~~((82.44.156(3)(b)))~~ 82.44.110(5) equal to the city's or town's population multiplied by the amount of equalization funds to which the city or town would be entitled if its per capita yield the previous calendar year were zero. Such account shall take effect on January 1st of the first full calendar year during which the city or town imposes the taxes authorized by RCW 82.14.030(1) and shall cease to exist on December 31st of that year.

(8) All earnings of investments of balances in the municipal sales and use tax equalization account shall be credited to the general fund.

At the time that sales and use tax distributions are made pursuant to RCW 82.14.060, the revenues in such designated account shall be added to the city's or town's sales and use tax distributions so as to provide to such city or town an amount which reflects what such jurisdiction's entitlement from the municipal sales and use tax equalization account would have been if the actual distributions of sales and use tax revenues to such city or town had been received the previous full calendar year. Any excess revenues remaining in such designated account upon its expiration shall be apportioned according to subsection (6) of this section. If the department of revenue determines during the year that any funds in the designated account are not necessary for the purposes of distribution under this subsection, the department may deposit those funds in the municipal sales and use tax equalization account to be apportioned according to subsection (6) of this section.

The 1989 amendments to this section are null and void unless sections 101 through 114, 201 through 206, 301 through 333, and 401 through 412 of ESSB 5338 are enacted into law by June 30, 1989.

Sec. 316. Section 7, chapter 270, Laws of 1975 1st ex. sess. as last amended by section 46, chapter 167, Laws of 1983 and RCW 35.58.2721 are each amended to read as follows:

(1) In addition to any other authority now provided by law, and subject only to constitutional limitations, the governing body of any municipality shall be authorized to acquire, construct, operate, and maintain a public transportation system and additions and betterments thereto, and to issue general obligation bonds for public mass transportation capital purposes including but not limited to replacement of equipment: PROVIDED, That the general indebtedness incurred under this section when considered together with all the other outstanding general indebtedness of the municipality shall not exceed the amounts of indebtedness authorized by chapter 39.36 RCW and chapter 35.58 RCW, as now or hereafter amended, to be incurred without and with the assent of the voters. Such bonds may be in any form, including bearer bonds or registered bonds as provided in RCW 39.46.030.

~~((Upon July 1, 1975 any such municipality is authorized to pledge that the taxes authorized, levied and collected to pay or secure the payment of any bonds issued after July 1, 1975 for authorized public transportation purposes shall continue to be levied, collected and applied until such bonds shall have been paid or sufficient funds for such payment shall have been duly provided and irrevocably set aside by the issuer for such payment. If any of the revenue from any tax or surcharge authorized by this or any other chapter shall have been pledged to secure the payment of any bonds as herein authorized, then as long as that pledge shall be in effect the legislature shall not withdraw the authority to levy and collect the tax.)) Any municipality is authorized to pledge for the payment or security of the principal of and interest on any bonds issued for authorized public transportation purposes all or any portion of any taxes authorized to be levied by the issuer, including, but not limited to, the local sales and use tax authorized pursuant to RCW 82.14.045, as now or hereafter amended. ((The preceding sentence notwithstanding, not more than ten percent of the motor vehicle excise taxes levied and collected pursuant to RCW 35.58.273 may be pledged for the payment or security of the principal of and interest on any bonds issued for authorized public transportation purposes after July 1, 1975 but before May 14, 1979, and)) No motor vehicle excise ((taxes)) tax revenues under RCW 35.58.273 may be pledged for bonds ((issued on or after May 14, 1979)).~~

(2) Notwithstanding subsection (1) of this section, such bonds may be issued and sold in accordance with chapter 39.46 RCW.

(3) The 1989 amendments to this section are null and void unless sections 101 through 114, 201 through 206, 301 through 333, and 401 through 412 of ESSB 5338 are enacted into law by June 30, 1989.

Sec. 317. Section 8, chapter 255, Laws of 1969 ex. sess. as last amended by section 2, chapter 428, Laws of 1987 and RCW 35.58.273 are each amended to read as follows:

(1) Any municipality within a class AA county, or within a class A county contiguous to a class AA county, or within a second class county contiguous to a class A county that is contiguous to a class AA county (~~is authorized to levy and collect a special excise tax~~) shall receive, subject to the limitations under RCW 82.44.150, an amount not exceeding ~~((ninety-six one-hundredths of one))~~ .7824 percent on the ~~((fair market))~~ value of every motor vehicle owned by a resident of such municipality for the privilege of using such motor vehicle ~~((provided that in no event shall the tax be less than one dollar and, subject to RCW 82.44.150 (5) and (6), the amount of such tax shall be credited against the amount of the excise tax levied by the state under RCW 82.44.020))~~. Any other municipality ~~((is authorized to levy and collect a special excise tax))~~ shall receive, subject to the limitations under RCW 82.44.150, an amount not exceeding ~~((one))~~ .815 percent on the ~~((fair market))~~ value of every motor vehicle owned by a resident of such municipality for the privilege of using such motor vehicle ~~((provided that in no event shall the tax be less than one dollar and, subject to RCW 82.44.150 (5) and (6), the amount of such tax shall be credited against the amount of the excise tax levied by the state under RCW 82.44.020; PROVIDED, That))~~. Before utilization of any ~~((excise tax))~~ moneys ~~((collected under authorization of this section))~~ distributed under RCW 82.44.150 for acquisition of right of way or construction of a mass transit facility on a separate right of way the municipality shall adopt rules affording the public an opportunity for "corridor public hearings" and "design public hearings" as herein defined, which rule shall provide in detail the procedures necessary for public participation in the following instances: (a) prior to adoption of location and design plans having a substantial social, economic or environmental effect upon the locality upon which they are to be constructed or (b) on such mass rapid transit systems operating on a separate right of way whenever a substantial change is proposed relating to location or design in the adopted plan. In adopting rules the municipality shall adhere to the provisions of the Administrative Procedure Act.

(2) A "corridor public hearing" is a public hearing that: (a) is held before the municipality is committed to a specific mass transit route proposal, and before a route location is established; (b) is held to afford an opportunity for participation by those interested in the determination of the need for, and the location of, the mass rapid transit system; (c) provides a public forum that affords a full opportunity for presenting views on the mass rapid transit system route location, and the social, economic and environmental effects on that location and alternate locations: PROVIDED, That such hearing shall not be deemed to be necessary before adoption of an overall mass rapid transit system plan by a vote of the electorate of the municipality.

(3) A "design public hearing" is a public hearing that: (a) is held after the location is established but before the design is adopted; and (b) is held to afford an opportunity for participation by those interested in the determination of major design features of the mass rapid transit system; and (c) provides a public forum to afford a full opportunity for presenting views on the mass rapid transit system design, and the social, economic, environmental effects of that design and alternate designs.

(4) The 1989 amendments to this section are null and void unless sections 101 through 114, 201 through 206, 301 through 333, and 401 through 412 of ESSB 5338 are enacted into law by June 30, 1989.

Sec. 318. Section 14, chapter 255, Laws of 1969 ex. sess. as last amended by section 3, chapter 319, Laws of 1981 and RCW 35.58.279 are each amended to read as follows:

All ~~((taxes levied and collected under RCW 35.58.273))~~ revenues received by a municipality under RCW 82.44.150 shall be credited to a special fund in the treasury of the municipality ~~((imposing such tax. Such taxes))~~ and shall be ~~((levied and))~~ used solely for the purpose of paying all or any part of the cost of acquiring, constructing, equipping or operating a publicly owned mass transportation system, or contracting for the services thereof ~~((or to pay or secure the payment of all or part of the principal of or interest on any general obligation bonds or revenue bonds issued for public transportation capital purposes and until withdrawn for use))~~. The moneys accumulated in such fund or funds may be invested by the treasurer of such municipality in the manner authorized by the legislative body of the municipality.

No municipality may use any ~~((of the proceeds of the taxes levied and collected under RCW 35.58.273))~~ motor vehicle excise tax revenues distributed under RCW 82.44.150 for the purpose of financing ambulance services nor shall the expenditure of sales and use tax authorized pursuant to RCW 82.14.045 for ambulance services be counted as locally generated tax revenues for apportionment and distribution of ~~((the proceeds of the))~~ motor vehicle excise tax ~~((authorized pursuant to RCW 35.58.273, in the manner prescribed by chapter 82.44 RCW as now or hereafter amended))~~ revenues under RCW 82.44.150.

~~((If any of the revenue from any such special excise tax shall have been pledged by any municipality to secure the payment of any bonds as herein authorized, then as long as that pledge shall be in effect the legislature shall not withdraw from the municipality the authority to levy and collect the tax. After August 11, 1969, any municipality is authorized to pledge that the tax authorized by RCW 35.58.273 shall be levied, collected and applied as provided by law to pay or secure the payment of any bonds issued by such municipality after such date but before May 14, 1979, for authorized public transportation purposes.))~~

The 1989 amendments to this section are null and void unless sections 101 through 114, 201 through 206, 301 through 333, and 401 through 412 of ESSB 5338 are enacted into law by June 30, 1989.

Sec. 319. Section 19, chapter 255, Laws of 1969 ex. sess. and RCW 35.58.2791 are each amended to read as follows:

No new internal combustion powered equipment shall be acquired with funds derived from ~~((taxes levied and collected under RCW 35.58.273 or with funds derived from general obligation bonds wholly or partially secured by the taxes levied and collected under RCW 35.58.273))~~ distribution under RCW 82.44.150 unless they meet the standards for control of pollutants emitted by internal combustion engines as determined by the state air pollution control board, which standards shall not be less than those required by similar federal standards.

The 1989 amendments to this section are null and void unless sections 101 through 114, 201 through 206, 301 through 333, and 401 through 412 of ESSB 5338 are enacted into law by June 30, 1989.

Sec. 320. Section 20, chapter 255, Laws of 1969 ex. sess. and RCW 35.58.2792 are each amended to read as follows:

The construction of parking facilities to be wholly or partially financed with ~~((funds derived from the taxes levied and collected under RCW 35.58.273 or with funds derived from general obligation bonds wholly or partially secured by taxes levied and collected under RCW 35.58.273))~~ revenues received under RCW 82.44.150 shall be in conjunction with and adjacent to public transportation stations or transfer facilities.

The 1989 amendments to this section are null and void unless sections 101 through 114, 201 through 206, 301 through 333, and 401 through 412 of ESSB 5338 are enacted into law by June 30, 1989.

Sec. 321. Section 4, chapter 277, Laws of 1977 ex. sess. and RCW 36.56.040 are each amended to read as follows:

If, from the testimony given before the county legislative authority, it appears that the public interest or welfare would be satisfied by the county assuming the rights, powers, functions, and obligations of the metropolitan municipal corporation, the county legislative authority may declare that to be its intent and assume such rights, powers, functions, and obligations by ordinance or resolution, as the case may be, providing that the county shall be vested with every right, power, function, and obligation currently granted to or possessed by the metropolitan municipal corporation pursuant to chapter 35.58 RCW ~~((including RCW 35.58.273 relating to levy and use of the motor vehicle excise tax))~~ or other provision of state law, including but not limited to, the power and authority to levy a sales and use tax pursuant to chapter 82.14 RCW or other provision of law: PROVIDED, That such ordinance or resolution shall be submitted to the voters of the county for their adoption and ratification or rejection, and if a majority of the persons voting on the proposition residing within the central city shall vote in favor thereof and a majority of the persons voting on the proposition residing in the metropolitan area outside of the central city shall vote in favor thereof, the ordinance or resolution shall be deemed adopted and ratified.

Upon assumption of the rights, powers, functions, and obligations of the metropolitan municipal corporation by the county, the metropolitan council established pursuant to the provisions of RCW 35.58.120 through 35.58.160 shall be abolished, said provisions shall be inapplicable to the county, and the county legislative authority shall thereafter be vested with all rights, powers, duties, and obligations otherwise vested by law in the metropolitan council: PROVIDED, That in any county with a home rule charter such rights, powers, functions, and obligations shall vest in accordance with the executive and legislative responsibilities defined in such charter.

The 1989 amendments to this section are null and void unless sections 101 through 114, 201 through 206, 301 through 333, and 401 through 412 of ESSB 5338 are enacted into law by June 30, 1989.

Sec. 322. Section 43.62.010, chapter 8, Laws of 1965 as last amended by section 127, chapter 151, Laws of 1979 and RCW 43.62.010 are each amended to read as follows:

If the state or any of its political subdivisions, or other agencies, use the population studies services of the office of financial management or the successor thereto, the state, its political subdivision, or other agencies utilizing such services shall pay for the cost of rendering such services. Expenditures shall be paid out of funds allocated to cities and towns under ~~((RCW 82.44.150, as derived from section 5, chapter 152, Laws of 1945.))~~ section 309 of this act and shall be paid from said fund before any allocations or payments are made to cities and towns under ~~((said act))~~ section 309 of this act.

The 1989 amendments to this section are null and void unless sections 101 through 114, 201 through 206, 301 through 333, and 401 through 412 of ESSB 5338 are enacted into law by June 30, 1989.

Sec. 323. Section 46.16.220, chapter 12, Laws of 1961 as last amended by section 9, chapter 118, Laws of 1975 1st ex. sess. and RCW 46.16.220 are each amended to read as follows:

Vehicle licenses and vehicle license number plates may be renewed for the subsequent registration year on and after the forty-fifth day prior to the end of the current registration year and must be used and displayed from the date of issue or from the day of the expiration of the preceding registration year, whichever date is later (~~—PROVIDED, That in no case shall a citation be issued for nonregistration prior to the first day of the month following the calendar month in which vehicle licenses and vehicle license number plates are to be renewed.~~).

The 1989 amendments to this section are null and void unless sections 101 through 114, 201 through 206, 301 through 333, and 401 through 412 of ESSB 5338 are enacted into law by June 30, 1989.

Sec. 324. Section 31, chapter 35, Laws of 1982 1st ex. sess. as last amended by section 4, chapter 80, Laws of 1987, section 15, chapter 472, Laws of 1987, and by section 6, chapter 9, Laws of 1987 1st ex. sess. and RCW 82.02.030 are each reenacted and amended to read as follows:

(1) The rate of the additional taxes under RCW 54.28.020(2), 54.28.025(2), 66.24.210(2), 66.24.290(2), 82.04.2901, 82.16.020(2), 82.26.020(2), 82.27.020(5), and 82.29A.030(2) (~~—and 82.44.020(4)~~) shall be seven percent; and

(2) The rate of the additional taxes under RCW 82.08.150(4) shall be fourteen percent.

The 1989 amendments to this section are null and void unless sections 101 through 114, 201 through 206, 301 through 333, and 401 through 412 of ESSB 5338 are enacted into law by June 30, 1989.

Sec. 325. Section 55, chapter 299, Laws of 1971 ex. sess. as last amended by section 1, chapter 123, Laws of 1979 and RCW 82.50.400 are each amended to read as follows:

An annual excise tax is imposed on the owner of any travel trailer or camper for the privilege of using such travel trailer or camper in this state. The excise tax hereby imposed shall be due and payable to the department of licensing or its agents at the time of registration of a travel trailer or camper. Whenever an application is made to the department of licensing or its agents for a license for a travel trailer or camper there shall be collected, in addition to the amount of the license fee or renewal license fee, the amount of the excise tax imposed by this chapter (~~pro-rated to comply with the effective date of the annual schedule prepared pursuant to RCW 82.44.040~~), and no dealer's license or license plates, and no license or license plates for a travel trailer or camper may be issued unless such tax is paid in full. No additional tax shall be imposed under this chapter upon any travel trailer or camper upon the transfer of ownership thereof, if the tax imposed by this chapter with respect to such travel trailer or camper has already been paid for the registration year or fractional part thereof in which such transfer occurs.

The 1989 amendments to this section are null and void unless sections 101 through 114, 201 through 206, 301 through 333, and 401 through 412 of ESSB 5338 are enacted into law by June 30, 1989.

Sec. 326. Section 56, chapter 299, Laws of 1971 ex. sess. as last amended by section 2, chapter 123, Laws of 1979 and RCW 82.50.410 are each amended to read as follows:

The rate and measure of tax imposed by this chapter for each registration year shall be one percent, and a surcharge of one-tenth of one percent, of the (~~fair market~~) value of the travel trailer or camper, as determined in the manner provided in this chapter: PROVIDED, That the excise tax upon a travel trailer or camper licensed for the first time in this state after the last day of any registration month may only be levied for the remaining months of the registration year including the month in which the travel trailer or camper is first licensed: PROVIDED FURTHER, That the minimum amount of tax payable shall be two dollars: PROVIDED FURTHER, That every dealer in mobile homes or travel trailers, for the privilege of using any mobile home or travel trailer eligible to be used under a dealer's license plate, shall pay an excise tax of two dollars, and such tax shall be collected upon the issuance of each original dealer's license plate, and also a similar tax shall be collected upon the issuance of each dealer's duplicate license plate, which taxes shall be in addition to any tax otherwise payable under this chapter.

A travel trailer or camper shall be deemed licensed for the first time in this state when such vehicle was not previously licensed by this state for the registration year or any part thereof immediately preceding the registration year in which application for license is made or when it has been registered in another jurisdiction subsequent to any prior registration in this state.

The 1989 amendments to this section are null and void unless sections 101 through 114, 201 through 206, 301 through 333, and 401 through 412 of ESSB 5338 are enacted into law by June 30, 1989.

Sec. 327. Section 66, chapter 299, Laws of 1971 ex. sess. as amended by section 1, chapter 75, Laws of 1975-76 2nd ex. sess. and RCW 82.50.510 are each amended to read as follows:

The county auditor shall regularly, when remitting motor vehicle excise taxes, pay to the state treasurer the excise taxes collected under this chapter. The treasurer shall then distribute such funds quarterly on the first day of the month of January, April, July and October of each year in the following amount: (1) For the one percent tax imposed under RCW 82.50.410, fifteen percent to cities and towns for the use thereof apportioned ratably among such cities and towns on the basis of population; fifteen percent to counties for the use thereof to be apportioned ratably among such counties on the basis of moneys collected in such counties from the excise taxes imposed under this chapter; and seventy percent for schools to be deposited in the state general fund; and (2) for the one-tenth of one percent surcharge imposed under RCW 82.50.410, one hundred percent to the transportation fund created in section 312 of this act.

The 1989 amendments to this section are null and void unless sections 101 through 114, 201 through 206, 301 through 333, and 401 through 412 of ESSB 5338 are enacted into law by June 30, 1989.

NEW SECTION. Sec. 328. A new section is added to chapter 82.50 RCW to read as follows:

For the purpose of determining the tax under this chapter, the value of a travel trailer or camper is the manufacturer's base suggested retail price of the travel trailer or camper when first offered for sale as new, excluding any optional equipment, applicable federal excise taxes, state and local sales or use taxes, transportation or shipping costs, or preparatory or delivery costs, multiplied by the applicable percentage listed in this section based on the year of service.

If the manufacturer's base suggested retail price is unavailable or otherwise unascertainable at the time of initial registration in this state, the department shall determine a value equivalent to a manufacturer's base suggested retail price as follows:

(1) The department shall determine a value using any information that may be available, including any guidebook, report, or compendium of recognized standing in the automotive industry or the selling price and year of sale of the travel trailer or camper. The department may use an appraisal by the county assessor. In valuing a travel trailer or camper for which the current value or selling price is not indicative of the value of similar travel trailers or campers of the same year and model, the department shall establish a value that more closely represents the average value of similar travel trailers or campers of the same year and model. If the travel trailer or camper is home-built, the value shall not be less than the cost of construction.

(2) The value determined in subsection (1) of this section shall be divided by the applicable percentage listed in this section to establish a value equivalent to a manufacturer's base suggested retail price. The applicable percentage shall be based on the year of service of the travel trailer or camper for which the value is determined.

<u>YEAR OF SERVICE</u>	<u>PERCENTAGE</u>
1	100
2	90
3	84
4	79
5	73
6	65
7	60
8	55
9	50
10	45
11	41
12	37
13	33
14	28
15	24
16 or older	20

This section is null and void unless sections 101 through 114, 201 through 206, 301 through 333, and 401 through 412 of ESSB 5338 are enacted into law by June 30, 1989.

NEW SECTION. Sec. 329. A new section is added to chapter 82.50 RCW to read as follows:

If the department determines a value for a travel trailer or camper under section 328 of this act equivalent to a manufacturer's base suggested retail price, any person who pays the tax for that travel trailer or camper may appeal the valuation to the department under chapter 34.05 RCW. If the taxpayer is successful on appeal, the department shall refund the excess tax in the manner provided in RCW 82.50.170.

This section is null and void unless sections 101 through 114, 201 through 206, 301 through 333, and 401 through 412 of ESSB 5338 are enacted into law by June 30, 1989.

Sec. 330. Section 7, chapter 91, Laws of 1975 '76 2nd ex. sess. as amended by section 7, chapter 32, Laws of 1980 and RCW 46.12.360 are each amended to read as follows:

A vehicle owner shall be reimbursed from the motor vehicle fund when: (1) ~~(His)~~ The vehicle identification number was physically inspected and verified pursuant to RCW 46.12.030(3); and (2) the vehicle is determined subsequently to have been reported stolen at the

time of the inspection. Such reimbursement shall be for the value of the vehicle (~~as determined by criteria set forth in RCW 82.44.040~~); PROVIDED, That no claim shall be allowed under this section following a satisfactory showing by the department that errors, omissions, or transpositions were made in entering the vehicle's identity in the stolen vehicle file.

The 1989 amendments to this section are null and void unless sections 101 through 114, 201 through 206, 301 through 333, and 401 through 412 of ESSB 5338 are enacted into law by June 30, 1989.

NEW SECTION. Sec. 331. Notwithstanding any other provision of this act, motor vehicles and travel trailers and campers that are valued under the system in effect before the effective date of this section shall be valued by using the initial valuation of the vehicle under chapter 82.44 or 82.50 RCW multiplied by the applicable percentage under section 303 or 328 of this act. Before December 1992 vehicle license expirations, no tax may be imposed on any motor vehicle or travel trailer or camper that is greater than one hundred ten percent of the tax imposed during the registration period in effect before the effective date of this section.

This section is null and void unless sections 101 through 114, 201 through 206, 301 through 333, and 401 through 412 of ESSB 5338 are enacted into law by June 30, 1989.

NEW SECTION. Sec. 332. The following acts or parts of acts are each repealed:

(1) Section 9, chapter 255, Laws of 1969 ex. sess., section 100, chapter 7, Laws of 1985 and RCW 35.58.274;

(2) Section 10, chapter 255, Laws of 1969 ex. sess. and RCW 35.58.275;

(3) Section 11, chapter 255, Laws of 1969 ex. sess., section 1, chapter 199, Laws of 1971 ex. sess. and RCW 35.58.276;

(4) Section 12, chapter 255, Laws of 1969 ex. sess., section 91, chapter 158, Laws of 1979 and RCW 35.58.277;

(5) Section 13, chapter 255, Laws of 1969 ex. sess., section 1, chapter 54, Laws of 1974 ex. sess., section 2, chapter 270, Laws of 1975 1st ex. sess. and RCW 35.58.278;

(6) Section 6, chapter 200, Laws of 1983 and RCW 82.44.013;

(7) Section 82.44.040, chapter 15, Laws of 1961, section 94, chapter 278, Laws of 1975 1st ex. sess., section 12, chapter 118, Laws of 1975 1st ex. sess., section 231, chapter 158, Laws of 1979 and RCW 82.44.040;

(8) Section 52, chapter 299, Laws of 1971 ex. sess., section 13, chapter 118, Laws of 1975 1st ex. sess., section 232, chapter 158, Laws of 1979 and RCW 82.44.045;

(9) Section 82.44.050, chapter 15, Laws of 1961, section 3, chapter 199, Laws of 1963, section 11, chapter 222, Laws of 1981 and RCW 82.44.050;

(10) Section 57, chapter 299, Laws of 1971 ex. sess. and RCW 82.50.420; and

(11) Section 58, chapter 299, Laws of 1971 ex. sess. and RCW 82.50.430.

This section is null and void unless sections 101 through 114, 201 through 206, 301 through 333, and 401 through 412 of ESSB 5338 are enacted into law by June 30, 1989.

NEW SECTION. Sec. 333. A new section is added to chapter 82.44 RCW to read as follows:

Distributions under RCW 82.44.150 for excise taxes collected under RCW 35.58.273, before January 1, 1990, shall be under the provisions of RCW 82.44.150 as it existed before January 1, 1990.

This section is null and void unless sections 101 through 114, 201 through 206, 301 through 333, and 401 through 412 of ESSB 5338 are enacted into law by June 30, 1989.

PART IV: MISCELLANEOUS

Sec. 401. Section 3, chapter 33, Laws of 1982 as amended by section 113, chapter 7, Laws of 1985 and by section 2, chapter 120, Laws of 1985 and RCW 46.68.124 are each reenacted and amended to read as follows:

(1) The equivalent population for each county shall be computed as the sum of the population residing in the county's unincorporated area plus twenty-five percent of the population residing in the county's incorporated area. Population figures required for the computations in this subsection shall be certified by the director of the office of financial management on or before July 1st of each odd-numbered year.

(2) The total annual road cost for each county shall be computed as the sum of one twenty-fifth of the total estimated county road replacement cost, plus the total estimated annual maintenance cost. Appropriate costs for bridges and ferries shall be included. The county road administration board shall be responsible for establishing a uniform system of roadway categories for both maintenance and construction and also for establishing (~~a single state-wide~~) cost per mile rates for each roadway category. The total annual cost for each county will be based on the established (~~state-wide~~) cost per mile and associated mileage for each category. The mileage to be used for these computations shall be as shown in the county road log as maintained by the county road administration board as of July 1, 1985, and each two years thereafter. Each county shall be responsible for submitting changes, corrections, and deletions as regards the county road log to the county road administration board. Such changes, corrections, and deletions shall be subject to verification and approval by the county road administration board prior to inclusion in the county road log.

(3) The money need factor for each county shall be the county's total annual road cost less the following four amounts:

(a) One-half the sum of the actual county road tax levied upon the valuation of all taxable property within the county road districts pursuant to RCW 36.82.040 for the two calendar years next preceding the year of computation of the allocation amounts as certified by the department of revenue;

(b) One-half the sum of all funds received by the county road fund from the federal forest reserve fund pursuant to RCW 28A.02.300 and 28A.02.310 during the two calendar years next preceding the year of computation of the allocation amounts as certified by the state treasurer;

(c) One-half the sum of timber excise taxes received by the county road fund pursuant to chapter 84.33 RCW in the two calendar years next preceding the year of computation of the allocation amounts as certified by the state treasurer;

(d) One-half the sum of motor vehicle license fees and motor vehicle and special fuel taxes refunded to the county, pursuant to RCW 46.68.080 during the two calendar years next preceding the year of computation of the allocation amounts as certified by the state treasurer.

(4) The state treasurer and the department of revenue shall furnish to the county road administration board the information required by subsection (3) of this section on or before July 1st of each odd-numbered year.

(5) The county road administration board, shall compute and provide to the counties the allocation factors of the several counties on or before September 1st of each year based solely upon the sources of information herein before required: PROVIDED, That the allocation factor shall be held to a level not more than five percent above or five percent below the allocation factor in use during the previous calendar year. Upon computation of the actual allocation factors of the several counties, the county road administration board shall provide such factors to the state treasurer to be used in the computation of the counties' fuel tax allocation for the succeeding calendar year. The state treasurer shall adjust the fuel tax allocation of each county on January 1st of every year based solely upon the information provided by the county road administration board.

(6) The 1989 amendments to this section are null and void unless sections 101 through 114, 201 through 206, 301 through 333, and 401 through 412 of ESSB 5338 are enacted into law by June 30, 1989.

Sec. 402. Section 1, chapter 131, Laws of 1979 and RCW 47.56.711 are each amended to read as follows:

~~((in order to permit the construction of a new))~~ The state highway bridge across the Spokane river in the vicinity of Trent Avenue in Spokane~~((the department of transportation acting through the transportation commission is authorized to enter into a contract or contracts with the Washington public employees' retirement system and the Washington state teachers' retirement system, each retirement system acting through the department of retirement systems, pursuant to which the state may issue refunding bonds to be exchanged for all outstanding Spokane river toll bridge revenue bonds held by the retirement systems in return for the agreement by the retirement systems to permit the construction of a new state highway bridge; to))~~ shall be known and designated as the James E. Keefe bridge~~((across the Spokane river in the vicinity of Trent Avenue in Spokane. If the department of transportation and those retirement systems enter into such contract or contracts, the state finance committee is authorized to issue refunding bonds in accordance with RCW 47.56.711 through 47.56.716 to carry out the terms of such contract or contracts)).~~

After the effective date of this section, the Spokane river toll bridge shall be known as the Maple Street bridge and its ownership shall revert to the city of Spokane.

The 1989 amendments to this section are null and void unless sections 101 through 114, 201 through 206, 301 through 333, and 401 through 412 of ESSB 5338 are enacted into law by June 30, 1989.

NEW SECTION. Sec. 403. The city of Spokane shall be responsible for operating and maintaining the Spokane river toll bridge and the surrounding area except:

(1) The department of transportation shall remove the toll booths and restripe the approaches, as necessary, once the tolls have been removed.

(2) The department of transportation shall replace the bridge deck and upgrade the approaches. In order to accomplish this activity, the department of transportation shall pursue federal bridge replacement funds and the city of Spokane shall contribute three hundred thousand dollars towards the required matching funds.

This section is null and void unless sections 101 through 114, 201 through 206, 301 through 333, and 401 through 412 of ESSB 5338 are enacted into law by June 30, 1989.

NEW SECTION. Sec. 404. The following acts or parts of acts are each repealed:

(1) Section 2, chapter 131, Laws of 1979 and RCW 47.56.712;

(2) Section 3, chapter 131, Laws of 1979 and RCW 47.56.713;

(3) Section 4, chapter 131, Laws of 1979 and RCW 47.56.714;

(4) Section 5, chapter 131, Laws of 1979 and RCW 47.56.715; and

(5) Section 6, chapter 131, Laws of 1979 and RCW 47.56.716.

This section is null and void unless sections 101 through 114, 201 through 206, 301 through 333, and 401 through 412 of ESSB 5338 are enacted into law by June 30, 1989.

NEW SECTION. Sec. 405. The state treasurer shall transfer all remaining funds in the Spokane river toll bridge revenue account to the motor vehicle fund to be used for the following purposes:

- (1) Repay existing loans from the motor vehicle fund to the Spokane river toll bridge revenue account in the amount of six hundred sixteen thousand two dollars and thirty-three cents;
- (2) Fund removal of toll booths and associated repairs on the Spokane river toll bridge; and
- (3) Fund preliminary engineering of the bridge deck replacement on the Spokane river toll bridge.

Any remaining funds are reserved to provide matching funds for federal bridge replacement funds to replace the bridge deck in the 1991-93 biennium.

This section is null and void unless sections 101 through 114, 201 through 206, 301 through 333, and 401 through 412 of ESSB 5338 are enacted into law by June 30, 1989.

Sec. 406. Section 47.60.150, chapter 13, Laws of 1961 as last amended by section 1, chapter 23, Laws of 1986 and by section 2, chapter 66, Laws of 1986 and RCW 47.60.150 are each reenacted and amended to read as follows:

Subject to the provisions of RCW 47.60.326, the schedule of charges for the services and facilities of the system shall be fixed and revised from time to time by the commission so that the tolls and revenues collected together with any moneys in the Puget Sound ferry operations account appropriated for maintenance and operation, and all moneys in the Puget Sound capital construction account available for debt service will yield annual revenue and income sufficient, after allowance for all operating, maintenance, and repair expenses to pay the interest and principal and sinking fund charges for all outstanding revenue bonds, and to create and maintain a fund for ordinary renewals and replacements: PROVIDED, That if provision is made by any resolution for the issuance of revenue bonds for the creation and maintenance of a special fund for rehabilitating, rebuilding, enlarging, or improving all or any part of the ferry system then such schedule of tolls and rates of charges shall be fixed and revised so that the revenue and income will also be sufficient to comply with such provision.

All income and revenues as collected shall be paid to the state treasurer for the account of the department as a separate trust fund and to be segregated and disbursed upon order of the department: PROVIDED, That the fund so segregated and set apart for the payment of the revenue bonds may be remitted to and held by a designated trustee in such manner and with such collateral as may be provided in the resolution authorizing the issuance of said bonds. No expenditure may be made from the revenue fund established under this section and the bond resolution without an appropriation by law. Nothing in this section requires tolls on the Hood Canal bridge except as may be required by any bond covenants.

The 1989 amendments to this section are null and void unless sections 101 through 114, 201 through 206, 301 through 333, and 401 through 412 of ESSB 5338 are enacted into law by June 30, 1989.

Sec. 407. Section 47.60.160, chapter 13, Laws of 1961 as amended by section 312, chapter 7, Laws of 1984 and RCW 47.60.160 are each amended to read as follows:

If it be ascertained that any expense to the motor vehicle fund has been incurred in any manner under this chapter through the department or otherwise, all such expenses shall be promptly reimbursed to the motor vehicle fund out of tolls and revenues derived by the department through any or all of its operations hereunder. This section does not apply to payments of principal and interest on bonds, sinking fund requirements, and payments into reserves related to the ferry and Hood Canal refunding revenue bonds issued under RCW 47.60.400.

The 1989 amendments to this section are null and void unless sections 101 through 114, 201 through 206, 301 through 333, and 401 through 412 of ESSB 5338 are enacted into law by June 30, 1989.

Sec. 408. Section 5, chapter 344, Laws of 1981 as amended by section 25, chapter 15, Laws of 1983 and RCW 47.60.326 are each amended to read as follows:

(1) In order to maintain an adequate, fair, and economically sound schedule of charges for the transportation of passengers, vehicles, and commodities on the Washington state ferries, ~~((including the Hood Canal bridge.))~~ the department of transportation each year shall conduct a full review of such charges.

(2) Prior to February 1st of each odd-numbered year the department shall transmit to the transportation commission a report of its review together with its recommendations for the revision of a schedule of charges for the ensuing biennium. The commission on or before July 1st of that year shall adopt as a rule, in the manner provided by the Washington administrative procedure act, a schedule of charges for the Washington state ferries for the ensuing biennium commencing July 1st. The schedule may initially be adopted as an emergency rule if necessary to take effect on, or as near as possible to, July 1st.

(3) The department in making its review and formulating recommendations and the commission in adopting a schedule of charges may consider any of the following factors:

- (a) The amount of subsidy available to the ferry system for maintenance and operation;
- (b) The time and distance of ferry runs;

(c) The maintenance and operation costs for ferry runs with a proper adjustment for higher costs of operating outmoded or less efficient equipment;

(d) The efficient distribution of traffic between cross-sound routes;

(e) The desirability of reasonable commutation rates for persons using the ferry system to commute daily to work;

(f) The effect of proposed fares in increasing walk-on and vehicular passenger use;

(g) The effect of proposed fares in promoting all types of ferry use during nonpeak periods;

(h) Such other factors as prudent managers of a major ferry system would consider.

(4) If at any time during the biennium it appears that projected toll revenues from the ferry system, together with the appropriation from the Puget Sound ferry operations account and any other operating subsidy available to the Washington state ferries, will be less than the projected total cost of maintenance and operation of the Washington state ferries for the biennium, the department shall forthwith undertake a review of its schedule of charges to ascertain whether or not the schedule of charges should be revised. The department shall, upon completion of its review report, submit its recommendation to the transportation commission which may in its sound discretion revise the schedule of charges as required to meet necessary maintenance and operation expenditures of the ferry system for the biennium or may defer action until the regular annual review and revision of ferry charges as provided in subsection (2) of this section.

(5) The provisions of RCW 47.60.330 relating to public participation shall apply to the process of revising ferry tolls under this section.

The 1989 amendments to this section are null and void unless sections 101 through 114, 201 through 206, 301 through 333, and 401 through 412 of ESSB 5338 are enacted into law by June 30, 1989.

Sec. 409. Section 3, chapter 9, Laws of 1961 ex. sess. as last amended by section 4, chapter 66, Laws of 1986 and RCW 47.60.420 are each amended to read as follows:

To the extent that all revenues from the Washington state ferry system (~~and the Hood Canal bridge~~) available therefor are insufficient to provide for the payment of principal and interest on the bonds authorized and issued under RCW 47.60.400 through 47.60.470 and for sinking fund requirements established with respect thereto and for payment into such reserves as the department has established with respect to the securing of the bonds, there is imposed a first and prior charge against the Puget Sound capital construction account of the motor vehicle fund created by RCW 47.60.505 and, to the extent required, against all revenues required by RCW 46.68.100 to be deposited in the Puget Sound capital construction account.

To the extent that the revenues from the Washington state ferry system (~~and the Hood Canal bridge~~) available therefor are insufficient to meet required payments of principal and interest on bonds, sinking fund requirements, and payments into reserves, the department shall use moneys in the Puget Sound capital construction account for such purpose. (~~Any moneys from the Puget Sound capital construction account used by the department to pay the obligations shall be repaid by the department to the motor vehicle fund from tolls of the Washington state ferry system and the Hood Canal bridge, and tolls shall be continued for any required additional length of time necessary for this purpose.~~)

The 1989 amendments to this section are null and void unless sections 101 through 114, 201 through 206, 301 through 333, and 401 through 412 of ESSB 5338 are enacted into law by June 30, 1989.

Sec. 410. Section 5, chapter 9, Laws of 1961 ex. sess. as last amended by section 6, chapter 66, Laws of 1986 and RCW 47.60.440 are each amended to read as follows:

The Washington state ferry system shall be efficiently managed, operated, and maintained as a revenue-producing undertaking. Subject to the provisions of RCW 47.60.326 the commission shall maintain and revise from time to time as necessary a schedule of tolls and charges on said ferry system and, if necessary to comply with bond covenants, on the Hood Canal bridge which together with any moneys in the Puget Sound ferry operations account appropriated for maintenance and operation and all moneys in the Puget Sound capital construction account available for debt service will produce net revenue available for debt service, in each fiscal year, in an amount at least equal to minimum annual debt service requirements as hereinafter provided. Minimum annual debt service requirements as used in this section shall include required payments of principal and interest, sinking fund requirements, and payments into reserves on all outstanding revenue bonds authorized by RCW 47.60.400 through 47.60.470.

The provisions of law relating to the revision of tolls and charges to meet minimum annual debt service requirements from net revenues as required by this section shall be binding upon the commission but shall not be deemed to constitute a contract to that effect for the benefit of the holders of such bonds.

The 1989 amendments to this section are null and void unless sections 101 through 114, 201 through 206, 301 through 333, and 401 through 412 of ESSB 5338 are enacted into law by June 30, 1989.

NEW SECTION. Sec. 411. A new section is added to chapter 47.60 RCW to read as follows:

Notwithstanding the provisions of RCW 47.56.240 and 47.56.245 the transportation commission shall not collect tolls on the Hood Canal bridge for any purpose except where necessary to comply with bond covenants.

The cost of maintenance, upkeep, and repair may be paid from funds appropriated for the construction and maintenance of the primary state highways of the state of Washington.

This section is null and void unless sections 101 through 114, 201 through 206, 301 through 333, and 401 through 412 of ESSB 5338 are enacted into law by June 30, 1989.

NEW SECTION, Sec. 412. The following acts or parts of acts are each repealed:

(1) Section 3, chapter 10, Laws of 1961, section 7, chapter 9, Laws of 1961 ex. sess. and RCW 47.56.365; and

(2) Section 7, chapter 27, Laws of 1979 and RCW 47.60.543.

This section is null and void unless sections 101 through 114, 201 through 206, 301 through 333, and 401 through 412 of ESSB 5338 are enacted into law by June 30, 1989.

PART V: TECHNICAL PROVISIONS

NEW SECTION, Sec. 501. Sections 201, 202, and 204 through 206 of this act shall constitute a new chapter in Title 82 RCW.

NEW SECTION, Sec. 502. Part and section headings as used in this act do not constitute any part of the law.

NEW SECTION, Sec. 503. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION, Sec. 504. (1) Sections 101 through 109, 201 through 206, and 503 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect August 1, 1989.

(2) Sections 110 through 114 of this act shall take effect January 1, 1990. The additional fees apply for all motor vehicle registrations that expire December 31, 1990, and thereafter.

(3) Sections 301 through 333 of this act shall take effect on January 1, 1990, and apply to the purchase of vehicle registrations with a December 1990 expiration date or later.

(4) The director of licensing may immediately take such steps as are necessary to ensure that the sections of this act are implemented on their effective dates.

(5) Sections 402 through 405 of this act shall take effect September 15, 1989, only if the bonds issued under RCW 47.56.711 for the Spokane river toll bridge have been retired or fully defeased, and shall become null and void if the bonds have not been retired or fully defeased on that date."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Patterson to Engrossed Substitute Senate Bill No. 5338.

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

MOTIONS

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

On line 1 of the title, after "taxes;" strike the remainder of the title and insert "amending RCW 82.36.025, 46.68.090, 82.36.030, 82.38.150, 36.79.140, 82.36.440, 82.38.280, 46.16.070, 46.16.090, 46.44.091, 46.44.095, 46.68.030, 46.08.010, 82.44.010, 82.44.020, 82.44.060, 82.44.110, 82.44.120, 82.44.150, 82.44.160, 82.44.170, 82.14.200, 82.14.210, 35.58.2721, 35.58.273, 35.58.279, 35.58.2791, 35.58.2792, 36.56.040, 43.62.010, 46.16.220, 82.50.400, 82.50.410, 82.50.510, 46.12.360, 47.56.711, 47.60.160, 47.60.326, 47.60.420, and 47.60.440; reenacting and amending RCW 82.14.045, 82.02-030, 46.68.124, and 47.60.150; adding a new section to chapter 46.68 RCW; adding a new section to chapter 47.60 RCW; adding new sections to chapter 82.44 RCW; adding new sections to chapter 82.50 RCW; adding a new chapter to Title 82 RCW; creating new sections; repealing RCW 35.58.274, 35.58.275, 35.58.276, 35.58.277, 35.58.278, 82.44.013, 82.44.040, 82.44.045, 82.44.050, 82.50.420, 82.50.430, 47.56.712, 47.56.713, 47.56.714, 47.56.715, 47.56.716, 47.56.365, and 47.60.543; providing effective dates; and declaring an emergency."

MOTION

On motion of Senator Nelson, the rules were suspended, Reengrossed Substitute Senate Bill No. 5338 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Vognild: "Senator Patterson, do I understand that the way the Transportation Budget is written, or will be written, if this bill fails that the money for the Puyallup Land Settlement will not be in the Transportation Budget?"

Senator Patterson: "That's currently true."

Senator Vognild: "Thank you Senator."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Reengrossed Substitute Senate Bill No. 5338.

ROLL CALL

The Secretary called the roll on the final passage of Reengrossed Substitute Senate Bill No. 5338 and the bill passed the Senate by the following vote: Yeas, 25; nays, 20; excused, 4.

Voting yea: Senators Bailey, Barr, Bender, Bluechel, Cantu, Conner, Hansen, Hayner, Johnson, Lee, Matson, McDonald, Metcalf, Moore, Murray, Niemi, Owen, Patterson, Pullen, Sellar, Talmadge, Thorsness, Vogtild, West, Wojahn - 25.

Voting nay: Senators Amondson, Anderson, Bauer, Benitz, Craswell, Gaspard, Kreidler, Madsen, McCaslin, Nelson, Newhouse, Rasmussen, Rinehart, Saling, Smith, Smitherman, Stratton, Sutherland, von Reichbauer, Warnke - 20.

Excused: Senators DeJarnatt, Fleming, McMullen, Williams - 4.

REENGROSSED SUBSTITUTE SENATE BILL NO. 5338, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Patterson, Reengrossed Substitute Senate Bill No. 5338 was ordered immediately transmitted to the House of Representatives.

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

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1737, by Committee on Appropriations (originally sponsored by Representatives H. Sommers, Locke and Appelwick) (by request of Department of Labor and Industries)

Revising provisions for crime victims' compensation.

The bill was read the second time.

MOTION

Senator McDonald moved that the following amendment be adopted:

Strike everything after the enacting clause and insert the following:

*NEW SECTION. Sec. 1. The department of labor and industries shall operate the crime victims' compensation program within the appropriations and the conditions and limitations on the appropriations provided for this program.

Sec. 2. Section 3, chapter 122, Laws of 1973 1st ex. sess. as amended by section 12, chapter 443, Laws of 1985 and RCW 7.68.030 are each amended to read as follows:

It shall be the duty of the director to establish and administer a program of benefits to innocent victims of criminal acts within the terms and limitations of this chapter. In so doing, the director shall, in accordance with chapter ~~((34.04))~~ 34.05 RCW, adopt rules and regulations necessary to the administration of this chapter, and the provisions contained in chapter 51.04 RCW, including but not limited to RCW 51.04.020, 51.04.030, 51.04.040, 51.04.050 and 51.04.100 as now or hereafter amended, shall apply where appropriate in keeping with the intent of this chapter. The director may apply for and, subject to appropriation, expend federal funds under Public Law 98-473 and any other federal program providing financial assistance to state crime victim compensation programs. The federal funds shall be deposited in the public safety and education account in the general fund and may be expended only for purposes authorized by applicable federal law.

NEW SECTION. Sec. 3. The director of labor and industries shall institute a cap on medical benefits of one hundred fifty thousand dollars per victim. The director shall, in cooperation with the department of social and health services, establish by October 1, 1989, a process to aid crime victims in identifying and applying for appropriate alternative benefit programs, if any, administered by the department of social and health services.

NEW SECTION. Sec. 4. The cap on medical benefits established by section 3 of this act shall apply equally to current and future recipients of crime victims' compensation benefits. The director shall prepare individual transition plans for individuals who exceed the medical benefit cap on the effective date of this section. The transition plans must be completed within ninety days of the effective date of this section.

Sec. 5. Section 7, chapter 122, Laws of 1973 1st ex. sess. as last amended by section 2, chapter 12, Laws of 1989 and RCW 7.68.070 are each amended to read as follows:

The right to benefits under this chapter and the amount thereof will be governed insofar as is applicable by the provisions contained in chapter 51.32 RCW as now or hereafter amended except as provided in this section:

(1) The provisions contained in RCW 51.32.015, 51.32.030, 51.32.072, 51.32.073, 51.32.180, 51.32.190, and 51.32.200 as now or hereafter amended are not applicable to this chapter.

(2) Each victim injured as a result of a criminal act, including criminal acts committed between July 1, 1981, and January 1, 1983, or (~~his or her~~) the victim's family or dependents in case of death of the victim, are entitled to benefits in accordance with this chapter, (~~and~~) subject to the limitations under section 1 of this 1989 act. The rights, duties, responsibilities, limitations, and procedures applicable to a worker as contained in RCW 51.32.010 as now or hereafter amended are applicable to this chapter.

(3) The limitations contained in RCW 51.32.020 as now or hereafter amended are applicable to claims under this chapter. In addition thereto, no person or spouse, child, or dependent of such person is entitled to benefits under this chapter when the injury for which benefits are sought, was:

(a) The result of consent, provocation, or incitement by the victim;

(b) Sustained while the crime victim was engaged in the attempt to commit, or the commission of, a felony; or

(c) Sustained while the victim was confined in any county or city jail, federal jail or prison or in any other federal institution, or any state correctional institution maintained and operated by the department of social and health services or the department of corrections, prior to release from lawful custody; or confined or living in any other institution maintained and operated by the department of social and health services or the department of corrections.

(4) The benefits established upon the death of a worker and contained in RCW 51.32.050 as now or hereafter amended shall be the benefits obtainable under this chapter and provisions relating to payment contained in that section shall equally apply under this chapter: PROVIDED, That benefits for burial expenses shall not exceed the maximum cost used by the department of social and health services for the funeral and burial of a deceased indigent person under chapter 74.08 RCW in any claim: PROVIDED FURTHER, That if the criminal act results in the death of a victim who was not gainfully employed at the time of the criminal act, and who was not so employed for at least three consecutive months of the twelve months immediately preceding the criminal act:

(a) Benefits payable to an eligible surviving spouse, where there are no children of the victim at the time of the criminal act who have survived (~~him or her~~) the victim or where such spouse has legal custody of all of his or her children, shall be limited to burial expenses and a lump sum payment of seven thousand five hundred dollars without reference to number of children, if any;

(b) Where any such spouse has legal custody of one or more but not all of such children, then such burial expenses shall be paid, and such spouse shall receive a lump sum payment of three thousand seven hundred fifty dollars and any such child or children not in the legal custody of such spouse shall receive a lump sum of three thousand seven hundred fifty dollars to be divided equally among such child or children;

(c) If any such spouse does not have legal custody of any of the children, the burial expenses shall be paid and the spouse shall receive a lump sum payment of up to three thousand seven hundred fifty dollars and any such child or children not in the legal custody of the spouse shall receive a lump sum payment of up to three thousand seven hundred fifty dollars to be divided equally among the child or children;

(d) If no such spouse survives, then such burial expenses shall be paid, and each surviving child of the victim at the time of the criminal act shall receive a lump sum payment of three thousand seven hundred fifty dollars up to a total of two such children and where there are more than two such children the sum of seven thousand five hundred dollars shall be divided equally among such children.

No other benefits may be paid or payable under these circumstances.

(5) The benefits established in RCW 51.32.060 as now or hereafter amended for permanent total disability proximately caused by the criminal act shall be the benefits obtainable under this chapter, and provisions relating to payment contained in that section apply under this chapter: PROVIDED, That if a victim becomes permanently and totally disabled as a proximate result of the criminal act and was not gainfully employed at the time of the criminal act, the victim shall receive monthly during the period of the disability the following percentages, where applicable, of the average monthly wage determined as of the date of the criminal act pursuant to RCW 51.08.018 as now or hereafter amended:

(a) If married at the time of the criminal act, twenty-nine percent of the average monthly wage.

(b) If married with one child at the time of the criminal act, thirty-four percent of the average monthly wage.

(c) If married with two children at the time of the criminal act, thirty-eight percent of the average monthly wage.

(d) If married with three children at the time of the criminal act, forty-one percent of the average monthly wage.

(e) If married with four children at the time of the criminal act, forty-four percent of the average monthly wage.

(f) If married with five or more children at the time of the criminal act, forty-seven percent of the average monthly wage.

(g) If unmarried at the time of the criminal act, twenty-five percent of the average monthly wage.

(h) If unmarried with one child at the time of the criminal act, thirty percent of the average monthly wage.

(i) If unmarried with two children at the time of the criminal act, thirty-four percent of the average monthly wage.

(j) If unmarried with three children at the time of the criminal act, thirty-seven percent of the average monthly wage.

(k) If unmarried with four children at the time of the criminal act, forty percent of the average monthly wage.

(l) If unmarried with five or more children at the time of the criminal act, forty-three percent of the average monthly wage.

(6) The benefits established in RCW 51.32.080 as now or hereafter amended for permanent partial disability shall be the benefits obtainable under this chapter, and provisions relating to payment contained in that section equally apply under this chapter.

(7) The benefits established in RCW 51.32.090 as now or hereafter amended for temporary total disability shall be the benefits obtainable under this chapter, and provisions relating to payment contained in that section apply under this chapter: PROVIDED, That no person is eligible for temporary total disability benefits under this chapter if such person was not gainfully employed at the time of the criminal act, and was not so employed for at least three consecutive months of the twelve months immediately preceding the criminal act.

(8) The benefits established in RCW 51.32.095 as now or hereafter amended for continuation of benefits during vocational rehabilitation shall be benefits obtainable under this chapter, and provisions relating to payment contained in that section apply under this chapter: PROVIDED, That benefits shall not exceed five thousand dollars for any single injury.

(9) The provisions for lump sum payment of benefits upon death or permanent total disability as contained in RCW 51.32.130 as now or hereafter amended apply under this chapter.

(10) The provisions relating to payment of benefits to, for or on behalf of workers contained in RCW 51.32.040, 51.32.055, 51.32.100, 51.32.110, 51.32.120, 51.32.135, 51.32.140, 51.32.150, 51.32.160, and 51.32.210 as now or hereafter amended are applicable to payment of benefits to, for or on behalf of victims under this chapter.

(11) No person or spouse, child, or dependent of such person is entitled to benefits under this chapter where the person making a claim for such benefits has refused to give reasonable cooperation to state or local law enforcement agencies in their efforts to apprehend and convict the perpetrator(s) of the criminal act which gave rise to the claim.

(12) In addition to other benefits provided under this chapter, victims of sexual assault are entitled to receive appropriate counseling. Fees for such counseling shall be determined by the department in accordance with RCW 51.04.030, subject to the limitations of RCW 7.68.080. Counseling services may include, if determined appropriate by the department, counseling of members of the victim's immediate family, other than the perpetrator of the assault.

(13) Except for medical benefits authorized under RCW 7.68.080, no more than fifteen thousand dollars shall be granted as a result of a single injury or death, except that benefits granted as the result of total permanent disability or death shall not exceed twenty thousand dollars.

(14) Notwithstanding other provisions of this chapter and Title 51 RCW, benefits payable for total temporary disability under subsection (7) of this section, shall be limited to ten thousand dollars.

(15) Any person who is responsible for the victim's injuries, or who would otherwise be unjustly enriched as a result of the victim's injuries, shall not be a beneficiary under this chapter.

(16) Crime victims' compensation is not available to pay for services covered under chapter 74.09 RCW or Title XIX of the federal social security act, except to the extent that the costs for such services exceed service limits established by the department of social and health services.

Sec. 6. Section 8, chapter 122, Laws of 1973 1st ex. sess. as last amended by section 2, chapter 98, Laws of 1986 and RCW 7.68.080 are each amended to read as follows:

The provisions of chapter 51.36 RCW as now or hereafter amended govern the provision of medical aid under this chapter to victims injured as a result of a criminal act, including criminal acts committed between July 1, 1981, and January 1, 1983, except that:

(1) The provisions contained in RCW 51.36.030, 51.36.040, and 51.36.080 as now or hereafter amended do not apply to this chapter;

(2) The specific provisions of RCW 51.36.020 as now or hereafter amended relating to supplying emergency transportation do not apply: PROVIDED, That when the injury to any victim is so serious as to require ~~(his)~~ the victim's being taken from the place of injury to a place of treatment, reasonable transportation costs to the nearest place of proper treatment shall be reimbursed from the fund established pursuant to RCW 7.68.090. Hospital, clinic, and medical charges along with all related fees under this chapter shall conform to regulations promulgated by the director. The director shall set these service levels and fees at a level no lower than those established by the department of social and health services under Title 74 RCW. In establishing fees for medical and other health care services, the director shall consider the director's duty to purchase health care in a prudent, cost-effective manner. The director shall establish rules adopted in accordance with chapter 34.05 RCW. Nothing in this chapter may be construed to require the payment of interest on any billing, fee, or charge.

Sec. 7. Section 223, chapter 7, Laws of 1987 1st ex. sess. as amended by section 218, chapter 289, Laws of 1988 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LABOR AND INDUSTRIES

General Fund Appropriation	\$	8,227,000
Public Safety and Education Account Appropriation	\$	((10,866,000))
		<u>17,457,000</u>
Accident Fund Appropriation	\$	85,159,000
Electrical License Fund Appropriation	\$	9,907,000
Farm Labor Revolving Account Appropriation	\$	58,000
Medical Aid Fund Appropriation	\$	82,105,000
Plumbing Certificate Fund Appropriation	\$	660,000
Pressure Systems Safety Fund Appropriation	\$	1,148,000
Worker and Community Right to Know Fund Appropriation	\$	2,059,000
Total Appropriation	\$	((206,190,000))
		<u>206,781,000</u>

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

(1) The department shall study the feasibility of establishing an independent ombudsman office to aid employers and employees, including self-insured employees, in dealing with the workers' compensation system. The study shall include an evaluation of the need for the office, the recommended functions of the office, and the mechanisms for oversight and funding. The department shall submit its findings and recommendations to the commerce and labor committees of the senate and house of representatives by January 11, 1988.

(2) The department shall evaluate the effectiveness of the workers' compensation vocational rehabilitation program, including the effectiveness of a worker resource center to provide injured worker adjustment services. The study shall be conducted in consultation with the workers' compensation advisory committee and interested groups representing injured workers, labor, and employers. The department shall submit its findings and recommendations to the commerce and labor committees of the senate and house of representatives by January 11, 1988.

(3) The department shall study, in cooperation with the employment security department and the department of social and health services, the potential impact in the state of a state minimum wage based on ninety percent of the federal poverty level. The results of the study shall be submitted to the commerce and labor committees of the senate and house of representatives by January 11, 1988.

(4) The department shall prepare a report on workers' compensation caseload information including, but not limited to, the average number of claims by type by adjudicator compared to optimal caseloads used in the private sector and any recommendations concerning improvement of caseloads. The report shall be submitted to the commerce and labor committees of the senate and house of representatives by January 11, 1988.

(5) All funds appropriated under this section for lease or lease development office space may be used to lease new office space only if the lease is for a period not exceeding three years and does not extend beyond June 30, 1991.

(6) The department shall establish an office of information and assistance to aid workers, employers, health care providers, and other department clients. The department shall report on the activities of the office to the appropriate committees of the legislature by January 1, 1989.

NEW SECTION. Sec. 8. The office of financial management, in consultation with crime victim advocates, prosecuting attorneys, and representatives of state agencies funded in part or in whole by the public safety and education account, shall conduct a study of the public safety and education account and the agencies and programs funded through the account with special emphasis on the crime victims' compensation program. The study shall review claims experience by category and magnitude. The study shall also identify the impact of recent changes in populations eligible for crime victims' compensation and shall develop recommendations regarding the future of the crime victims' compensation program. A report to the legislature shall be issued by December 1, 1989.

Sec. 9. Section 1, chapter 32, Laws of 1985 and RCW 82.08.020 are each amended to read as follows:

(1) There is levied and there shall be collected a tax on each retail sale in this state equal to six and five-tenths percent of the selling price.

(2) There is levied and there shall be collected a tax on each retail sale of adult entertainment materials equal to eleven and five-tenths percent of the selling price and a tax on the retail sale of adult entertainment services equal to eighteen percent of the selling price. The tax imposed under this subsection on adult entertainment materials is in addition to the tax imposed in subsection (1) of this section.

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

~~((3))~~ (4) The rates provided in this section ~~((applies))~~ apply to taxes imposed under chapter 82.12 RCW as provided in RCW 82.12.020.

Sec. 10. Section 82.08.010, chapter 15, Laws of 1961 as last amended by section 3, chapter 38, Laws of 1985 and RCW 82.08.010 are each amended to read as follows:

For the purposes of this chapter:

(1) "Selling price" means the consideration, whether money, credits, rights, or other property except trade-in property of like kind, expressed in the terms of money paid or delivered by a buyer to a seller without any deduction on account of the cost of tangible property sold, the cost of materials used, labor costs, interest, discount, delivery costs, taxes other than taxes imposed under this chapter if the seller advertises the price as including the tax or that the seller is paying the tax, or any other expenses whatsoever paid or accrued and without any deduction on account of losses; but shall not include the amount of cash discount actually taken by a buyer; and shall be subject to modification to the extent modification is provided for in RCW 82.08.080.

When tangible personal property is rented or leased under circumstances that the consideration paid does not represent a reasonable rental for the use of the articles so rented or leased, the "selling price" shall be determined as nearly as possible according to the value of such use at the places of use of similar products of like quality and character under such rules as the department of revenue may prescribe((:)).

(2) "Seller" means every person, including the state and its departments and institutions, making sales at retail or retail sales to a buyer or consumer, whether as agent, broker, or principal, except "seller" does not mean the state and its departments and institutions when making sales to the state and its departments and institutions((:)).

(3) "Buyer" and "consumer" include, without limiting the scope hereof, every individual, receiver, assignee, trustee in bankruptcy, trust, estate, firm, copartnership, joint venture, club, company, joint stock company, business trust, corporation, association, society, or any group of individuals acting as a unit, whether mutual, cooperative, fraternal, nonprofit, or otherwise, municipal corporation, quasi municipal corporation, and also the state, its departments and institutions and all political subdivisions thereof, irrespective of the nature of the activities engaged in or functions performed, and also the United States or any instrumentality thereof((:)).

(4) "Adult entertainment materials" means any book, magazine, tabloid, film, motion picture, videotape or videodisc, computer program, or other material that contains or includes any image, illustration, picture, or photograph depicting sexually explicit conduct for the purpose of the sexual stimulation of the viewer.

(5) "Adult entertainment services" means the exhibition of any film, motion picture, or cable television program, that contains or includes any image, illustration, picture, or photograph depicting sexually explicit conduct for the purpose of the sexual stimulation of the viewer. "Adult entertainment services" does not include the exhibition of any film, motion picture, or cable television program that does not contain any explicit sex of the type that would be rated "X" using the standards existing on January 1, 1989, of the Motion Picture Association of America, Inc.

(6) "Sexually explicit conduct" has the meaning given in RCW 9.68A.011(3) except that RCW 9.68A.011(3)(e) shall apply to any person, including a minor.

(7) The meaning attributed in chapter 82.04 RCW to the terms "tax year," "taxable year," "person," "company," "sale," "sale at retail," "retail sale," "sale at wholesale," "wholesale," "business," "engaging in business," "cash discount," "successor," "consumer," "in this state" and "within this state" shall apply equally to the provisions of this chapter.

NEW SECTION. Sec. 11. A new section is added to chapter 82.32 RCW to read as follows:

All revenues collected on sales and use of adult entertainment materials and services under RCW 82.08.020(2) and 82.12.020(3) shall be deposited in the public safety and education account under RCW 43.08.250 and shall only be used for the purposes of crime victims' compensation, with an emphasis towards providing services, support, or therapy to those children who are victims of sexual abuse.

Sec. 12. Section 82.12.020, chapter 15, Laws of 1961 as last amended by section 7, chapter 7, Laws of 1983 and RCW 82.12.020 are each amended to read as follows:

(1) There is hereby levied and there shall be collected from every person in this state a tax or excise for the privilege of using within this state as a consumer any article of tangible personal property purchased at retail, or acquired by lease, gift, repossession, or bailment, or extracted or produced or manufactured by the person so using the same, or otherwise furnished to a person engaged in any business taxable under RCW 82.04.280, subsections (2) or (7). This tax will not apply with respect to the use of any article of tangible personal property purchased, extracted, produced or manufactured outside this state until the transportation of such article has finally ended or until such article has become commingled with the general mass of property in this state. This tax shall apply to the use of every article of tangible personal property, including property acquired at a casual or isolated sale, and including byproducts used by the manufacturer thereof, except as hereinafter provided, irrespective of whether the article or similar articles are manufactured or are available for purchase within this state. Except as provided in RCW 82.12.0252, payment by one purchaser or user of tangible personal property of the tax imposed by chapter 82.08 or 82.12 RCW shall not have the effect of exempting any other purchaser or user of the same property from the taxes imposed by such chapters.

(2) The tax shall be levied and collected in an amount equal to the value of the article used by the taxpayer multiplied by the rate in effect for the retail sales tax under RCW (~~82.08.020, as now or hereafter amended;~~) 82.08.020(1) in the county in which the article is used.

(3) In addition to the tax imposed under subsection (2) of this section, there shall be levied and collected a tax on adult entertainment materials in an amount equal to the value of the article used by the taxpayer multiplied by the rate in effect for the retail sales tax on adult entertainment materials under RCW 82.08.020(2).

NEW SECTION. Sec. 13. Sections 1 and 3 of this act are each added to chapter 7.68 RCW.

NEW SECTION. Sec. 14. Section 1, chapter 122, Laws of 1973 1st ex. sess., section 1, chapter 302, Laws of 1977 ex. sess. and RCW 7.68.010 are each repealed.

NEW SECTION. Sec. 15. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 16. Except as provided in section 4 of this act, sections 1 through 8 of this act shall apply to all claims filed on or after July 1, 1989.

NEW SECTION. Sec. 17. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and sections 3 and 7 of this act shall take effect immediately. The remaining sections shall take effect July 1, 1989."

MOTION

Senator Talmadge moved that the following amendments by Senators Talmadge and Gaspard to the amendment by Senator McDonald be considered simultaneously and be adopted:

On page 1, after line 5, strike all of New Section 1 and renumber the remaining sections consecutively

On page 2, beginning with line 1, strike everything through "charge," on page 7, line 29, and renumber the remaining sections accordingly.

On page 9, after line 30, strike everything through "1989," on page 13, line 29

Debate ensued.

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

The President declared the question before the Senate to be the roll call on the adoption of the amendments by Senators Talmadge and Gaspard on page 1, after line 5; page 2, beginning with line 1; and page 9, after line 30; to the amendment by Senator McDonald to Engrossed Substitute House Bill No. 1737.

ROLL CALL

The Secretary called the roll and the amendments to the amendment were not adopted by the following vote: Yeas, 20; nays, 25; excused, 4.

Noting yea: Senators Bauer, Bender, Conner, Gaspard, Kreidler, Lee, Madsen, Moore, Murray, Niemi, Owen, Rasmussen, Rinehart, Smitherman, Stratton, Sutherland, Talmadge, Vognild, Warnke, Wojahn - 20.

Noting nay: Senators Amondson, Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Hansen, Hayner, Johnson, Matson, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Patterson, Pullen, Saling, Sellar, Smith, Thorsness, von Reichbauer, West - 25.

Excused: Senators DeJarnatt, Fleming, McMullen, Williams - 4.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator McDonald to Engrossed Substitute House Bill No. 1737.

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

MOTIONS

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

On page 1, line 1 of the title, after "compensation;" strike the remainder of the title and insert "amending RCW 7.68.030, 7.68.070, 7.68.080, 82.08.020, 82.08.010, and 82.12.020; amending section 223, chapter 7, Laws of 1987 1st ex. sess. as amended by section 218, chapter 289, Laws of 1988 (uncodified); adding new sections to chapter 7.68 RCW; adding a new section to chapter 82.32 RCW; creating new sections; repealing RCW 7.68.010; providing an effective date; and declaring an emergency."

On motion of Senator Nelson, the rules were suspended, Engrossed Substitute House Bill No. 1737, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Talmadge: "Senator McDonald, I understand that there are probably as many as a dozen victims of crime who are presently at or will exceed the present cap that's placed in this legislation. If someone were in that particular state—they had come close to the present cap that's provided for in this bill—and the bill passes and is signed by the Governor and that person is receiving medical care paid for by the Department of Labor and Industries, is it your intent that that individual be cut off from any further payment or medical care for that individual?"

Senator McDonald: "My understanding, Senator Talmadge, is there's only a small handful of people that have exceeded the one hundred fifty thousand dollars. I think at the particular time that we do have one that exceeds that amount, that is time for us to go back and look at the system, look at those particular cases and if they warrant, yes we can indeed make modifications at that time. But, I think that it calls for the fact that we need to have a limit on it. It is one that is recommended at forty-five thousand dollars, as you well know, from the Governor's office and we have more than tripled that, so I think it's a reasonable compromise and if that answers your question--"

Senator Talmadge: "Sounded like a lot of engineer talk to me, Senator, but I guess the answer is, 'yes,' that those individuals would be cut off if they were on life support or in a semi-comatose state. The state is not going to pay for any more medical care of any kind and those individuals are, in fact, cut off from any further payments for their medical services."

Senator McDonald: "Well, Senator Talmadge, sometimes us engineers learn a few things about talking from you lawyers."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1737, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1737, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 35; nays, 10; excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Craswell, Gaspard, Hansen, Hayner, Johnson, Madsen, Matson, McCaslin, McDonald, Metcalf, Murray, Nelson, Newhouse, Niemi, Patterson, Pullen, Rasmussen, Saling, Sellar, Smith, Smitherman, Stratton, Thorsness, von Reichbauer, Warnke, West - 35.

Voting nay: Senators Conner, Kreidler, Lee, Moore, Owen, Rinehart, Sutherland, Talmadge, Vognild, Wojahn - 10.

Excused: Senators DeJarnatt, Fleming, McMullen, Williams - 4.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1737, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 6:39 p.m. on motion of Senator Newhouse, the Senate recessed until 7:30 p.m.

The Senate was called to order at 7:36 p.m. by President Pritchard.

There being no objection, the President returned the Senate to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 6151 by Senators Metcalf and Kreidler

AN ACT Relating to mitigation of negative impacts to wildlife; adding a new section to chapter 43.21C RCW; adding a new chapter to Title 77 RCW; prescribing penalties; and declaring an emergency.

Referred to Committee on Environment and Natural Resources.

SCR 8425 by Senators Bluechel and Hayner

Creating a northwest exploratory conference.

MOTIONS

On motion of Senator Newhouse, the rules were suspended and Senate Concurrent Resolution No. 8425 was advanced to second reading and read the second time.

On motion of Senator Bluechel, the rules were suspended and Senate Concurrent Resolution No. 8425 was advanced to third reading, the second reading considered the third and the resolution was adopted.

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

THIRD READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 5897, by Committee on Health Care and Corrections (originally sponsored by Senators West, Kreidler and McDonald)

Regarding alcohol and drug treatment.

MOTION

On motion of Senator West, the rules were suspended and Engrossed Substitute Senate Bill No. 5897 was returned to second reading and read the second time.

MOTION

On motion of Senator West, the following amendment by Senator McDonald was adopted:

Strike everything after the enacting clause and insert the following:

***NEW SECTION.** Sec. 1. The legislature recognizes that alcoholism and drug addiction are treatable diseases and that most persons with this illness can recover. For this reason, this chapter provides a range of substance abuse treatment services. In addition, the legislature recognizes that when these diseases have progressed to the stage where a person's alcoholism or drug addiction has resulted in physiological or organic damage or cognitive impairment, shelter services may be appropriate. The legislature further recognizes that distinguishing alcoholics and drug addicts from persons incapacitated due to physical disability or mental illness is necessary in order to provide an incentive for alcoholics and drug addicts to seek appropriate treatment and in order to avoid use of programs that are not oriented toward their conditions.

NEW SECTION. Sec. 2. A new section is added to chapter 74.50 RCW to read as follows:

A person is eligible for shelter services under this chapter only if he or she:

(1) Meets the financial eligibility requirements contained in RCW 74.04.005;

(2) Is incapacitated from gainful employment due to a condition contained in subsection (3) of this section, which incapacity will likely continue for a minimum of sixty days; and

(3) (a) Suffers from active addiction to alcohol or drugs manifested by physiological or organic damage resulting in functional limitation, based on documented evidence from a physician, psychologist, or alcohol or drug treatment professional who is determined by the department to be qualified to make this finding; or

(b) Suffers from active addiction to alcohol or drugs to the extent that impairment of the applicant's cognitive ability will not dissipate with sobriety or detoxification, based on documented evidence from a physician, psychologist, or alcohol or drug treatment professional who is determined by the department to be qualified to make this finding.

Sec. 3. Section 7, chapter 406, Laws of 1987 as amended by section 4, chapter 163, Laws of 1988 and RCW 74.50.060 are each amended to read as follows:

(1) The department shall establish a shelter assistance program to ~~((ensure the availability of))~~ provide, within available funds, shelter for persons eligible under this chapter. "Shelter," "shelter support," or "shelter assistance" means a facility under contract to the department providing room and board in a supervised living arrangement, normally in a group or dormitory setting, to eligible recipients under this chapter. This may include supervised domiciliary facilities operated under the auspices of public or private agencies. No facility under contract to the department shall allow the consumption of alcoholic beverages on the premises. The department may contract with counties and cities for such shelter services. To the extent possible, the department shall not displace existing emergency shelter beds for use as shelter under this chapter. In areas of the state in which it is not feasible to develop shelters, due to low numbers of people needing shelter services, or in which sufficient numbers of shelter beds are not available, the department may provide shelter through an intensive protective payee((s)) program, unless the department grants an exception on an individual basis for less intense supervision.

(2) Persons continuously eligible for the general assistance—unemployable program since July 25, 1987, who transfer to the program established by this chapter, have the option to continue their present living situation, but only through a protective payee.

NEW SECTION. Sec. 4. A new section is added to chapter 74.50 RCW to read as follows:

(1) A person shall not be eligible for treatment services under this chapter unless he or she:

(a) Meets the financial eligibility requirements contained in RCW 74.04.005; and

(b) Is incapacitated from gainful employment, which incapacity will likely continue for a minimum of sixty days.

(2) First priority for receipt of treatment services shall be given to pregnant women and parents of young children.

(3) In order to rationally allocate treatment services, the department may establish by rule caseload ceilings and additional eligibility criteria, including the setting of priorities among classes of persons for the receipt of treatment services. Any such rules shall be consistent with any conditions or limitations contained in any appropriations for treatment services.

Sec. 5. Section 6, chapter 406, Laws of 1987 as amended by section 3, chapter 163, Laws of 1988 and RCW 74.50.050 are each amended to read as follows:

(1) The department shall establish a treatment program to provide, within available funds, alcohol and drug treatment services for indigent persons eligible under this chapter ~~((who are incapacitated from gainful employment due to drug or alcohol abuse or addiction))~~. The treatment services may include but are not limited to:

(a) Intensive inpatient treatment services;

(b) Recovery house treatment;

(c) Outpatient treatment and counseling, including assistance in obtaining employment, and including a living allowance while undergoing outpatient treatment. The living allowance may not be used to provide shelter to clients in a dormitory setting that does not require sobriety as a condition of residence. The living allowance shall be administered on the clients' behalf by the outpatient treatment facility or other social service agency designated by the department. The department is authorized to pay the facility a fee for administering this allowance.

~~((2))~~ ~~((Every effort will be made to serve all of those requesting treatment. If a waiting list develops, those persons awaiting treatment may be provided shelter services and shall have the option of receiving such shelter services through a protective payee. The department shall promulgate regulations which determine the amount of cash which may be disbursed by the protective payee to the recipient. A recipient who fails to appear for the scheduled treatment shall not be eligible for such waiting period benefits for a period of one year.~~

~~((3))~~ No individual may receive treatment services under this section for more than six months in any two-year period: PROVIDED, That the department may approve additional treatment and/or living allowance as an exception.

~~((4))~~ (3) The department may require an applicant or recipient selecting treatment to complete inpatient and recovery house treatment when, in the judgment of a designated assessment center, such treatment is necessary prior to providing the outpatient program.

Sec. 6. Section 2, chapter 3, Laws of 1989 (uncodified) is amended to read as follows:

~~((Within available funds, the department may provide to eligible persons services for assessment, inpatient and outpatient treatment, and shelter, in order to control expenditures or to comply with conditions or limitations placed on appropriations, the department may establish caseload ceilings and client eligibility standards for any of these services. The eligibility standards may provide for limiting eligibility for any service to that class or classes of applicants that the department determines constitute the highest priority for services under this chapter. The department's determination of priority shall be based on the department's estimate of the potential benefit to applicants and the likelihood that the service will reduce future demands for state assistance. The department may provide such a priority classification system for any or all services provided under this chapter. Any caseload ceiling or priority classification system adopted by the department shall be consistent with any appropriation condition or limitation prescribing or dealing with such a ceiling or system))~~ The department by rule may

establish procedures for the administration of the services provided by this chapter. Any rules shall be consistent with any conditions or limitations on appropriations provided for these services. If funds provided for any ((of these)) service(s) under this chapter have been fully expended, the department shall immediately discontinue that service.

NEW SECTION, Sec. 7. A new section is added to chapter 74.50 RCW to read as follows:

The department of social and health services shall:

(1) Collect and maintain relevant demographic data regarding persons receiving or awaiting treatment services under this chapter;

(2) Collect and maintain utilization data on inpatient treatment, outpatient treatment, shelter services, and medical services;

(3) Monitor contracted service providers to ensure conformance with the omnibus appropriations act and the treatment priorities established in this chapter;

(4) Report the results of the data collection and monitoring provided for in this section to appropriate committees of the legislature on or before December 1, 1989, and December 1, 1990.

NEW SECTION, Sec. 8. The following acts or parts of acts are each repealed:

(1) Section 1, chapter 3, Laws of 1989 (uncodified); and

(2) Section 3, chapter 406, Laws of 1987 and RCW 74.50.020.

NEW SECTION, Sec. 9. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION, Sec. 10. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1989."

MOTIONS

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

On page 1, line 1 of the title, after "treatment;" strike the remainder of the title and insert "amending RCW 74.50.060 and 74.50.050; amending section 2, chapter 3, Laws of 1989 (uncodified); adding new sections to chapter 74.50 RCW; creating a new section; repealing RCW 74.50.020; repealing section 1, chapter 3, Laws of 1989 (uncodified); providing and effective date; and declaring an emergency."

On motion of Senator West, the rules were suspended, Reengrossed Substitute Senate Bill No. 5897 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Reengrossed Substitute Senate Bill No. 5897.

ROLL CALL

The Secretary called the roll on the final passage of Reengrossed Substitute Senate Bill No. 5897 and the bill passed the Senate by the following vote: Yeas, 44; absent, 1; excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Wojahn - 44.

Absent: Senator Matson - 1.

Excused: Senators DeJarnatt, Fleming, McMullen, Williams - 4.

REENGROSSED SUBSTITUTE BILL NO. 5897, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

SECOND READING

SENATE BILL NO. 6152, by Senators Wojahn, Barr, Gaspard, West, Stratton, Johnson, Rasmussen, Bluechel, Vognild, von Reichbauer, Warnke, Smitherman, Bailey, Craswell, Thorsness, Bender, Bauer, Amondson, Lee, Metcalf, Cantu and Sutherland

Creating the department of health.

The bill was read the second time.

MOTIONS

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

On page 109, beginning on line 26, strike all of subsection (d) through "74.09 RCW." on line 32 and insert the following:

"(d) For a violation of section 506 (1) or (2) of this act within five years of a conviction under (c) of this subsection: The criminal and civil penalties and prohibition enumerated in (a) and (b) of this subsection; plus up to a one-year prohibition from participation in the state medical assistance or medical care services authorized under chapter 74.09 RCW."

On motion of Senator Barr, the following amendment by Senators Barr and West was adopted:

On page 163, after line 32, insert the following:

NEW SECTION, Sec. 818. (1) The sum of five hundred thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the general fund to the department of health for the purposes of implementation of the rural health care project authorized by this act on condition that at least ninety percent of these funds are used for seed grant awards and the provision of technical assistance to participating rural communities.

(2) The sum of one hundred fifty thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the general fund to the department of health for the purposes of implementation of the loan forgiveness program for rural health professionals authorized under this act."

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

MOTION

On motion of Senator West, the rules were suspended, Engrossed Senate Bill No. 6152 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Talmadge: "Senator West, the one question I had related to the section relating to health data and charity care--I guess in particular the definition of 'charity care.' As you know, we're collecting data now that relates to what hospitals are actually doing in the way of charitable activities, but also what hospitals are doing in the way of bad debt, which frequently can be related to their level of charitable endeavor. Would this bill permit continuation of the collection of data with respect to both pure charity care and also bad debt that might, in fact, be a disguised form of charitable care?"

Senator West: "Senator Talmadge, I believe that it will."

Senator Talmadge: "Thank you."

POINT OF INQUIRY

Senator Kreidler: "Senator West, one of the real concerns that I've had is that discounts could be negotiated by large health purchasers. Are there going to be any constraints now at all on large health purchasers discounts that they might negotiate with hospitals? Currently, there has been the Hospital Rate Commission that's limited their discounts. Will there be any constraints now at all with the newly constituted new Department of Health and how the Hospital Commission continues to exist in the watered down form?"

Senator West: "Senator Kreidler, there will be no statutory constraints to discounting. There will be data collection and publication of rates that hospitals are charging amongst the various users."

Senator Kreidler: "Thank you, Senator West."

Further debate ensued.

MOTION

On motion of Senator Anderson, Senator Matson was excused.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6152.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6152 and the bill passed the Senate by the following vote: Yeas, 39; nays, 5; excused, 5.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Johnson, Lee, Madsen, McDonald, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognilid, von Reichbauer, Warnke, West, Wojahn - 39.

Voting nay: Senators Amondson, Hayner, Kreidler, McCaslin, Sellar - 5.

Excused: Senators DeJarmatt, Fleming, Matson, McMullen, Williams - 5.

ENGROSSED SENATE BILL NO. 6152, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Wojahn, Engrossed Senate Bill No. 6152 was order immediately transmitted to the House of Representatives.

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

THIRD READING

ENGROSSED SENATE BILL NO. 6106, by Senator McDonald

Relating to social and health services.

MOTION

On motion of Senator Newhouse, the rules were suspended and Engrossed Senate Bill No. 6106 was returned to second reading and read the second time.

MOTION

On motion of Senator Hayner, the following amendment by Senators McDonald and Hayner was adopted:

Strike everything after the enacting clause and insert the following:

***NEW SECTION. Sec. 1. LEGISLATIVE INTENT.** (1) The legislature finds that Washington state and the nation as a whole have a high rate of infant illness and death compared with other industrialized nations. This is especially true for minority and low-income populations. Premature and low weight births have been directly linked to infant illness and death. The availability of adequate maternity care throughout the course of pregnancy has been identified as a major factor in reducing infant illness and death. Further, the investment in preventive health care programs, such as maternity care, contributes to the growth of a healthy and productive society, and is a sound approach to health care cost containment. The legislature further finds that access to maternity care for low-income women in the state of Washington has declined significantly in recent years and has reached a crisis level.

(2) It is the purpose of this chapter to provide, consistent with appropriated funds, maternity care necessary to ensure healthy birth outcomes for low-income families. To this end, a maternity care access system is established based on the following principles:

(a) The family is the fundamental unit in our society and should be supported through public policy.

(b) Access to maternity care for eligible persons should be made readily available in an expeditious manner through a single service entry point.

(c) Unnecessary barriers to maternity care for eligible persons should be removed.

(d) Access to preventive and other health care services should be available for low-income children.

(e) Each woman should be encouraged to and assisted in making her own informed decisions about her maternity care.

(f) Unnecessary barriers to the provision of maternity care by qualified health professionals should be removed.

(g) The system should be sensitive to cultural differences among eligible persons.

(h) To the extent possible, decisions about the scope, content, and delivery of services should be made at the local level involving a broad representation of community interests.

(i) The maternity care access system should be evaluated at appropriate intervals to determine effectiveness and need for modification.

(j) Maternity care services should be delivered in a cost-effective manner.

NEW SECTION. Sec. 2. DEFINITIONS. Unless the context clearly requires otherwise, the definitions in this section apply throughout sections 1 through 5, 7, and 8 of this act and RCW 74.09.510.

(1) "County authority" means the board of county commissioners, county council, or county executive having the authority to participate in the program created by this act or its designee. Two or more county authorities may enter into joint agreements to fulfill the requirements of this act.

(2) "Department" means the department of social and health services.

(3) "Eligible person" means a woman in need of maternity care or a child, who is eligible for medical assistance pursuant to this chapter.

(4) "Health care provider" means physician, nurse practitioner, registered nurse, midwife, and nursing assistants-registered.

(5) "High-risk eligible person" means an eligible person determined by the department to need special assistance in applying for and obtaining maternity care, including in the following order of priority, pregnant women who are drug or alcohol addicted or affected, pregnant and parenting adolescents, pregnant minority women who live in poverty, pregnant homeless women, and other eligible persons who need special assistance in gaining access to the maternity care system.

(6) "Maternity care services" means inpatient and outpatient medical care, case management, and support services necessary during prenatal, delivery, and postpartum periods.

(7) "Support services" should include a nursing assessment and followup, health and child-birth education, psychological assessment and counseling, outreach services, nutritional assessment and counseling, needed vitamin and nonprescriptive drugs, transportation, and child care. Support services may include alcohol and substance abuse treatment for pregnant women who are addicted or at risk of being addicted to alcohol or drugs to the extent funds are made available for that purpose by Engrossed Second Substitute House Bill No. 1793, if enacted.

NEW SECTION. Sec. 3. HEALTH CARE PROVIDER AVAILABILITY AND LIABILITY INSURANCE.

(1) The legislature finds that a major factor contributing to the decline in the number of health care providers providing maternity care to low-income women is the below cost reimbursement to those providers for services delivered. Consequently, it is the legislature's intent that the reimbursement levels to health care providers be increased to the extent allowed by the funds appropriated for that purpose.

(2) The sum of fourteen million three hundred ten thousand dollars, or as much thereof as may be necessary, of which seven million seven hundred ten thousand dollars shall be from federal funds, is appropriated from the state general fund for the biennium ending June 30, 1991, to the department of social and health services, medical assistance program, to increase reimbursement levels to health care providers for the delivery of maternity services.

(3) An additional barrier to the provision of maternity care to low-income women by health care providers is the lack of affordable liability insurance for health care providers. To help remedy this problem, the department may, within available funds, develop a program that addresses maternity care health care provider's liability insurance problems.

NEW SECTION. Sec. 4. MATERNITY CARE ACCESS PROGRAM. In an effort to provide for healthy births, the department shall, within funds appropriated for this purpose and subject to limitations placed on those funds, develop a maternity care access program as follows:

(1) Provide maternity care services to low-income pregnant women and health care services to children eligible solely pursuant to RCW 74.09.510(6) to the maximum extent allowable under the medical assistance program, Title XIX of the federal social security act.

The sum of forty-seven million five hundred thirty-one thousand dollars, or as much thereof as may be necessary, of which twenty-five million five hundred seventy thousand dollars shall be from federal funds, is appropriated from the state general fund for the biennium ending June 30, 1991, to the department of social and health services, medical assistance program, for medical assistance for categorically needy pregnant women and children under one year of age whose household income does not exceed one hundred eighty-five percent of the federal poverty level, whose resources do not exceed reasonable standards established by the department, and whose coverage qualifies for federal financial participation under Title XIX of the federal social security act.

The sum of nine million five hundred thirty thousand dollars, or as much thereof as may be necessary, of which five million one hundred ten thousand dollars shall be from federal funds, is appropriated from the state general fund for the biennium ending June 30, 1991, to the department of social and health services, medical assistance program, for medical assistance for children under eight years of age whose family income does not exceed one hundred percent of the federal poverty level, whose resources do not exceed reasonable standards established by the department, and whose coverage qualifies for federal financial participation under Title XIX of the federal social security act:

(2) Provide that if a woman enters the maternity care access program and later decides to terminate her pregnancy, then she shall qualify for further services through the family planning program at the bureau of parent and child health services in the department;

(3) Provide maternity care services to low-income women with household incomes at or below one hundred eighty-five percent of the federal poverty level as determined annually by the federal department of health and human services;

(4) By January 1, 1990, have the following procedures in place to improve access to maternity care services and eligibility determinations for pregnant women applying for maternity care services under the medical assistance program, Title XIX of the federal social security act:

(a) Use of a shortened and simplified application form;

(b) Outstationing department staff, at the department's discretion, to make eligibility determinations;

(c) Establishing local plans at the county and regional level, coordinated by the department;

(d) Conducting an interview for the purpose of determining medical assistance eligibility within five working days of the date of an application by a pregnant woman and making an eligibility determination within fifteen working days of the date of application by a pregnant woman;

(5) Establish a maternity care case management system that shall assist only high-risk eligible persons with obtaining medical assistance benefits and receiving maternity care services, including transportation and child care services.

The sum of eight million eight hundred forty-one thousand dollars, or as much thereof as may be necessary, of which four million seven hundred forty-one thousand dollars shall be from federal funds, is appropriated from the state general fund for the biennium ending June 30, 1991, to the department of social and health services, medical assistance program, for the purpose of establishing a maternity care case management system as prescribed in this act.

The sum of ten million one hundred fifty-three thousand dollars, or as much thereof as may be necessary, of which five million three hundred thirty-six thousand dollars shall be from federal funds, is appropriated from the state general fund for the biennium ending June 30, 1991, to the department of social and health services, children and family services program, for the purpose of establishing a maternity care support service system as prescribed in this act.

(6) Implement a broad-based public education program, in cooperation with local health departments and other agencies providing maternity care, that stresses the importance of obtaining maternity care early during pregnancy. Special emphasis shall be directed toward high-risk eligible persons;

(7) Develop and maintain linkages with existing maternity care providers and assist in the recruitment of additional maternity care providers;

(8) Work with local communities to develop maternity care clinics in areas in need of access to prenatal or maternity care, or if such clinics already exist, work to enhance existing services; and

(9) Study the desirability and feasibility of implementing the presumptive eligibility provisions set forth in section 9407 of the federal omnibus budget reconciliation act of 1986 and report to the appropriate committees of the legislature by December 1, 1989.

NEW SECTION. Sec. 5. ALTERNATIVE MATERNITY CARE SERVICE DELIVERY SYSTEM. (1) Within funds appropriated for this purpose, the department shall establish an alternative maternity care service delivery system, if it determines that a county or group of counties is a maternity care distressed area. A maternity care distressed area shall be defined by the department, in rule, as a county or group of counties where eligible persons are unable to obtain adequate maternity care. The department shall include the following factors in its determination:

(a) Higher than average percentage of eligible persons in the distressed area who receive late or no prenatal care;

(b) Higher than average percentage of eligible persons in the distressed area who go out of the area to receive maternity care;

(c) Lower than average percentage of obstetrical care providers in the distressed area who provide care to eligible persons;

(d) Higher than average percentage of infants born to eligible persons per obstetrical care provider in the distressed area; and

(e) Higher than average percentage of infants that are of low birth weight, five and one-half pounds or two thousand five hundred grams, born to eligible persons in the distressed area.

(2) If the department determines that a maternity care distressed area exists, it shall notify the relevant county authority. The county authority shall, within one hundred twenty days, submit a brief report to the department recommending remedial action. The report shall be prepared in consultation with the department and its local community service offices, the local public health offices, community health clinics, health care providers, hospitals, the business community, labor representatives, and low-income advocates in the distressed area. A county authority may contract with a local nonprofit entity to develop the report. If the county authority is unwilling or unable to develop the report, it shall notify the department within thirty days, and the department shall develop the report for the distressed area.

(3) The department shall review the report and use it, to the extent possible, in developing strategies to improve maternity care access in the distressed area. The department may contract with or directly employ qualified maternity care health providers to provide maternity care services, if access to such providers in the distressed area is not possible by other means. In such cases, the department is authorized to pay that portion of the health care providers' malpractice liability insurance that represents the percentage of maternity care provided to eligible persons by that provider through increased medical assistance payments.

Sec. 6. Section 4, chapter 30, Laws of 1967 ex. sess. as last amended by section 2, chapter 87, Laws of 1989 and RCW 74.09.510 are each amended to read as follows:

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

The sum of one million eight hundred five thousand dollars, or as much thereof as may be necessary, of which nine hundred twenty-six thousand dollars shall be from federal funds, is appropriated from the state general fund for the biennium ending June 30, 1991, to the department of social and health services, community services administration program, for administration and claims processing activities associated with the medical assistance eligibility expansions prescribed in this act, and for prenatal case management and support services claims processing.

NEW SECTION. Sec. 7. EVALUATION. The department, within funds appropriated for this purpose, shall contract with an independent nonprofit entity to evaluate the effectiveness of the maternity care access program set forth in sections 1 through 5 of this act and RCW 74.09.510 based on the principles set forth in section 1 of this act.

The evaluation shall also address:

- (1) Characteristics of women receiving services, including health risk factors;
- (2) Services utilized by eligible women;
- (3) Birth outcomes of women receiving services;
- (4) Birth outcomes of women receiving services, by type of practitioner;
- (5) Services utilized by eligible infants; and
- (6) Referrals to other existing programs for services.

The department shall submit an evaluation report to the appropriate committees of the legislature by December 1, 1990.

NEW SECTION. Sec. 8. PROHIBITION OF ENTITLEMENT. The legislature reserves the right to amend or repeal all or any part of this act at any time and there shall be no vested private right of any kind against such amendment or repeal. All rights, privileges, or immunities conferred by this act or any acts done pursuant thereto shall exist subject to the power of the legislature to amend or repeal this act at any time.

NEW SECTION. Sec. 9. Section headings as used in this act do not constitute any part of the law.

NEW SECTION. Sec. 10. Sections 1 through 5, 7, and 8 of this act are each added to chapter 74.09 RCW."

MOTIONS

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

On page 1, line 1 of the title, after "services;" strike the remainder of the title and insert "amending RCW 74.09.510; adding new sections to chapter 74.09 RCW; creating a new section; and making appropriations."

On motion of Senator Nelson, the rules were suspended, Reengrossed Senate Bill No. 6106 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Reengrossed Senate Bill No. 6106.

ROLL CALL

The Secretary called the roll on the final passage of Reengrossed Senate Bill No. 6106 and the bill passed the Senate by the following vote: Yeas, 37; nays, 7; excused, 5.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Johnson, Lee, McCaslin, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, Warnke, West - 37.

Voting nay: Senators Kreidler, Madsen, Murray, Niemi, Rinehart, Vognild, Wojahn - 7.

Excused: Senators DeJarnatt, Fleming, Matson, McMullen, Williams - 5.

REENGROSSED SENATE BILL NO. 6106, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1825, by Committee on Transportation (originally sponsored by Representatives R. Fisher, Wood, Walk, Nelson, G. Fisher, Day, Hankins, Walker, Cantwell, Todd, Heavey, Winsley, Pruitt, Wang, Prentice, R. King, Scott, Crane and Fraser)

Changing provisions relating to high capacity transportation systems.

The bill was read the second time.

MOTION

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

On page 1, line 15, after "Sections" strike "41-48" and insert "41-45"

On page 1, line 17, after "Sections" strike "49-51" and insert "46-48"

On page 1, line 18, after "Sections" strike "52-59" and insert "49-56"

On page 10, line 22, strike "RCW 82.44.020" and insert "RCW 82.44.020(1)"

On page 11, line 20, after "act," strike "contracts with public agencies"

On page 12, line 4, after "by" strike "a transit" and insert "an"

On page 12, line 11, after "this" strike "section" and insert "chapter"

On page 23, line 8, after "42" strike "43, and 46" and insert "and 43"

On page 26, line 6, after "areas," insert "solely"

On page 26, line 11, after "employees," strike the remainder of the section and insert "The rate of tax shall be approved by the voters. This tax may not be imposed by an agency when the county within which it is located is imposing an excise tax pursuant to section 14 of this act."

On page 26, line 17, after "area," insert "solely"

On page 26, line 21, after "exceeding" insert "seventy-five hundredths of"

On page 26, line 29, after "areas," insert "solely"

On page 27, line 15, after "issued" insert "solely"

On page 31, line 16, after "41 through" strike "44" and insert "45"

MOTIONS

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

On page 9, line 3, strike "five" and insert "two"

Senator Nelson moved that the following amendment be adopted:

On page 9, after line 32, insert "Prior to imposing the tax under this section, the county legislative authority shall provide by ordinance a procedure under which the electorate may petition to refer the imposition of the tax to the voters, unless the county charter or county ordinances provide for such a procedure."

Debate ensued.

POINT OF INQUIRY

Senator Bender: "Senator Nelson, in our discussion with regards to this issue, I thought it was the consensus of those of us talking about this piece of legislation, that we agreed that there be a referendum on the MVET, but not necessarily an

employer tax with the HOV. That was my assumption--the agreement that we had worked out between three or four of us. We had discussions on this issue about two or three weeks ago. Am I correct?"

Senator Nelson: "Senator Bender, if you refer to Section 17 of Substitute House Bill No. 1825, I believe that you will note here that this part deals with the MVET and it does have now the referendum procedure, whereas in the head tax we did not have that."

Senator Bender: "I understand that Senator, but our discussions together--Senator Patterson, yourself, and mine--we agreed to leave the HOV, the employer tax, alone with regard to the referendum issue, but agreed that we would have a referendum on the MVET aspect of it."

Senator Nelson: "I was simply responding here in this amendment to those who wished to have a vote on it. I think you're right. I don't frankly believe we need to have any of these mandatory referrals to the voters in the double A and A counties, but this was an amendment that was requested to be run."

Senator Bender: "OK, so this was not part of the agreement before? That's what I wanted to get straight."

Senator Nelson: "That's right."

Senator Bender: "Thank you."

POINT OF INQUIRY

Senator Cantu: "Senator Nelson, I'm a little bit confused. Maybe you could help unravel one thing for me anyway. The amendment on page 26, line 11, that was under the list of technical amendments, I believe those sections dealt with the employer tax and I think if it's the same tax we're talking about, my question is the amendment said the rate of tax shall be approved by the voters. Then it continues about not imposing it if they've imposed the excise tax. This amendment we're considering now, on page 9, after line 32, has a referendum. Am I reading these two amendments correct? That one amendment would require the rate to be approved by the voters, but the other amendment says that once that rate has been approved, they can pull it off?"

Senator Nelson: "Senator Cantu, the amendment that you referred to as a technical amendment on page 26, line 11, refers to the high capacity transportation system, not the HOV. These amendments that we're addressing now deal strictly with the HOV provision and we are requiring that a referendum procedure be required or be in place before you can impose the head tax."

Senator Cantu: "So, we're really talking two different--"

Senator Nelson: "That is correct."

Senator Cantu: "Thank you."

The President declared the question before the Senate to be the adoption of the amendment by Senator Nelson on page 9, after line 32, to Engrossed Substitute House Bill No. 1825.

The motion by Senator Nelson failed and the amendment was not adopted on a rising vote.

MOTION

On motion of Senator Nelson, further consideration of Engrossed Substitute House Bill No. 1825 was deferred.

MOTION

At 8:30 p.m., on motion of Senator Nelson, the Senate was declared to be at ease.

The Senate was called to order at 9:27 p.m. by President Pritchard.

There being no objection, the President returned the Senate to the fourth order of business.

MESSAGES FROM THE HOUSE

May 7, 1989

Mr. President:

The House has passed HOUSE BILL NO. 2245, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

May 7, 1989

Mr. President:

The Speaker has signed SUBSTITUTE HOUSE BILL NO. 1479, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

May 7, 1989

Mr. President:

The Speaker has signed SUBSTITUTE HOUSE BILL NO. 1484, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

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

INTRODUCTION AND FIRST READING OF HOUSE BILL

HB 2245 by Representative Locke

Changing provisions relating to basic education salary allocations.

MOTION

On motion of Senator Nelson, the rules were suspended and House Bill No. 2245 was advanced to second reading and placed on the second reading calendar.

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

There being no objection, the Senate resumed consideration of Engrossed Substitute House Bill No. 1825, deferred on second reading earlier today.

MOTIONS

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

On page 9, line 34, after "with" insert "cities, metropolitan planning organizations and"

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

On page 10, line 21, after "may" strike "impose a" and insert ", with voter approval, impose a local"

On page 10, line 22, after "on the" insert "state"

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

On page 11, after line 27, after "act." insert "No funds collected under section 14 or 17 of this act after June 30, 1999, may be pledged for the payment or security of the principal or interest on any bonds issued for the purposes of this section."

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

On page 12, line 33, after "alternatives," strike all material through "mobility," on page 13, line 1 and insert "'High capacity transportation system' means a system of transportation services, operating principally on exclusive rights of way, which taken as a whole, provides a substantially high level of passenger capacity, speed, and service frequency than traditional public transportation systems operating principally on general purpose roadway rights of way."

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

On page 22, line 23, after "(2)" strike the remainder of the subsection and insert "A county may use funds collected under section 14 or 17 of this act to contract with one or more transit agencies for planning, operation, and maintenance of commuter rail projects which: (a) Are consistent with the regional transportation plan; (b) have met the project planning and oversight requirements of sections 31 and 32 of this act; and (c) have been approved by the voters within the service area of each transit agency participating in the project. The phrase "approved by the voters" includes specific funding authorization for the commuter rail project."

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

On page 26, line 24, after "area," insert "In any county imposing a motor vehicle excise tax surcharge pursuant to section 17 of this act, the maximum tax rate under this section shall be reduced to a rate equal to seventy-five one hundredths percent on the value less the equivalent motor vehicle excise tax rate of the surcharge imposed pursuant to section 17 of this act. This authority may be exercised only if all local agencies which are parties to an interlocal agreement or members of a regional authority under section 25 of this act are imposing the tax at the same rate."

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

On page 8, line 34, after "(1)" strike "A" and insert "If ESSB 5338 becomes law by June 30, 1989, a"

On page 10, line 18, after "TAX." strike "A" and insert "If ESSB 5338 becomes law by June 30, 1989, a"

On page 26, line 4, after "SERVICE." strike "Cities" and insert "If ESSB 5338 becomes law by June 30, 1989, cities"

On page 26, line 15, after "SERVICE." strike "Any" and insert "If ESSB 5338 becomes law by June 30, 1989, any"

On page 26, line 26, after "SERVICE." strike "The" and insert "If ESSB 5338 becomes law by June 30, 1989, the"

MOTION

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

On page 4, line 24, add a new subsection to read as follows:

"(5) Any rail rights of way acquired with state money will be for present or future rail purposes and can only be used for other purposes with the consent of the Washington state department of transportation and the consent of the underlying fee title holder or reversionary rights holder, or compensation has been made to the underlying fee title holder or reversionary rights holder."

On page 7, line 23, after "(4)" insert "If rail lines or rail rights of way are used by county rail districts, port districts, state agencies or other public agencies for the purposes of rail operations and are later abandoned, the rail lines rights of way cannot be used for any other purposes without the consent of the underlying fee title holder or reversionary rights holder, or compensation has been made to the underlying fee title holder or reversionary rights holder."

(5)"

Renumber the remaining subsections accordingly.

Debate ensued.

POINT OF INQUIRY

Senator Bailey: "Senator Hansen, in Snohomish County, we have abandoned railroad property that we are developing into a trail program. It runs from Snohomish up through Arlington. It looks to me that in your amendment that we would have to have agreement from the Department of Transportation for Snohomish County or citizens from Snohomish County to acquire and develop property. Is that correct?"

Senator Hansen: "Senator, I believe that this is land rail services that were acquired after this bill is passed. It isn't where a railroad company owned or had reversionary rights and had a rail system in there. All they have to do now, if the railroad had title to that property, then you're right, but if there's anybody that had rail cross their property if it was put in with free title, then there is a reversionary right that they agreed to allow the rail there--as long as it was used for a rail."

"Now, when it quits being used for a rail, they have reversionary rights on that. Now I couldn't tell you whether there's any reversionary rights on that or whether the right-of-way was condemned or purchased at the time it went into effect. All this amendment is talking about is anything that we acquire from here on out with the Department of Transportation--with state money. Then, if they acquire that, they acquire it for a transportation corridor, and if they elect not to have it and they see there's a shorter way or if they don't want that right-of-way anymore and they went back and were given the right-of-way by the landowner to put it across there, then it would revert back to him, because it wasn't being used for a transportation corridor."

Senator Bailey: "I'm still not clear, Senator Hansen. In this case, would you have any idea whether this trail, this purpose and this trail would be under this amendment?"

Senator Hansen: "No, it would not be under this amendment. See, this is from here forward, not what went behind. What I was saying was this one that you're talking about, if there is a reversionary right on that road, they will be able to have the reversionary rights. That's already law, so that part is already in statute. If the railroad didn't have title to that property and they were there on an easement, then the easement holder would have title to the property. I have no idea who owns the right-of-way up there or anything about it. That's a court decision to be made. All this depends on the land acquired from here on out for a transportation corridor."

Senator Bailey: "Thank you."

Further debate ensued.

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

The President declared the question before the Senate to be the roll call on the adoption of the amendments by Senator Hansen on page 4, line 24, and page 7, line 23, to Engrossed Substitute House Bill No. 1825.

ROLL CALL

The Secretary called the roll and the amendments were adopted by the following vote: Yeas, 29; nays, 15; excused, 5.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Benitz, Cantu, Conner, Craswell, Hansen, Johnson, Madsen, McCaslin, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Sutherland, Thorsness, Vognlid, Warnke, West, Wvahn - 29.

Voting nay: Senators Bailey, Bender, Bluechel, Gaspard, Hayner, Kreidler, Lee, McDonald, Metcalf, Moore, Murray, Niemi, Smith, Talmadge, von Reichbauer - 15.

Excused: Senators DeJarnatt, Fleming, Matson, McMullen, Williams - 5.

MOTION

Senator Bluechel moved that the following amendment by Senators Bluechel and Bender be adopted:

On page 4, after line 23, insert:

"(5) If it is determined that the rail rights of way are more appropriately utilized for purposes of other than rail service, and nonrail funds for those purposes have been designated, the appropriate governmental agencies may acquire these through purchase, donation, or reversionary rights."

Re-number subsections appropriately.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Bluechel and Bender on page 4, after line 23, to Engrossed Substitute House Bill No. 1825.

The motion by Senator Bluechel failed and the amendment was not adopted on a rising vote.

MOTION

On motion of Senator Rasmussen, the following amendment was adopted:
On page 9, line 3, after "may" insert ", with voter approval,"

MOTION

On motion of Senator Nelson, the rules were suspended, Engrossed Substitute House Bill No. 1825, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

MOTION

On motion of Senator Nelson, further consideration of Engrossed Substitute House Bill No. 1825, as amended by the Senate, was deferred.

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE HOUSE BILL NO. 1479,

SUBSTITUTE HOUSE BILL NO. 1484.

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE SENATE BILL NO. 6074.

SECOND READING

HOUSE BILL NO. 2245, by Representative Locke

Changing provisions relating to basic education salary allocations.

The bill was read the second time.

MOTION

On motion of Senator Nelson, the rules were suspended, House Bill No. 2245 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2245.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2245 and the bill passed the Senate by the following vote: Yeas, 41; nays, 3; excused, 5.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Thorsness, Vognild, von Reichbauer, Warnke, West, Wojahn - 41.

Voting nay: Senators Bender, Murray, Talmadge - 3.

Excused: Senators DeJarnatt, Fleming, Matson, McMullen, Williams - 5.

HOUSE BILL NO. 2245, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 10:20 p.m., on motion of Senator Newhouse, the Senate was declared to be at ease.

The Senate was called to order at 10:56 p.m. by President Pritchard.

MOTION

At 10:56 p.m., on motion of Senator Newhouse, the Senate adjourned until 9:00 a.m., Monday, May 8, 1989.

JOEL PRITCHARD, President of the Senate.

GORDON A. GOLOB, Secretary of the Senate.

FIFTEENTH DAY

MORNING SESSION

Senate Chamber, Olympia, Monday, May 8, 1989

The Senate was called to order at 9:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators DeJarnatt, Fleming, McMullen and Williams. There being no objection, the President excused Senator DeJarnatt.

The Sergeant at Arms Color Guard, consisting of Pages Kristie Tradewell and Russell Olsen, presented the Colors. The Reverend Hilton Jarvis, pastor of the Baptist Church of Lacey, offered the prayer.

MOTION

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

MOTION

At 9:06 a.m., on motion of Senator Newhouse, the Senate was declared to be at ease.

The Senate was called to order at 11:01 a.m., by President Pritchard.

MESSAGE FROM THE HOUSE

May 8, 1989

Mr. President:

The House has adopted the Report of the Conference Committee on SUBSTITUTE SENATE BILL NO. 5521 and has granted said committee the powers of Free Conference, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

REPORT OF CONFERENCE COMMITTEE

RE: SSB 5521

Relating to Capital Budget

May 7, 1989

Mr. President:

Mr. Speaker:

We of your Conference Committee, to whom the above measure was referred, have had the same under consideration and report that we are unable to agree and we respectfully request the powers of Free Conference in order to amend the bill as follow:

Reject all previous amendments and adopt the following striking amendments:

Strike everything after the enacting clause and insert the following:

*NEW SECTION. Sec. 1. A capital budget is hereby adopted and, subject to the provisions set forth in this act, the several dollar amounts hereinafter specified, or so much thereof as shall be sufficient to accomplish the purposes designated, are hereby appropriated and authorized to be incurred for capital projects during the period ending June 30, 1991, out of the several funds specified in this act.

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Central Washington University, secs. 781 - 793
 Community College System, secs. 824 - 892
 Community Development Department, secs. 201 - 219
 Conservation Commission, sec. 400
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 Definitions, sec. 2
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 State Capital Historical Association, sec. 823
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 Trade and Economic Development Department, secs. 395 - 399
 Transportation Department, secs. 605 - 607
 University of Washington, secs. 721 - 744
 Veterans' Affairs Department, secs. 260 - 269
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 Washington State University, secs. 745 - 768
 Western Washington University, secs. 809 - 814
 Wildlife Department, secs. 445 - 469

NEW SECTION. Sec. 2. As used in this act, the following phrases have the following meanings:

- "CEP & RI Acct" means Charitable, Educational, Penal, and Reformatory Institutions Account;
- "CWU Cap Proj Acct" means Central Washington University Capital Projects Account;
- "Cap Bldg Constr Acct" means Capitol Building Construction Account;
- "Cap Purch & Dev Acct" means Capitol Purchase and Development Account;
- "Capital improvements" or "capital projects" means acquisition of sites, easements, rights of way, or improvements thereon and appurtenances thereto, construction and initial equipment, reconstruction, demolition, or major alterations of new or presently owned capital assets;
- "Common School Constr Fund" means Common School Construction Fund;
- "DSHS Constr Acct" means State Social and Health Services Construction Account;
- "ESS Rail Assis Acct" means essential rail assistance account;
- "ESS Rail Bank Acct" means essential rail bank account;
- "EWU Cap Proj Acct" means Eastern Washington University Capital Projects Account;
- "East Cap Devel Acct" means east campus development account;
- "Fish Cap Proj Acct" means Fisheries Capital Projects Account;
- "For Dev Acct" means Forest Development Account;
- "Game Spec Wildlife Acct" means Game Special Wildlife Account;
- "H Ed Constr Acct" means Higher Education Construction Account 1979;
- "H Ed Reimb S/T bonds Acct" means Higher Education Reimbursable Short-Term Bonds Account;
- "Hndcp Fac Constr Acct" means Handicapped Facilities Construction Account;
- "K-12 Education Acct" means the "children's initiative fund—K-12 education account" created by Initiative 102 if Initiative 102 is enacted;
- "L & I Constr Acct" means Labor and Industries Construction Account;
- "LIRA" means State and Local Improvement Revolving Account;
- "LIRA, DSHS Fac" means Local Improvements Revolving Account—Department of Social and Health Services Facilities;
- "LIRA, Public Rec Fac" means State and Local Improvement Revolving Account—Public Recreation Facilities;
- "LIRA, Waste Disp Fac" means State and Local Improvement Revolving Account—Waste Disposal Facilities;
- "LIRA, Waste Fac 1980" means State and Local Improvement Revolving Account—Waste Disposal Facilities 1980;
- "LIRA, Water Sup Fac" means State and Local Improvement Revolving Account—Water supply facilities;
- "Lapse" or "revert" means the amount shall return to an unappropriated status;

"Local Jail Imp & Constr Acct" means Local Jail Improvement and Construction Account;

"ORA" means Outdoor Recreation Account;

"ORV" means off road vehicle;

"Provided solely" means the specified amount may be spent only for the specified purpose. Unless otherwise specifically authorized in this act, any portion of an amount provided solely for a specified purpose which is unnecessary to fulfill the specified purpose shall revert;

"Public Safety and Education Acct" means Public Safety and Education Account;

"Res Mgmt Cost Acct" means Resource Management Cost Account;

"Sal Enhmt Constr Acct" means Salmon Enhancement Construction Account;

"St Bldg Constr Acct" means State Building Construction Account;

"St Fac Renew Acct" means State Facilities Renewal Account;

"St H Ed Constr Acct" means State Higher Education Construction Account;

"State Emerg Water Proj Rev" means Emergency Water Project Revolving Account—
State;

"TESC Cap Proj Acct" means The Evergreen State College Capital Projects Account;

"UW Bldg Acct" means University of Washington Building Account;

"Unemp Comp Admin Acct" means Unemployment Compensation Administration Account;

"WA St Dev Loan Acct" means Washington State Development Loan Account;

"WSU Bldg Acct" means Washington State University Building Account;

"WWU Cap Proj Acct" means Western Washington University Capital Projects Account.

PART 1

GENERAL GOVERNMENT

NEW SECTION, Sec. 101. FOR THE SECRETARY OF STATE

Renovate essential records protection facility—Birch Bay (88-2-001)

	Reappropriation	Appropriation
St Bldg Constr Acct	60,000	
	<u>Prior Biennia</u>	<u>Future Biennia</u>
	52,000	Total
		112,000

NEW SECTION, Sec. 102. FOR THE SECRETARY OF STATE

Design and construct regional branch archive facility (90-1-003)

	Reappropriation	Appropriation
St Bldg Constr Acct		3,039,000
	<u>Prior Biennia</u>	<u>Future Biennia</u>
	49,000	Total
		7,069,000
		10,123,000

NEW SECTION, Sec. 103. FOR THE SECRETARY OF STATE

Acquisition and installation of moveable archive vault #2 shelving (90-2-002)

	Reappropriation	Appropriation
St Bldg Constr Acct		152,000
	<u>Prior Biennia</u>	<u>Future Biennia</u>
		Total
		152,000

NEW SECTION, Sec. 104. FOR THE OFFICE OF FINANCIAL MANAGEMENT

Local jail facilities (88-2-001)

	Reappropriation	Appropriation
Local Jail Imp & Con Acct	150,615	
St Bldg Constr Acct	1,060,789	
	<u>Prior Biennia</u>	<u>Future Biennia</u>
	3,827,596	Total
		5,039,000

NEW SECTION, Sec. 105. FOR THE OFFICE OF FINANCIAL MANAGEMENT

Higher education planning study

The appropriation in this section is subject to the following conditions and limitations: This appropriation is provided solely to contract with the higher education coordinating board for the purpose of developing, in cooperation with the public institutions of higher education and the office of financial management, a long-range plan for the orderly development of branch campuses and other programs and facilities located off the main campuses. The plan developed by the board shall be submitted to the legislature by January 1, 1990, and shall include recommendations on facilities required, space needs, and the most cost-efficient use of existing and new facilities to meet projected enrollments and programs.

	Reappropriation	Appropriation
St Bldg Constr Acct		1,000,000
	<u>Prior Biennia</u>	<u>Future Biennia</u>
		Total
		1,000,000

NEW SECTION, Sec. 106. FOR THE OFFICE OF FINANCIAL MANAGEMENT

Higher education—Site acquisition and development

The appropriation in this section is subject to the following conditions and limitations: This appropriation is provided solely for the acquisition of land and/or construction of facilities as recommended by the higher education coordinating board and consistent with the provisions of Senate Bill No. 6095, and shall be allocated to appropriate public institutions of higher education upon approval of the board.

		Reappropriation	Appropriation
St Bldg Constr Acct			45,000,000
<u>Prior Biennia</u>			<u>Total</u>
	<u>Future Biennia</u>		145,000,000
	100,000,000		
<u>NEW SECTION, Sec. 107. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION</u>			
Energy retrofit projects (83-R-015)			
		Reappropriation	Appropriation
Cap Bldg Constr Acct		314,700	
<u>Prior Biennia</u>			<u>Total</u>
	<u>Future Biennia</u>		1,030,000
	715,300		
<u>NEW SECTION, Sec. 108. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION</u>			
Temple of Justice renovation (86-1-011)			
		Reappropriation	Appropriation
St Bldg Constr Acct		3,700,000	
<u>Prior Biennia</u>			<u>Total</u>
	<u>Future Biennia</u>		15,360,000
	11,660,000		
<u>NEW SECTION, Sec. 109. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION</u>			
Boiler plant structural repairs (88-1-003)			
		Reappropriation	Appropriation
Cap Bldg Constr Acct		337,000	
<u>Prior Biennia</u>			<u>Total</u>
	<u>Future Biennia</u>		352,000
	15,000		
<u>NEW SECTION, Sec. 110. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION</u>			
Life/safety projects—Buildings (88-1-006)			
		Reappropriation	Appropriation
Cap Bldg Constr Acct		113,000	
<u>Prior Biennia</u>			<u>Total</u>
	<u>Future Biennia</u>		1,127,000
	1,014,000		
<u>NEW SECTION, Sec. 111. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION</u>			
Northern State—Life Safety Repair (88-1-007)			
		Reappropriation	Appropriation
St Bldg Constr Acct		256,418	
<u>Prior Biennia</u>			<u>Total</u>
	<u>Future Biennia</u>		325,000
	68,582		
<u>NEW SECTION, Sec. 112. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION</u>			
Archives renovation (88-2-004)			
		Reappropriation	Appropriation
Cap Purch & Dev Acct		20,000	
St Bldg Constr Acct		10,000	
<u>Prior Biennia</u>			<u>Total</u>
	<u>Future Biennia</u>		560,000
	530,000		
<u>NEW SECTION, Sec. 113. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION</u>			
Campus repairs—inadequate building systems (88-2-008)			
		Reappropriation	Appropriation
Cap Bldg Constr Acct		50,000	
Cap Purch & Dev Acct		50,000	
St Bldg Constr Acct		1,825,000	
<u>Prior Biennia</u>			<u>Total</u>
	<u>Future Biennia</u>		7,367,000
	5,442,000		
<u>NEW SECTION, Sec. 114. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION</u>			
John A. Cherberg Building remodel—Phase I: Floors 2 and 3 (88-2-040)			
		Reappropriation	Appropriation
St Bldg Constr Acct		3,000,000	
<u>Prior Biennia</u>			<u>Total</u>
	<u>Future Biennia</u>		3,800,000
	800,000		
<u>NEW SECTION, Sec. 115. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION</u>			
Campus property protection (88-3-012)			
		Reappropriation	Appropriation
St Bldg Constr Acct		350,000	
<u>Prior Biennia</u>			<u>Total</u>
	<u>Future Biennia</u>		760,000
	410,000		
<u>NEW SECTION, Sec. 116. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION</u>			
East Campus programming and planning (88-3-042)			
		Reappropriation	Appropriation
St Bldg Constr Acct		90,000	
<u>Prior Biennia</u>			<u>Total</u>
	<u>Future Biennia</u>		1,000,000
	910,000		
<u>NEW SECTION, Sec. 117. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION</u>			

Highway-License Building renovation (88-5-011)

	Reappropriation	Appropriation
Cap Purch & Devel Acct	449,000	
St Bldg Constr Acct	51,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		500,000

NEW SECTION, Sec. 118. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
Emergency repairs (90-1-001)

	Reappropriation	Appropriation
Cap Bldg Constr Acct		250,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	500,000	750,000

NEW SECTION, Sec. 119. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
Small repairs and improvements (90-1-002)

	Reappropriation	Appropriation
Cap Bldg Constr Acct		450,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	900,000	1,350,000

NEW SECTION, Sec. 120. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
Campus asbestos program (90-1-004)

	Reappropriation	Appropriation
St Bldg Constr Acct		200,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	210,000	410,000

NEW SECTION, Sec. 121. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
Minor works: Northern state repairs (90-1-012)

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

(1) The appropriation from the charitable, educational, penal, and reformatory institutions account shall be used solely for developing a long-range plan for the use of the Northern State Hospital facility. The plan shall be developed cooperatively with the department of social and health services and in consultation with affected local communities. The study shall be submitted to the office of financial management and the legislature by January 8, 1990.

(2) The appropriation from the state building construction account shall be used for asbestos abatement in residence facilities currently in use.

	Reappropriation	Appropriation
CEP & RI Acct		100,000
St Bldg Constr Acct		960,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		1,060,000

NEW SECTION, Sec. 122. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
Boiler plant structural repairs (90-1-016)

	Reappropriation	Appropriation
St Bldg Constr Acct		730,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		730,000

NEW SECTION, Sec. 123. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
Asbestos inventory and inspection program (90-01-023)

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

- (1) Develop guidelines for asbestos surveys in all state-owned buildings.
- (2) Review and approve state agency asbestos survey policies and procedures.
- (3) Establish and maintain a central file of asbestos surveys of state-owned buildings.

	Reappropriation	Appropriation
St Bldg Constr Acct		200,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		200,000

NEW SECTION, Sec. 124. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
Minor works: Sidewalk and street repairs (90-2-005)

	Reappropriation	Appropriation
Cap Bldg Constr Acct		500,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	200,000	700,000

NEW SECTION, Sec. 125. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
Minor works: Building exterior repairs and renovation (90-2-006)

	Reappropriation	Appropriation
Cap Bldg Constr Acct		1,426,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	1,340,000	2,766,000

NEW SECTION, Sec. 126. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Minor works: Elevator/escalator repair (90-2-007)

	Reappropriation	Appropriation
St Bldg Constr Acct		614,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	1,400,000	2,014,000

NEW SECTION, Sec. 127. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Minor works: Electrical repairs (90-2-008)

	Reappropriation	Appropriation
Cap Bldg Constr Acct		797,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	901,000	1,698,000

NEW SECTION, Sec. 128. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Minor works: Mechanical system repairs (90-2-009)

	Reappropriation	Appropriation
St Bldg Constr Acct		2,000,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	2,341,000	4,431,020

NEW SECTION, Sec. 129. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Minor works: Interior building repair (90-2-010)

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

(1) \$80,000 of the state building construction account appropriation is provided solely to reimburse the senate during the 1987-89 biennium for costs incurred in the completion of the renovation of the legislative building.

(2) The appropriation from the state building construction account includes moneys to make repairs at the state building at 506 East 16th Street, Olympia.

(3) The capitol building construction account appropriation is provided solely to refurbish a portion of the third floor of the Cherberg building.

	Reappropriation	Appropriation
Cap Bldg Constr Acct		133,000
Motor Transport Acct		262,000
St Bldg Constr Acct		1,305,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	1,329,000	3,007,000

NEW SECTION, Sec. 130. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Capitol Lake repairs and preservation (90-3-013)

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

(1) \$85,000 of this appropriation is provided solely for shoreline repairs.

(2) \$200,000 is provided solely for a study of the feasibility of developing a fresh-water wetland in the middle and south basins of Capitol Lake. The department of general administration shall contract with a qualified state agency, firm, or individual to conduct the feasibility study. The study shall include recommendations to local governments on ways they can reduce erosion and nonpoint pollution that adversely affect Capitol Lake.

	Reappropriation	Appropriation
Cap Bldg Constr Acct		285,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		285,000

NEW SECTION, Sec. 131. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Facilities management system (90-4-018)

The appropriation in this section is subject to the following conditions and limitations: The department shall establish and maintain a central inventory of all state-owned land and facilities. The data elements of the inventory shall be developed in cooperation with the office of financial management.

	Reappropriation	Appropriation
St Bldg Constr Acct		200,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		200,000

NEW SECTION, Sec. 132. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Construction of archives storage building (90-4-024)

	Reappropriation	Appropriation
St Bldg Constr Acct		2,015,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		2,015,000

NEW SECTION, Sec. 133. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

East campus development (90-5-003)

The appropriation in this section is subject to the following conditions and limitations: This appropriation is provided solely to design and construct a natural resources building and

parking facility on a site directly east of the old Thurston County courthouse. Prior to the start of construction, the department shall prepare a parking and traffic plan for the building.

	Reappropriation	Appropriation
East Cap Devel Acct		73,000,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		73,000,000

NEW SECTION, Sec. 134. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
Dawley property acquisition (90-5-011)

	Reappropriation	Appropriation
St Bldg Constr Acct		1,311,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		1,311,000

NEW SECTION, Sec. 135. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
Preplans and surveys (90-5-022)

	Reappropriation	Appropriation
Cap Bldg Constr Acct		143,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		143,000

NEW SECTION, Sec. 136. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
Capitol Campus master plan (90-5-025)

The appropriation in this section is subject to the following conditions and limitations: In developing the master plan, a capital museum shall be considered.

	Reappropriation	Appropriation
Cap Bldg Constr Acct		500,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		500,000

NEW SECTION, Sec. 137. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
Capitol campus fire, safety, and temperature control system

	Reappropriation	Appropriation
Cap Bldg Constr Acct		850,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		850,000

NEW SECTION, Sec. 138. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
Northern State Multi-Service Center

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

(1) This appropriation is provided solely for the renovation of buildings to provide long-term care for the mentally ill.

(2) No moneys from this appropriation may be expended until the department secures a lease with a county or a group of counties for the buildings to be renovated, for the purpose of operating a long-term care facility for the mentally ill.

(3) No moneys from this appropriation may be expended prior to adoption of a plan to provide mental health services through a regional support network as required by chapter 205, Laws of 1989.

	Reappropriation	Appropriation
St Bldg Constr Acct		2,500,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		2,500,000

NEW SECTION, Sec. 139. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
Criminal justice training center study

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for an examination of potential sites for a new criminal justice training center. By December 1, 1989, the department shall submit its recommendations to the legislative fiscal committees. The report shall consider whether the center should be separate or collocated with other state facilities.

	Reappropriation	Appropriation
Public Safety and Education Acct		30,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		30,000

NEW SECTION, Sec. 140. FOR THE DEPARTMENT OF INFORMATION SERVICES
Washington higher education telecommunication system

The appropriation in this section is subject to the following conditions and limitations: \$174,000 is provided solely for planning future expansion of the Washington higher education telecommunications system (WHETS). The plan shall include an analysis of the cost-effectiveness of the current system and the potential for expanding the system to other uses, such as regional universities, community colleges, public schools, and state agencies. In preparing the plan, the department shall coordinate with the office of financial management, which shall consult with the senate ways and means and the house of representatives capital facilities and financing committees.

St Bldg Constr Acct	Reappropriation	Appropriation
<u>Prior Biennia</u>		174,000
	<u>Future Biennia</u>	<u>Total</u>
		174,000

NEW SECTION, Sec. 141. FOR THE MILITARY DEPARTMENT

Tacoma Armory rehabilitation phase 3 (86-1-001)

St Bldg Constr Acct	Reappropriation	Appropriation
<u>Prior Biennia</u>	218,166	
2,081,088	<u>Future Biennia</u>	<u>Total</u>
		2,299,254

NEW SECTION, Sec. 142. FOR THE MILITARY DEPARTMENT

Constr watercraft supt training complex (86-1-003)

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

(1) The state building construction account appropriation is provided solely for the acquisition of a 50-year lease from the Port of Tacoma.

(2) The office of financial management shall not allot any portion of this appropriation unless it first determines that an agreement between the military department and the federal department of defense for the release of the property on Ruston Way in Tacoma provides that ownership of the property will be conveyed in fee simple to the state.

(3) It is the intent of the legislature that once the state owns the Ruston Way property, the property shall be available for sale in order to recover the cost of the 50-year lease.

General fund—Federal	Reappropriation	Appropriation
St Bldg Constr Acct		6,885,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
1,640,000	5,500,000	1,300,000
		15,324,000

NEW SECTION, Sec. 143. FOR THE MILITARY DEPARTMENT

Minor works: Support fed service agreement (86-1-004)

General fund—Federal	Reappropriation	Appropriation
St Bldg Constr Acct		3,189,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	8,884,000	1,063,000
		13,136,000

NEW SECTION, Sec. 144. FOR THE MILITARY DEPARTMENT

Minor works (86-1-005)

St Bldg Constr Acct	Reappropriation	Appropriation
<u>Prior Biennia</u>	100,000	425,000
2,099,000	<u>Future Biennia</u>	<u>Total</u>
	1,100,000	3,724,000

NEW SECTION, Sec. 145. FOR THE MILITARY DEPARTMENT

Small repairs and improvements (86-2-006)

St Bldg Constr Acct	Reappropriation	Appropriation
<u>Prior Biennia</u>		375,000
812,000	<u>Future Biennia</u>	<u>Total</u>
	1,150,000	2,337,000

NEW SECTION, Sec. 146. FOR THE MILITARY DEPARTMENT

Construct Kent Armory (86-3-007)

General fund—Federal	Reappropriation	Appropriation
St Bldg Constr Acct	488,013	600,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
3,000,987		4,089,000

NEW SECTION, Sec. 147. FOR THE MILITARY DEPARTMENT

Life/Safety code compliance (88-1-005)

St Bldg Constr Acct	Reappropriation	Appropriation
<u>Prior Biennia</u>		800,000
	<u>Future Biennia</u>	<u>Total</u>
	1,600,000	2,400,000

NEW SECTION, Sec. 148. FOR THE MILITARY DEPARTMENT

Repair/replace leaking underground tanks (88-2-008)

St Bldg Constr Acct	Reappropriation	Appropriation
<u>Prior Biennia</u>	205,000	345,000
82,000	<u>Future Biennia</u>	<u>Total</u>
	430,000	1,062,000

NEW SECTION, Sec. 149. FOR THE MILITARY DEPARTMENT

Roof renovation (88-3-006)

St Bldg Constr Acct	Reappropriation	Appropriation
	125,000	700,000

	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	575,000	900,000	2,300,000
	<u>NEW SECTION, Sec. 150. FOR THE MILITARY DEPARTMENT</u>		
	Exterior painting of facilities (88-3-007)		
		Reappropriation	Appropriation
St Bldg Constr Acct		5,000	258,000
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	253,000	500,000	1,016,000
	<u>NEW SECTION, Sec. 151. FOR THE MILITARY DEPARTMENT</u>		
	Facility HVAC renovation (88-4-004)		
		Reappropriation	Appropriation
St Bldg Constr Acct			280,000
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		434,000	714,000
	<u>NEW SECTION, Sec. 152. FOR THE MILITARY DEPARTMENT</u>		
	Energy conservation projects (88-4-010)		
		Reappropriation	Appropriation
St Bldg Constr Acct		125,000	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	951,000		1,076,000
	<u>NEW SECTION, Sec. 153. FOR THE MILITARY DEPARTMENT</u>		
	Project preplanning (88-5-004)		
		Reappropriation	Appropriation
St Bldg Constr Acct			198,000
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	174,000	341,000	713,000
	PART 2		
	HUMAN RESOURCES		
	<u>NEW SECTION, Sec. 201. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT</u>		
	Fire service training center-Minor works (87-4-002)		
		Reappropriation	Appropriation
St Bldg Constr Acct		145,000	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	26,000		171,000
	<u>NEW SECTION, Sec. 202. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT</u>		
	Capitalize development loan fund (88-2-002)		
	The appropriations in this section are subject to the following conditions and limitations:		
	(1) No more than \$2,000,000 of the appropriations shall be made available for expenditure if the delinquency rate on loans outstanding is greater than ten percent. However, once the department demonstrates a delinquency rate of ten percent or less, the balance of this appropriation shall be made available for expenditure.		
	(2) "Delinquency" shall be defined as any loan more than ninety days past due where no formal loan workout agreement has been entered into between the borrower and the department.		
	(3) The department shall report to the legislature by January 8, 1990, on the number and types of loans awarded from the appropriation and the anticipated loan repayment rates on current and prior loans.		
		Reappropriation	Appropriation
WA St Dev Loan Acct			2,000,000
St Bldg Constr Acct		1,100,000	1,000,000
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	7,970,000		10,970,000
	<u>NEW SECTION, Sec. 203. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT</u>		
	Endangered landmark buildings (88-2-009)		
	The appropriation in this section is subject to the following conditions and limitations:		
	(1) \$600,000 is provided solely to be used by the department to purchase and hold for brief periods landmark buildings which might otherwise be lost or altered, and to resell those buildings with the proceeds from the sale deposited in the endangered landmark preservation fund.		
	(2) This appropriation is contingent on an equal amount being provided from nonstate sources on a project by project basis.		
	(3) If legislation creating the landmarks preservation fund and establishing the endangered landmarks preservation program in statute is not adopted by the legislature by July 1, 1990, any moneys remaining from the appropriation in this section shall lapse.		
		Reappropriation	Appropriation
St Bldg Constr Acct		600,000	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
			600,000
	<u>NEW SECTION, Sec. 204. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT</u>		

Grays Harbor dredging (88-3-006)

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

(1) The appropriation is provided solely for the state's share of costs for Grays Harbor dredging, dike construction, bridge relocation, and related expenses.

(2) Expenditure of moneys from this appropriation is contingent on \$40,000,000 from the United States army corps of engineers and \$10,000,000 from local government funds being provided for the project.

(3) Expenditure of moneys from this appropriation is contingent on a cost-sharing arrangement and the execution of a local cooperation agreement between the Port of Grays Harbor and the Army corps of engineers pursuant to Public Law 99-662, the federal water resources development act of 1986.

(4) The Port of Grays Harbor shall make the best possible effort to acquire additional project funding from sources other than those in subsection (2) of this section. Any money, up to \$10,000,000 provided from sources other than those in subsection (2) of this section, shall be used to reimburse or replace state building construction account money.

St Bldg Constr Acct	Reappropriation		Appropriation
	Prior Biennia	Future Biennia	Total
		10,000,000	10,000,000

NEW SECTION, Sec. 205. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENTCapitalize housing trust fund (88-5-015)

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

(1) No expenditures from this appropriation may be made until the department has completed the state-wide housing data study and the legislature has reviewed the results.

(2) \$15,000,000 of this appropriation may be expended solely for capital costs and \$1,000,000 may be expended solely for technical assistance and administrative costs pursuant to the purposes of the housing trust fund under RCW 43.185.050 and 43.185.070. The appropriation for capital costs is for loans or grants for capital projects state-wide that will provide housing for persons or families with special housing needs and with incomes at or below fifty percent of the median family income for the county or standard metropolitan statistical area where the project is located. At least thirty percent of the moneys used for loans or grants shall go to projects located in rural areas.

(3) The department shall to the maximum extent feasible use the appropriation to leverage other funds for capital costs associated with the purposes of the housing trust fund under chapter 43.185 RCW.

St Bldg Constr Acct	Reappropriation		Appropriation
	Prior Biennia	Future Biennia	Total
		2,000,000	16,000,000
		20,000,000	38,000,000

NEW SECTION, Sec. 206. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENTTacoma Union Station (88-5-016)

The appropriation in this section, in addition to funds appropriated for the 1987-89 biennium for this project, is subject to the following conditions and limitations:

(1) \$1,000,000 is provided solely to prevent further deterioration of the Tacoma Union Station building. This may include, but is not limited to, providing a fire detection system, removing safety hazards, and programming necessary to implement these works.

(2) A maximum of \$500,000 may be used for planning regarding future use of the Tacoma Union Station property to promote state economic development.

(3) The money in subsections (1) and (2) of this section is provided contingent upon a written legal agreement between the city of Tacoma and the state that (a) requires state approval of future uses and disposition of the Tacoma Union Station property and (b) gives the state the right of first refusal to assume the city of Tacoma's option to purchase the Tacoma Union Station property currently owned by the Burlington Northern company.

(4) \$500,000 is provided solely for architectural plans and construction specifications for a state museum on the Union Station property.

(5) \$400,000 is provided solely for purchase of the Union Station property. Expenditure of this amount is contingent on a like amount being provided for this purpose from nonstate sources.

(6) \$2,000,000 is provided solely for restoration of the rotunda of the Union Station building. Expenditure of this amount is contingent on the city's agreement to exercise its option to purchase Union Station and the city's agreement to grant to the state the right of first refusal to assume the city's option to purchase the property should the city decide to withdraw from the project.

(7) Expenditure of the moneys in subsections (4), (5), and (6) of this section is contingent on a written legal agreement between the city of Tacoma and the state that:

(a) The city obtain the state's approval for all decisions with respect to:

(i) Determining final ownership of Union Station itself;

(ii) Identifying appropriate uses for the site; and

(iii) Selecting consultants retained by the city under its contract with the state;

(b) The city consult with the state and, unless prohibited from doing so by terms of the United States general services administration lease, follow the state's recommendations in other significant decisions concerning the development of the Union Station properties, including but not limited to:

(i) Planning the development and redevelopment of the site to accommodate appropriate uses;

(ii) Obtaining financing for acquisition, development, or redevelopment of the property; and

(iii) Acquiring, leasing, subleasing, and/or reselling the property;

(c) If the city finds that it is not possible to follow the state's recommendations, the city will advise the state and allow the state a reasonable opportunity to comment; and

(d) The city shall obtain a public access easement from the United States general services administration or any other owner or lessee that will allow public access through the rotunda to the facilities of any state agency, subject to such reasonable limitations as required by the federal courts for safe and efficient operation. In determining compatible state facilities to be located on the site, the state shall consult with the city and the federal government.

	Reappropriation	Appropriation
St Bldg Constr Acct	3,400,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	1,000,000	4,400,000

NEW SECTION, Sec. 207. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

San Juan County Courthouse (88-5-017)

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

(1) This appropriation is contingent on the provision of an equal amount of money from nonstate sources.

(2) If the appropriation in this section is not expended, or if the conditions and limitations in subsection (1) of this section are not met, by June 30, 1990, the appropriation in this section shall lapse.

	Reappropriation	Appropriation
St Bldg Constr Acct	100,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		100,000

NEW SECTION, Sec. 208. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Spokane public facilities (89-5-005)

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

(1) The appropriation is provided solely for the purposes of RCW 36.100.030 and 36.100.060.

(2) If the appropriation in this section is not expended by December 31, 1991, the appropriation in this section shall lapse.

(3) This appropriation shall lapse if an appropriation is enacted for the same purpose in Substitute Senate Bill No. 6074 prior to June 30, 1989.

	Reappropriation	Appropriation
St Bldg Constr Acct	500,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		500,000

NEW SECTION, Sec. 209. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Public works trust fund (90-2-001)

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for public works projects recommended by the public works board and approved by the legislature under chapter 43.155 RCW.

	Reappropriation	Appropriation
Pub Works Asst Acct	61,627,871	78,241,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	32,446,397	327,623,873

NEW SECTION, Sec. 210. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Emergency management building minor renovation (90-2-003)

The appropriation in this section is subject to the following conditions and limitations: This appropriation shall be used solely to provide handicapped access and improve insulation.

	Reappropriation	Appropriation
St Bldg Constr Acct		80,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		80,000

NEW SECTION, Sec. 211. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Fire service training center minor works (90-2-004)

	Reappropriation	Appropriation
St Bldg Constr Acct		441,887
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		441,887

NEW SECTION, Sec. 212. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Tall ship tourist attraction

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

(1) This appropriation shall be used for the Grays Harbor historical seaport authority to construct a tall ship tourist attraction.

(2) Expenditure of moneys from this appropriation is contingent on the expenditure for the same purpose of at least one dollar, including in-kind contributions, from nonstate sources for each dollar spent from this appropriation.

	Reappropriation	Appropriation
St Bldg Constr Acct		1,000,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		1,000,000

NEW SECTION, Sec. 213. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Asian Counseling and Referral Service

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

(1) This appropriation shall be used for building renovation costs only.

(2) This appropriation is contingent on the expenditure for the same purpose of at least two dollars from nonstate sources for each dollar spent from this appropriation.

	Reappropriation	Appropriation
St Bldg Constr Acct		100,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		100,000

NEW SECTION, Sec. 214. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Thorp Grist Mill restoration

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

Expenditure of moneys from this appropriation is contingent on the expenditure for the same purpose of at least two dollars from nonstate sources for each dollar spent from this appropriation.

	Reappropriation	Appropriation
St Bldg Constr Acct		30,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		30,000

NEW SECTION, Sec. 215. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Nordic Heritage Museum: Building acquisition and improvements

The appropriation in this section is subject to the following conditions and limitations: This appropriation is contingent on the expenditure for the same purpose of at least two dollars from nonstate sources for each dollar spent from this appropriation.

	Reappropriation	Appropriation
St Bldg Constr Acct		200,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		200,000

NEW SECTION, Sec. 216. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Columbia County Courthouse (89-4-004)

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

(1) \$600,000 is provided solely to repair and restore the Columbia county courthouse.

(2) The \$400,000 reappropriation shall be matched by \$700,000 in private donations and local funds from Columbia county.

(3) The \$200,000 appropriation shall be matched by an equal amount of private donations and local funds from Columbia county.

	Reappropriation	Appropriation
St Bldg Constr Acct	400,000	200,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		600,000

NEW SECTION, Sec. 217. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Clark County cultural center—Planning

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided for a grant to Clark county for planning a cultural art/puppet center and theater.

	Reappropriation	Appropriation
St Bldg Constr Acct		25,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		25,000

NEW SECTION, Sec. 218. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Purchase of the Last Territorial Governor's House

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

(1) Expenditure of moneys from this appropriation is contingent on the expenditure for the same purpose of at least one dollar from nonstate sources, including in-kind contributions, for each four dollars spent from this appropriation.

(2) A nonprofit organization shall be formed for the purpose of spending this appropriation and operating the territorial governor's house.

(3) The purchase price shall not exceed an independently appraised value.

St Bldg Constr Acct	Reappropriation	Appropriation
		200,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		200,000

NEW SECTION, Sec. 219. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT
Marine science center construction

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

(1) This appropriation is provided solely for a grant to the city of Poulsbo for construction of a marine science center to be operated by educational service district no. 114.

(2) Expenditure of this appropriation is contingent on site acquisition and at least \$300,000 of construction costs contributed from nonstate sources.

St Bldg Constr Acct	Reappropriation	Appropriation
		500,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		500,000

NEW SECTION, Sec. 220. FOR THE DEPARTMENT OF LABOR AND INDUSTRIES

Property acquisition, design and construct office facility (90-5-001)

L & I Constr Acct	Reappropriation	Appropriation
		63,000,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		63,000,000

NEW SECTION, Sec. 221. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Lakeland Village: Construct habilitation center (79-1-009)

DSHS Constr Acct	Reappropriation	Appropriation
	450,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
5,965,662		6,415,662

NEW SECTION, Sec. 222. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Rainier School: Renovate Evergreen Center (79-1-017)

St Bldg Constr Acct	Reappropriation	Appropriation
	4,400,000	
DSHS Constr Acct		150,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
983,824		5,533,824

NEW SECTION, Sec. 223. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Referendum #37 (79-3-001)

The appropriation in this section is subject to the following conditions and limitations: In addition to previously approved projects, \$29,000 shall be used to construct an addition to a training center in Skamania county to serve up to ten more developmentally disabled children under four years old. This amount may be expended only if the final application for the project is submitted by December 31, 1989, and approved by March 31, 1990.

Handicap Fac Constr Acct	Reappropriation	Appropriation
	350,000	
Improve—DSHS Fac Acct		23,500
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
2,937,539		3,311,039

NEW SECTION, Sec. 224. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

State mental health residences (79-3-002)

The appropriation in this section is subject to the following conditions and limitations: A maximum of \$40,000 of the funds provided may be spent for renovation or other costs necessary to establish a self-supporting day care center for children of state employees at Eastern State Hospital. A maximum of \$280,000 of the funds provided in this section is provided solely for participation by the department of social and health services in a project to construct a multipurpose child care center at the Everett community college.

Improve—DSHS Fac Acct	Reappropriation	Appropriation
	230,000	90,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
974,177		1,294,177

NEW SECTION, Sec. 225. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Western State Hospital: Complete artwork (79-4-005)

DSHS Constr Acct	Reappropriation	Appropriation
	40,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
108,045		148,045

NEW SECTION, Sec. 226. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Western State Hospital: Fire safety (83-1-006)		
DSHS Constr Acct	Reappropriation	Appropriation
	25,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
189,203		214,203
<u>NEW SECTION. Sec. 227. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES</u>		
Frances Haddon Morgan Center: Renovate Marion School (83-1-015)		
St Bldg Constr Acct	Reappropriation	Appropriation
	150,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
1,319,000		1,469,000
<u>NEW SECTION. Sec. 228. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES</u>		
Eastern State Hospital: Renovate wards, phase 1 (83-2-016)		
DSHS Constr Acct	Reappropriation	Appropriation
	100,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
3,175,000		3,275,000
<u>NEW SECTION. Sec. 229. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES</u>		
Western State Hospital: Renovate wards, phase 2 (83-2-017)		
DSHS Constr Acct	Reappropriation	Appropriation
	2,300,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
11,598,000		13,898,000
<u>NEW SECTION. Sec. 230. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES</u>		
Mission Creek: Renovate main buildings (86-1-202)		
St Fac Renew Acct	Reappropriation	Appropriation
	165,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
1,882,999		2,047,999
<u>NEW SECTION. Sec. 231. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES</u>		
Fircrest Schools: Construct food service (86-1-403)		
DSHS Constr Acct	Reappropriation	Appropriation
	200,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
3,896,302		4,096,302
<u>NEW SECTION. Sec. 232. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES</u>		
Referendum 27 and 38 (86-2-099)		
The appropriation in this section is subject to the following conditions and limitations: This appropriation is provided solely for drought-related municipal and industrial water supply projects. Up to sixteen full-time equivalent staff per year may be funded from the reappropriation of Referendum 38 for the purpose of reviewing local water improvement accounts.		
LIRA Water Supp Fac	Reappropriation	Appropriation
	22,000,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
23,134,000		45,134,000
<u>NEW SECTION. Sec. 233. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES</u>		
Western State Hospital: Renovate wards, phase 3 (88-1-307)		
St Bldg Constr Acct	Reappropriation	Appropriation
	375,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
210,900		585,900
<u>NEW SECTION. Sec. 234. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES</u>		
CSTC: Renovate residences to high school (88-1-318)		
St Bldg Constr Acct	Reappropriation	Appropriation
	160,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
165,000		325,000
<u>NEW SECTION. Sec. 235. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES</u>		
Western State Hospital: Sanitary sewer (88-2-400)		
St Bldg Constr Acct	Reappropriation	Appropriation
	2,650,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
2,229,000		4,879,000
<u>NEW SECTION. Sec. 236. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES</u>		
Minor capital renewal: Fire safety (90-1-004)		
CEP & RI Acct	Reappropriation	Appropriation
St Bldg Constr Acct	810,000	600,000

<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
335,000	1,200,000	2,945,000

NEW SECTION, Sec. 237. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
 Minor capital renewal: Hazardous substance (90-1-005)

	Reappropriation	Appropriation
CEP & RI Acct		500,000
St Bldg Constr Acct	450,000	

<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
527,000	1,392,500	2,869,500

NEW SECTION, Sec. 238. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
 Emergency capital repairs (90-1-007)

	Reappropriation	Appropriation
CEP & RI Acct		250,000
St Bldg Constr Acct	220,000	
St Fac Renew Acct	160,000	

<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
864,502	500,000	1,994,502

NEW SECTION, Sec. 239. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
 Echo Glen: Renovate eleven living units (90-1-210)

	Reappropriation	Appropriation
St Bldg Constr Acct		2,964,000
		2,964,000

NEW SECTION, Sec. 240. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
 Western State Hospital: Ward renovations, phase 4 (90-1-312)

The appropriation in this section is subject to the following conditions and limitations:
 \$1,000,000 is intended for planning and design to accelerate the next phase of this renovation project.

	Reappropriation	Appropriation
St Bldg Constr Acct		6,192,000
		6,192,000

NEW SECTION, Sec. 241. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
 Eastern State Hospital: Ward renovations, phase 2 (90-1-339)

	Reappropriation	Appropriation
St Bldg Constr Acct		4,510,400
		4,510,400

NEW SECTION, Sec. 242. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
 Minor capital renewal: Utilities and facilities (90-2-001)

	Reappropriation	Appropriation
CEP & RI Acct		750,000
St Bldg Constr Acct	450,000	

<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
608,000	2,100,000	3,908,000

NEW SECTION, Sec. 243. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
 Minor capital renewal: Roads and grounds (90-2-002)

	Reappropriation	Appropriation
CEP & RI Acct		500,000
St Bldg Constr Acct	500,000	

<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
122,000	1,200,000	2,322,000

NEW SECTION, Sec. 244. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
 Minor capital renewal: Roofs (90-2-003)

	Reappropriation	Appropriation
St Bldg Constr Acct	200,000	700,000
		700,000

<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
940,000	2,000,000	3,840,000

NEW SECTION, Sec. 245. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
 Small repairs and improvements (90-2-008)

	Reappropriation	Appropriation
CEP & RI Acct		190,000
		190,000

<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
415,000	415,000	605,000

NEW SECTION, Sec. 246. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
 Minor projects: Bureau of Alcohol and Substance Abuse (90-2-010)

	Reappropriation	Appropriation
CEP & RI Acct		442,400

<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	100,000	542,400
NEW SECTION, Sec. 247. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES		
Minor projects: Juvenile rehabilitation division (90-2-020)		
	Reappropriation	Appropriation
CEP & RI Acct		270,100
St Bldg Constr Acct	340,000	
St Fac Renew Acct	650,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
2,375,000	300,000	3,935,100
NEW SECTION, Sec. 248. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES		
Minor projects: Mental health division, including renovation and expansion of bathroom facilities for the PORTAL program at the Northern State multi-service center (90-2-030)		
	Reappropriation	Appropriation
St Bldg Constr Acct		650,000
St Fac Renew Acct	110,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
1,514,042	700,000	3,174,042
NEW SECTION, Sec. 249. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES		
Minor projects: Mental health division (2) (90-2-032)		
	Reappropriation	Appropriation
CEP & RI Acct		75,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	250,000	325,000
NEW SECTION, Sec. 250. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES		
Minor projects: Developmental disabilities division (90-2-040)		
	Reappropriation	Appropriation
CEP & RI Acct		21,200
St Bldg Constr Acct	245,000	517,600
St Fac Renew Acct	80,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
2,078,999	550,000	3,492,799
NEW SECTION, Sec. 251. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES		
Minor projects: Health division (90-2-050)		
	Reappropriation	Appropriation
CEP & RI Acct		358,900
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	100,000	358,900
NEW SECTION, Sec. 252. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES		
Lakeland Village: Steam plant replacement (90-2-425)		
	Reappropriation	Appropriation
St Bldg Constr Acct		4,063,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		4,063,000
NEW SECTION, Sec. 253. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES		
Minor capital renewal, mental health division (90-2-060)		
The appropriation in this section is subject to the following conditions and limitations: This appropriation is provided solely for minor building renewal projects at Western and Eastern state hospitals, which may include up to \$75,000 for remodeling existing state buildings for use as employee child care facilities.		
	Reappropriation	Appropriation
St Bldg Constr Acct		1,000,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		1,000,000
NEW SECTION, Sec. 254. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES		
Resource conservation (90-4-006)		
	Reappropriation	Appropriation
St Bldg Constr Acct	150,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
165,045		315,045
NEW SECTION, Sec. 255. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES		
Preplanning (90-4-009)		
	Reappropriation	Appropriation
CEP & RI Acct		191,400
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	329,500	520,900
NEW SECTION, Sec. 256. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES		

Food bank facility: Fircrest (90-5-011)

	Reappropriation	Appropriation
St Bldg Constr Acct		788,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		788,000

NEW SECTION, Sec. 257. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
 Eastern State Hospital: Electrical System Replacement (90-2-345)

	Reappropriation	Appropriation
St Bldg Constr Acct		1,371,600
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		1,371,600

NEW SECTION, Sec. 258. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
 Child care facilities

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

(1) This appropriation is provided solely for the child care coordinating committee to award grants to state agencies, institutions of higher education, state employees, or groups of state employees for the purpose of making capital improvements to start or renovate child care centers for state employees.

(2) The child care coordinating committee shall adopt rules for awarding the grants that include an application process that encourages state agencies and employees to submit innovative and competitive proposals for the grants.

(3) The child care coordinating committee shall report to the legislature by January 8, 1991, describing the number and types of grants awarded under this appropriation and making recommendations for future child care facility grants.

	Reappropriation	Appropriation
St Bldg Constr Acct		600,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		600,000

NEW SECTION, Sec. 259. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
 Mental health evaluation and treatment facility in Snohomish county

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

(1) This appropriation is provided solely for a mental health evaluation and treatment facility in Snohomish county.

(2) No moneys from this appropriation may be expended until the department enters into a fifteen-year lease or lease/purchase agreement with Snohomish county or a group of counties for the facility. The payments under the agreement shall be either at least equal to the facility component of the state average rate-per-patient day paid by the department to community mental health providers for comparable services, or at least equal to the amount of this appropriation amortized over fifteen years.

(3) No moneys from this appropriation may be expended prior to adoption of a plan to provide mental health services through a regional support network as required by chapter 205, Laws of 1989.

(4) Other counties or regions that adopt plans for mental health services as required by chapter 205, Laws of 1989, shall be eligible for application to the state for future evaluation and treatment facility moneys under the same conditions as are provided in subsections (2) and (3) of this section, so long as no applicant receives appropriated moneys from state sources exceeding one million dollars.

	Reappropriation	Appropriation
St Bldg Constr Acct		1,000,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		1,000,000

NEW SECTION, Sec. 260. FOR THE DEPARTMENT OF VETERANS' AFFAIRS
 Food services renovation (88-1-014)

	Reappropriation	Appropriation
CEP & RI Acct		282,700
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		282,700

NEW SECTION, Sec. 261. FOR THE DEPARTMENT OF VETERANS' AFFAIRS
 Soldiers Home—Preplan a thirty bed Alzheimer's unit (88-5-020)

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

(1) The department shall participate in the long-term care study to be conducted by the department of social and health services as required by Engrossed Substitute Senate Bill No. 5352.

(2) The department shall prepare a policy on admissions to the veterans' home and soldiers' home. The policy shall identify priority populations and establish procedures to ensure the highest priority group of veterans are served. The department shall report to the house of representatives capital facilities and operations committee and senate ways and means committee on the admission policy by December 1, 1989.

		Reappropriation	Appropriation
CEP & RI Acct			33,700
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>	
	1,908,700		1,942,400
<u>NEW SECTION, Sec. 262. FOR THE DEPARTMENT OF VETERANS' AFFAIRS</u>			
Minor projects—Asbestos (90-1-003)			
		Reappropriation	Appropriation
CEP & RI Acct			300,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>	
			300,000
<u>NEW SECTION, Sec. 263. FOR THE DEPARTMENT OF VETERANS' AFFAIRS</u>			
Minor projects—Roads and walkways (90-1-005)			
		Reappropriation	Appropriation
CEP & RI Acct			100,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>	
			100,000
<u>NEW SECTION, Sec. 264. FOR THE DEPARTMENT OF VETERANS' AFFAIRS</u>			
Air quality, Building 9 (90-1-009)			
		Reappropriation	Appropriation
CEP & RI Acct			313,200
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>	
			313,200
<u>NEW SECTION, Sec. 265. FOR THE DEPARTMENT OF VETERANS' AFFAIRS</u>			
Small projects (90-1-011)			
		Reappropriation	Appropriation
CEP & RI Acct			39,800
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>	
			39,800
<u>NEW SECTION, Sec. 266. FOR THE DEPARTMENT OF VETERANS' AFFAIRS</u>			
Minor projects—Building remodel (90-2-008)			
		Reappropriation	Appropriation
CEP & RI Acct			256,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>	
			256,000
<u>NEW SECTION, Sec. 267. FOR THE DEPARTMENT OF VETERANS' AFFAIRS</u>			
Minor projects—Utilities and energy projects (90-4-006)			
		Reappropriation	Appropriation
CEP & RI Acct			544,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>	
			544,000
<u>NEW SECTION, Sec. 268. FOR THE DEPARTMENT OF VETERANS' AFFAIRS</u>			
Minor projects—Building study (90-5-012)			
		Reappropriation	Appropriation
CEP & RI Acct			35,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>	
			35,000
<u>NEW SECTION, Sec. 269. FOR THE DEPARTMENT OF VETERANS' AFFAIRS</u>			
Steam distribution system (92-2-024)			
		Reappropriation	Appropriation
CEP & RI Acct			22,200
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>	
	895,700		917,900
<u>NEW SECTION, Sec. 270. FOR THE DEPARTMENT OF CORRECTIONS</u>			
The department of corrections shall develop a population management and facilities master plan that evaluates alternatives for accommodating increased correctional system population, reflecting updated office of financial management inmate population forecasts and any population increases resulting from legislation enacted during the 1989 legislative session. The plan shall assess and evaluate each alternative on the basis of its short-term and long-term programs and fiscal impacts and shall be submitted to the fiscal committees of the legislature by December 1, 1989.			
<u>NEW SECTION, Sec. 271. FOR THE DEPARTMENT OF CORRECTIONS</u>			
Washington Corrections Center enlarge, remodel six hundred beds (83-3-029)			
		Reappropriation	Appropriation
St Bldg Constr Acct		32,961	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>	
1,338,053			1,371,014
<u>NEW SECTION, Sec. 272. FOR THE DEPARTMENT OF CORRECTIONS</u>			

Washington State Reformatory facility improvements (83-3-048)		
	Reappropriation	Appropriation
St Bldg Constr Acct	6,500,000	8,600,000
DSHS Constr Acct	500,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
8,033,303	16,000,000	39,633,303
<u>NEW SECTION, Sec. 273. FOR THE DEPARTMENT OF CORRECTIONS</u>		
Washington State Penitentiary improve security, facilities, utilities (83-3-052)		
	Reappropriation	Appropriation
St Bldg Constr Acct	400,000	5,898,000
DSHS Constr Acct	1,600,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
6,317,413	2,476,000	16,691,413
<u>NEW SECTION, Sec. 274. FOR THE DEPARTMENT OF CORRECTIONS</u>		
McNeil Island Corrections Center renovation of utilities (86-1-002)		
	Reappropriation	Appropriation
St Bldg Constr Acct	4,000,000	1,261,000
St Fac Renew Acct	300,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
3,724,000	4,674,000	13,959,000
<u>NEW SECTION, Sec. 275. FOR THE DEPARTMENT OF CORRECTIONS</u>		
McNeil Island Corrections Center repairs to transportation system, including parking and a materials forwarding facility at Western State Hospital (86-1-004)		
	Reappropriation	Appropriation
St Bldg Constr Acct	985,000	3,522,000
St Fac Renew Acct	900,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
1,408,000	7,081,000	13,896,000
<u>NEW SECTION, Sec. 276. FOR THE DEPARTMENT OF CORRECTIONS</u>		
McNeil Island Corrections Center building fire/safety (86-1-008)		
	Reappropriation	Appropriation
St Bldg Constr Acct	2,500,000	2,183,000
St Fac Renew Acct	1,000,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
1,665,000	967,000	8,315,000
<u>NEW SECTION, Sec. 277. FOR THE DEPARTMENT OF CORRECTIONS</u>		
State-wide minor projects (86-2-005)		
	Reappropriation	Appropriation
St Bldg Constr Acct	1,000,000	
St Fac Renew Acct	300,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
2,879,000		4,179,000
<u>NEW SECTION, Sec. 278. FOR THE DEPARTMENT OF CORRECTIONS</u>		
State-wide small repairs and improvements (86-2-006)		
	Reappropriation	Appropriation
St Bldg Constr Acct	250,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
296,000		546,000
<u>NEW SECTION, Sec. 279. FOR THE DEPARTMENT OF CORRECTIONS</u>		
Life safety code compliance (88-1-002)		
	Reappropriation	Appropriation
St Bldg Constr Acct	700,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
840,000		1,540,000
<u>NEW SECTION, Sec. 280. FOR THE DEPARTMENT OF CORRECTIONS</u>		
State-wide wastewater system improvements (88-1-017)		
	Reappropriation	Appropriation
St Bldg Constr Acct	440,000	605,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
268,000		1,313,000
<u>NEW SECTION, Sec. 281. FOR THE DEPARTMENT OF CORRECTIONS</u>		
State-wide water system improvements (88-1-018)		
	Reappropriation	Appropriation
St Bldg Constr Acct	250,000	939,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
172,000		1,361,000
<u>NEW SECTION, Sec. 282. FOR THE DEPARTMENT OF CORRECTIONS</u>		
McNeil Island Corrections Center implement master plan (88-2-003)		

The appropriation in this section is subject to the following conditions and limitations: Monies in this appropriation shall not be expended until the master plan has been submitted to the legislative fiscal committees and the office of financial management has reported to the committees that satisfactory progress has been made on receiving approval of the environmental impact statement, selecting mainland parking facility, and selecting mainland ferry terminal.

	Reappropriation	Appropriation
St Bldg Constr Acct		4,377,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
621,000	28,000,000	32,998,000

NEW SECTION, Sec. 283. FOR THE DEPARTMENT OF CORRECTIONS
Pre-release facility relocation (88-2-004)

The appropriation in this section is subject to the following conditions and limitations: The department shall develop a siting policy, in conjunction with cities, counties, community groups, and the department of community development, for the establishment of additional prerelease facilities. The policy shall include at least the following elements:

- (1) Guidelines for appropriate site selection of prerelease facilities;
- (2) Requirements for notification to local government and community groups of intent to site a prerelease facility; and
- (3) Guidelines for effective relations between the prerelease program operation and the surrounding community.

	Reappropriation	Appropriation
St Bldg Constr Acct	4,200,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
262,000		4,462,000

NEW SECTION, Sec. 284. FOR THE DEPARTMENT OF CORRECTIONS
Eastern Washington prerelease, site preparation (88-2-005)

	Reappropriation	Appropriation
St Bldg Constr Acct	340,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
671,000		1,011,000

NEW SECTION, Sec. 285. FOR THE DEPARTMENT OF CORRECTIONS
Washington Corrections Center for Women—Minor renovations (88-2-006)

	Reappropriation	Appropriation
St Bldg Constr Acct	460,000	1,000,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
155,000	5,800,000	7,415,000

NEW SECTION, Sec. 286. FOR THE DEPARTMENT OF CORRECTIONS
Washington Corrections Center reroof building (88-3-019)

	Reappropriation	Appropriation
St Bldg Constr Acct	1,000,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
65,000		1,065,000

NEW SECTION, Sec. 287. FOR THE DEPARTMENT OF CORRECTIONS
State-wide asbestos removal/encapsulation (90-1-001)

	Reappropriation	Appropriation
St Bldg Constr Acct		2,500,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	5,000,000	7,500,000

NEW SECTION, Sec. 288. FOR THE DEPARTMENT OF CORRECTIONS
Hazardous materials management (90-1-004)

	Reappropriation	Appropriation
St Bldg Constr Acct		879,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	604,000	1,483,000

NEW SECTION, Sec. 289. FOR THE DEPARTMENT OF CORRECTIONS
WCC and WCCW perimeter security upgrade (90-1-007)

	Reappropriation	Appropriation
St Bldg Constr Acct		1,652,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	3,277,000	4,929,000

NEW SECTION, Sec. 290. FOR THE DEPARTMENT OF CORRECTIONS
State-wide minor projects (90-1-009)

	Reappropriation	Appropriation
CEP & RI Acct		1,000,000
St Bldg Constr Acct		4,349,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	8,000,000	13,349,000

NEW SECTION, Sec. 291. FOR THE DEPARTMENT OF CORRECTIONS

State-wide small repairs and improvements (90-1-010)		
	Reappropriation	Appropriation
St Bldg Constr Acct		756,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		756,000

NEW SECTION, Sec. 292. FOR THE DEPARTMENT OF CORRECTIONS
 State-wide emergency repairs projects (90-1-013)

	Reappropriation	Appropriation
CEP & RI Acct		750,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	1,500,000	2,250,000

NEW SECTION, Sec. 293. FOR THE DEPARTMENT OF CORRECTIONS
 Washington Corrections Center Reception Center upgrade (90-2-012)

	Reappropriation	Appropriation
CEP & RI Acct		26,000
St Bldg Constr Acct		236,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	14,400,000	14,662,000

NEW SECTION, Sec. 294. FOR THE DEPARTMENT OF CORRECTIONS
 WSP—Expand medium security complex (MSC) industries building (90-2-016)

	Reappropriation	Appropriation
St Bldg Constr Acct		1,213,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		1,213,000

NEW SECTION, Sec. 295. FOR THE DEPARTMENT OF CORRECTIONS
 State-wide roof repair (90-3-011)

	Reappropriation	Appropriation
St Bldg Constr Acct		1,500,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		1,500,000

NEW SECTION, Sec. 296. FOR THE DEPARTMENT OF CORRECTIONS

Community corrections cost analysis of state ownership options—Work release

The appropriation in this section is subject to the following conditions and limitations: This appropriation is provided solely for a study to determine whether the department should own, contract with private providers for, or use a combination of ownership and contracting for work release facilities. Any recommendations resulting from the study shall be consistent with the siting policy requirements contained in chapter 89, Laws of 1989.

	Reappropriation	Appropriation
CEP & RI Acct		218,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	7,790,000	8,008,000

NEW SECTION, Sec. 297. FOR THE DEPARTMENT OF CORRECTIONS

Clallam Bay corrections center double-celling and program area renovations

	Reappropriation	Appropriation
St Bldg Constr Acct		4,071,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		4,071,000

PART 3
 NATURAL RESOURCES

NEW SECTION, Sec. 301. FOR THE WASHINGTON STATE ENERGY OFFICE

Energy conservation projects (90-4-001)

The appropriation in this section is subject to the following conditions and limitations: The department shall contract with the following agencies for the amounts specified to undertake energy conservation projects. Each contract shall require the agencies listed below to deposit into the energy conservation account, hereby created in the state treasury, an amount equal to the contract amount. The payback period for the contracted amount shall be determined by the department, but shall not exceed six years.

(1) No more than \$1,033,000 shall be expended for energy conservation projects for Military Department facilities;

(2) No more than \$361,600 shall be expended for energy conservation projects for the department of social and health services;

(3) No more than \$552,000 shall be expended for energy conservation projects for The Evergreen State College.

	Reappropriation	Appropriation
St Bldg Constr Acct		1,946,600
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	2,199,000	4,145,600

NEW SECTION, Sec. 302. FOR THE DEPARTMENT OF ECOLOGY

Referendum 26—Waste disposal facilities; special program, state-wide (74-5-004)

The appropriation in this section is subject to the following conditions and limitations: In making grants or loans from this appropriation for waste reduction and recycling projects, the department shall give priority to food and yard wastes projects.

	Reappropriation	Appropriation
LIRA—Waste Disp Fac	23,753,701	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
207,023,603		230,777,304

NEW SECTION. Sec. 303. FOR THE DEPARTMENT OF ECOLOGY

Referendum 27 and 38—Water supply facilities; special program, state-wide (74-5-006)

The appropriation in this section is subject to the following conditions and limitations: A maximum of \$75,000 of this reappropriation may be expended for modification of the gate on the Lake Osoyoos international water control structure authorized by chapter 76, Laws of 1982.

	Reappropriation	Appropriation
LIRA Water Sup Fac	29,423,518	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
25,812,996	11,764,121	67,000,635

NEW SECTION. Sec. 304. FOR THE DEPARTMENT OF ECOLOGY

State emergency water project revolving account; special program, state-wide (76-5-003)

	Reappropriation	Appropriation
St Emer Water Proj Rev	4,003,787	3,794,791
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
14,096,717	292,794	22,188,089

NEW SECTION. Sec. 305. FOR THE DEPARTMENT OF ECOLOGY

Padilla Bay Research Reserve—Land acquisition/special program (80-2-002)

	Reappropriation	Appropriation
General Fund—Federal	112,362	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
1,201,177		1,313,539

NEW SECTION. Sec. 306. FOR THE DEPARTMENT OF ECOLOGY

Referendum 39—Waste disposal facilities, 1980; special program, state-wide (82-5-005)

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

(1) No expenditure from this appropriation shall be made for any grant valued over fifty million dollars to a city or county for solid waste disposal facilities unless the following conditions are met:

(a) The city or county agrees to comply with all the terms of the grant contract between the city or county and the department of ecology;

(b) The city or county agrees to implement curbside collection of recyclable materials as prescribed in the grant contract; and

(c) The city or county does not begin actual construction of the solid waste disposal facility until it has obtained a permit for prevention of significant deterioration as required by the federal clean air act.

(2) In making grants or loans from this appropriation for waste reduction and recycling projects, the department shall give priority to food and yard waste projects.

	Reappropriation	Appropriation
LIRA Waste Fac—1980	126,900,046	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
324,970,900		451,870,946

NEW SECTION. Sec. 307. FOR THE DEPARTMENT OF ECOLOGY

Water quality account; special programs, state-wide (86-5-007)

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

(1) In awarding grants, extending grant payments, or making loans from this appropriation for facilities that discharge directly into marine waters, the department shall:

(a) Give first priority to secondary wastewater treatment facilities that are mandated by both federal and state law;

(b) Give second priority to projects that reduce combined sewer overflows; and

(c) Encourage economies that are derived from any simultaneous projects that achieve the purposes of both (a) and (b) of this subsection.

(2) The following limitations shall apply to the department's total distribution of funds appropriated under this section:

(a) Not more than fifty percent for water pollution control facilities which discharge directly into marine waters;

(b) Not more than twenty percent for water pollution control activities that prevent or mitigate pollution of underground waters and facilities that protect federally designated sole source aquifers with at least two-thirds for the Spokane-Rathdrum Prairie aquifer;

(c) Not more than ten percent for water pollution control activities that protect freshwater lakes and rivers including but not limited to Lake Chelan and the Yakima and Columbia rivers;

(d) Not more than ten percent for activities which control nonpoint source water pollution;

(e) Ten percent and such sums as may be remaining from the categories specified in (a) through (d) of this subsection for water pollution control activities or facilities as determined by the department.

(3) In determining compliance schedules for the greatest reasonable reduction of combined sewer overflows, the department shall consider the amount of grant or loan moneys available to assist local governments in the planning, design, acquisition, construction, and improvement of combined sewer overflow facilities.

Water Quality Acct	Reappropriation	Appropriation
	67,050,663	112,529,625
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
8,838,172	177,177,999	365,596,459
<u>NEW SECTION. Sec. 308. FOR THE STATE PARKS AND RECREATION COMMISSION</u>		
Yakima Greenway acquisition (81-3-098)		
ORA—State	Reappropriation	Appropriation
	75,272	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
17,795		93,067
<u>NEW SECTION. Sec. 309. FOR THE STATE PARKS AND RECREATION COMMISSION</u>		
State-wide—Water supply facilities (86-1-002)		
St Bldg Constr Acct	Reappropriation	Appropriation
	380,062	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
684,584		1,064,646
<u>NEW SECTION. Sec. 310. FOR THE STATE PARKS AND RECREATION COMMISSION</u>		
State-wide—Sewage treatment facilities (86-1-003)		
LIRA Waste Fac—1980	Reappropriation	Appropriation
	309,103	
St Bldg Constr Acct		
	50,000	
ORA—Federal		
	23,049	
ORA—State		
	24,024	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
359,335		765,511
<u>NEW SECTION. Sec. 311. FOR THE STATE PARKS AND RECREATION COMMISSION</u>		
State-wide—Boating repairs (86-1-020)		
St Bldg Constr Acct	Reappropriation	Appropriation
	12,000	
ORA—State		
	72,577	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
330,274		414,851
<u>NEW SECTION. Sec. 312. FOR THE STATE PARKS AND RECREATION COMMISSION</u>		
State-wide—Boating renovation (86-1-021)		
St Bldg Constr Acct	Reappropriation	Appropriation
	2,901	
ORA—State		
	68,323	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
62,280		133,504
<u>NEW SECTION. Sec. 313. FOR THE STATE PARKS AND RECREATION COMMISSION</u>		
Beacon Rock—Replace floats and piling, renovate shear boom (86-1-022)		
ORA—Federal	Reappropriation	Appropriation
	6,000	
ORA—State		
	46,651	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
235,509		288,160
<u>NEW SECTION. Sec. 314. FOR THE STATE PARKS AND RECREATION COMMISSION</u>		
State-wide—Energy conservation and landscape repairs (86-1-026)		
St Bldg Constr Acct	Reappropriation	Appropriation
	116,827	
ORA—State		
	3,479	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
155,752		276,058
<u>NEW SECTION. Sec. 315. FOR THE STATE PARKS AND RECREATION COMMISSION</u>		
State-wide—Energy conservation and landscape renovation (86-1-027)		
St Bldg Constr Acct	Reappropriation	Appropriation
	135,222	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
351,998		487,220
<u>NEW SECTION. Sec. 316. FOR THE STATE PARKS AND RECREATION COMMISSION</u>		
Iron Horse—Trail safety and bridge repair/acquisition (86-1-030)		

The appropriations in this section are subject to the following conditions and limitations: Unless House Bill No. 1512 is enacted by June 30, 1989, with an initial appropriation for this project from the trust land purchase account, the reappropriation from the trust land purchase account in this section shall be null and void.

	Reappropriation	Appropriation
St Bldg Constr Acct	63,591	
Trust Land Pur Acct	200,000	
<u>Prior Biennia</u>		<u>Total</u>
144,123	<u>Future Biennia</u>	407,714

NEW SECTION, Sec. 317. FOR THE STATE PARKS AND RECREATION COMMISSION

Fort Worden—Point Wilson bank protection, phase 2 (86-1-032)

	Reappropriation	Appropriation
St Bldg Constr Acct	85,000	
ORA—Federal	73,663	
ORA—State	95,204	
<u>Prior Biennia</u>		<u>Total</u>
43,133	124,600	421,600

NEW SECTION, Sec. 318. FOR THE STATE PARKS AND RECREATION COMMISSION

State-wide—Boating improvements (86-3-005)

	Reappropriation	Appropriation
ORA—Federal	36,700	
ORA—State	57,000	
<u>Prior Biennia</u>		<u>Total</u>
115,300	<u>Future Biennia</u>	209,000

NEW SECTION, Sec. 319. FOR THE STATE PARKS AND RECREATION COMMISSION

Mount Spokane—Entrance road development (86-3-034)

	Reappropriation	Appropriation
Mot Veh Fund	8,003	
<u>Prior Biennia</u>		<u>Total</u>
169,830	<u>Future Biennia</u>	177,833

NEW SECTION, Sec. 320. FOR THE STATE PARKS AND RECREATION COMMISSION

West Hylebos—Acquisition and development (86-4-013)

The appropriation in this section is subject to the following condition and limitation: This appropriation shall lapse if the necessary construction contract is not entered into by June 30, 1990.

	Reappropriation	Appropriation
St Bldg Constr Acct	195,595	
<u>Prior Biennia</u>		<u>Total</u>
177	<u>Future Biennia</u>	195,772

NEW SECTION, Sec. 321. FOR THE STATE PARKS AND RECREATION COMMISSION

Illahee—Replace breakwater, ramps (87-1-024)

	Reappropriation	Appropriation
ORA—Federal	6,534	
ORA—State	15,289	
<u>Prior Biennia</u>		<u>Total</u>
196,355	<u>Future Biennia</u>	218,178

NEW SECTION, Sec. 322. FOR THE STATE PARKS AND RECREATION COMMISSION

Sacajawea—Boat launch reconstruction (87-1-025)

	Reappropriation	Appropriation
ORA—State	14,207	
<u>Prior Biennia</u>		<u>Total</u>
127,513	<u>Future Biennia</u>	141,720

NEW SECTION, Sec. 323. FOR THE STATE PARKS AND RECREATION COMMISSION

Lake Sylvia—Dam safety renovation and repair, phase 2 (87-1-028)

	Reappropriation	Appropriation
St Bldg Constr Acct	5,802	165,000
<u>Prior Biennia</u>		<u>Total</u>
136,198	<u>Future Biennia</u>	307,000

NEW SECTION, Sec. 324. FOR THE STATE PARKS AND RECREATION COMMISSION

Kopachuck—Shoreline protection (87-1-031)

	Reappropriation	Appropriation
ORA—State	43,889	
<u>Prior Biennia</u>		<u>Total</u>
58,000	<u>Future Biennia</u>	101,889

NEW SECTION, Sec. 325. FOR THE STATE PARKS AND RECREATION COMMISSION

Moran—Mountain Lake CCC building renovation (87-1-049)

	Reappropriation	Appropriation
St Bldg Constr Acct	149,999	

	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	6,000		155,999
<u>NEW SECTION, Sec. 326. FOR THE STATE PARKS AND RECREATION COMMISSION</u>			
Deception Pass—Renovate CCC buildings 2 and 3, Rosario (87-1-050)			
The appropriation in this section is subject to the following condition and limitation: This appropriation shall lapse if the necessary construction contract is not entered into by December 31, 1989.			
		Reappropriation	Appropriation
St Bldg Constr Acct		200,014	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	7,400		207,414
<u>NEW SECTION, Sec. 327. FOR THE STATE PARKS AND RECREATION COMMISSION</u>			
Fort Worden—Phased weatherization of facilities (87-2-016)			
		Reappropriation	Appropriation
St Bldg Constr Acct		160,088	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	289,912		450,000
<u>NEW SECTION, Sec. 328. FOR THE STATE PARKS AND RECREATION COMMISSION</u>			
Flaming geyser—Bridge relocation and installation, phase 2 (87-2-029)			
		Reappropriation	Appropriation
St Bldg Constr Acct			241,000
ORA—Federal		180,272	
ORA—State		171,897	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	10,728	625,000	1,228,897
<u>NEW SECTION, Sec. 329. FOR THE STATE PARKS AND RECREATION COMMISSION</u>			
Covenant Beach—Acquisition and relocation (87-2-039)			
		Reappropriation	Appropriation
St Bldg Constr Acct		94,520	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	169,416		263,936
<u>NEW SECTION, Sec. 330. FOR THE STATE PARKS AND RECREATION COMMISSION</u>			
Auburn Game Farm—Completion of park development (87-3-012)			
		Reappropriation	Appropriation
St Bldg Constr Acct		451,922	350,000
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	77,246		879,168
<u>NEW SECTION, Sec. 331. FOR THE STATE PARKS AND RECREATION COMMISSION</u>			
Green River Gorge—Acquisition, phased project (87-5-010)			
		Reappropriation	Appropriation
St Bldg Constr Acct		596,306	263,000
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	395,694		1,255,000
<u>NEW SECTION, Sec. 332. FOR THE STATE PARKS AND RECREATION COMMISSION</u>			
State-wide—Potable water supply, omnibus facility contingency (88-1-002)			
		Reappropriation	Appropriation
St Bldg Constr Acct		65,085	
LIRA—Water Sup Fac		43,404	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	36,511		145,000
<u>NEW SECTION, Sec. 333. FOR THE STATE PARKS AND RECREATION COMMISSION</u>			
State-wide—Potable water supply, omnibus minor projects (88-1-003)			
		Reappropriation	Appropriation
St Bldg Constr Acct		366,115	
LIRA—Water Sup Fac		244,000	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	82,885		693,000
<u>NEW SECTION, Sec. 334. FOR THE STATE PARKS AND RECREATION COMMISSION</u>			
Sequim Bay—Reservoir cover (88-1-004)			
		Reappropriation	Appropriation
St Bldg Constr Acct		23,415	
LIRA—Water Sup Fac		23,000	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	85,585		132,000
<u>NEW SECTION, Sec. 335. FOR THE STATE PARKS AND RECREATION COMMISSION</u>			
Sequim Bay—Renovate park water system (88-1-005)			
		Reappropriation	Appropriation
St Bldg Constr Acct		45,517	

LIRA—Water Sup Fac		30,345	
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
114,138			190,000
<u>NEW SECTION, Sec. 336. FOR THE STATE PARKS AND RECREATION COMMISSION</u>			
Moran—Renovate potable water system (88-1-006)			
The appropriation in this section is subject to the following condition and limitation: This appropriation shall lapse if the necessary construction contract is not entered into by December 31, 1989.			
		Reappropriation	Appropriation
St Bldg Constr Acct		153,000	
LIRA—Water Sup Fac		101,358	
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
28,642			283,000
<u>NEW SECTION, Sec. 337. FOR THE STATE PARKS AND RECREATION COMMISSION</u>			
State-wide—Sewer facilities, omnibus facility contingency (88-1-007)			
		Reappropriation	Appropriation
LIRA Waste Fac—1980		153,657	
St Bldg Constr Acct		51,520	
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
92,823			298,000
<u>NEW SECTION, Sec. 338. FOR THE STATE PARKS AND RECREATION COMMISSION</u>			
State-wide—Sewer facilities, omnibus minor projects (88-1-008)			
		Reappropriation	Appropriation
LIRA Waste Fac—1980		225,998	
St Bldg Constr Acct		75,333	
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
34,669			336,000
<u>NEW SECTION, Sec. 339. FOR THE STATE PARKS AND RECREATION COMMISSION</u>			
State-wide—Boat pumpout facilities (88-1-009)			
The appropriation in this section is subject to the following conditions and limitations: If there is an appropriation for this purpose in Engrossed Substitute Senate Bill No. 5352, the \$1,000,000 appropriation in this section from the state building construction account shall lapse.			
		Reappropriation	Appropriation
LIRA Waste Fac—1980		30,712	
St Bldg Constr Acct		440,235	1,000,000
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
78,053			1,549,000
<u>NEW SECTION, Sec. 340. FOR THE STATE PARKS AND RECREATION COMMISSION</u>			
Ocean City—Connect to municipal sewer system (88-1-010)			
		Reappropriation	Appropriation
LIRA Waste Fac—1980		276,084	
St Bldg Constr Acct		93,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
12,916			382,000
<u>NEW SECTION, Sec. 341. FOR THE STATE PARKS AND RECREATION COMMISSION</u>			
State-wide—Boat traffic control markers and devices (88-1-013)			
		Reappropriation	Appropriation
ORA—State		42,604	
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
67,396			110,000
<u>NEW SECTION, Sec. 342. FOR THE STATE PARKS AND RECREATION COMMISSION</u>			
St. Edward—Main electrical code compliance (88-1-027)			
		Reappropriation	Appropriation
St Bldg Constr Acct		103,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
21,000			124,000
<u>NEW SECTION, Sec. 343. FOR THE STATE PARKS AND RECREATION COMMISSION</u>			
Fort Worden—Electrical service renovation to 7,200 volts (88-1-030)			
The appropriation in this section is subject to the following condition and limitation: This appropriation shall lapse if the necessary construction contract is not entered into by December 31, 1989.			
		Reappropriation	Appropriation
St Bldg Constr Acct		299,036	
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
25,964			325,000
<u>NEW SECTION, Sec. 344. FOR THE STATE PARKS AND RECREATION COMMISSION</u>			
St Edward: Lighted entrance trail and comfort station (88-1-041)			

	Reappropriation	Appropriation
St Bldg Constr Acct		222,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		222,000
<u>NEW SECTION, Sec. 345. FOR THE STATE PARKS AND RECREATION COMMISSION</u>		
State-wide—Boating facilities, omnibus facilities contingency (88-2-011)		
	Reappropriation	Appropriation
ORA—State	176,846	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
44,154		221,000
<u>NEW SECTION, Sec. 346. FOR THE STATE PARKS AND RECREATION COMMISSION</u>		
State-wide—Boating facilities, omnibus minor projects (88-2-012)		
	Reappropriation	Appropriation
ORA—State	647,581	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
321,419		969,000
<u>NEW SECTION, Sec. 347. FOR THE STATE PARKS AND RECREATION COMMISSION</u>		
Centennial facilities—Contingency request (88-2-020)		
	Reappropriation	Appropriation
LIRA, Pub Rec Fac	5,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
35,000		40,000
<u>NEW SECTION, Sec. 348. FOR THE STATE PARKS AND RECREATION COMMISSION</u>		
Fort Columbia—Renovate historic buildings/Chinook displays (88-2-021)		
	Reappropriation	Appropriation
LIRA, Pub Rec Fac	57,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
41,000		98,000
<u>NEW SECTION, Sec. 349. FOR THE STATE PARKS AND RECREATION COMMISSION</u>		
State-wide—Park facilities renovation, omnibus facilities contingency (88-2-025)		
	Reappropriation	Appropriation
St Bldg Constr Acct	288,734	
LIRA, Pub Rec Fac	31,077	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
344,266		664,077
<u>NEW SECTION, Sec. 350. FOR THE STATE PARKS AND RECREATION COMMISSION</u>		
Camp Wooten—Replace men's comfort station #23, add showers (88-2-041)		
	Reappropriation	Appropriation
St Bldg Constr Acct		157,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	109,700	266,700
<u>NEW SECTION, Sec. 351. FOR THE STATE PARKS AND RECREATION COMMISSION</u>		
Bogachiel—Campsite and day use renovation (88-2-058)		
	Reappropriation	Appropriation
General Fund—Local/Private	11,560	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
3,440		15,000
<u>NEW SECTION, Sec. 352. FOR THE STATE PARKS AND RECREATION COMMISSION</u>		
Fort Worden—Ballon Hanger, replace roof, renovate interior (88-3-023)		
	Reappropriation	Appropriation
General Fund—Local/Private	213,000	
St Bldg Constr Acct	195,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
86,000		494,000
<u>NEW SECTION, Sec. 353. FOR THE STATE PARKS AND RECREATION COMMISSION</u>		
Camano Island—Point Lowell road relocation (88-3-043)		
	Reappropriation	Appropriation
St Bldg Constr Acct	157,513	
Mot Veh Fund		619,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
44,487		821,000
<u>NEW SECTION, Sec. 354. FOR THE STATE PARKS AND RECREATION COMMISSION</u>		
Chief Timothy—Boat launch expansion (88-5-014)		
	Reappropriation	Appropriation
ORA—State	207,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
23,000		230,000
<u>NEW SECTION, Sec. 355. FOR THE STATE PARKS AND RECREATION COMMISSION</u>		

Moses Lake—Boat launch with parking and comfort station (88-5-016)

The appropriation in this section is subject to the following condition and limitation: This appropriation shall lapse if the necessary permits are not obtained by December 31, 1989.

	Reappropriation	Appropriation
ORA—State	181,000	
<u>Prior Biennia</u>		<u>Total</u>
		192,000

NEW SECTION, Sec. 356. FOR THE STATE PARKS AND RECREATION COMMISSION

State-wide—Acquisition/dev. river access, phased project (88-5-017)

	Reappropriation	Appropriation
ORA—State	138,000	
<u>Prior Biennia</u>		<u>Total</u>
		211,128

NEW SECTION, Sec. 357. FOR THE STATE PARKS AND RECREATION COMMISSION

Maryhill—Development (88-5-035)

	Reappropriation	Appropriation
St Bldg Constr Acct	1,025,798	
<u>Prior Biennia</u>		<u>Total</u>
		1,076,000

NEW SECTION, Sec. 358. FOR THE STATE PARKS AND RECREATION COMMISSION

Ocean beaches—Acquisition of ocean beaches, phased project (88-5-036)

	Reappropriation	Appropriation
St Bldg Constr Acct	447,220	
<u>Prior Biennia</u>		<u>Total</u>
		750,000

NEW SECTION, Sec. 359. FOR THE STATE PARKS AND RECREATION COMMISSION

Mount Spokane—Winter recreation facilities (88-5-041)

	Reappropriation	Appropriation
St Bldg Constr Acct	12,000	
<u>Prior Biennia</u>		<u>Total</u>
		83,000

NEW SECTION, Sec. 360. FOR THE STATE PARKS AND RECREATION COMMISSION

Fl Worden: 30-unit campground (88-5-056)

	Reappropriation	Appropriation
St Bldg Constr Acct		380,000
<u>Prior Biennia</u>		<u>Total</u>
		380,000

NEW SECTION, Sec. 361. FOR THE STATE PARKS AND RECREATION COMMISSION

Crystal Falls—Acquisition and development phase 2 (88-5-057)

	Reappropriation	Appropriation
St Bldg Constr Acct	31,464	
<u>Prior Biennia</u>		<u>Total</u>
		489,600

NEW SECTION, Sec. 362. FOR THE STATE PARKS AND RECREATION COMMISSION

Blake Island—Fire protection system, concession building (89-1-050)

	Reappropriation	Appropriation
St Bldg Constr Acct		119,000
<u>Prior Biennia</u>		<u>Total</u>
		119,000

NEW SECTION, Sec. 363. FOR THE STATE PARKS AND RECREATION COMMISSION

Omnibus minor projects—Water supply/irrigation at Lyon's Ferry, Crow Butte, Wallace Falls, Curlew Lake, Alta Lake, and Mount Spokane (89-1-101)

	Reappropriation	Appropriation
St Bldg Constr Acct		275,000
<u>Prior Biennia</u>		<u>Total</u>
		275,000

NEW SECTION, Sec. 364. FOR THE STATE PARKS AND RECREATION COMMISSION

Omnibus minor projects—Sanitary facilities at Yakima Sportsman, Lewis and Clark, Stuart Island, Sucia Island, Dash Point, and Blake Island (89-1-102)

	Reappropriation	Appropriation
St Bldg Constr Acct		152,000
<u>Prior Biennia</u>		<u>Total</u>
		345,900

NEW SECTION, Sec. 365. FOR THE STATE PARKS AND RECREATION COMMISSION

Omnibus minor projects—Electrical at Fay Bainbridge, Potholes, Fort Flagler, Central Ferry, Pacific Beach, Blake Island, and Alta Lake (89-1-103)

	Reappropriation	Appropriation
St Bldg Constr Acct		231,000

ORA—State			63,700
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
			294,700
<u>NEW SECTION, Sec. 366. FOR THE STATE PARKS AND RECREATION COMMISSION</u>			
Moran—Renovate mountain lake dam (89-1-110)			
		Reappropriation	Appropriation
St Bldg Constr Acct			144,000
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
			144,000
<u>NEW SECTION, Sec. 367. FOR THE STATE PARKS AND RECREATION COMMISSION</u>			
State-wide—Compliance with safe drinking water act (89-1-116)			
		Reappropriation	Appropriation
St Bldg Constr Acct			441,000
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
			441,000
<u>NEW SECTION, Sec. 368. FOR THE STATE PARKS AND RECREATION COMMISSION</u>			
Camp Wooten—Sewage renovation, phase 2 (89-1-122)			
		Reappropriation	Appropriation
St Bldg Constr Acct			138,000
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
			138,000
<u>NEW SECTION, Sec. 369. FOR THE STATE PARKS AND RECREATION COMMISSION</u>			
Sacajawea—Modify river floats, revise piling anchorage system (89-1-129)			
		Reappropriation	Appropriation
ORA—State			192,000
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
			192,000
<u>NEW SECTION, Sec. 370. FOR THE STATE PARKS AND RECREATION COMMISSION</u>			
State-wide—Asbestos removal—Forts Worden, Flagler, Columbia (89-1-134)			
		Reappropriation	Appropriation
St Bldg Constr Acct			150,000
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
			150,000
<u>NEW SECTION, Sec. 371. FOR THE STATE PARKS AND RECREATION COMMISSION</u>			
State-wide—Omnibus minor projects—Boating/marine construction (89-2-106)			
		Reappropriation	Appropriation
St Bldg Constr Acct			179,250
ORA—State			674,050
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
			853,300
<u>NEW SECTION, Sec. 372. FOR THE STATE PARKS AND RECREATION COMMISSION</u>			
State-wide—Omnibus minor projects—General construction (89-2-107)			
		Reappropriation	Appropriation
St Bldg Constr Acct			560,000
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		858,000	1,418,000
<u>NEW SECTION, Sec. 373. FOR THE STATE PARKS AND RECREATION COMMISSION</u>			
State-wide—Omnibus minor projects—Specialized construction (89-2-109)			
		Reappropriation	Appropriation
St Bldg Constr Acct			219,000
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
			219,000
<u>NEW SECTION, Sec. 374. FOR THE STATE PARKS AND RECREATION COMMISSION</u>			
Lake Sammamish—Boat launch repairs (89-2-139)			
		Reappropriation	Appropriation
ORA—State			114,000
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
			114,000
<u>NEW SECTION, Sec. 375. FOR THE STATE PARKS AND RECREATION COMMISSION.</u>			
Omnibus minor projects—Site/environment/protection at Conconully, Saltwater, Fort Worden, Alta Lake, and Fort Casey (89-3-104)			
		Reappropriation	Appropriation
St Bldg Constr Acct			300,000
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
			300,000
<u>NEW SECTION, Sec. 376. FOR THE STATE PARKS AND RECREATION COMMISSION</u>			
State-wide—Omnibus minor projects—Acquisition (89-3-105)			

St Bldg Constr Acct	Reappropriation	Appropriation
<u>Prior Biennia</u>		115,000
	<u>Future Biennia</u>	<u>Total</u>
	140,700	255,700
<u>NEW SECTION</u> , Sec. 377. FOR THE STATE PARKS AND RECREATION COMMISSION		
State-wide—Omnibus minor projects—Weatherproofing (89-3-108)		
	Reappropriation	Appropriation
St Bldg Constr Acct		167,000
<u>Prior Biennia</u>		<u>Total</u>
	<u>Future Biennia</u>	167,000
<u>NEW SECTION</u> , Sec. 378. FOR THE STATE PARKS AND RECREATION COMMISSION		
Fort Worden—Rebuild boat launch breakwater, dredge marina (89-3-135)		
	Reappropriation	Appropriation
ORA—State		315,000
<u>Prior Biennia</u>		<u>Total</u>
	<u>Future Biennia</u>	315,000
<u>NEW SECTION</u> , Sec. 379. FOR THE STATE PARKS AND RECREATION COMMISSION		
Larabee—Acquisition of Clayton Beach (89-5-002)		
	Reappropriation	Appropriation
St Bldg Constr Acct	342,000	
ORA—Federal		140,540
<u>Prior Biennia</u>		<u>Total</u>
1,258,000	<u>Future Biennia</u>	1,740,540
<u>NEW SECTION</u> , Sec. 380. FOR THE STATE PARKS AND RECREATION COMMISSION		
Hood Canal—Acquisition of property, phase 2 (89-5-111)		
	Reappropriation	Appropriation
St Bldg Constr Acct	49,681	393,000
ORA—State		60,000
<u>Prior Biennia</u>		<u>Total</u>
319	<u>Future Biennia</u>	503,000
<u>NEW SECTION</u> , Sec. 381. FOR THE STATE PARKS AND RECREATION COMMISSION		
Spokane Centennial Trail—Acquisition/initial development (89-5-112)		
	Reappropriation	Appropriation
St Bldg Constr Acct		120,000
ORA—Federal		119,000
General Fund—Federal	3,589,620	
<u>Prior Biennia</u>		<u>Total</u>
10,380	<u>Future Biennia</u>	3,839,000
<u>NEW SECTION</u> , Sec. 382. FOR THE STATE PARKS AND RECREATION COMMISSION		
Fort Casey—Acquisition of keystone spit, phase 2 (89-5-113)		
	Reappropriation	Appropriation
St Bldg Constr Acct	198,780	104,000
ORA—Federal		103,000
<u>Prior Biennia</u>		<u>Total</u>
301,220	<u>Future Biennia</u>	707,000
<u>NEW SECTION</u> , Sec. 383. FOR THE STATE PARKS AND RECREATION COMMISSION		
Belfair—Acquisition of adjoining property, phase 2 (89-5-114)		
	Reappropriation	Appropriation
St Bldg Constr Acct	29,000	193,000
ORA—Federal		27,000
<u>Prior Biennia</u>		<u>Total</u>
21,000	<u>Future Biennia</u>	270,000
<u>NEW SECTION</u> , Sec. 384. FOR THE STATE PARKS AND RECREATION COMMISSION		
Fort Canby—Initial development, Beards Hollow (89-5-115)		
	Reappropriation	Appropriation
St Bldg Constr Acct		289,000
<u>Prior Biennia</u>		<u>Total</u>
	<u>Future Biennia</u>	289,000
<u>NEW SECTION</u> , Sec. 385. FOR THE STATE PARKS AND RECREATION COMMISSION		
Snohomish Centennial Trail		
The appropriation in this section is subject to the following conditions and limitations: This appropriation is provided solely for the Snohomish County parks department to purchase and develop the railroad right-of-way from Snohomish to Arlington. No portion of this appropriation may be expended unless an amount from nonstate sources equal to the amount of this appropriation is provided for the project.		
	Reappropriation	Appropriation
St Bldg Constr Acct		1,100,000

	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
			1,100,000
<u>NEW SECTION, Sec. 386. FOR THE STATE PARKS AND RECREATION COMMISSION</u>			
Lake Isabella—Acquisition, phased (89-5-145)			
		Reappropriation	Appropriation
St Bldg Constr Acct			507,000
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
			507,000
<u>NEW SECTION, Sec. 387. FOR THE STATE PARKS AND RECREATION COMMISSION</u>			
Spokane Centennial Trail—Initial development "The Islands" (89-5-166)			
		Reappropriation	Appropriation
St Bldg Constr Acct			250,000
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
			250,000
<u>NEW SECTION, Sec. 388. FOR THE STATE PARKS AND RECREATION COMMISSION</u>			
Ocean Beach OBA—Comfort stations and parking at four locations (89-5-120)			
		Reappropriation	Appropriation
St Bldg Constr Acct			342,000
ORA—Federal			316,000
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
			658,000
<u>NEW SECTION, Sec. 389. FOR THE STATE PARKS AND RECREATION COMMISSION</u>			
State-wide—Omnibus facility contingency request (90-1-001)			
		Reappropriation	Appropriation
St Bldg Constr Acct			464,000
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
			464,000
<u>NEW SECTION, Sec. 390. FOR THE STATE PARKS AND RECREATION COMMISSION</u>			
Steamboat Rock—Random camp area, Jones Bay (95-2-182)			
		Reappropriation	Appropriation
St Bldg Constr Acct			150,000
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
			150,000
<u>NEW SECTION, Sec. 391. FOR THE STATE PARKS AND RECREATION COMMISSION</u>			
Wishram Museum—Feasibility study			
The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided for a feasibility study for a water park and railroad museum and bridge access in Wishram.			
		Reappropriation	Appropriation
St Bldg Constr Acct			10,000
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
			10,000
<u>NEW SECTION, Sec. 392. FOR THE STATE PARKS AND RECREATION COMMISSION</u>			
Ohme Gardens—Acquisition, safety, and irrigation improvements (89-5-169)			
		Reappropriation	Appropriation
St Bldg Constr Acct			750,000
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
			750,000
<u>NEW SECTION, Sec. 393. FOR THE STATE PARKS AND RECREATION COMMISSION</u>			
Doug's Beach—Railroad safety crossing			
		Reappropriation	Appropriation
St Bldg Constr Acct			120,000
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
			120,000
<u>NEW SECTION, Sec. 394. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION</u>			
Grants to public agencies' recreation projects (90-2-001)			
		Reappropriation	Appropriation
St Bldg Constr Acct			500,000
ORA—Federal		150,000	800,000
ORA—State		1,068,604	6,436,000
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	21,513,197	12,000,000	42,467,801
<u>NEW SECTION, Sec. 395. FOR THE DEPARTMENT OF TRADE AND ECONOMIC DEVELOPMENT</u>			
Community economic revitalization board (86-1-001)			
		Reappropriation	Appropriation
St Bldg Constr Acct			5,340,000
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	19,025,928		24,365,928

NEW SECTION. Sec. 396. FOR THE DEPARTMENT OF TRADE AND ECONOMIC DEVELOPMENT
Washington Technology Center (88-1-003)

The appropriation in this section shall be subject to the following conditions and limitations:
The moneys from this appropriation shall be transferred to and administered by the University
of Washington.

St Bldg Constr Acct	Reappropriation	Appropriation
	9,600,000	900,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
5,302,000		15,802,000

NEW SECTION. Sec. 397. FOR THE DEPARTMENT OF TRADE AND ECONOMIC DEVELOPMENT
Washington State Agricultural Trade Center—Yakima (88-3-004)

The appropriation in this section is subject to the following conditions and limitations:
Expenditures made under this appropriation shall equal seventy-five percent of the total
project design and construction costs and shall not exceed \$6,500,000. The twenty-five percent
of actual expenditures for design and construction costs shall be cash from nonstate sources.

St Bldg Constr Acct	Reappropriation	Appropriation
	2,300,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
4,200,000		6,500,000

NEW SECTION. Sec. 398. FOR THE DEPARTMENT OF TRADE AND ECONOMIC DEVELOPMENT
Agricultural Complex—Yakima (89-2-005)

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

- (1) \$1,000,000 is provided solely for parking lot paving, lighting and landscaping.
- (2) \$1,000,000 of this appropriation is contingent on a contribution of an equal amount of
funds from nonstate sources.

St Bldg Constr Acct	Reappropriation	Appropriation
	750,000	2,000,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
1,250,000		4,000,000

NEW SECTION. Sec. 399. FOR THE DEPARTMENT OF TRADE AND ECONOMIC DEVELOPMENT
Mt. St. Helens Road and Visitor Center (90-5-002)

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

- (1) Expenditures under this appropriation shall not exceed twenty-five percent of the total
project cost.
- (2) Expenditure of this appropriation is contingent on a contribution of at least \$300,000 by
Cowlitz county for the project.

St Bldg Constr Acct	Reappropriation	Appropriation
		5,600,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		5,600,000

NEW SECTION. Sec. 400. FOR THE STATE CONSERVATION COMMISSION
Water quality projects (90-2-001)

Water Quality Acct	Reappropriation	Appropriation
	352,500	2,072,160
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
1,509,500	4,400,000	8,334,160

PART 4

NATURAL RESOURCES - CONTINUED

NEW SECTION. Sec. 401. FOR THE DEPARTMENT OF FISHERIES
Habitat—Salmon enhancement program (77-1-005)

Salmon Enhancement Acct	Reappropriation	Appropriation
St Bldg Constr Acct	25,000	921,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
4,284,687		5,230,687

NEW SECTION. Sec. 402. FOR THE DEPARTMENT OF FISHERIES
Replacements and alterations (77-2-004)

Fish Cap Proj Acct	Reappropriation	Appropriation
	2,243	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
3,996,688		3,998,931

NEW SECTION. Sec. 403. FOR THE DEPARTMENT OF FISHERIES
Puget Sound artificial reef construction (79-2-008)

ORA—Federal	Reappropriation	Appropriation
ORA—State	8,300	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
420,550	16,600	445,450

NEW SECTION, Sec. 404. FOR THE DEPARTMENT OF FISHERIES
Hood Canal Bridge—Public fishing access (79-2-011)

	Reappropriation	Appropriation
St Bldg Constr Acct	52,000	
<u>Prior Biennia</u>		<u>Total</u>
442,000	<u>Future Biennia</u>	494,000

NEW SECTION, Sec. 405. FOR THE DEPARTMENT OF FISHERIES
Oakland Bay tideland access design and construction (81-5-014)

The appropriations in this section are subject to the following conditions and limitations: If not obligated by June 30, 1990, the appropriations in this section shall lapse.

	Reappropriation	Appropriation
St Bldg Constr Acct	11,000	
ORA—Federal	90,000	
ORA—State	79,000	
<u>Prior Biennia</u>		<u>Total</u>
	<u>Future Biennia</u>	180,000

NEW SECTION, Sec. 406. FOR THE DEPARTMENT OF FISHERIES
Health, safety and code compliance (86-1-020)

	Reappropriation	Appropriation
St Bldg Constr Acct	78,000	850,000
<u>Prior Biennia</u>		<u>Total</u>
371,000	<u>Future Biennia</u>	1,799,000
	500,000	

NEW SECTION, Sec. 407. FOR THE DEPARTMENT OF FISHERIES
Towhead Island public access—Renovation (86-2-028)

The appropriations in this section are subject to the following conditions and limitations: The appropriations shall lapse if construction has not begun by June 30, 1990.

	Reappropriation	Appropriation
ORA—Federal	20,000	
ORA—State	191,000	
<u>Prior Biennia</u>		<u>Total</u>
	<u>Future Biennia</u>	211,000

NEW SECTION, Sec. 408. FOR THE DEPARTMENT OF FISHERIES
Issaquah Hatchery Interpretative Center (86-2-029)

The appropriations in this section are subject to the following conditions and limitations: The appropriations shall lapse if construction has not begun by December 31, 1989.

	Reappropriation	Appropriation
St Bldg Constr Acct	42,000	
ORA—Federal	53,000	
ORA—State	17,800	
<u>Prior Biennia</u>		<u>Total</u>
17,200	<u>Future Biennia</u>	130,000

NEW SECTION, Sec. 409. FOR THE DEPARTMENT OF FISHERIES
Minor capital projects—Salmon (86-3-022)

The appropriation in this section is subject to the following conditions and limitations: If not expended by June 30, 1990, the appropriation in this section shall lapse.

	Reappropriation	Appropriation
St Bldg Constr Acct	116,000	
<u>Prior Biennia</u>		<u>Total</u>
306,000	<u>Future Biennia</u>	422,000

NEW SECTION, Sec. 410. FOR THE DEPARTMENT OF FISHERIES
Minor capital projects—Shellfish (86-3-023)

	Reappropriation	Appropriation
St Bldg Constr Acct	71,240	
<u>Prior Biennia</u>		<u>Total</u>
376,400	<u>Future Biennia</u>	447,640

NEW SECTION, Sec. 411. FOR THE DEPARTMENT OF FISHERIES
Paving and maintenance—Asphalt ponds (86-3-024)

	Reappropriation	Appropriation
St Bldg Constr Acct	10,000	
<u>Prior Biennia</u>		<u>Total</u>
285,401	<u>Future Biennia</u>	295,401

NEW SECTION, Sec. 412. FOR THE DEPARTMENT OF FISHERIES
Bremerton public fishing pier—Design and construction (86-3-027)

The appropriations in this section are subject to the following conditions and limitations: If not expended by June 30, 1990, the appropriations in this section shall lapse.

	Reappropriation	Appropriation
St Bldg Constr Acct	89,000	
ORA—Federal	410,000	

ORA—State		285,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
36,000			820,000
<u>NEW SECTION, Sec. 413. FOR THE DEPARTMENT OF FISHERIES</u>			
Willapa Hatchery—New main pipeline (86-3-030)			
		Reappropriation	Appropriation
St Bldg Constr Acct		12,640	
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
373,000			385,640
<u>NEW SECTION, Sec. 414. FOR THE DEPARTMENT OF FISHERIES</u>			
Patrol seized gear storage (86-3-033)			
		Reappropriation	Appropriation
St Bldg Constr Acct		5,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
93,000			98,000
<u>NEW SECTION, Sec. 415. FOR THE DEPARTMENT OF FISHERIES</u>			
Hood Canal boat access development (86-3-035)			
The appropriations in this section are subject to the following conditions and limitations: If not expended by June 30, 1990, the appropriations in this section shall lapse.			
		Reappropriation	Appropriation
ORA—Federal		30,000	
ORA—State		270,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
			300,000
<u>NEW SECTION, Sec. 416. FOR THE DEPARTMENT OF FISHERIES</u>			
Hood Canal Smelt Beach acquisition (86-3-036)			
The appropriations in this section are subject to the following conditions and limitations: If not expended by June 30, 1990, the appropriations in this section shall lapse.			
		Reappropriation	Appropriation
ORA—Federal		150,000	
ORA—State		150,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
			300,000
<u>NEW SECTION, Sec. 417. FOR THE DEPARTMENT OF FISHERIES</u>			
Point Whitney Beach access acquisition (86-3-037)			
		Reappropriation	Appropriation
St Bldg Constr Acct			250,000
ORA—Federal		128,000	250,000
ORA—State		127,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
		150,000	905,000
<u>NEW SECTION, Sec. 418. FOR THE DEPARTMENT OF FISHERIES</u>			
Knappton public access (86-3-038)			
The appropriations in this section are subject to the following conditions and limitations: If not expended by June 30, 1990, the appropriations in this section shall lapse.			
		Reappropriation	Appropriation
ORA—Federal		54,000	
ORA—State		55,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
			109,000
<u>NEW SECTION, Sec. 419. FOR THE DEPARTMENT OF FISHERIES</u>			
McAllister—Improvements (88-2-003)			
		Reappropriation	Appropriation
St Bldg Constr Acct		226,300	
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
32,700			259,000
<u>NEW SECTION, Sec. 420. FOR THE DEPARTMENT OF FISHERIES</u>			
Minor capital projects—Salmon north (88-2-005)			
		Reappropriation	Appropriation
St Bldg Constr Acct		8,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
432,000			440,000
<u>NEW SECTION, Sec. 421. FOR THE DEPARTMENT OF FISHERIES</u>			
Minor capital projects—Salmon south (88-2-006)			
The appropriations in this section are subject to the following condition and limitation: The appropriations shall lapse if construction has not begun by December 31, 1989.			
		Reappropriation	Appropriation
General Fund—Federal		853,000	

St Bldg Constr Acct		362,000	
<u>Prior Biennia</u>		<u>Future Biennia</u>	<u>Total</u>
36,000			1,251,000
NEW SECTION, Sec. 422. FOR THE DEPARTMENT OF FISHERIES			
Minor capital projects—Salmon coast (88-2-007)			
		Reappropriation	Appropriation
St Bldg Constr Acct		26,000	
<u>Prior Biennia</u>		<u>Future Biennia</u>	<u>Total</u>
166,200			192,200
NEW SECTION, Sec. 423. FOR THE DEPARTMENT OF FISHERIES			
Salmon culture—Repair and replacement (88-2-008)			
		Reappropriation	Appropriation
St Bldg Constr Acct		150,000	
<u>Prior Biennia</u>		<u>Future Biennia</u>	<u>Total</u>
155,000			305,000
NEW SECTION, Sec. 424. FOR THE DEPARTMENT OF FISHERIES			
Concrete ponds—Repair and replacement (88-2-009)			
		Reappropriation	Appropriation
St Bldg Constr Acct		96,000	
<u>Prior Biennia</u>		<u>Future Biennia</u>	<u>Total</u>
707,000			803,000
NEW SECTION, Sec. 425. FOR THE DEPARTMENT OF FISHERIES			
Small repairs and improvements (88-2-019)			
		Reappropriation	Appropriation
General Fund—Federal		159,000	
<u>Prior Biennia</u>		<u>Future Biennia</u>	<u>Total</u>
			159,000
NEW SECTION, Sec. 426. FOR THE DEPARTMENT OF FISHERIES			
Clam and Oyster Beach enhancement (88-5-002)			
		Reappropriation	Appropriation
St Bldg Constr Acct		1,181,000	
<u>Prior Biennia</u>		<u>Future Biennia</u>	<u>Total</u>
32,000		1,200,000	2,413,000
NEW SECTION, Sec. 427. FOR THE DEPARTMENT OF FISHERIES			
Fish protection facilities (88-5-012)			
		Reappropriation	Appropriation
St Bldg Constr Acct		50,000	
<u>Prior Biennia</u>		<u>Future Biennia</u>	<u>Total</u>
154,000		400,000	839,000
NEW SECTION, Sec. 428. FOR THE DEPARTMENT OF FISHERIES			
Columbia River—Fishing access (88-5-014)			
The appropriation in this section is subject to the following condition and limitation: The appropriation shall lapse if necessary permits have not been obtained by December 31, 1989.			
		Reappropriation	Appropriation
St Bldg Constr Acct		186,000	
<u>Prior Biennia</u>		<u>Future Biennia</u>	<u>Total</u>
129,000			315,000
NEW SECTION, Sec. 429. FOR THE DEPARTMENT OF FISHERIES			
Coast and Puget Sound Salmon enhancement (88-5-016)			
		Reappropriation	Appropriation
Salmon Enhancement Acct		2,632,000	
St Bldg Constr Acct			2,500,000
<u>Prior Biennia</u>		<u>Future Biennia</u>	<u>Total</u>
1,388,000		3,750,000	7,770,000
NEW SECTION, Sec. 430. FOR THE DEPARTMENT OF FISHERIES			
Shorefishing access development (88-5-018)			
The appropriation in this section is subject to the following condition and limitation: The appropriation shall lapse if construction has not begun by December 31, 1989.			
		Reappropriation	Appropriation
St Bldg Constr Acct		623,000	
<u>Prior Biennia</u>		<u>Future Biennia</u>	<u>Total</u>
250,000		1,273,000	2,596,000
NEW SECTION, Sec. 431. FOR THE DEPARTMENT OF FISHERIES			
South Sound net pen support facility (90-2-007)			
		Reappropriation	Appropriation
St Bldg Constr Acct			343,000
<u>Prior Biennia</u>		<u>Future Biennia</u>	<u>Total</u>
			343,000

<u>NEW SECTION, Sec. 432. FOR THE DEPARTMENT OF FISHERIES</u>		
Humphulps upgrade intake dam (90-2-010)		
	Reappropriation	Appropriation
St Bldg Constr Acct		213,100
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		213,100
<u>NEW SECTION, Sec. 433. FOR THE DEPARTMENT OF FISHERIES</u>		
Salmon culture minor works projects (90-2-011)		
The appropriation in this section is subject to the following condition and limitation: The appropriation shall lapse if construction has not begun by December 31, 1989.		
	Reappropriation	Appropriation
St Bldg Constr Acct		655,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		655,000
<u>NEW SECTION, Sec. 434. FOR THE DEPARTMENT OF FISHERIES</u>		
Habitat management shop building (90-2-012)		
	Reappropriation	Appropriation
St Bldg Constr Acct		435,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		435,000
<u>NEW SECTION, Sec. 435. FOR THE DEPARTMENT OF FISHERIES</u>		
Field services—Minor works (90-2-015)		
The appropriation in this section is subject to the following condition and limitation: The appropriation shall lapse if construction has not begun by June 30, 1990.		
	Reappropriation	Appropriation
St Bldg Constr Acct		235,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	100,000	335,000
<u>NEW SECTION, Sec. 436. FOR THE DEPARTMENT OF FISHERIES</u>		
Salmon culture—Minor capital (90-2-017)		
The appropriation in this section is subject to the following condition and limitation: The appropriation shall lapse if construction has not begun by December 31, 1989.		
	Reappropriation	Appropriation
St Bldg Constr Acct		668,700
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	1,350,000	2,018,700
<u>NEW SECTION, Sec. 437. FOR THE DEPARTMENT OF FISHERIES</u>		
George Adams, water supply (90-2-019)		
	Reappropriation	Appropriation
St Bldg Constr Acct		175,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		175,000
<u>NEW SECTION, Sec. 438. FOR THE DEPARTMENT OF FISHERIES</u>		
Ilwaco boat access expansion (90-2-023)		
	Reappropriation	Appropriation
ORA—State		300,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		300,000
<u>NEW SECTION, Sec. 439. FOR THE DEPARTMENT OF FISHERIES</u>		
Bonneville pool access expansion (90-2-028)		
	Reappropriation	Appropriation
ORA—State		100,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	100,000	200,000
<u>NEW SECTION, Sec. 440. FOR THE DEPARTMENT OF FISHERIES</u>		
Property acquisition (90-3-009)		
	Reappropriation	Appropriation
St Bldg Constr Acct		330,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		330,000
<u>NEW SECTION, Sec. 441. FOR THE DEPARTMENT OF FISHERIES</u>		
Shellfish surveys and Point Whitney repairs (90-3-013)		
	Reappropriation	Appropriation
St Bldg Constr Acct		175,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	350,000	525,000
<u>NEW SECTION, Sec. 442. FOR THE DEPARTMENT OF FISHERIES</u>		

Point Whitney—Property acquisition (90-3-014)			
		Reappropriation	Appropriation
St Bldg Constr Acct			150,000
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
			150,000
<u>NEW SECTION, Sec. 443. FOR THE DEPARTMENT OF FISHERIES</u>			
Strait of Juan De Fuca shoreline acquisition (90-5-025)			
		Reappropriation	Appropriation
ORA—State			350,000
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
	200,000		550,000
<u>NEW SECTION, Sec. 444. FOR THE DEPARTMENT OF FISHERIES</u>			
Kingston boat launch development (90-5-027)			
		Reappropriation	Appropriation
ORA—State			100,000
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
			100,000
<u>NEW SECTION, Sec. 445. FOR THE DEPARTMENT OF WILDLIFE</u>			
Chehalis Valley HMA acquisition (83-5-021)			
		Reappropriation	Appropriation
Wildlife Acct—State		346,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
			346,000
<u>NEW SECTION, Sec. 446. FOR THE DEPARTMENT OF WILDLIFE</u>			
Lake Goodwin redevelopment (86-2-021)			
		Reappropriation	Appropriation
ORA—State		77,297	
Wildlife Acct—State		8,588	
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
			85,885
<u>NEW SECTION, Sec. 447. FOR THE DEPARTMENT OF WILDLIFE</u>			
Satsop river: Acquisition and redevelopment (86-2-029)			
		Reappropriation	Appropriation
ORA—State		75,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
8,000			83,000
<u>NEW SECTION, Sec. 448. FOR THE DEPARTMENT OF WILDLIFE</u>			
Mineral Lake—Site improvements (86-3-028)			
		Reappropriation	Appropriation
ORA—State		40,346	
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
71,163			111,509
<u>NEW SECTION, Sec. 449. FOR THE DEPARTMENT OF WILDLIFE</u>			
Pipe Lake—Public fishing access (86-4-027)			
		Reappropriation	Appropriation
ORA—State		83,250	
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
			83,250
<u>NEW SECTION, Sec. 450. FOR THE DEPARTMENT OF WILDLIFE</u>			
State-wide boating access development (88-5-014)			
		Reappropriation	Appropriation
Wildlife Acct—Federal		231,375	
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
268,625			500,000
<u>NEW SECTION, Sec. 451. FOR THE DEPARTMENT OF WILDLIFE</u>			
Aberdeen Fish Hatchery expansion (89-5-017)			
		Reappropriation	Appropriation
Game Spec Wildlife Acct		740,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
79,000			819,000
<u>NEW SECTION, Sec. 452. FOR THE DEPARTMENT OF WILDLIFE</u>			
Asbestos abatement health safety and code compliance, phase 1 (90-1-001)			
		Reappropriation	Appropriation
St Bldg Constr Acct			600,000
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
	1,200,000		1,800,000
<u>NEW SECTION, Sec. 453. FOR THE DEPARTMENT OF WILDLIFE</u>			

	Public fishing access minor works repair (90-1-014)		
		Reappropriation	Appropriation
Wildlife Acct—Federal			500,000
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		1,300,000	1,800,000
	<u>NEW SECTION, Sec. 454. FOR THE DEPARTMENT OF WILDLIFE</u>		
	Emergency repair and replacement (90-2-002)		
		Reappropriation	Appropriation
Wildlife Acct—State		50,000	300,000
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	253,000	900,000	1,503,000
	<u>NEW SECTION, Sec. 455. FOR THE DEPARTMENT OF WILDLIFE</u>		
	Facility maintenance small repair and improvements (90-2-003)		
		Reappropriation	Appropriation
Wildlife Acct—State			500,000
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	629,000	1,100,000	2,229,000
	<u>NEW SECTION, Sec. 456. FOR THE DEPARTMENT OF WILDLIFE</u>		
	Hatchery renovation and improvement (90-2-004)		
		Reappropriation	Appropriation
St Bldg Constr Acct			1,150,000
Wildlife Acct—Federal		576,774	1,100,000
Wildlife Acct—State			1,000,000
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	400,000	13,000,000	17,226,774
	<u>NEW SECTION, Sec. 457. FOR THE DEPARTMENT OF WILDLIFE</u>		
	Redevelopment of public fishing access sites (IAC) (90-2-007)		
		Reappropriation	Appropriation
ORA—State			1,126,000
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		2,115,000	3,241,000
	<u>NEW SECTION, Sec. 458. FOR THE DEPARTMENT OF WILDLIFE</u>		
	Development of public fishing access sites (IAC) (90-2-008)		
		Reappropriation	Appropriation
St Bldg Constr Acct			294,000
ORA—State			136,000
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		300,000	730,000
	<u>NEW SECTION, Sec. 459. FOR THE DEPARTMENT OF WILDLIFE</u>		
	Wildlife area repair and development (90-2-016)		
		Reappropriation	Appropriation
Wildlife Acct—State			250,000
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		500,000	750,000
	<u>NEW SECTION, Sec. 460. FOR THE DEPARTMENT OF WILDLIFE</u>		
	Wells wildlife area repair and improvements (90-2-018)		
		Reappropriation	Appropriation
Game Spec Wildlife Acct		92,000	50,000
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	8,000	100,000	250,000
	<u>NEW SECTION, Sec. 461. FOR THE DEPARTMENT OF WILDLIFE</u>		
	Vancouver well (90-2-022)		
		Reappropriation	Appropriation
Wildlife Acct—State		167,203	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
			167,203
	<u>NEW SECTION, Sec. 462. FOR THE DEPARTMENT OF WILDLIFE</u>		
	State-wide fencing repair and replacement (90-3-015)		
		Reappropriation	Appropriation
Wildlife Acct—State			1,000,000
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	368,000	2,000,000	3,368,000
	<u>NEW SECTION, Sec. 463. FOR THE DEPARTMENT OF WILDLIFE</u>		
	Migratory waterfowl habitat acquisition (90-5-005)		
		Reappropriation	Appropriation
Wildlife Acct—State		333,285	350,000
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	62,715	700,000	1,446,000

NEW SECTION, Sec. 464. FOR THE DEPARTMENT OF WILDLIFE
Acquisition of critical habitat (90-5-006)

Wildlife Acct—State	Reappropriation	Appropriation
<u>Prior Biennia</u>		250,000
	<u>Future Biennia</u>	<u>Total</u>
	500,000	750,000

NEW SECTION, Sec. 465. FOR THE DEPARTMENT OF WILDLIFE
Acquisition of critical water oriented access (IAC) (90-5-009)

ORA—State	Reappropriation	Appropriation
Wildlife Acct—Federal		20,250
<u>Prior Biennia</u>		100,000
	<u>Future Biennia</u>	<u>Total</u>
		120,250

NEW SECTION, Sec. 466. FOR THE DEPARTMENT OF WILDLIFE
Acquisition of wildlife habitat (90-5-012)

The appropriation in this section is subject to the following conditions and limitations: No moneys may be expended from this appropriation without first selling state-owned land of equal or greater value.

Wildlife Acct—State	Reappropriation	Appropriation
<u>Prior Biennia</u>		600,000
	<u>Future Biennia</u>	<u>Total</u>
	800,000	1,400,000

NEW SECTION, Sec. 467. FOR THE DEPARTMENT OF WILDLIFE
Migratory waterfowl habitat development (90-5-017)

Wildlife Acct—State	Reappropriation	Appropriation
<u>Prior Biennia</u>		300,000
	<u>Future Biennia</u>	<u>Total</u>
	150,000	1,362,000

NEW SECTION, Sec. 468. FOR THE DEPARTMENT OF WILDLIFE
Habitat enhancement fund (90-5-019)

Wildlife Acct—Private/local	Reappropriation	Appropriation
<u>Prior Biennia</u>		500,000
	<u>Future Biennia</u>	<u>Total</u>
	1,000,000	1,500,000

NEW SECTION, Sec. 469. FOR THE DEPARTMENT OF WILDLIFE

Regional Office Facilities Relocation—Purchase or Construct (90-2-021)

Wildlife Acct—State	Reappropriation	Appropriation
<u>Prior Biennia</u>		425,000
	<u>Future Biennia</u>	<u>Total</u>
		425,000

PART 5

NATURAL RESOURCES - CONTINUED

NEW SECTION, Sec. 501. FOR THE DEPARTMENT OF NATURAL RESOURCES
Right-of-way acquisition (86-3-001)

For Dev Acct	Reappropriation	Appropriation
Res Mgmt Cost Acct		213,000
<u>Prior Biennia</u>		577,000
	<u>Future Biennia</u>	<u>Total</u>
	1,646,000	3,386,000

NEW SECTION, Sec. 502. FOR THE DEPARTMENT OF NATURAL RESOURCES
Unforeseen emergency repairs, irrigation (86-3-002)

Res Mgmt Cost Acct	Reappropriation	Appropriation
<u>Prior Biennia</u>		200,000
	<u>Future Biennia</u>	<u>Total</u>
	492,000	1,092,000

NEW SECTION, Sec. 503. FOR THE DEPARTMENT OF NATURAL RESOURCES
Commercial development and electronics (86-3-004)

Res Mgmt Cost Acct	Reappropriation	Appropriation
<u>Prior Biennia</u>		420,000
	<u>Future Biennia</u>	<u>Total</u>
	20,000	840,000

NEW SECTION, Sec. 504. FOR THE DEPARTMENT OF NATURAL RESOURCES
Recreation sites renovation (86-3-018)

ORV Acct	Reappropriation	Appropriation
ORA—State	64,200	
<u>Prior Biennia</u>	259,300	<u>Total</u>
	<u>Future Biennia</u>	723,000
	399,500	

NEW SECTION. Sec. 505. FOR THE DEPARTMENT OF NATURAL RESOURCES

Aquatic land enhancement (86-3-020)

	Reappropriation	Appropriation
Aquatic Lands Acct	1,295,000	4,154,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
962,000	14,400,000	21,697,000

NEW SECTION. Sec. 506. FOR THE DEPARTMENT OF NATURAL RESOURCES

Land bank (86-4-003)

	Reappropriation	Appropriation
Res Mgmt Cost Acct		12,000,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
11,440,000	30,000,000	53,440,000

NEW SECTION. Sec. 507. FOR THE DEPARTMENT OF NATURAL RESOURCES

State-wide emergency repairs (88-1-002)

	Reappropriation	Appropriation
For Dev Acct		8,600
Res Mgmt Cost Acct		32,300
St Bldg Constr Acct		18,300
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
54,000	135,900	249,100

NEW SECTION. Sec. 508. FOR THE DEPARTMENT OF NATURAL RESOURCES

State-wide nonemergency repairs (88-2-010)

	Reappropriation	Appropriation
For Dev Acct		8,700
Res Mgmt Cost Acct		32,900
St Bldg Constr Acct		18,700
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
55,000	138,500	253,800

NEW SECTION. Sec. 509. FOR THE DEPARTMENT OF NATURAL RESOURCES

Commercial development/L.I.D. (88-2-020)

	Reappropriation	Appropriation
Res Mgmt Cost Acct		710,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
745,000	1,420,000	2,875,000

NEW SECTION. Sec. 510. FOR THE DEPARTMENT OF NATURAL RESOURCES

Timber—Fish—Wildlife (88-2-021)

The appropriation in this section is subject to the following condition and limitation: This appropriation shall lapse if the orphan roads are not identified by September 30, 1989, and construction begun by December 31, 1989.

	Reappropriation	Appropriation
St Bldg Constr Acct	262,500	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
37,500		300,000

NEW SECTION. Sec. 511. FOR THE DEPARTMENT OF NATURAL RESOURCES

Area office space construction and improvements (88-2-030)

	Reappropriation	Appropriation
For Dev Acct		174,000
Res Mgmt Cost Acct		448,000
St Bldg Constr Acct		26,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	267,000	915,000

NEW SECTION. Sec. 512. FOR THE DEPARTMENT OF NATURAL RESOURCES

Natural resources conservation areas (88-2-060)

	Reappropriation	Appropriation
Conservation Area Acct	3,500,000	942,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
4,400,000		8,842,000

NEW SECTION. Sec. 513. FOR THE DEPARTMENT OF NATURAL RESOURCES

NAP property purchases (88-2-061)

The appropriations in this section are subject to the following conditions and limitations: \$1,000,000 of the state building and construction account appropriation and \$471,000 of the conservation area account appropriation are provided solely for the purpose of purchasing property or a less-than-fee interest in property under chapter 79.70 RCW. Moneys from this appropriation may not be expended unless for every two dollars to be expended from this appropriation at least one dollar is spent from privately raised funds, contributions of real property or interest in real property, or services necessary to achieve the purpose of this section.

Conservation Area Acct	Reappropriation	Appropriation
St Bldg Constr Acct	890,000	471,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
3,110,000		1,000,000
		5,471,000

NEW SECTION, Sec. 514. FOR THE DEPARTMENT OF NATURAL RESOURCES
Hawks Prairie sewer hookup (88-5-045)

Res Mgmt Cost Acct	Reappropriation	Appropriation
	100,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
100,000		200,000

NEW SECTION, Sec. 515. FOR THE DEPARTMENT OF NATURAL RESOURCES
Seed orchard irrigation (89-2-006)

For Dev Acct	Reappropriation	Appropriation
Res Mgmt Cost Acct		19,500
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
165,000	160,000	45,500
		390,000

NEW SECTION, Sec. 516. FOR THE DEPARTMENT OF NATURAL RESOURCES
Management roads (89-2-008)

Res Mgmt Cost Acct	Reappropriation	Appropriation
	122,400	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
233,000		355,400

NEW SECTION, Sec. 517. FOR THE DEPARTMENT OF NATURAL RESOURCES
Communication site maintenance (89-2-009)

Res Mgmt Cost Acct	Reappropriation	Appropriation
		150,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
177,000	300,000	627,000

NEW SECTION, Sec. 518. FOR THE DEPARTMENT OF NATURAL RESOURCES
Real estate improved property minor works (89-2-010)

For Dev Acct	Reappropriation	Appropriation
Res Mgmt Cost Acct		25,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
250,000	780,000	365,000
		1,420,000

NEW SECTION, Sec. 519. FOR THE DEPARTMENT OF NATURAL RESOURCES
Recreation site renovation (89-3-001)

The appropriations in this section are subject to the following conditions and limitations: If not expended by June 30, 1990, the appropriations in this section shall lapse.

St Bldg Constr Acct	Reappropriation	Appropriation
ORA—State	550,100	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
36,800	561,100	1,148,000

NEW SECTION, Sec. 520. FOR THE DEPARTMENT OF NATURAL RESOURCES
Wharf demolition/dock renovation (90-1-403)

Res Mgmt Cost Acct	Reappropriation	Appropriation
		200,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		200,000

NEW SECTION, Sec. 521. FOR THE DEPARTMENT OF NATURAL RESOURCES
Asbestos surveys/removal (90-1-703)

The appropriation in this section is subject to the following condition and limitation: This appropriation shall lapse if construction has not begun by June 30, 1990.

For Dev Acct	Reappropriation	Appropriation
Res Mgmt Cost Acct		35,700
St Bldg Constr Acct		49,200
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		30,000
		114,900

NEW SECTION, Sec. 522. FOR THE DEPARTMENT OF NATURAL RESOURCES
Environmental cleanup (90-1-704)

The appropriation in this section is subject to the following condition and limitation: This appropriation shall lapse if construction has not begun by June 30, 1990.

For Dev Acct	Reappropriation	Appropriation
		75,900

Res Mgmt Cost Acct		273,500
St Bldg Constr Acct		235,600
	<u>Prior Biennia</u>	
	<u>Future Biennia</u>	<u>Total</u>
	554,900	1,139,900

NEW SECTION, Sec. 523. FOR THE DEPARTMENT OF NATURAL RESOURCES
Environmental protection (90-1-706)

The appropriation in this section is subject to the following condition and limitation: This appropriation shall lapse if construction has not begun by June 30, 1990.

	Reappropriation	Appropriation
For Dev Acct		13,700
Res Mgmt Cost Acct		119,300
St Bldg Constr Acct		151,000
	<u>Prior Biennia</u>	<u>Total</u>
	<u>Future Biennia</u>	568,000
	284,000	

NEW SECTION, Sec. 524. FOR THE DEPARTMENT OF NATURAL RESOURCES
NE city code compliance (90-1-708)

	Reappropriation	Appropriation
Res Mgmt Cost Acct		31,500
St Bldg Constr Acct		15,500
	<u>Prior Biennia</u>	<u>Total</u>
	<u>Future Biennia</u>	47,000

NEW SECTION, Sec. 525. FOR THE DEPARTMENT OF NATURAL RESOURCES
Regional cold storage (90-2-310)

	Reappropriation	Appropriation
For Dev Acct		150,000
Res Mgmt Cost Acct		362,000
	<u>Prior Biennia</u>	<u>Total</u>
	<u>Future Biennia</u>	654,000
	142,000	

NEW SECTION, Sec. 526. FOR THE DEPARTMENT OF NATURAL RESOURCES
Irrigation pipeline replacement (90-2-311)

	Reappropriation	Appropriation
Res Mgmt Cost Acct		532,000
	<u>Prior Biennia</u>	<u>Total</u>
	<u>Future Biennia</u>	932,000
	400,000	

NEW SECTION, Sec. 527. FOR THE DEPARTMENT OF NATURAL RESOURCES
Administration sites repairs (90-2-312)

	Reappropriation	Appropriation
Res Mgmt Cost Acct		65,000
	<u>Prior Biennia</u>	<u>Total</u>
	<u>Future Biennia</u>	195,000
	130,000	

NEW SECTION, Sec. 528. FOR THE DEPARTMENT OF NATURAL RESOURCES
Bridge and road replacement (90-2-503)

	Reappropriation	Appropriation
ORV Acct		15,000
For Dev Acct		15,000
Res Mgmt Cost Acct		35,000
	<u>Prior Biennia</u>	<u>Total</u>
	<u>Future Biennia</u>	3,512,000
	2,240,000	

NEW SECTION, Sec. 529. FOR THE DEPARTMENT OF NATURAL RESOURCES
Compound replacement planning (90-2-705)

	Reappropriation	Appropriation
St Bldg Constr Acct		50,000
Res Mgmt Cost Acct		39,000
For Dev Acct		11,000
	<u>Prior Biennia</u>	<u>Total</u>
	<u>Future Biennia</u>	100,000

NEW SECTION, Sec. 530. FOR THE DEPARTMENT OF NATURAL RESOURCES
Woodard Bay NRCA fencing dev. (90-3-103)

	Reappropriation	Appropriation
St Bldg Constr Acct		200,000
	<u>Prior Biennia</u>	<u>Total</u>
	<u>Future Biennia</u>	200,000

NEW SECTION, Sec. 531. FOR THE DEPARTMENT OF NATURAL RESOURCES
Dishman Hills protection dev. (90-3-104)

	Reappropriation	Appropriation
St Bldg Constr Acct		100,000
	<u>Prior Biennia</u>	<u>Total</u>
	<u>Future Biennia</u>	100,000

NEW SECTION, Sec. 532. FOR THE DEPARTMENT OF NATURAL RESOURCES
 Natural area preserves management (90-3-105)

	Reappropriation	Appropriation
St Bldg Constr Acct		150,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	200,000	350,000

NEW SECTION, Sec. 533. FOR THE DEPARTMENT OF NATURAL RESOURCES
 Construct and improve recreation sites (90-5-201)

The appropriation in this section is subject to the following condition and limitation: This appropriation shall lapse if the recreational projects are not identified and construction begun by June 30, 1990.

	Reappropriation	Appropriation
ORV Acct		117,000
St Bldg Constr Acct		363,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		480,000

NEW SECTION, Sec. 534. FOR THE DEPARTMENT OF NATURAL RESOURCES
 Seattle waterfront phase 1 dev. (90-5-202)

	Reappropriation	Appropriation
ORA—State		750,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	750,000	1,500,000

NEW SECTION, Sec. 535. FOR THE DEPARTMENT OF NATURAL RESOURCES
 Woodard Bay health and safety dev. (90-5-203)

	Reappropriation	Appropriation
St Bldg Constr Acct		250,000
ORA—Federal		250,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		500,000

NEW SECTION, Sec. 536. FOR THE DEPARTMENT OF NATURAL RESOURCES
 Long Lake phase 2 dev. (90-5-204)

	Reappropriation	Appropriation
ORV Acct		150,000
ORA—State		205,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		355,000

NEW SECTION, Sec. 537. FOR THE DEPARTMENT OF NATURAL RESOURCES
 Geoduck Hatchery (90-5-402)

	Reappropriation	Appropriation
Res Mgmt Cost Acct		333,927
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		333,927

NEW SECTION, Sec. 538. FOR THE DEPARTMENT OF NATURAL RESOURCES
 Spencer Island wetlands acquisition

The appropriation in this section is subject to the following conditions and limitations: Expenditure of moneys from this appropriation is contingent on the expenditure for the same purpose of at least one dollar from other sources for each dollar spent from this appropriation.

	Reappropriation	Appropriation
St Bldg Constr Acct		300,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		300,000

NEW SECTION, Sec. 539. FOR THE DEPARTMENT OF NATURAL RESOURCES
 Dredging of Cedar River delta

The appropriation in this section is subject to the following conditions and limitations: The department of natural resources shall assist local governmental authorities in seeking financial assistance on this project from federal, local governmental, and private sources. If desirable to facilitate such assistance, the department may lease the subject state lands to a local governmental authority. To the extent that financial assistance is received, moneys from this appropriation shall not be expended.

	Reappropriation	Appropriation
St Bldg Constr Acct		800,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		800,000

NEW SECTION, Sec. 540. FOR THE STATE CONVENTION AND TRADE CENTER
 Washington State Convention and Trade Center (83-5-001)

	Reappropriation	Appropriation
Conv Cntr Acct		1,000,000

	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	35,618,000		36,618,000
<u>NEW SECTION, Sec. 541. FOR THE STATE CONVENTION AND TRADE CENTER</u>			
Project reserves and contingency funds (89-5-001)			
		Reappropriation	Appropriation
Conv Cntr Acct		3,000,000	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	1,765,000		4,765,000
<u>NEW SECTION, Sec. 542. FOR THE STATE CONVENTION AND TRADE CENTER</u>			
Conversion of retail space to meeting rooms (89-5-002)			
		Reappropriation	Appropriation
Conv Cntr Acct		12,250,000	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	750,000		13,000,000
<u>NEW SECTION, Sec. 543. FOR THE STATE CONVENTION AND TRADE CENTER</u>			
Expansion of the nine hundred level (89-5-003)			
		Reappropriation	Appropriation
Conv Cntr Acct		12,750,000	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	550,000		13,300,000
<u>NEW SECTION, Sec. 544. FOR THE STATE CONVENTION AND TRADE CENTER</u>			
Purchase of McKay parcel (89-5-004)			
		Reappropriation	Appropriation
Conv Cntr Acct		10,400,000	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
			10,400,000
<u>NEW SECTION, Sec. 545. FOR THE STATE CONVENTION AND TRADE CENTER</u>			
Eagles building: Exterior cleanup and repair (89-5-005)			
		Reappropriation	Appropriation
Conv Cntr Acct		300,000	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
			300,000
PART 6			
TRANSPORTATION			
<u>NEW SECTION, Sec. 601. FOR THE WASHINGTON STATE PATROL</u>			
Crime laboratory renovation—Seattle (90-2-003)			
		Reappropriation	Appropriation
St Bldg Constr Acct			441,000
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	15,000		456,000
<u>NEW SECTION, Sec. 602. FOR THE WASHINGTON STATE PATROL</u>			
Expand and renovate laboratory—Tacoma (90-2-005)			
		Reappropriation	Appropriation
St Bldg Constr Acct			165,200
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	6,000		171,200
<u>NEW SECTION, Sec. 603. FOR THE WASHINGTON STATE PATROL</u>			
Crime laboratory renovation—Spokane (90-2-008)			
		Reappropriation	Appropriation
St Bldg Constr Acct			80,000
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	10,000		90,000
<u>NEW SECTION, Sec. 604. FOR THE WASHINGTON STATE PATROL</u>			
Construct district headquarters—Everett (90-2-018)			
The appropriation in this section is subject to the following conditions and limitations: This appropriation is provided solely for the design and construction of a crime lab facility as part of the new district headquarters.			
		Reappropriation	Appropriation
St Bldg Constr Acct			470,100
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
			470,100
<u>NEW SECTION, Sec. 605. FOR THE DEPARTMENT OF TRANSPORTATION</u>			
Acquisition of dredge spoils sites (83-1-001)			
		Reappropriation	Appropriation
St Bldg Constr Acct		2,369,430	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	2,420,000		4,789,430
<u>NEW SECTION, Sec. 606. FOR THE DEPARTMENT OF TRANSPORTATION</u>			

Retention dam: Green/Toutle River site acquisition (87-1-001)		Reappropriation	Appropriation
St Bldg Constr Acct		5,387,043	
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
13,289,430			18,676,473

NEW SECTION, Sec. 607. FOR THE DEPARTMENT OF TRANSPORTATION
 Freight rail assistance and banking (90-5-001)

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

(1) \$2,300,000 from the essential rail assistance account appropriation is provided solely for distribution to county rail districts and port districts for the purposes of acquiring, maintaining, or improving branch lines as authorized by chapter 47.76 RCW.

(2) \$1,100,000 from the essential rail bank account appropriation is provided solely for the purchase of unused rail rights-of-way as authorized by chapter 47.76 RCW.

(3) Expenditures from the essential rail bank account appropriation shall not be made until the department consults with the chairs and ranking minority members of the house of representatives and senate transportation committees, house of representatives capital facilities committee, and senate ways and means committee, concerning specific railroad rights-of-way that the department proposes to acquire or assist local governments in acquiring, and as required by Substitute House Bill No. 1825.

Ess Rail Assis Acct		Reappropriation	Appropriation
Ess Rail Bank Acct			2,300,000
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
			1,100,000
			3,400,000

PART 7
 EDUCATION

NEW SECTION, Sec. 701. FOR THE STATE BOARD OF EDUCATION
 Public school building construction: 1979 (79-3-002)

Common School Constr Fund		Reappropriation	Appropriation
		500	
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
66,425			66,925

NEW SECTION, Sec. 702. FOR THE STATE BOARD OF EDUCATION
 Public school building construction: 1983 (83-3-001)

Common School Constr Fund		Reappropriation	Appropriation
		600,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
1,000,000			1,600,000

NEW SECTION, Sec. 703. FOR THE STATE BOARD OF EDUCATION
 Public school building construction: 1985-87 (86-4-001)

Common School Constr Fund		Reappropriation	Appropriation
		2,500,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
29,500,000			32,000,000

NEW SECTION, Sec. 704. FOR THE STATE BOARD OF EDUCATION
 Planning grants: 1985-87 (86-4-007)

Common School Constr Fund		Reappropriation	Appropriation
		60,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
292,275			352,275

NEW SECTION, Sec. 705. FOR THE STATE BOARD OF EDUCATION
 Artwork grants: 1985-87 (86-4-008)

Common School Constr Fund		Reappropriation	Appropriation
		180,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
114,000			294,000

NEW SECTION, Sec. 706. FOR THE STATE BOARD OF EDUCATION
 Public school building construction: 1987 (88-2-001)

Common School Constr Fund		Reappropriation	Appropriation
		87,500,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
120,762,000			208,262,000

NEW SECTION, Sec. 707. FOR THE STATE BOARD OF EDUCATION
 Darrington school district: New elementary and middle school (89-2-004)

Common School Constr Fund		Reappropriation	Appropriation
		3,000,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
			3,000,000

NEW SECTION, Sec. 708. FOR THE STATE BOARD OF EDUCATION

Public school building construction: 1989 (90-2-001)

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

(1) A maximum of \$1,050,000 may be spent for state administration of school construction funding.

(2) \$66,136,000 is provided solely for modernization projects previously approved by the state board of education.

(3) The appropriation in this section includes proceeds of the issuance of bonds authorized for deposit in the common school construction fund by chapter 3, Laws of 1987 1st ex. sess., and ten million dollars in additional state bonds authorized by chapter ____, Laws of 1989 (HB 1484). Of the proceeds of bonds authorized by chapter ____, Laws of 1989 (HB 1484), \$8,000,000, or as much thereof as may be necessary, shall be compensation to the common school construction fund for the sale of timber from common school trust lands sold to the parks and recreation commission pursuant to RCW 43.51.270, and authorized for sale by the legislature prior to January 1, 1989.

(4) The state board shall review current rules and administrative procedures, and shall amend or revise these rules and procedures to address the following concerns:

(a) The discrepancy between the forecasted enrollments used for determining state funding for school construction, and the state-wide growth trends predicted by the office of financial management;

(b) The infrequency of cooperative use of surplus space available in neighboring districts;

(c) The creation of new construction needs by school districts by selling or demolishing schools, or by redesignating grade space or administrative use of school buildings;

(d) The incentive to condemn useable schools to secure state funding, rather than awaiting uncertain support for modernization;

(e) Greater needs for replacement of decaying schools caused by deferral of modernization, at a higher long-term cost to the state and local districts;

(f) The potential of district boundary changes for the purpose of achieving more efficient use of facilities; and

(g) The potential of the state to recover its share of the value of sold school buildings that were built with state matching moneys.

Prior to September 15, 1989, the state board of education shall report to the capital facilities and financing committee of the house of representatives and the ways and means committee of the senate on the actions taken or rules adopted by the board to address these concerns.

	Reappropriation	Appropriation
Common School Constr Fund		252,097,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		252,097,000

NEW SECTION, Sec. 709. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTIONSchool housing emergencies

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

(1) This appropriation is provided solely to provide portable classrooms for school districts that have experienced an unanticipated school housing emergency. Portable classrooms provided under this section shall be leased by the superintendent of public instruction to school districts, and the lease payments shall be deposited into the common school construction fund. School districts may qualify for assistance under this section only as a result of events barring students from occupying a school or a portion of a school, and portables shall not be provided under this section to address needs attributable to enrollment growth. The superintendent of public instruction shall provide assistance to a school district under this section only if satisfied that the district has considered other available options and that portable classrooms are the most feasible solution to school housing needs.

(2) Districts receiving assistance under this section shall submit a plan to replace or reopen their closed facilities prior to the end of the lease period, and shall certify that resources are available to meet all terms of the lease.

(3) For the purposes of this section, the term "lease" includes a lease with option to purchase.

	Reappropriation	Appropriation
Common School Constr Fund		650,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		650,000

NEW SECTION, Sec. 710. FOR THE STATE BOARD OF EDUCATIONCommon school disbursement limit

The appropriations in sections 701 through 709 of this act are subject to the following conditions and limitations: A maximum of \$254,900,000 from the total of these appropriations may be disbursed during the 1989-91 biennium.

NEW SECTION, Sec. 711. FOR THE WASHINGTON INSTITUTE OF APPLIED TECHNOLOGYVocational Technology Center (88-2-003)

Reappropriation	Appropriation
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St Bldg Constr Acct		475,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
5,525,000			6,000,000
<u>NEW SECTION, Sec. 712. FOR THE STATE SCHOOL FOR THE BLIND</u>			
Automatic sliding doors—Irwin education building (90-1-001)			
			Reappropriation
			Appropriation
			14,580
St Bldg Constr Acct			<u>Total</u>
<u>Prior Biennia</u>	<u>Future Biennia</u>		14,580
<u>NEW SECTION, Sec. 713. FOR THE STATE SCHOOL FOR THE BLIND</u>			
Asbestos abatement (90-1-006)			
			Reappropriation
			Appropriation
			324,000
St Bldg Constr Acct			<u>Total</u>
<u>Prior Biennia</u>	<u>Future Biennia</u>		324,000
<u>NEW SECTION, Sec. 714. FOR THE STATE SCHOOL FOR THE BLIND</u>			
Replace heating and ventilation system and roof repairs: Irwin building (90-2-002)			
			Reappropriation
			Appropriation
			130,000
St Bldg Constr Acct			<u>Total</u>
<u>Prior Biennia</u>	<u>Future Biennia</u>		130,000
<u>NEW SECTION, Sec. 715. FOR THE STATE SCHOOL FOR THE BLIND</u>			
Driveway/parking lot repaving (90-2-003)			
			Reappropriation
			Appropriation
			21,270
St Bldg Constr Acct			<u>Total</u>
<u>Prior Biennia</u>	<u>Future Biennia</u>		21,270
<u>NEW SECTION, Sec. 716. FOR THE STATE SCHOOL FOR THE DEAF</u>			
Remove and replace three transformers/clerk (90-1-002)			
			Reappropriation
			Appropriation
			36,500
St Bldg Constr Acct			<u>Total</u>
<u>Prior Biennia</u>	<u>Future Biennia</u>		36,500
<u>NEW SECTION, Sec. 717. FOR THE STATE SCHOOL FOR THE DEAF</u>			
Asbestos abatement (90-1-005)			
			Reappropriation
			Appropriation
			245,000
St Bldg Constr Acct			<u>Total</u>
<u>Prior Biennia</u>	<u>Future Biennia</u>		245,000
<u>NEW SECTION, Sec. 718. FOR THE STATE SCHOOL FOR THE DEAF</u>			
Wheelchair lifts—Clark Hall, vocational, Northrup School (90-2-003)			
			Reappropriation
			Appropriation
			147,100
St Bldg Constr Acct			<u>Total</u>
<u>Prior Biennia</u>	<u>Future Biennia</u>		147,100
<u>NEW SECTION, Sec. 719. FOR THE STATE SCHOOL FOR THE DEAF</u>			
Roof repair (91-2-002)			
			Reappropriation
			Appropriation
			50,000
St Bldg Constr Acct			<u>Total</u>
<u>Prior Biennia</u>	<u>Future Biennia</u>		50,000
<u>NEW SECTION, Sec. 720. HIGHER EDUCATION</u>			
The legislature finds that the state's institutions of higher education are facing unsurpassed capital needs. The legislature further finds that higher education institutions play a special and vitally important role in economic development by creating new ideas, products, and industries. Therefore, the institutions should aggressively solicit private and business financial support to assist in meeting the capital needs of higher education.			
<u>NEW SECTION, Sec. 721. FOR THE UNIVERSITY OF WASHINGTON</u>			
Roberts Hall renovation (83-1-012)			
			Reappropriation
			Appropriation
			400,000
H Ed Reimb S/T Bonds Acct			<u>Total</u>
<u>Prior Biennia</u>	<u>Future Biennia</u>		5,755,794
5,355,794			
<u>NEW SECTION, Sec. 722. FOR THE UNIVERSITY OF WASHINGTON</u>			
Safety—Fire code, PCB and life safety (86-1-001)			
			Reappropriation
			Appropriation
			4,000,000
St Bldg Constr Acct			<u>Total</u>
UW Bldg Acct			8,600,000

	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	1,707,000	14,000,000	29,507,000
<u>NEW SECTION, Sec. 723. FOR THE UNIVERSITY OF WASHINGTON</u>			
Safety—Asbestos removal (86-1-002)			
		Reappropriation	Appropriation
St Bldg Constr Acct		2,200,000	
UW Bldg Acct		350,000	5,500,000
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	1,450,000	20,000,000	29,500,000
<u>NEW SECTION, Sec. 724. FOR THE UNIVERSITY OF WASHINGTON</u>			
Safety—General (86-1-003)			
		Reappropriation	Appropriation
St Bldg Constr Acct		750,000	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	250,000		1,000,000
<u>NEW SECTION, Sec. 725. FOR THE UNIVERSITY OF WASHINGTON</u>			
Minor works—Building renewal (86-1-004)			
		Reappropriation	Appropriation
St Bldg Constr Acct		2,600,000	
UW Bldg Acct		1,740,000	9,733,000
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	4,274,325	26,000,000	50,077,090
<u>NEW SECTION, Sec. 726. FOR THE UNIVERSITY OF WASHINGTON</u>			
Fisheries repairs and expansion (86-1-014)			
		Reappropriation	Appropriation
St H Ed Constr Acct		2,600,000	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	3,090,805		5,690,805
<u>NEW SECTION, Sec. 727. FOR THE UNIVERSITY OF WASHINGTON</u>			
HSC G Court, H Wing and I Court addition (86-2-021)			
		Reappropriation	Appropriation
St Bldg Constr Acct		20,400,000	24,692,000
UW Bldg Acct		3,500,000	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	776,000		49,368,000
<u>NEW SECTION, Sec. 728. FOR THE UNIVERSITY OF WASHINGTON</u>			
Minor works—Program renewal (86-3-005)			
The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for minor repairs, fixtures, and improvements to state buildings and facilities and shall not be used for computer equipment, land acquisition, or for other expenses that normally would be funded from the state operating budget.			
		Reappropriation	Appropriation
UW Bldg Acct		2,700,000	9,000,000
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	9,921,000	42,270,000	70,914,527
<u>NEW SECTION, Sec. 729. FOR THE UNIVERSITY OF WASHINGTON</u>			
Energy conservation (86-4-023)			
		Reappropriation	Appropriation
St Bldg Constr Acct		900,000	
H Ed Constr Acct		300,000	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	663,566		1,863,566
<u>NEW SECTION, Sec. 730. FOR THE UNIVERSITY OF WASHINGTON</u>			
Pavilion roof (88-1-009)			
		Reappropriation	Appropriation
St Bldg Constr Acct		652,000	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	80,000		732,000
<u>NEW SECTION, Sec. 731. FOR THE UNIVERSITY OF WASHINGTON</u>			
Electrical distribution system (88-1-011)			
		Reappropriation	Appropriation
St Bldg Constr Acct		1,000,000	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	500,000	5,139,000	6,639,000
<u>NEW SECTION, Sec. 732. FOR THE UNIVERSITY OF WASHINGTON</u>			
Power plant chiller (88-1-012)			
		Reappropriation	Appropriation
St Bldg Constr Acct		750,000	

	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	250,000		1,000,000
	NEW SECTION, Sec. 733. FOR THE UNIVERSITY OF WASHINGTON		
	Power plant stack replacement (88-1-023)		
		Reappropriation	Appropriation
UW Bldg Acct		1,050,000	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	450,000		1,500,000
	NEW SECTION, Sec. 734. FOR THE UNIVERSITY OF WASHINGTON		
	Suzzallo Library addition (88-2-013)		
		Reappropriation	Appropriation
St Bldg Constr Acct		20,600,000	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	11,310,104		34,583,000
	NEW SECTION, Sec. 735. FOR THE UNIVERSITY OF WASHINGTON		
	Communications building renovation (88-2-014)		
		Reappropriation	Appropriation
St Bldg Constr Acct		4,480,000	1,015,000
UW Bldg Acct			1,167,000
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	75,000		6,737,000
	NEW SECTION, Sec. 736. FOR THE UNIVERSITY OF WASHINGTON		
	H wing renovation (88-2-015)		
		Reappropriation	Appropriation
St Bldg Constr Acct		715,000	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	18,000		733,000
	NEW SECTION, Sec. 737. FOR THE UNIVERSITY OF WASHINGTON		
	Power plant boiler (88-2-022)		
		Reappropriation	Appropriation
St Bldg Constr Acct		490,000	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	203,000		693,000
	NEW SECTION, Sec. 738. FOR THE UNIVERSITY OF WASHINGTON		
	Science and engineering planning (88-2-044)		
		Reappropriation	Appropriation
UW Bldg Acct		250,000	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	750,000		1,000,000
	NEW SECTION, Sec. 739. FOR THE UNIVERSITY OF WASHINGTON		
	Power plant boiler retrofit (88-4-024)		
		Reappropriation	Appropriation
UW Bldg Acct		2,050,000	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	250,000		2,300,000
	NEW SECTION, Sec. 740. FOR THE UNIVERSITY OF WASHINGTON		
	Emergency power generation (90-2-001)		
		Reappropriation	Appropriation
St Bldg Constr Acct			11,110,000
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
			11,110,000
	NEW SECTION, Sec. 741. FOR THE UNIVERSITY OF WASHINGTON		
	Physics (90-2-009)		
	The appropriation in this section is subject to the following conditions and limitations: The project shall be constructed on campus.		
		Reappropriation	Appropriation
St Bldg Constr Acct			4,155,000
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
			4,155,000
	NEW SECTION, Sec. 742. FOR THE UNIVERSITY OF WASHINGTON		
	Chemistry I (90-2-011)		
	The appropriation in this section is subject to the following conditions and limitations: The project shall be constructed on campus.		
		Reappropriation	Appropriation
St Bldg Constr Acct			39,152,000
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
			39,152,000
	NEW SECTION, Sec. 743. FOR THE UNIVERSITY OF WASHINGTON		

Electrical engineering building addition (90-2-013)

The appropriation in this section is subject to the following conditions and limitations: The project shall be constructed on campus.

	Reappropriation	Appropriation
St Bldg Constr Acct		3,111,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		3,111,000

NEW SECTION, Sec. 744. FOR THE UNIVERSITY OF WASHINGTON

Computer sciences building (92-2-024)

The appropriation in this section is subject to the following conditions and limitations: The project shall be constructed on campus.

	Reappropriation	Appropriation
St Bldg Constr Acct		1,000,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		1,000,000

NEW SECTION, Sec. 745. FOR WASHINGTON STATE UNIVERSITY

Chemistry building, phase 2 (86-1-003)

	Reappropriation	Appropriation
H Ed Constr Acct	1,932,000	
WSU Bldg Acct	1,000,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
11,860,000		14,792,000

NEW SECTION, Sec. 746. FOR WASHINGTON STATE UNIVERSITY

Food—Human nutrition facility—Equipment (86-1-004)

	Reappropriation	Appropriation
WSU Bldg Acct	1,502,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
2,915,435		4,417,435

NEW SECTION, Sec. 747. FOR WASHINGTON STATE UNIVERSITY

McCoy Hall capital renewal (86-1-005)

	Reappropriation	Appropriation
H Ed Constr Acct	78,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
2,162,537		2,240,537

NEW SECTION, Sec. 748. FOR WASHINGTON STATE UNIVERSITY

Science Hall renewal, phase 2 (86-1-006)

	Reappropriation	Appropriation
H Ed Constr Acct	3,603,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
8,151,395		11,754,395

NEW SECTION, Sec. 749. FOR WASHINGTON STATE UNIVERSITY

Neill Hall renewal (86-1-007)

	Reappropriation	Appropriation
WSU Bldg Acct	3,569,500	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		3,569,500

NEW SECTION, Sec. 750. FOR WASHINGTON STATE UNIVERSITY

Minor capital improvement (88-1-001)

	Reappropriation	Appropriation
WSU Bldg Acct	1,896,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
2,827,000		4,723,000

NEW SECTION, Sec. 751. FOR WASHINGTON STATE UNIVERSITY

Minor capital renewal (88-1-002)

	Reappropriation	Appropriation
St Bldg Constr Acct	2,109,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
3,593,000		5,702,000

NEW SECTION, Sec. 752. FOR WASHINGTON STATE UNIVERSITY

Preplanning (88-1-004)

	Reappropriation	Appropriation
WSU Bldg Acct	107,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		107,000

NEW SECTION, Sec. 753. FOR WASHINGTON STATE UNIVERSITY

Todd Hall addition (88-1-011)

	Reappropriation	Appropriation
St Bldg Constr Acct	4,904,000	

	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	428,000		5,332,000
<u>NEW SECTION, Sec. 754. FOR WASHINGTON STATE UNIVERSITY</u>			
Fine arts mechanical renovation (88-1-012)			
		Reappropriation	Appropriation
WSU Bldg Acct		240,000	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	2,713,000		2,953,000
<u>NEW SECTION, Sec. 755. FOR WASHINGTON STATE UNIVERSITY</u>			
Carpenter Hall renewal (88-2-005)			
		Reappropriation	Appropriation
H Ed Constr Acct		3,029,400	
WSU Bldg Acct		2,685,000	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	485,600		6,200,000
<u>NEW SECTION, Sec. 756. FOR WASHINGTON STATE UNIVERSITY</u>			
Dairy forage facility (88-3-007)			
		Reappropriation	Appropriation
WSU Bldg Acct		1,100,000	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	82,000		1,182,000
<u>NEW SECTION, Sec. 757. FOR WASHINGTON STATE UNIVERSITY</u>			
Veterinary research diagnostic center (88-5-006)			
		Reappropriation	Appropriation
St Bldg Constr Acct		225,000	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	25,000	3,172,600	3,422,600
<u>NEW SECTION, Sec. 758. FOR WASHINGTON STATE UNIVERSITY</u>			
Minor capital improvements (90-1-001)			
The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for minor repairs, fixtures, and improvements to state buildings and facilities and shall not be used for computer equipment, land acquisition, or for other expenses that normally would be funded from the state operating budget.			
		Reappropriation	Appropriation
WSU Bldg Acct			5,000,000
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
			8,233,000
<u>NEW SECTION, Sec. 759. FOR WASHINGTON STATE UNIVERSITY</u>			
Hazardous, pathological, radioactive waste handling facilities (90-1-004)			
		Reappropriation	Appropriation
WSU Bldg Acct			152,000
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		11,000,000	11,152,000
<u>NEW SECTION, Sec. 760. FOR WASHINGTON STATE UNIVERSITY</u>			
Nuclear radiation center study (90-1-011)			
		Reappropriation	Appropriation
WSU Bldg Acct			53,000
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		4,000,000	4,053,000
<u>NEW SECTION, Sec. 761. FOR WASHINGTON STATE UNIVERSITY</u>			
Expansion of east campus electrical substation (90-1-014)			
		Reappropriation	Appropriation
WSU Bldg Acct			533,000
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
			533,000
<u>NEW SECTION, Sec. 762. FOR WASHINGTON STATE UNIVERSITY</u>			
Smith Gym electrical system renewal (90-1-018)			
		Reappropriation	Appropriation
WSU Bldg Acct			648,000
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
			648,000
<u>NEW SECTION, Sec. 763. FOR WASHINGTON STATE UNIVERSITY</u>			
Holland Library addition (90-2-013)			
		Reappropriation	Appropriation
St Bldg Constr Acct			33,400,000
WSU Bldg Acct		184,000	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	87,000		33,671,000

NEW SECTION. Sec. 764. FOR WASHINGTON STATE UNIVERSITY
Veterinary Teaching Hospital (90-2-016)

St Bldg Constr Acct	Reappropriation	Appropriation
WSU Bldg Acct		1,300,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
327,000	29,438,000	31,265,000

NEW SECTION. Sec. 765. FOR WASHINGTON STATE UNIVERSITY
Food—Human nutrition building, phase 2 (90-2-020)

General Fund—Federal	Reappropriation	Appropriation
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		12,688,000
		12,688,000

NEW SECTION. Sec. 766. FOR WASHINGTON STATE UNIVERSITY
Minor capital renewal (90-3-002)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for minor repairs, fixtures, and improvements to state buildings and facilities and shall not be used for computer equipment, land acquisition, or for other expenses that normally would be funded from the state operating budget.

St Bldg Constr Acct	Reappropriation	Appropriation
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		5,000,000
		5,000,000

NEW SECTION. Sec. 767. FOR WASHINGTON STATE UNIVERSITY
Todd Hall renewal (90-3-003)

WSU Bldg Acct	Reappropriation	Appropriation
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		182,000
		182,000

NEW SECTION. Sec. 768. FOR WASHINGTON STATE UNIVERSITY
WSU Tri-Cities University Center (90-5-901)

St Bldg Constr Acct	Reappropriation	Appropriation
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
300,000	420,000	720,000

NEW SECTION. Sec. 769. FOR EASTERN WASHINGTON UNIVERSITY
Mathematical science and technology remodel (81-1-002)

St Bldg Constr Acct	Reappropriation	Appropriation
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
273,000	5,789,700	6,219,600

NEW SECTION. Sec. 770. FOR EASTERN WASHINGTON UNIVERSITY
Science building addition/remodel (83-1-001)

St Bldg Constr Acct	Reappropriation	Appropriation
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
2,778,000	2,952,600	6,784,500
		18,765,100

NEW SECTION. Sec. 771. FOR EASTERN WASHINGTON UNIVERSITY
Electrical system renewal (86-1-002)

St Bldg Constr Acct	Reappropriation	Appropriation
St Fac Renew Acct		
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
813,000		3,427,000

NEW SECTION. Sec. 772. FOR EASTERN WASHINGTON UNIVERSITY
Roof replacement (86-1-003)

St Bldg Constr Acct	Reappropriation	Appropriation
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
915,000	1,500,000	2,915,000

NEW SECTION. Sec. 773. FOR EASTERN WASHINGTON UNIVERSITY
Water storage and distribution (86-1-004)

St H Ed Constr Acct	Reappropriation	Appropriation
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
963,000	207,000	1,170,000

NEW SECTION. Sec. 774. FOR EASTERN WASHINGTON UNIVERSITY
Minor works projects (86-1-010)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for minor repairs, fixtures, and improvements to state buildings and facilities and shall not be used for computer equipment, land acquisition, or for other expenses that normally would be funded from the state operating budget.

EWU Cap Proj Acct	Reappropriation	Appropriation
	403,000	2,100,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
1,497,000	8,536,000	12,536,000

NEW SECTION, Sec. 775. FOR EASTERN WASHINGTON UNIVERSITY
Small repairs projects (86-1-011)

EWU Cap Proj Acct	Reappropriation	Appropriation
	155,000	1,000,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
478,000	3,200,000	4,833,000

NEW SECTION, Sec. 776. FOR EASTERN WASHINGTON UNIVERSITY
Energy conservation (86-2-006)

St H Ed Constr Acct	Reappropriation	Appropriation
	424,000	
St Bldg Constr Acct		
	30,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
102,000		556,000

NEW SECTION, Sec. 777. FOR EASTERN WASHINGTON UNIVERSITY
Life/safety and code compliance: Asbestos (88-1-001)

St Bldg Constr Acct	Reappropriation	Appropriation
		1,900,000
EWU Cap Proj Acct	170,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
513,000	4,000,000	6,583,000

NEW SECTION, Sec. 778. FOR EASTERN WASHINGTON UNIVERSITY
Fire suppression (88-1-005)

St Bldg Constr Acct	Reappropriation	Appropriation
	215,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
361,000	2,158,000	2,734,000

NEW SECTION, Sec. 779. FOR EASTERN WASHINGTON UNIVERSITY
Kennedy Library addition/HVAC—Preplanning (90-5-003)

EWU Cap Proj Acct	Reappropriation	Appropriation
		165,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		165,000

NEW SECTION, Sec. 780. FOR EASTERN WASHINGTON UNIVERSITY
Telecommunications cable replacement (90-2-005)

EWU Cap Proj Acct	Reappropriation	Appropriation
		1,080,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		1,080,000

NEW SECTION, Sec. 781. FOR CENTRAL WASHINGTON UNIVERSITY
Energy savings projects (86-2-005)

CWU Cap Proj Acct	Reappropriation	Appropriation
	725,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
183,818		908,818

NEW SECTION, Sec. 782. FOR CENTRAL WASHINGTON UNIVERSITY
Nicholson Pavilion, Phase I (86-3-001)

H Ed Constr Acct	Reappropriation	Appropriation
	9,500	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
959,506		969,006

NEW SECTION, Sec. 783. FOR CENTRAL WASHINGTON UNIVERSITY
Small repairs and improvements (86-3-013)

CWU Cap Proj Acct	Reappropriation	Appropriation
	30,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
503,000		533,000

NEW SECTION, Sec. 784. FOR CENTRAL WASHINGTON UNIVERSITY
Life safety—Code compliance (88-1-004)

St Bldg Constr Acct	Reappropriation	Appropriation
	509,000	

	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	1,248,000		1,757,000
	<u>NEW SECTION, Sec. 785. FOR CENTRAL WASHINGTON UNIVERSITY</u>		
	Handicap modifications (88-1-007)		
		Reappropriation	Appropriation
CWU Cap Proj Acct		625,000	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	90,000		715,000
	<u>NEW SECTION, Sec. 786. FOR CENTRAL WASHINGTON UNIVERSITY</u>		
	Nicholson Pavilion phase 2 (88-2-001)		
		Reappropriation	Appropriation
St Bldg Constr Acct		3,600,000	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	263,000		3,863,000
	<u>NEW SECTION, Sec. 787. FOR CENTRAL WASHINGTON UNIVERSITY</u>		
	Life/safety (90-1-030)		
		Reappropriation	Appropriation
St Bldg Constr Acct			831,000
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		1,000,000	1,831,000
	<u>NEW SECTION, Sec. 788. FOR CENTRAL WASHINGTON UNIVERSITY</u>		
	Asbestos abatement (90-1-040)		
		Reappropriation	Appropriation
St Bldg Constr Acct			1,000,000
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	1,735,000	1,000,000	3,735,000
	<u>NEW SECTION, Sec. 789. FOR CENTRAL WASHINGTON UNIVERSITY</u>		
	Psychology animal research facility (90-1-060)		
		Reappropriation	Appropriation
St Bldg Constr Acct			1,547,000
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
			1,547,000
	<u>NEW SECTION, Sec. 790. FOR CENTRAL WASHINGTON UNIVERSITY</u>		
	Barge Hall renovation (90-2-001)		
		Reappropriation	Appropriation
St Bldg Constr Acct			600,000
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		7,744,800	8,344,800
	<u>NEW SECTION, Sec. 791. FOR CENTRAL WASHINGTON UNIVERSITY</u>		
	Telecommunications system—Phase 2 (90-2-003)		
		Reappropriation	Appropriation
CWU Cap Proj Acct		1,732,000	1,443,600
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	68,000		3,243,600
	<u>NEW SECTION, Sec. 792. FOR CENTRAL WASHINGTON UNIVERSITY</u>		
	Shaw/Smyser Hall remodel (90-2-005)		
		Reappropriation	Appropriation
St Bldg Constr Acct			2,405,900
CWU Cap Proj Acct			1,300,000
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
			3,705,900
	<u>NEW SECTION, Sec. 793. FOR CENTRAL WASHINGTON UNIVERSITY</u>		
	Minor works projects group 1 (90-2-050)		
	The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for minor repairs, fixtures, and improvements to state buildings and facilities and shall not be used for computer equipment, land acquisition, or for other expenses that normally would be funded from the state operating budget.		
		Reappropriation	Appropriation
CWU Cap Proj Acct		800,000	3,856,600
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	2,212,958	10,450,000	17,319,558
		PART 8	
	EDUCATION - CONTINUED		
	<u>NEW SECTION, Sec. 801. FOR THE EVERGREEN STATE COLLEGE</u>		
	Life safety—Code compliance (88-1-001)		
		Reappropriation	Appropriation
St Bldg Constr Acct		172,000	819,000

	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	1,012,000		2,003,000
	<u>NEW SECTION, Sec. 802. FOR THE EVERGREEN STATE COLLEGE</u>		
	Energy audit compliance (88-2-016)		
		Reappropriation	Appropriation
St Bldg Constr Acct		60,000	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	145,000		205,000
	<u>NEW SECTION, Sec. 803. FOR THE EVERGREEN STATE COLLEGE</u>		
	Campus recreation center, Phase II: Gym (88-5-015)		
		Reappropriation	Appropriation
St Bldg Constr Acct		474,572	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	6,298,428		6,773,000
	<u>NEW SECTION, Sec. 804. FOR THE EVERGREEN STATE COLLEGE</u>		
	Asbestos removal (90-1-001)		
		Reappropriation	Appropriation
St Bldg Constr Acct			60,000
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		443,000	503,000
	<u>NEW SECTION, Sec. 805. FOR THE EVERGREEN STATE COLLEGE</u>		
	Failed systems (90-2-001)		
		Reappropriation	Appropriation
St Bldg Constr Acct			544,070
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
			544,070
	<u>NEW SECTION, Sec. 806. FOR THE EVERGREEN STATE COLLEGE</u>		
	Minor works (90-2-003)		
		Reappropriation	Appropriation
St Bldg Constr Acct			178,720
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
			178,720
	<u>NEW SECTION, Sec. 807. FOR THE EVERGREEN STATE COLLEGE</u>		
	Emergency repairs (90-2-022)		
		Reappropriation	Appropriation
TESC Cap Proj Acct			81,000
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
			81,000
	<u>NEW SECTION, Sec. 808. FOR THE EVERGREEN STATE COLLEGE</u>		
	Small repairs and improvements (90-2-023)		
		Reappropriation	Appropriation
TESC Cap Proj Acct			162,000
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
			162,000
	<u>NEW SECTION, Sec. 809. FOR WESTERN WASHINGTON UNIVERSITY</u>		
	Const Tech Bldg/remodel Art Tech building phase 2 (84-3-001)		
		Reappropriation	Appropriation
St Bldg Constr Acct		100,000	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	9,809,055		9,909,055
	<u>NEW SECTION, Sec. 810. FOR WESTERN WASHINGTON UNIVERSITY</u>		
	Construct/equip science facility phase 1 (90-1-001)		
		Reappropriation	Appropriation
St Bldg Constr Acct			20,730,700
WWU Cap Proj Acct		1,082,000	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	168,000		21,980,700
	<u>NEW SECTION, Sec. 811. FOR WESTERN WASHINGTON UNIVERSITY</u>		
	Asbestos abatement—Multiple buildings (90-1-002)		
		Reappropriation	Appropriation
St Bldg Constr Acct			3,000,000
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
			3,000,000
	<u>NEW SECTION, Sec. 812. FOR WESTERN WASHINGTON UNIVERSITY</u>		
	Minor works request/small repairs and improvements (90-1-004)		

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for minor repairs, fixtures, and improvements to state buildings and facilities and shall not be used for computer equipment, land acquisition, or for

other expenses that normally would be funded from the state operating budget.

WWU Cap Proj Acct	Reappropriation	Appropriation
	2,503,000	3,900,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
8,948,481	12,000,000	27,351,481

NEW SECTION, Sec. 813. FOR WESTERN WASHINGTON UNIVERSITY
Science facility, phase 2 (design) (90-1-005)

St Bldg Constr Acct	Reappropriation	Appropriation
		887,300
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	19,332,800	20,220,100

NEW SECTION, Sec. 814. FOR WESTERN WASHINGTON UNIVERSITY
Institute of Wildlife Toxicology—Facility acquisition (90-2-003)

WWU Cap Proj Acct	Reappropriation	Appropriation
		1,500,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		1,500,000

NEW SECTION, Sec. 815. FOR THE WASHINGTON STATE HISTORICAL SOCIETY
Addition to air conditioning (86-1-002)

St Bldg Constr Acct	Reappropriation	Appropriation
	206,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
125,000		331,000

NEW SECTION, Sec. 816. FOR THE WASHINGTON STATE HISTORICAL SOCIETY
Museum interior remodeling (88-3-004)

St Bldg Constr Acct	Reappropriation	Appropriation
	1,937,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
305,000		2,242,000

NEW SECTION, Sec. 817. FOR THE WASHINGTON STATE HISTORICAL SOCIETY
Small improvement project to extend building's useful life (90-3-006)

St Bldg Constr Acct	Reappropriation	Appropriation
		151,500
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		151,500

NEW SECTION, Sec. 818. FOR THE WASHINGTON STATE HISTORICAL SOCIETY
New exhibition center at Union Station: Phase I (90-5-005)

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

(1) These funds shall be used for land acquisition, design and engineering, and final replanning.

(2) This appropriation is contingent on the expenditure for the same purpose of at least three dollars from nonstate sources for each seven dollars spent from this appropriation. It is the intent of the legislature that future appropriations for this project will require the same thirty percent nonstate matching ratio up to a maximum of \$18,000,000 from state moneys, including all costs for land, design, construction, and exhibits.

St Bldg Constr Acct	Reappropriation	Appropriation
		3,080,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		3,080,000

NEW SECTION, Sec. 819. FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY
Campbell House—Restoration (86-1-002)

St Bldg Constr Acct	Reappropriation	Appropriation
		200,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
343,000		543,000

NEW SECTION, Sec. 820. FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY
Cheney Cowles Museum—Repair roof and heating/cooling (89-2-001)

St Bldg Constr Acct	Reappropriation	Appropriation
		80,100
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		80,100

NEW SECTION, Sec. 821. FOR THE STATE CAPITAL HISTORICAL ASSOCIATION
Minor works State Museum Olympia (90-1-002)

St Bldg Constr Acct	Reappropriation	Appropriation
	9,000	27,100
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
91,000	48,000	175,100

NEW SECTION, Sec. 822. FOR THE STATE CAPITAL HISTORICAL ASSOCIATION

Energy efficiency agency headquarters—Olympia (91-1-004)		Reappropriation	Appropriation
St Bldg Constr Acct		15,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
1,000			16,000
NEW SECTION, Sec. 823. FOR THE STATE CAPITAL HISTORICAL ASSOCIATION			
Capital museum and parking facility preplanning (90-5-001)		Reappropriation	Appropriation
St Bldg Constr Acct			230,000
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
			230,000
NEW SECTION, Sec. 824. FOR THE COMMUNITY COLLEGE SYSTEM			
It is the intent of the legislature that the 1989-1995 six-year state facilities and capital plan continue the commitment of sixty-five million dollars per biennium to the community college system.			
NEW SECTION, Sec. 825. FOR THE COMMUNITY COLLEGE SYSTEM			
Minor capital improvements (83-2-002)		Reappropriation	Appropriation
H Ed Constr Acct		4,745	
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
17,969			22,714
NEW SECTION, Sec. 826. FOR THE COMMUNITY COLLEGE SYSTEM			
HVAC repairs (83-2-007)		Reappropriation	Appropriation
St H Ed Constr Acct		42,140	
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
46,208			88,348
NEW SECTION, Sec. 827. FOR THE COMMUNITY COLLEGE SYSTEM			
Minor works request (RMI) (86-1-001)		Reappropriation	Appropriation
H Ed Reimb S/T Bonds Acct		97,857	
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
742,708			840,565
NEW SECTION, Sec. 828. FOR THE COMMUNITY COLLEGE SYSTEM			
Critical repair projects (86-1-003)		Reappropriation	Appropriation
H Ed Reimb S/T Bonds Acct		473,630	
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
613,391			1,087,021
NEW SECTION, Sec. 829. FOR THE COMMUNITY COLLEGE SYSTEM			
General repair projects (86-1-004)		Reappropriation	Appropriation
St Fac Renew—Acct		684,883	
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
3,366,982			4,051,865
NEW SECTION, Sec. 830. FOR THE COMMUNITY COLLEGE SYSTEM			
Energy conservation projects (86-1-005)		Reappropriation	Appropriation
St Fac Renew Acct		337,208	
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
1,042,729			1,379,937
NEW SECTION, Sec. 831. FOR THE COMMUNITY COLLEGE SYSTEM			
Prior hall renovation (86-1-018)		Reappropriation	Appropriation
H Ed Constr Acct		5,945	
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
847,554			853,499
NEW SECTION, Sec. 832. FOR THE COMMUNITY COLLEGE SYSTEM			
Food service building: Olympic (86-3-019)		Reappropriation	Appropriation
St H Ed Constr Acct		159,581	
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
2,161,290			2,320,871
NEW SECTION, Sec. 833. FOR THE COMMUNITY COLLEGE SYSTEM			
Minor renovations (86-2-006)		Reappropriation	Appropriation
St Fac Renew Acct		228,366	

	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	3,440,542		3,668,908
	NEW SECTION. Sec. 834. FOR THE COMMUNITY COLLEGE SYSTEM		
	Minor remodel projects (86-2-007)		
		Reappropriation	Appropriation
St Fac Renew Acct		96,717	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	802,701		899,418
	NEW SECTION. Sec. 835. FOR THE COMMUNITY COLLEGE SYSTEM		
	Program/plan/construct: Library/student Center, Everett (86-2-031)		
		Reappropriation	Appropriation
St Bldg Constr Acct		864,029	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	7,312,318		8,176,347
	NEW SECTION. Sec. 836. FOR THE COMMUNITY COLLEGE SYSTEM		
	Construct main storage building—Clark (86-3-009)		
		Reappropriation	Appropriation
St H Ed Constr Acct		1,626	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	175,971		177,597
	NEW SECTION. Sec. 837. FOR THE COMMUNITY COLLEGE SYSTEM		
	Minor improvements (86-3-011)		
		Reappropriation	Appropriation
St H Ed Constr Acct		26,092	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	877,028		903,120
	NEW SECTION. Sec. 838. FOR THE COMMUNITY COLLEGE SYSTEM		
	Edison North renovation II: Seattle central (86-3-013)		
		Reappropriation	Appropriation
St H Ed Constr Acct		32,663	
St Bldg Constr Acct		1,753,859	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	6,129,790		7,916,312
	NEW SECTION. Sec. 839. FOR THE COMMUNITY COLLEGE SYSTEM		
	Construct core facility and instructional space: Whatcom (86-3-015)		
		Reappropriation	Appropriation
St H Ed Constr Acct		24,099	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	1,195,868		1,219,967
	NEW SECTION. Sec. 840. FOR THE COMMUNITY COLLEGE SYSTEM		
	Replace relocatable buildings: Pierce (86-3-017)		
		Reappropriation	Appropriation
St H Ed Constr Acct		46,613	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	880,787		927,400
	NEW SECTION. Sec. 841. FOR THE COMMUNITY COLLEGE SYSTEM		
	Vocational science facility: Wenatchee (86-3-020)		
		Reappropriation	Appropriation
St H Ed Constr Acct		159,342	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	2,083,657		2,242,999
	NEW SECTION. Sec. 842. FOR THE COMMUNITY COLLEGE SYSTEM		
	Gaspard Extension Facility: Puyallup (86-3-021)		
		Reappropriation	Appropriation
St Bldg Constr Acct		5,263,973	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	315,176		5,579,149
	NEW SECTION. Sec. 843. FOR THE COMMUNITY COLLEGE SYSTEM		
	Tech building and related remodeling: Skagit Valley (86-3-022)		
		Reappropriation	Appropriation
St Bldg Constr Acct		54,999	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	3,545,001		3,600,000
	NEW SECTION. Sec. 844. FOR THE COMMUNITY COLLEGE SYSTEM		
	Heavy equipment building: Grays Harbor (86-3-023)		
		Reappropriation	Appropriation
St Bldg Constr Acct		32,851	

	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	745,149		778,000
	<u>NEW SECTION, Sec. 845. FOR THE COMMUNITY COLLEGE SYSTEM</u>		
	Learning Resource Center: South Puget Sound CC (86-3-025)		
		Reappropriation	Appropriation
St Bldg Constr Acct		2,278,211	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	4,955,789		7,234,000
	<u>NEW SECTION, Sec. 846. FOR THE COMMUNITY COLLEGE SYSTEM</u>		
	Heavy equipment building: South Seattle (86-3-026)		
		Reappropriation	Appropriation
St Bldg Constr Acct		594,006	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	4,018,994		4,613,000
	<u>NEW SECTION, Sec. 847. FOR THE COMMUNITY COLLEGE SYSTEM</u>		
	Preplanning for 1987-89 major projects (86-4-999)		
		Reappropriation	Appropriation
St H Ed Constr Acct		12,921	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	164,068		176,989
	<u>NEW SECTION, Sec. 848. FOR THE COMMUNITY COLLEGE SYSTEM</u>		
	Minor works (RMI) (88-2-001)		
		Reappropriation	Appropriation
St Bldg Constr Acct		1,331,193	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	2,168,807		3,500,000
	<u>NEW SECTION, Sec. 849. FOR THE COMMUNITY COLLEGE SYSTEM</u>		
	Repairs—Exterior walls (88-3-003)		
		Reappropriation	Appropriation
St Bldg Constr Acct		1,273,171	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	2,990,829		4,264,000
	<u>NEW SECTION, Sec. 850. FOR THE COMMUNITY COLLEGE SYSTEM</u>		
	Repairs—Mechanical/HVAC (88-3-004)		
		Reappropriation	Appropriation
St Bldg Constr Acct		2,149,189	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	1,925,811		4,075,000
	<u>NEW SECTION, Sec. 851. FOR THE COMMUNITY COLLEGE SYSTEM</u>		
	Minor improvements (88-3-005)		
		Reappropriation	Appropriation
St Bldg Constr Acct		5,288,563	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	8,475,437		13,764,000
	<u>NEW SECTION, Sec. 852. FOR THE COMMUNITY COLLEGE SYSTEM</u>		
	Repairs—Electrical (88-3-006)		
		Reappropriation	Appropriation
St Bldg Constr Acct		743,042	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	648,958		1,392,000
	<u>NEW SECTION, Sec. 853. FOR THE COMMUNITY COLLEGE SYSTEM</u>		
	Repairs—Sites and Interiors (88-3-007)		
		Reappropriation	Appropriation
St Bldg Constr Acct		402,427	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	1,523,573		1,926,000
	<u>NEW SECTION, Sec. 854. FOR THE COMMUNITY COLLEGE SYSTEM</u>		
	Agricultural technology building (Walla Walla) (88-3-008)		
		Reappropriation	Appropriation
St Bldg Constr Acct		166,325	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	50,478		3,162,803
	<u>NEW SECTION, Sec. 855. FOR THE COMMUNITY COLLEGE SYSTEM</u>		
	Vocational shop (Wenatchee Valley) (88-3-010)		
		Reappropriation	Appropriation
St Bldg Constr Acct		60,274	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	21,726		962,000

NEW SECTION. Sec. 856. FOR THE COMMUNITY COLLEGE SYSTEM
Computer facility (Edmonds) (88-3-011)

St Bldg Constr Acct	Reappropriation	Appropriation
	123,480	3,624,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
124,522		3,872,002

NEW SECTION. Sec. 857. FOR THE COMMUNITY COLLEGE SYSTEM
Learning Resource Center (Clark) (88-3-012)

St Bldg Constr Acct	Reappropriation	Appropriation
	113,758	6,077,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
233,242		6,424,000

NEW SECTION. Sec. 858. FOR THE COMMUNITY COLLEGE SYSTEM
Extension center (Yakima Valley) (88-3-013)

St Bldg Constr Acct	Reappropriation	Appropriation
	62,699	1,586,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
61,827		1,710,526

NEW SECTION. Sec. 859. FOR THE COMMUNITY COLLEGE SYSTEM
Math/science building (Spokane Falls) (88-3-015)

St Bldg Constr Acct	Reappropriation	Appropriation
	112,990	5,510,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
203,648		5,826,638

NEW SECTION. Sec. 860. FOR THE COMMUNITY COLLEGE SYSTEM
LRC (Spokane) (88-3-016)

St Bldg Constr Acct	Reappropriation	Appropriation
	52,067	5,270,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
287,506		5,609,573

NEW SECTION. Sec. 861. FOR THE COMMUNITY COLLEGE SYSTEM
Construct Clarkston Extension Center: (Walla Walla) (88-3-017)

St Bldg Constr Acct	Reappropriation	Appropriation
	83,172	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
3,392,471		3,475,643

NEW SECTION. Sec. 862. FOR THE COMMUNITY COLLEGE SYSTEM
Tacoma Computer Center: TCC (88-3-018)

St Bldg Constr Acct	Reappropriation	Appropriation
	1,848,278	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
709,722		2,558,000

NEW SECTION. Sec. 863. FOR THE COMMUNITY COLLEGE SYSTEM
Preplanning for 1989-93 major projects (88-4-014)

St Bldg Constr Acct	Reappropriation	Appropriation
	103,159	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
393,841		497,000

NEW SECTION. Sec. 864. FOR THE COMMUNITY COLLEGE SYSTEM
Whidbey LRC/instruc. (Skagit Valley) (88-5-020)

St Bldg Constr Acct	Reappropriation	Appropriation
		108,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
37,000	1,927,000	2,072,000

NEW SECTION. Sec. 865. FOR THE COMMUNITY COLLEGE SYSTEM
Science/fine arts/PE (South Puget Sound) (88-5-021)

St Bldg Constr Acct	Reappropriation	Appropriation
		256,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
72,000	5,494,000	5,822,000

NEW SECTION. Sec. 866. FOR THE COMMUNITY COLLEGE SYSTEM
Early childhood education (Shoreline) (88-5-022)

St Bldg Constr Acct	Reappropriation	Appropriation
		78,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
41,000	1,258,000	1,377,000

NEW SECTION. Sec. 867. FOR THE COMMUNITY COLLEGE SYSTEM

Library remodel (Columbia Basin) (88-5-023)	Reappropriation	Appropriation
St Bldg Constr Acct		113,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
48,000	1,893,000	2,054,000
NEW SECTION, Sec. 868. FOR THE COMMUNITY COLLEGE SYSTEM		
Vocational shops (Centralia) (88-5-024)		
	Reappropriation	Appropriation
St Bldg Constr Acct		95,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
43,000	2,089,000	2,227,000
NEW SECTION, Sec. 869. FOR THE COMMUNITY COLLEGE SYSTEM		
LRC addition/remodel (Tacoma) (88-5-025)		
	Reappropriation	Appropriation
St Bldg Constr Acct		90,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
34,000	1,720,000	1,844,000
NEW SECTION, Sec. 870. FOR THE COMMUNITY COLLEGE SYSTEM		
Vocational food addition (Lower Columbia) (88-5-026)		
	Reappropriation	Appropriation
St Bldg Constr Acct		140,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
42,000	2,934,000	3,116,000
NEW SECTION, Sec. 871. FOR THE COMMUNITY COLLEGE SYSTEM		
Business education building (Spokane) (88-5-027)		
	Reappropriation	Appropriation
St Bldg Constr Acct		245,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
76,000	6,398,000	6,719,000
NEW SECTION, Sec. 872. FOR THE COMMUNITY COLLEGE SYSTEM		
Student activity/PE (Seattle Central) (88-5-028)		
	Reappropriation	Appropriation
St Bldg Constr Acct		400,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
107,000		507,000
NEW SECTION, Sec. 873. FOR THE COMMUNITY COLLEGE SYSTEM		
WSU Education Center: Clark (89-5-019)		
	Reappropriation	Appropriation
St Bldg Constr Acct		1,759,438
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
40,562		1,800,000
NEW SECTION, Sec. 874. FOR THE COMMUNITY COLLEGE SYSTEM		
Multipurpose Child Care Center: Everett (89-5-020)		
	Reappropriation	Appropriation
St Bldg Constr Acct		557,608
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
42,392		600,000
NEW SECTION, Sec. 875. FOR THE COMMUNITY COLLEGE SYSTEM		
Fire/security repairs (7) (90-1-004)		
	Reappropriation	Appropriation
St Bldg Constr Acct		947,610
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		947,610
NEW SECTION, Sec. 876. FOR THE COMMUNITY COLLEGE SYSTEM		
Asbestos repairs (4) (90-1-008)		
	Reappropriation	Appropriation
St Bldg Constr Acct		1,217,200
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		1,217,200
NEW SECTION, Sec. 877. FOR THE COMMUNITY COLLEGE SYSTEM		
Roof/structural repairs (20) (90-2-002)		
	Reappropriation	Appropriation
St Bldg Constr Acct		3,658,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		3,658,000
NEW SECTION, Sec. 878. FOR THE COMMUNITY COLLEGE SYSTEM		
HVAC/mechanical repairs (15) (90-2-003)		
	Reappropriation	Appropriation

St Bldg Constr Acct			2,972,830
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
			2,972,830
<u>NEW SECTION, Sec. 879. FOR THE COMMUNITY COLLEGE SYSTEM</u>			
Electrical repairs (4) (90-2-005)			
		Reappropriation	Appropriation
St Bldg Constr Acct			371,240
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
			371,240
<u>NEW SECTION, Sec. 880. FOR THE COMMUNITY COLLEGE SYSTEM</u>			
Small repairs and improvements (90-3-001)			
		Reappropriation	Appropriation
St Bldg Constr Acct			4,200,000
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
			4,200,000
<u>NEW SECTION, Sec. 881. FOR THE COMMUNITY COLLEGE SYSTEM</u>			
LARC (Centralia) (90-3-006)			
		Reappropriation	Appropriation
St Bldg Constr Acct		61,239	4,012,000
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
190,731			4,263,970
<u>NEW SECTION, Sec. 882. FOR THE COMMUNITY COLLEGE SYSTEM</u>			
Facility repairs (18) (90-3-007)			
The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for minor repairs, fixtures, and improvements to state buildings and facilities and shall not be used for computer equipment or for other expenses that normally would be funded from the state operating budget.			
		Reappropriation	Appropriation
St Bldg Constr Acct			3,848,180
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
			3,848,180
<u>NEW SECTION, Sec. 883. FOR THE COMMUNITY COLLEGE SYSTEM</u>			
Technology labs (Highline) (90-3-023)			
		Reappropriation	Appropriation
St Bldg Constr Acct		140,196	2,595,000
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
62,942			2,798,138
<u>NEW SECTION, Sec. 884. FOR THE COMMUNITY COLLEGE SYSTEM</u>			
Minor improvements (50) (90-5-009)			
The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for minor repairs, fixtures, and improvements to state buildings and facilities and shall not be used for computer equipment, land acquisition, or for other expenses that normally would be funded from the state operating budget.			
		Reappropriation	Appropriation
St Bldg Constr Acct			13,292,940
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
			13,292,940
<u>NEW SECTION, Sec. 885. FOR THE COMMUNITY COLLEGE SYSTEM</u>			
Technology center (Whatcom) (90-5-010)			
		Reappropriation	Appropriation
St Bldg Constr Acct			63,000
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
	185,000		248,000
<u>NEW SECTION, Sec. 886. FOR THE COMMUNITY COLLEGE SYSTEM</u>			
PE facility (North Seattle) (90-5-011)			
		Reappropriation	Appropriation
St Bldg Constr Acct			45,000
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
	165,000		210,000
<u>NEW SECTION, Sec. 887. FOR THE COMMUNITY COLLEGE SYSTEM</u>			
Applied arts building (Spokane Falls) (90-5-012)			
		Reappropriation	Appropriation
St Bldg Constr Acct			68,000
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
	190,000		258,000
<u>NEW SECTION, Sec. 888. FOR THE COMMUNITY COLLEGE SYSTEM</u>			
Industrial technology building (Spokane) (90-5-013)			
		Reappropriation	Appropriation

St Bldg Constr Acct			64,000
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		204,000	268,000
NEW SECTION, Sec. 889. FOR THE COMMUNITY COLLEGE SYSTEM			
Vocational art facility (Shoreline) (90-5-014)			
		Reappropriation	Appropriation
St Bldg Constr Acct			51,000
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		125,000	176,000
NEW SECTION, Sec. 890. FOR THE COMMUNITY COLLEGE SYSTEM			
Business education building (Clark) (90-5-015)			
		Reappropriation	Appropriation
St Bldg Constr Acct			73,000
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		231,000	304,000
NEW SECTION, Sec. 891. FOR THE COMMUNITY COLLEGE SYSTEM			
Student center (South Seattle) (90-5-016)			
		Reappropriation	Appropriation
St Bldg Constr Acct			59,000
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		185,000	244,000
NEW SECTION, Sec. 892. FOR THE COMMUNITY COLLEGE SYSTEM			
Library addition (Skagit Valley) (90-5-017)			
		Reappropriation	Appropriation
St Bldg Constr Acct			44,000
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		1,879,000	1,923,000

PART 9
MISCELLANEOUS

NEW SECTION, Sec. 901. FOR SPECIAL APPROPRIATION TO THE GOVERNOR
Puyallup tribal settlement (90-5-001)

The appropriation in this section is subject to the following conditions and limitations: No portion of this appropriation may be spent, released, transferred, or placed into escrow until all of the following have occurred:

(1) The United States Congress has passed (and the President of the United States has signed, if necessary) legislation providing approximately \$77,250,000 to the Puyallup Indian Tribe (the "tribe") as described in the "Agreement between the Puyallup Tribe of Indians, local Governments in Pierce County, the State of Washington, the United States of America, and certain private property owners," dated August 27, 1988 (the "agreement").

(2) The local governments of Pierce county, the city of Tacoma, the city of Fife, the city of Puyallup, and the Port of Tacoma have among them agreed to pay approximately \$52,134,000 to the tribe according to the terms of the agreement.

(3) A lease has been executed between the Port of Tacoma and the Washington state military department under conditions as required by the United States Army Corps of Engineers for property suitable for a watercraft training facility for the military department's use.

(4) Either Engrossed Substitute House Bill No. 1165 or Substitute Senate Bill No. 5648 has been enacted into law without veto.

(5) The chief clerk of the house of representatives and the secretary of the senate have certified that the Port of Tacoma, in consultation with the Port of Seattle, has reported to the legislature on a plan to cooperate with other port districts and other governments in the state in maintaining and increasing the state's share of international trade.

			Reappropriation	Appropriation
St Bldg Constr Acct				9,417,000
	<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
				9,417,000

NEW SECTION, Sec. 902. (1) The capitol campus design advisory committee is established as an advisory group to the capitol committee and the department of general administration to review plans, design, landscaping, and life-cycle costs of state capitol facilities and grounds and to make recommendations that will contribute to the attainment of appropriate and cost-effective architectural, aesthetic, and functional design and maintenance of capital facilities on campus and in neighboring communities.

(2) The advisory committee shall consist of the following persons who shall be appointed by and serve at the pleasure of the governor:

- (a) Two architects;
- (b) A landscape architect; and
- (c) An urban planner.

From among these members, the governor shall appoint the chair and vice-chair of the committee from among the members specified in this subsection. The department of general

administration shall provide the staff and resources necessary for the operation of the committee. The committee shall meet at least quarterly or at the call of the chair.

(3) The advisory committee shall also include the secretary of state and two members of the house of representatives, one from each caucus, who shall be appointed by the speaker of the house of representatives, and two members of the senate, one from each caucus, who shall be appointed by the president of the senate.

(4) Members of the committee shall be reimbursed for travel expenses as provided in RCW 43.03.220 and 44.04.120.

NEW SECTION. Sec. 903. The following lease development projects are authorized for the period ending June 30, 1991:

(1) State Board for Community Colleges:

(a) Improvements to existing leased facility at Bellevue Community College

(b) Daycare facility close to Clark Community College

(c) Educational training center at Green River Community College

(d) Education extension center at Peninsula Community College

(e) Small business building at Highline Community College

(f) Instructional Center at Highline Community College

(g) Daycare facility close to Green River Community College

(h) Parking space near Green River Community College

(2) Department of General Administration: Central Stores warehouse

(3) Department of Ecology: Agency headquarters building

(4) Department of Social and Health Services: Office space at the state public health lab.

NEW SECTION. Sec. 904. FOR THE ARTS COMMISSION—ART WORK ALLOWANCE POOLING

The appropriations in this act are subject to the following conditions and limitations: One-half of one percent of moneys appropriated in this act are provided solely for the purposes of RCW 28A.58.055, 28B.10.027, and 43.17.200.

NEW SECTION. Sec. 905. The amounts shown under the headings "Prior Biennia," "Future Biennia," and "Total" in this act are for informational purposes only and do not constitute legislative approval of these amounts.

NEW SECTION. Sec. 906. "Reappropriations" in this act are appropriations and, unless the context clearly provides otherwise, are subject to the relevant conditions and limitations applicable to appropriations. Reappropriations shall be limited to the unexpended balances remaining June 30, 1989, in the current appropriation for each project.

NEW SECTION. Sec. 907. To carry out the provisions of this act, the governor may assign responsibility for planning, engineering, construction, and other related activities to any appropriate agency.

NEW SECTION. Sec. 908. In order to provide for consistent and comparable asbestos survey data, and to ensure that the chain-of-evidence requirements for asbestos samples and survey data are met in regard to pending asbestos manufacturer litigation:

(1) No state agency shall expend new funds appropriated in the 1989-91 biennium for asbestos surveys prior to approval by the department of general administration of the agency's asbestos survey policies and procedures. At the completion of each survey, state agencies shall submit the findings to the department in a format to be determined by the department.

(2) The department of general administration shall distribute to all state agencies chain-of-evidence requirements, as developed by the department and the office of the attorney general. State agencies expending appropriated funds for asbestos survey and abatement projects shall make every effort to conform with chain-of-evidence requirements.

NEW SECTION. Sec. 909. (1) The office of financial management shall coordinate the efforts of the department of natural resources, the department of social and health services, and the department of general administration to inventory and record all lands and other capital assets acquired or dedicated for the care of blind or deaf or otherwise disabled youth, for juvenile offenders, and for persons who are mentally ill or developmentally disabled. The inventory shall be completed by December 15, 1989.

(2) The legislature intends to contract with an independent consultant to identify strategies for more aggressive management of these lands and facilities to maximize the funds acquired through the use of these lands.

(3) No land or other capital assets described in this section may be sold, given, traded, or encumbered by a new or renewed agreement for any period of time beyond June 30, 1991, unless such agreement is specifically authorized by the legislature.

NEW SECTION. Sec. 910. As part of the annual six-year update to the State Facilities and Capital Plan, agencies shall provide information on lease development and lease purchase projects to the office of financial management.

NEW SECTION. Sec. 911. If any federal moneys appropriated by this act for capital projects are not received by the state, the department or agency to which the moneys were appropriated may replace the federal moneys with any moneys available from private or local

sources. No replacement may occur under this section without the prior approval of the director of financial management in consultation with the committees on ways and means of the senate and house of representatives.

NEW SECTION. Sec. 912. Any appropriation in this act that involves appropriated and non-appropriated funds shall comply with RCW 43.88.150. The office of financial management shall report to the legislature by January 1990 all instances where compliance with RCW 43.88.150 has delayed or precluded the completion of any capital project included in this act.

NEW SECTION. Sec. 913. Notwithstanding any other provisions of law, for the 1989-91 biennium, transfers of reimbursement by the state treasurer to the general fund from the community college capital projects account for debt service payments made under the provisions of Title 28B RCW shall occur only after such debt service payment has been made and only to the extent that funds are actually available in the account. Any unpaid reimbursements shall be a continuing obligation against the community college capital projects account until paid. The state board for community college education need not accumulate any specific balance in the community college capital projects account in anticipation of transfers to reimburse the general fund.

NEW SECTION. Sec. 914. State agencies, departments, and institutions moving into new or existing office space or other facilities shall, if practical and feasible, make use of the agencies' existing furnishings and equipment and shall minimize purchases of new furnishings and equipment.

NEW SECTION. Sec. 915. State agencies, departments, and institutions receiving appropriations under this act for unanticipated or emergency repairs shall submit to the fiscal committees of the legislature by January 2, 1990, a description of each expenditure made from the appropriation during the prior eighteen months.

NEW SECTION. Sec. 916. Any capital improvements or capital project involving construction or major expansion of a state office facility, including district headquarters, detachment offices, and off-campus faculty offices, shall be reviewed by the department of general administration for possible consolidation and compliance with state office standards prior to allotment of funds. The intent of the requirement imposed by this section is to eliminate duplication and reduce total office space requirements where feasible, while ensuring proper service to the public.

NEW SECTION. Sec. 917. The governor, through the director of financial management, may authorize a transfer of appropriation authority provided for a capital project which is in excess of the amount required for the completion of such project to another capital project for which the appropriation is insufficient. No such transfer shall be used to expand the capacity of any facility beyond that intended by the legislature in making the appropriation. Such transfers may be effected only between capital appropriations to a specific department, commission, agency, or institution of higher education and only between capital projects which are funded from the same fund or account.

For the purposes of this section, the governor may find that an amount is in excess of the amount required for the completion of a project only if (1) the project as defined in the notes to the budget document is substantially complete and there are funds remaining or (2) bids have been let on a project and it appears to a substantial certainty that the project as defined in the notes to the budget document can be completed within the biennium for less than the amount appropriated herein.

For the purposes of this section, the legislature intends that each project be defined as proposed to the legislature in the governor's budget document, unless it clearly appears from the legislative history that the legislature intended to define the scope of a project in a different way.

A report of any transfer effected under this section shall be filed with the legislative fiscal committees of the senate and house of representatives by the director of financial management within thirty days of the date the transfer is effected.

NEW SECTION. Sec. 918. (1) The legislature finds:

(a) Estimates of capital project costs are prepared in a manner to ensure sufficient funds are available for the completion of projects.

(b) Actual project costs are influenced by variations in cost factors, changing unit price levels, available inventories, inflation rates, gross construction volume at the time of project bid, and other factors that cannot be predicted at the time of estimating capital project costs.

(c) Due to funding limitations, necessary capital projects are deferred to ensuing biennia.

(d) The deferral of capital projects results in increased project costs due to the effects of inflation and increased deterioration of facilities.

(e) No statutory authority currently exists to allow project cost savings to be used to implement necessary capital projects that were deferred to ensuing biennia due to lack of funds.

(2) There is hereby authorized a capital projects cost control incentive program for the 1989-91 biennium.

(3) Appropriations not required by an agency to complete capital projects authorized in this act, may be expended to implement, in priority sequence, those capital projects of the agency listed in the Governor's Six-Year Capital and Facility Plan for the 1991-93 Biennium, as

that list exists in the Governor's final 1990 update of the six-year plan. Expenditures under this section are subject to the following conditions:

(a) No expenditure may be made without the prior allotment approval of the office of financial management.

(b) The office of financial management shall notify the senate ways and means and the house capital facilities and financing committees prior to authorizing any project for implementation under this section.

(c) No project may be authorized under this section by the office of financial management unless sufficient funds are available to complete a project's design phase, construction phase, or both.

(d) Appropriations in this act for a capital project shall not be expended under this section unless:

(i) All contracts associated with the performance of the project have been completed and accepted by the state of Washington;

(ii) The statutory thirty-day lien period for each project has expired;

(iii) All claims of lien against project contracts have been satisfied;

(iv) There are no outstanding claims against the state of Washington by any contracted party to the project construction contract; and

(v) Any and all negotiated settlements or settlements arising from the findings of an arbitration board or court of jurisdiction have been satisfied.

NEW SECTION, Sec. 919. The department of information services will act as lead agency in coordinating video telecommunications services for state agencies. As lead agency, the department shall develop standards and common specifications for leased and purchased telecommunications equipment and assist state agencies in developing a video telecommunications expenditure plan. No agency may spend any portion of any appropriation in this act for new video telecommunication equipment, new video telecommunication transmission, or new video telecommunication programming, or for expanding current video telecommunication systems without first complying with chapter 43.105 RCW, including but not limited to RCW 43.105.041(2), and without first submitting a video telecommunications expenditure plan, in accordance with the policies of the department of information services, for review and assessment by the department of information services under RCW 43.105.052. Prior to any such expenditure by a public school, a video telecommunications expenditure plan shall be approved by the superintendent of public instruction. The office of the superintendent of public instruction shall submit the plans to the department of information services in a form prescribed by the department. The office of the superintendent of public instruction shall coordinate the use of video telecommunications in public schools by providing educational information to local school districts and shall assist local school districts and educational service districts in telecommunications planning and curriculum development. Prior to any such expenditure by a public institution of postsecondary education, a telecommunications expenditure plan shall be approved by the higher education coordinating board. The higher education coordinating board shall coordinate the use of video telecommunications for instruction and instructional support in postsecondary education, including the review and approval of instructional telecommunications course offerings.

NEW SECTION, Sec. 920. To ensure that major construction projects are carried out in accordance with legislative and executive intent, capital projects for renovation or additional space contained in this act that exceed two million five hundred thousand dollars for which a program document is not completed prior to September 1, 1988, shall not expend funds for planning and construction until the office of financial management has reviewed the agency's programmatic document and approved continuation of the project. The program document shall include but not be limited to projected workload, site conditions, user requirements, current space available, and an overall budget and cost estimate breakdown.

NEW SECTION, Sec. 921. The appropriations contained in this act are maximum expenditure authorizations. Pursuant to RCW 43.88.037, moneys disbursed from the treasury on the basis of a formalized loan agreement with another governmental entity shall be treated as a loan and are to be recorded as loans receivable and not as expenditures for accounting purposes. To the extent that moneys are disbursed on a loan basis, the corresponding appropriation shall be reduced by the amount of loan moneys disbursed from the treasury during the 1989-91 biennium.

NEW SECTION, Sec. 922. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION, Sec. 923. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 1 of the title, after "capital budget," strike the remainder of the title and insert "making appropriations and authorizing expenditures for capital improvements; authorizing certain projects; and declaring an emergency."

Signed by Senators Cantu, Vognild, Sellar; Representatives H. Sommers, Braddock, Prince.

MOTION

On motion of Senator Newhouse, the Report of the Conference Committee on Substitute Senate Bill No. 5521 was adopted and the committee was granted the powers of Free Conference.

MESSAGE FROM THE HOUSE

May 8, 1989

Mr. President:

The House has adopted the Report of the Conference Committee on ENGROSSED SUBSTITUTE SENATE BILL NO. 5352 and has granted said committee the powers of Free Conference, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

REPORT OF CONFERENCE COMMITTEE

RE: ESSB 5352

Relating to 1989-91 appropriation.

May 7, 1989

Mr. President:

Mr. Speaker:

We of your Conference Committee to whom the above measure was referred, have had the same under consideration and we report that we are unable to agree and we respectfully request the powers of Free Conference in order to amend the measure as follows:

Reject all previous amendments and adopt the following amendments:

On page 61, line 11, strike "\$190,000" and insert "\$175,000"

On page 61, line 13, strike "\$35,000" and insert "\$25,000"

On page 61, line 15, strike "\$75,000" and insert "\$100,000"

On page 107, line 21, strike "\$6,570,000" and insert "\$6,620,000"

On page 107, line 34, strike "\$337,669,000" and insert "\$337,969,000"

On page 108, after line 12, insert:

"(5) \$300,000 is provided solely for implementing programs for gender equity in athletics."

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. (1) A budget is hereby adopted and, subject to the provisions set forth in the following sections, the several amounts specified in the following sections, or so much thereof as shall be sufficient to accomplish the purposes designated, are hereby appropriated and authorized to be incurred for salaries, wages, and other expenses of the agencies and offices of the state and for other specified purposes for the fiscal biennium beginning July 1, 1989, and ending June 30, 1991, except as otherwise provided, out of the several funds of the state hereinafter named.

(2) Unless the context clearly requires otherwise, the definitions in this section apply throughout this act.

(a) "Fiscal year 1990" or "FY 1990" means the fiscal year ending June 30, 1990.

(b) "Fiscal year 1991" or "FY 1991" means the fiscal year ending June 30, 1991.

(c) "FTE" means full time equivalent.

(d) "Lapse" or "revert" means the amount shall return to an unappropriated status.

(e) "Provided solely" means the specified amount may be spent only for the specified purpose. Unless otherwise specifically authorized in this act, any portion of an amount provided solely for a specified purpose which is unnecessary to fulfill the specified purpose shall lapse.

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PART I

GENERAL GOVERNMENT

NEW SECTION, Sec. 101. FOR THE HOUSE OF REPRESENTATIVES

General Fund Appropriation \$ 49,300,000

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

- (1) \$150,000 is provided solely to contract for an evaluation of Seattle public schools.
- (2) \$250,000 of the general fund appropriation is provided solely for acquisition and implementation of necessary redistricting data processing systems in conjunction with the senate and the secretary of state.
- (3) \$163,000 is provided solely for the fellows program of the Washington state institute for public policy.

NEW SECTION, Sec. 102. FOR THE SENATE

General Fund Appropriation \$ 36,751,000

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

- (1) \$250,000 is provided solely for acquisition and implementation of necessary redistricting data processing systems in conjunction with the house of representatives and the secretary of state.
- (2) \$163,000 is provided solely for the fellows program of the Washington state institute for public policy.

NEW SECTION, Sec. 103. FOR THE LEGISLATIVE BUDGET COMMITTEE

General Fund Appropriation \$ 1,864,000

NEW SECTION, Sec. 104. FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE

General Fund Appropriation \$ 2,712,000

NEW SECTION, Sec. 105. FOR THE OFFICE OF THE STATE ACTUARY

Department of Retirement Systems Expense Fund Appropriation \$ 1,098,000

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

- (1) The office shall provide all necessary services for the department of retirement systems within the funds appropriated in this section.
- (2) \$100,000 is provided solely for implementation of the employee benefits communication project by the joint committee on pension policy.

NEW SECTION, Sec. 106. FOR THE JOINT LEGISLATIVE SYSTEMS COMMITTEE

General Fund Appropriation \$ 5,628,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation shall be transferred to the legislative systems revolving fund.

NEW SECTION, Sec. 107. FOR THE STATUTE LAW COMMITTEE

General Fund Appropriation \$ 5,983,000

NEW SECTION, Sec. 108. FOR THE SUPREME COURT

General Fund Appropriation \$ 13,404,000

The appropriation in this section is subject to the following conditions and limitations: \$5,013,000 is provided solely for the indigent appeals program.

NEW SECTION, Sec. 109. FOR THE LAW LIBRARY

General Fund Appropriation \$ 2,989,000

NEW SECTION, Sec. 110. FOR THE COURT OF APPEALS

General Fund Appropriation \$ 13,765,000

The appropriation in this section is subject to the following conditions and limitations: \$354,000 is provided solely for an additional judgeship in division I of the court of appeals. If neither Senate Bill No. 5109 nor House Bill No. 1802 is enacted by June 30, 1989, this amount of the appropriation shall lapse.

NEW SECTION, Sec. 111. FOR THE COMMISSION ON JUDICIAL CONDUCT

General Fund Appropriation \$ 594,000

NEW SECTION, Sec. 112. FOR THE ADMINISTRATOR FOR THE COURTS

General Fund Appropriation \$ 26,481,000

Public Safety and Education Account Appropriation \$ 22,850,000

Total Appropriation \$ 49,331,000

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

- (1) Within the appropriations provided in this section, the administrator for the courts, in conjunction with the indigent defense task force, shall review the feasibility of implementing an indigent defense cost recovery program in order to recover state expenses for the indigent appeals program. The administrator for the courts also shall prepare recommendations regarding standards for indigency to be applied uniformly among courts throughout the state.

Recommendations regarding a cost recovery program and indigency standards shall be submitted to the house of representatives appropriations and the senate ways and means committees by December 1, 1989.

(2) \$4,712,000 of the general fund appropriation is provided solely for the continuation of treatment-alternatives-to-street-crimes (TASC) programs in Pierce, Snohomish, Clark, King, Spokane, and Yakima counties. In administering TASC program contracts, the administrator for the courts shall monitor program expenditures, conduct program audits, and develop corrective action plans as necessary for contract compliance.

(3) \$15,555,000 of the general fund appropriation is provided solely for the superior court judges program.

(4) \$50,000 of the public safety and education account appropriation is provided solely for the continuation of the indigent defense task force as provided in Substitute Senate Bill No. 5960 (indigent defense services). If the bill is not enacted by June 30, 1989, the amount provided in this subsection shall lapse.

(5) \$200,000 of the public safety and education account appropriation is provided solely for implementing Substitute Senate Bill No. 5474 or Substitute House Bill No. 1119 (court interpreters). If neither bill is enacted by June 30, 1989, the amount provided in this subsection shall lapse.

(6) \$500,000 of the general fund appropriation is provided solely for a foster care review pilot project. In designing the project, the administrator for the courts shall: (a) Establish control groups, one with foster care review and one without, and (b) document the comparative impacts on court costs and foster care length-of-stay.

(7) \$5,758,000 of the public safety and education account appropriation is provided solely to implement the conversion of the district court information system (DISCIS) to a subsystem compatible with the other subsystems within the judicial information system. The amount provided in this subsection is intended to convert twenty-eight existing DISCIS sites and establish eight new sites. When providing equipment upgrades to an existing site, an equal amount of local matching funds shall be provided by the local jurisdiction. The administrator for the courts shall report to the legislature by January 15, 1990, on the reasonableness and feasibility of installing more DISCIS sites during the 1989-91 biennium.

(8) \$3,000,000 of the public safety and education account appropriation shall be held in reserve by the administrator for the courts until July 1, 1990.

(9) The administrator for the courts shall prepare a five-year plan for the judicial information system in conformance with the guidelines of the department of information services. The administrator for the courts shall submit the plan to the house of representatives committee on appropriations and the senate committee on ways and means by January 15, 1990. The five-year plan shall include but not be limited to the following items: Long range goals, objectives, and priorities; estimated equipment and software acquisition costs; an equipment acquisition schedule; estimated operating costs by fiscal year; a cost/benefit analysis of planned system modifications; an analysis of the revenue impact of implementing accounts receivable modules; current and projected debt service costs; descriptions of the services provided to each court jurisdiction; and a plan for requiring local matching funds.

NEW SECTION, Sec. 113. FOR THE OFFICE OF THE GOVERNOR

General Fund Appropriation—State	\$	11,894,000
General Fund Appropriation—Federal	\$	27,779,000
Total Appropriation	\$	39,673,000

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

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

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

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

NEW SECTION, Sec. 114. FOR THE LIEUTENANT GOVERNOR

General Fund Appropriation	\$	492,000
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NEW SECTION, Sec. 115. FOR THE PUBLIC DISCLOSURE COMMISSION

General Fund Appropriation	\$	1,289,000
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NEW SECTION, Sec. 116. FOR THE SECRETARY OF STATE

General Fund Appropriation	\$	8,042,000
Archives and Records Management Account Appropriation	\$	2,571,000
Department of Personnel Service Fund Appropriation	\$	447,000
Total Appropriation	\$	11,060,000

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

(1) \$200,000 of the general fund appropriation is provided solely for acquisition and implementation of necessary redistricting data processing systems in conjunction with the house of representatives and the senate.

(2) \$1,074,000 of the general fund appropriation is provided solely to reimburse counties for the state's share of primary and general election costs and the costs of conducting mandatory recounts on state measures.

(3) \$2,542,000 of the general fund appropriation is provided solely for the verification of initiative and referendum petitions and the maintenance of related voter registration records, legal advertising of state measures, and the publication and distribution of the voters and candidates pamphlet.

(4) \$123,000 of the general fund appropriation is provided solely for expansion of the oral history program recently instituted by the archives and records management division.

NEW SECTION, Sec. 117. FOR THE GOVERNOR'S OFFICE OF INDIAN AFFAIRS

General Fund Appropriation \$ 290,000

NEW SECTION, Sec. 118. FOR THE COMMISSION ON ASIAN-AMERICAN AFFAIRS

General Fund Appropriation \$ 312,000

NEW SECTION, Sec. 119. FOR THE STATE TREASURER

Motor Vehicle Fund Appropriation \$ 46,000

State Treasurer's Service Fund Appropriation \$ 9,082,000

Higher Education Construction Account Appropriation \$ 39,000

State Convention and Trade Center Account Appropriation \$ 76,000

State and Local Improvements Revolving Account—Waste Disposal

Facilities Appropriation \$ 58,000

Salmon Enhancement Construction Account Appropriation \$ 10,000

State and Local Improvements Revolving Account—Waste Disposal

Facilities, 1980 Appropriation \$ 200,000

State Higher Education Construction Account Appropriation \$ 25,000

State Building Construction Account Appropriation \$ 588,000

Higher Education Reimbursable Short-Term Bond Account Appropriation \$ 14,000

Outdoor Recreation Account Appropriation \$ 7,000

State and Local Improvements Revolving Account (Water Supply

Facilities) Appropriation \$ 71,000

State and Local Improvements Revolving Account (Social and Health

Services Facilities) Appropriation \$ 25,000

Economic Development Account Appropriation \$ 11,000

State Facilities Renewal Account Appropriation \$ 14,000

Puget Sound Capital Construction Account Appropriation \$ 35,000

Urban Arterial Trust Account Appropriation \$ 43,000

Total Appropriation \$ 10,344,000

The appropriations in this section, with the exception of the motor vehicle fund and state treasurer's service fund appropriations, are subject to the following conditions and limitations: The provisions of sections 807 and 808 of this act apply to the appropriations in this section.

NEW SECTION, Sec. 120. FOR THE STATE AUDITOR

General Fund Appropriation \$ 902,000

Motor Vehicle Fund Appropriation \$ 225,000

Municipal Revolving Fund Appropriation \$ 16,262,000

Auditing Services Revolving Fund Appropriation \$ 10,338,000

Total Appropriation \$ 27,727,000

NEW SECTION, Sec. 121. FOR THE CITIZENS' COMMISSION ON SALARIES FOR ELECTED OFFICIALS

General Fund Appropriation \$ 76,000

NEW SECTION, Sec. 122. FOR THE ATTORNEY GENERAL

General Fund Appropriation—State \$ 6,188,000

General Fund Appropriation—Federal \$ 1,664,000

Legal Services Revolving Fund Appropriation \$ 70,713,000

Motor Vehicle Fund Appropriation \$ 761,000

New Motor Vehicle Arbitration Account Appropriation \$ 1,716,000

Total Appropriation \$ 81,042,000

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

(1) \$761,000 of the motor vehicle fund appropriation is provided solely to pursue highway bid-rigging anti-trust litigation and shall be expended only after the office of financial management approves plans for any expenditures.

(2) No part of the appropriations provided in this section may be used to move any attorney co-located with an agency for which the attorney provides legal services away from the agency without prior approval of the agency and the office of financial management.

(3) \$181,000 of the general fund—state appropriation is provided solely for expanding the computerized homicide information and tracking system. The attorney general shall report to the legislature, no later than January 14, 1991, on the homicide information and tracking system, as well as on the feasibility of expanding the system to include the violent crimes of rape, robbery, and arson. The report shall include a local agency financial participation

analysis, a systems analysis that includes use of the incident-based reporting system (IBR) of the Washington association of sheriffs and police chiefs and of the criminal information system of the Washington state patrol, and a full-cost purchase analysis. The attorney general shall coordinate the preparation of this report with the office of financial management, the Washington association of sheriffs and police chiefs, and the Washington state patrol.

NEW SECTION. Sec. 123. FOR THE OFFICE OF FINANCIAL MANAGEMENT

General Fund Appropriation	\$	22,519,000
Hospital Commission Account Appropriation	\$	844,000
Motor Vehicle Fund Appropriation	\$	101,000
Total Appropriation	\$	23,464,000

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

(1) The director of financial management, in consultation with the department of general administration, shall report to the house of representatives appropriations and senate ways and means committees by July 1, 1990, on the savings resulting from the implementation of the report of the motor pool review team of the governor's commission for efficiency and accountability in government. The report shall provide recommendations on how the identified savings should be programmed into state agency budgets. Periodically during the biennium, the director of financial management shall direct agencies affected by the implementation of the report to place appropriated moneys in reserve status to reflect the resulting savings. By June 30, 1991, at least \$3,200,000 from the general fund—state appropriation shall be placed in reserve status under this subsection.

(2) \$845,000 of the general fund appropriation and \$844,000 of the hospital commission account appropriation are provided solely for fiscal year 1991 and are subject to the following conditions:

(a) If, by June 30, 1989, Substitute Senate Bill No. 5385 (hospital data collection) is enacted and a department of health is created, the amounts provided in this subsection shall be transferred to the department of health solely for the purposes of Substitute Senate Bill No. 5385.

(b) If, by June 30, 1989, Substitute Senate Bill No. 5385 is not enacted and a department of health is created, the amounts provided in this subsection shall be transferred to the department of health solely for the purposes of data collection previously performed by the hospital commission.

(c) If, by June 30, 1989, Substitute Senate Bill No. 5385 is not enacted and a department of health is not created, the amounts provided in this subsection shall be retained by the office of financial management solely for the purposes of data collection previously performed by the hospital commission.

(3) In conjunction with the common school enrollment forecast, the office of financial management shall forecast the enrollment of the K-12 handicapped program.

(4) \$200,000 of the general fund appropriation is provided solely to examine the state's program for handicapped education in the common schools. The study shall be conducted by a committee including representatives of the office of financial management, appointed by the director, and representatives of the staffs of the appropriations committee of the house of representatives and the ways and means committee of the senate, appointed by the respective committee chairmen. The director of financial management may also appoint to the committee professionals in the field of handicapped assessments. The committee shall conduct research and make recommendations in the areas of forecasting methodology, enrollment growth, assessment practices, severity classifications, state funding methods, and the needs of unique populations. The committee may contract for professional assistance as necessary and shall submit its report to the ways and means committee and the appropriations committee by December 1, 1989.

(5) To the extent motor vehicle funds appropriated for the 1989-91 biennium are not sufficient to provide for funding of the master license center of the department of licensing, the office of financial management shall transfer the amounts associated with savings due to the operations of the master license center from agencies that benefit from the consolidation of licensing operations at the department of licensing.

(6) \$130,000 of the general fund—state appropriation is provided solely for an architectural or structural cost specialist for evaluation and technical analysis related to the capital budget.

(7) The office of financial management shall study the effect on county revenues resulting from the designation of timber for processing within the state as specified under section 2 of Substitute Senate Bill No. 5911. The study shall determine the magnitude of revenue changes and shall include recommendations on methods to determine whether county forest board revenues declined, the amount of any decline, and possible methods to compensate counties for any decrease in revenue. The office shall report its findings to the appropriate committees of the senate and house of representatives by December 1, 1990.

NEW SECTION. Sec. 124. FOR THE OFFICE OF ADMINISTRATIVE HEARINGS

Administrative Hearings Revolving Fund Appropriation	\$	10,031,000
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NEW SECTION. Sec. 125. FOR THE DEPARTMENT OF PERSONNEL

Department of Personnel Service Fund Appropriation	\$	14,498,000
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The appropriation in this section is subject to the following conditions and limitations:

(1) \$80,000 of this amount is provided solely for the establishment of the new leadership fellowship program with Hyogo prefecture in Japan.

(2) \$670,000 is provided solely for implementation of Engrossed House Bill No. 1360, House Bill No. 2236, or the career executive management program portion of Substitute Senate Bill No. 5140. If none of these bills is enacted by June 30, 1989, the amount provided in this subsection shall lapse.

(3) The department of personnel shall survey the compensation practices of comparable in-state and out-of-state law enforcement agencies. The survey shall consider the degree to which duties, skills, and working conditions are shared by classifications such as wildlife agents, fisheries agents, and members of the Washington state patrol, all of whom have full police powers. The department shall report on the survey findings to the legislature by January 1, 1990.

(4) The speaker of the house of representatives and the majority leader of the senate shall each designate a legislative staff person who shall consult with and make recommendations to the department of personnel on all matters relating to the conduct of the salary survey. Persons designated under this section shall have expertise on policy or budget matters relating to state employee salaries.

NEW SECTION. Sec. 126. FOR THE COMMITTEE FOR DEFERRED COMPENSATION

General Fund Appropriation	\$	529,000
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The appropriation in this section is subject to the following conditions and limitations: This appropriation is provided solely for the administration of a state employee salary reduction plan for dependent care assistance.

NEW SECTION. Sec. 127. FOR THE WASHINGTON STATE LOTTERY

Lottery Administrative Account Appropriation	\$	17,108,000
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NEW SECTION. Sec. 128. FOR THE COMMISSION ON HISPANIC AFFAIRS

General Fund Appropriation	\$	343,000
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NEW SECTION. Sec. 129. FOR THE PERSONNEL APPEALS BOARD

Department of Personnel Service Fund Appropriation	\$	831,000
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NEW SECTION. Sec. 130. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS—OPERATIONS

Department of Retirement Systems Expense Fund Appropriation	\$	22,381,000
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The appropriation in this section is subject to the following conditions and limitations:

(1) \$908,000 is provided solely for information systems projects named in this section for which work will commence or continue in this biennium. Authority to expend these funds is conditioned upon compliance with section 802 of this act. For the purposes of this subsection, "information systems projects" means the projects known by the following names or successor names: Transmittals, member account ledgers, account receivables, billing, and disbursements.

(2) \$871,000 is provided solely for reduction of the agency's backlogs.

(3) \$184,000 is provided solely for development of data security and program library management.

(4) \$50,000 is provided solely for the preparation of information on disability benefit for members of the retirement systems. In preparing this information, the department shall coordinate with the joint committee on pension policy regarding the committee's employee communications project.

(5) The department shall be divided into three program areas of administration, data processing, and retirement operations.

NEW SECTION. Sec. 131. FOR THE STATE INVESTMENT BOARD

State Investment Board Expense Account Appropriation	\$	2,015,000
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NEW SECTION. Sec. 132. FOR THE DEPARTMENT OF REVENUE

General Fund Appropriation	\$	75,729,000
Timber Tax Distribution Account Appropriation	\$	3,382,000
State Toxics Control Account Appropriation	\$	100,000
Solid Waste Management Account Appropriation	\$	92,000
Pollution Liability Reinsurance Trust Account Appropriation	\$	286,000
Vehicle Tire Recycling Account Appropriation	\$	122,000
Total Appropriation	\$	79,711,000

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

(1) \$286,000 of the pollution liability reinsurance trust account appropriation is provided solely for implementation of Second Substitute House Bill No. 1180. If the bill is not enacted by June 30, 1989, the amount provided in this subsection shall lapse.

(2) \$122,000 of the vehicle tire recycling account appropriation is provided solely for implementation of Engrossed Substitute House Bill No. 1671. If the bill is not enacted by June 30, 1989, the amount provided in this subsection shall lapse.

(3) \$92,000 of the solid waste management account appropriation is provided solely for implementing the provisions of Engrossed Substitute House Bill No. 1671. If the bill is not enacted by June 30, 1989, the amount provided in this subsection shall lapse.

NEW SECTION. Sec. 133. FOR THE BOARD OF TAX APPEALS

General Fund Appropriation	\$	1,329,000
<u>NEW SECTION, Sec. 134. FOR THE MUNICIPAL RESEARCH COUNCIL</u>		
General Fund Appropriation	\$	2,212,000
<u>NEW SECTION, Sec. 135. FOR THE UNIFORM LEGISLATION COMMISSION</u>		
General Fund Appropriation	\$	37,000
<u>NEW SECTION, Sec. 136. FOR THE OFFICE OF MINORITY AND WOMEN'S BUSINESS ENTERPRISES</u>		
General Fund Appropriation	\$	2,076,000
<u>NEW SECTION, Sec. 137. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION</u>		
General Fund Appropriation—State	\$	8,576,000
General Fund Appropriation—Federal	\$	1,715,000
General Fund Appropriation—Private/Local	\$	99,000
Motor Vehicle Fund Appropriation	\$	330,000
State Patrol Highway Account Appropriation	\$	228,000
Motor Transport Account Appropriation	\$	10,712,000
General Administration Facilities and Services Revolving Fund		
Appropriation	\$	21,498,000
Total Appropriation	\$	43,158,000

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

(1) The motor vehicle fund appropriation and state patrol highway account appropriation are provided solely for risk management activities related to the motor vehicle fund and the state patrol highway account.

(2) \$471,000 of the motor transport account appropriation is provided solely to establish the office of motor vehicle services as provided in chapter 57, Laws of 1989.

NEW SECTION, Sec. 138. FOR THE DEPARTMENT OF INFORMATION SERVICES

Data Processing Revolving Fund Appropriation	\$	2,392,000
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NEW SECTION, Sec. 139. FOR THE INSURANCE COMMISSIONER

Insurance Commissioner's Regulatory Account Appropriation	\$	12,126,000
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NEW SECTION, Sec. 140. FOR THE BOARD OF ACCOUNTANCY

General Fund Appropriation	\$	443,000
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Certified Public Accountant Examination Account Appropriation	\$	655,000
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Total Appropriation	\$	1,098,000
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NEW SECTION, Sec. 141. FOR THE DEATH INVESTIGATION COUNCIL

Death Investigations Account Appropriation	\$	11,000
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NEW SECTION, Sec. 142. FOR THE BOXING COMMISSION

General Fund Appropriation	\$	139,000
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NEW SECTION, Sec. 143. FOR THE HORSE RACING COMMISSION

Horse Racing Commission Fund Appropriation	\$	4,544,000
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The appropriation in this section is subject to the following conditions and limitations:

(1) If there are more than seven hundred thirty-two racing days during the fiscal biennium ending June 30, 1991, the governor is authorized to allocate such additional moneys from the horse racing commission fund as may be required.

(2) No horse racing commission funds may be used for the purpose of certifying Washington-bred horses under RCW 67.16.075.

NEW SECTION, Sec. 144. FOR THE LIQUOR CONTROL BOARD

Liquor Revolving Fund Appropriation	\$	95,098,000
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NEW SECTION, Sec. 145. FOR THE PHARMACY BOARD

General Fund Appropriation	\$	1,423,000
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NEW SECTION, Sec. 146. FOR THE UTILITIES AND TRANSPORTATION COMMISSION

Public Service Revolving Fund Appropriation	\$	26,245,000
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Grade Crossing Protective Fund Appropriation	\$	320,000
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Total Appropriation	\$	26,565,000
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The appropriations in this section are subject to the following conditions and limitations: \$347,000 of the public service revolving fund appropriation is contingent on the enactment of Engrossed Substitute House Bill No. 1671. If the bill is not enacted by June 30, 1989, the amount provided in this subsection shall lapse.

NEW SECTION, Sec. 147. FOR THE BOARD FOR VOLUNTEER FIREMEN

Volunteer Firefighter's Relief and Pension Administrative Fund Appropriation	\$	315,000
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NEW SECTION, Sec. 148. FOR THE MILITARY DEPARTMENT

General Fund Appropriation—State	\$	8,087,000
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General Fund Appropriation—Federal	\$	6,425,000
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Total Appropriation	\$	14,512,000
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NEW SECTION, Sec. 149. FOR THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

General Fund Appropriation	\$	1,819,000
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PART II
HUMAN SERVICES

NEW SECTION. Sec. 201. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(1) Appropriations made in this act to the department of social and health services shall initially be allotted as required by this act. Subsequent allotment modifications shall not include transfers of moneys between sections of this act except as expressly provided in this act, nor shall allotment modifications permit moneys that are provided solely for a specified purpose to be used for other than that purpose.

(2) The department of social and health services shall not initiate any services that will require expenditure of state general fund moneys unless expressly authorized in this act or other law, or unless the services were provided on March 1, 1989. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, except maternal and child health block grant moneys, those moneys shall be spent for services authorized in this act, and an equal amount of appropriated state general fund moneys shall lapse. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on explicitly defined projects or matched on a formula basis by state funds.

(3) The department of social and health services is authorized to expend federal funds made available by the federal immigration reform and control act, P.L. 99-603, for the purposes contained in that act.

NEW SECTION. Sec. 202. GENERAL VENDOR RATE INCREASES

In granting the vendor rate increases funded by appropriations in sections 201 through 219 of this act which reference this section, the department may vary percentage increases among vendor groups. In order to determine the percentage increases for each vendor group, the department may consider the gap between the vendor group's costs or market rates and department rates, and the extent to which a disproportionate share of the vendor group's revenue or activity is dependent on department clients. The department shall ensure that the overall average rate increase on January 1, 1990, does not exceed three percent and that the average overall increase on January 1, 1991, does not exceed two percent. The department may transfer funds among appropriations for the purposes of this section. In no case may transfers out of a section exceed the amounts appropriated for the purposes of this section. This section does not apply to rates for hospitals and nursing homes reimbursed under chapter 74.46 RCW.

NEW SECTION. Sec. 203. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—
CHILDREN AND FAMILY SERVICES PROGRAM

General Fund Appropriation—State	\$ 262,488,000
General Fund Appropriation—Federal	\$ 161,172,000
Public Safety and Education Account Appropriation	\$ 400,000
Total Appropriation	\$ 424,060,000

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

(1) \$4,152,000 of the general fund—state appropriation and \$293,000 of the general fund—federal appropriation are provided solely for reduction of the average caseloads for child protective and child welfare casework staff to a standard of thirty-two cases per staff.

(2) \$5,812,000 of the general fund—state appropriation is provided solely to expand services to families to reduce the need for family or group foster care. Of the amount provided in this subsection, \$2,560,000 is provided solely for additional homemakers; \$982,000 is provided solely for family reconciliation services (level II); \$1,000,000 is provided solely for home-based services or treatment for families receiving child protective services; and \$1,270,000 is provided solely for increased child care services.

(3) \$400,000 of the public safety and education account appropriation is provided solely to continue training programs under chapter 70.125 RCW for medical personnel regarding victims of sexual abuse. Training provided under this subsection shall be designed to develop regional expertise on identification, verification, and retention of evidence in cases of child sexual abuse.

(4) \$5,090,000 of the general fund—state appropriation and \$591,000 of the general fund—federal appropriation are provided solely to increase rates and services as follows: \$3,210,000 of the general fund—state appropriation and \$591,000 of the general fund—federal appropriation are provided solely for increased treatment and rates for family foster care and child placement agencies; \$500,000 of the general fund—state appropriation is provided solely for increased grants to domestic violence shelter programs; \$200,000 of the general fund—state appropriation is provided solely for increased grants to victims of sexual assault programs; and \$1,180,000 of the general fund—state appropriation is provided solely for increased rates for therapeutic child care.

(5) \$3,926,000 of the general fund—state appropriation is provided solely to increase the number of children served in the employment child care subsidy program.

(6) \$694,000 of the general fund—state appropriation is provided solely for expansion of the homebuilders program in Thurston, King, Skagit, and Jefferson counties.

(7) \$300,000 of the general fund—state appropriation is provided solely for grants for the operation of community-based family support centers. Grants shall be administered and evaluated by the council for prevention of child abuse and neglect. Grantees shall be part of a community interagency team that provides support to families, which support may include, but is not limited to, parenting education and support groups, child development assessments, and information and referral services. As a condition of receiving a grant, grantees shall provide twenty-five percent of the funding for family support centers.

(8) Any federal funds not anticipated in this act received for the purpose of maternal and child health services may be spent to increase county health department services to families with young children, including home visits, preventive health care, nutrition, and other services.

(9) \$5,133,000 of the general fund—state appropriation and \$2,559,000 of the general fund—federal appropriation are provided solely for vendor rate increases for vendors providing services to the children and family services program, as specified in section 202 of this act.

(10) \$2,020,000 of the general fund—state appropriation is provided solely for foster care diversion projects established under section 203(15), chapter 289, Laws of 1988. The department shall continue or expand those projects showing positive outcomes in both benefits to families and cost neutrality. The department shall report to the appropriate committees of the legislature by January 8, 1990, on these projects. The reports shall include a description of each project, the cost of each project, and an assessment of its effectiveness.

(11) \$250,000 of the general fund—state appropriation is provided solely for employer-related child care activities, including outreach and technical assistance to employers, by the department of social and health services or community-based child care resource and referral agencies as outlined in Engrossed Substitute House Bill No. 1133 and Second Substitute Senate Bill No. 6051. No moneys provided in this subsection may be spent for grants or loans to employers.

(12) \$500,000 of the general fund—state appropriation is provided solely for continuation of the "continuum of care" projects as provided for in section 203(15), chapter 289, Laws of 1988, through June 30, 1990.

**NEW SECTION, Sec. 204. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—
JUVENILE REHABILITATION PROGRAM**

(1) COMMUNITY SERVICES

General Fund Appropriation—State	\$	33,512,000
General Fund Appropriation—Federal	\$	134,000
Total Appropriation	\$	33,646,000

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

(a) \$418,000 of the general fund—state appropriation is provided solely for vendor rate increases for vendors providing service to the juvenile rehabilitation program, as specified in section 202 of this act.

(b) \$554,000 of the general fund—state appropriation is provided solely to accommodate offender population increases resulting from the policies of the juvenile disposition standards board.

(2) INSTITUTIONAL SERVICES

General Fund Appropriation—State	\$	47,370,000
General Fund Appropriation—Federal	\$	871,000
Total Appropriation	\$	48,241,000

The appropriations in this section are subject to the following conditions and limitations: The department shall develop a long-range plan for the future status of institutional programs and facilities. The plan shall be presented to the appropriate policy and fiscal committees of the senate and house of representatives by January 8, 1990, and shall address in detail:

- (a) Offenders who can be diverted to community programs;
- (b) Community programs necessary to successfully divert offenders from state facilities;
- (c) Programs and facilities most appropriate for offenders requiring incarceration in state facilities;
- (d) The costs to state and local organizations to accomplish the plan; and
- (e) Policy changes necessary to accomplish the plan.

(3) PROGRAM SUPPORT

General Fund Appropriation	\$	2,905,000
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**NEW SECTION, Sec. 205. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—
MENTAL HEALTH PROGRAM**

(1) COMMUNITY SERVICES

General Fund Appropriation—State	\$	168,222,000
General Fund Appropriation—Federal	\$	91,552,000
General Fund Appropriation—Local	\$	3,360,000
Total Appropriation	\$	263,134,000

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

(a) A maximum of \$33,012,000 of the general fund—state appropriation and \$16,057,000 of the general fund—federal appropriation are provided for approved regional network plans through contracts negotiated with the secretary of social and health services.

(i) It is the intent of the legislature to implement mental health reform on a multi-year schedule. Dramatic escalation of costs for new programs would impair the state's ability to proceed with subsequent expansion. The contracts shall contain a fiscal plan that will ensure that the increased cost of maintaining fiscal year 1991 programs in fiscal year 1992 will not unduly exceed the rate of inflation. Of the amounts provided in this subsection, a maximum of \$500,000 from the general fund—state appropriation may be used for planning and technical assistance grants to counties or regions wishing to form networks. The amounts in this subsection include moneys needed to implement the federal omnibus budget and reconciliation act of 1987 ("OBRA"). First priority for necessary mental health services shall be given to individuals transferred from nursing homes because of OBRA. Such services shall be consistent with an individual's discharge plan and shall include residential services, if needed. Assumptions regarding the number of transfers from the nursing homes shall be incorporated into each contract and shall be consistent with the state-wide plan. The department shall coordinate OBRA transfers consistent with the provisions of each contract. The secretary shall negotiate contracts with networks from areas comprising no more than two-thirds of the state's population. Contracts shall be negotiated in at least two competitive rounds. The first round of contracts shall be effective no later than January 1, 1990. The last round of contracts shall be effective no later than March 1, 1990.

(ii) The department shall continue contracting directly for the Kitsap mental health services residential care alternative project until such time as Kitsap county becomes or joins a regional support network. The reimbursement rate per available bed-day shall not exceed \$206 in fiscal year 1990 and \$210 in fiscal year 1991. During the contract period, all eligible involuntary treatment referrals for Kitsap county residents shall be made to the project. No involuntary referrals shall be made to western state hospital unless the Kitsap residential treatment facility is filled to capacity and the mental health division and the Kitsap county mental health coordinator concur with the referral. Priority for referral to western state hospital shall be given to individuals under ninety-day or one hundred eighty-day commitments and individuals who have exhausted all community placement options.

(iii) The department may continue to contract directly with Chartley house until King county joins or becomes a regional support network.

(b) \$2,000,000 of the general fund—state appropriation is provided solely for a mental health housing reserve. The secretary of social and health services shall transfer funds from the reserve to the state hospitals in any quarter in which hospital census exceeds the December 1988 forecast adjusted to eliminate the bed contract assumption. Any amount remaining after March 1991 may be used for one-time grants. In making grants, the secretary shall give priority to proposals that facilitate network development, demonstrate integration with other mental health services, and are designed to reduce involuntary treatment.

(c) \$5,500,000 of the general fund—state appropriation is provided solely for increases for involuntary treatment act administration, including costs associated with involuntary medication hearings.

(d) \$2,200,000 of the general fund—state appropriation is provided solely for information system requirements associated with chapter 205, Laws of 1989.

(e) \$600,000 of the general fund—state appropriation and \$400,000 of the general fund—federal appropriation are provided solely for increasing local hospital outlier payments.

(f) \$1,400,000 of the general fund—state appropriation and \$500,000 of the general fund—federal appropriation are for community mental health services for children. Priority for the remaining moneys shall be given to maintaining Title XIX eligibility for children's outpatient services at risk of losing federal financial participation because of lack of state match.

(g) \$3,509,000 of the general fund—state appropriation and \$1,322,000 of the general fund—federal appropriation are for vendor rate increases for vendors providing services to the mental health program, as specified in section 202 of this act.

(2) INSTITUTIONAL SERVICES

General Fund Appropriation—State	\$	205,687,000
General Fund Appropriation—Federal	\$	10,809,000
Total Appropriation	\$	216,496,000

The appropriations in this subsection are subject to the following conditions and limitations: \$9,026,000 of the general fund—state appropriation and \$560,000 of the general fund—federal appropriation are provided for improvements at state mental hospitals. Of these amounts, it is intended that:

(a) \$56,000 is for start-up of an employee day care facility to enhance staff recruitment and retention.

(b) \$500,000 is for staff recruitment, retention, and development activities which includes but is not limited to continuing education, inservice training, and scholarships for staff training to become registered nurses.

(c) \$2,920,000 is for improving housekeeping and maintenance.

(d) \$2,750,000 is for improved staffing at the state hospitals.

(e) \$2,550,000 is for research and teaching activities in cooperation with universities, colleges, community colleges, and vocational technical institutes. In developing these relationships, the secretary shall give highest priority to activities which improve staff recruitment, retention, and development and contribute to improving quality of care.

(f) \$100,000 is for the nurses conditional scholarship program established in chapter 242, Laws of 1988. The department shall transfer \$100,000 to the higher education coordinating board for the purposes of this section. The moneys transferred to the board shall be used only for nurses who agree to serve at the state hospitals or who agree to serve community mental health providers in underserved areas.

(3) PROGRAM SUPPORT

General Fund Appropriation—State	\$	3,347,000
General Fund Appropriation—Federal	\$	1,379,000
Total Appropriation	\$	4,726,000

(4) SPECIAL PROJECTS

General Fund Appropriation—State	\$	1,258,000
General Fund Appropriation—Federal	\$	2,966,000
Total Appropriation	\$	4,224,000

The appropriation in this subsection is subject to the following conditions and limitations: \$600,000 of the general fund—state appropriation is provided solely to expand the primary intervention program to ten additional school districts beginning in 1989-90.

**NEW SECTION, Sec. 206. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—
DEVELOPMENTAL DISABILITIES PROGRAM**

(1) COMMUNITY SERVICES

General Fund Appropriation—State	\$	104,169,000
General Fund Appropriation—Federal	\$	85,326,000
Total Appropriation	\$	189,495,000

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

(a) \$992,000 of the general fund—state appropriation and \$669,000 of the general fund—federal appropriation are provided solely to provide additional funding for the Sunrise group homes congregate care facilities and the St. Margaret's Hall congregate care facility, and to establish a pilot group home project for the Special Homes organization. The department may transfer up to \$238,000 of the general fund—state appropriation provided in the long-term care services program to this subsection to provide additional funding for Sunrise group homes.

(b) \$417,000 of the general fund—state appropriation and \$477,000 of the general fund—federal appropriation are provided solely to transfer twenty-eight residents of the united cerebral palsy program to community-based residential programs.

(c) \$2,785,000 of the general fund—state appropriation and \$1,413,000 of the general fund—federal appropriation are provided solely for vendor rate increases for vendors providing services to the developmental disabilities program, as specified in section 202 of this act.

(d) To the extent feasible, the department shall enable at least twenty-two developmentally disabled persons, initially from Clark county, who have been transferred from residential habilitation centers due to downsizing to receive residential and day programming services in Clark county.

(2) INSTITUTIONAL SERVICES

General Fund Appropriation—State	\$	104,849,000
General Fund Appropriation—Federal	\$	117,487,000
Total Appropriation	\$	222,336,000

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

(a) \$1,000,000 of the general fund—state appropriation and \$675,000 of the general fund—federal appropriation are provided solely to fund the provisions of Engrossed Substitute House Bill No. 1051. If Engrossed Substitute House Bill No. 1051 is not enacted by June 30, 1989, the amounts provided in this subsection shall lapse.

(b) \$150,000 of the general fund—state appropriation may be used to provide day programming services to residents of the Frances Haddon Morgan Center.

(3) PROGRAM SUPPORT

General Fund Appropriation—State	\$	3,879,000
General Fund Appropriation—Federal	\$	626,000
Total Appropriation	\$	4,505,000

**NEW SECTION, Sec. 207. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—
LONG-TERM CARE SERVICES**

General Fund Appropriation—State	\$	445,753,000
General Fund Appropriation—Federal	\$	499,185,000

General Fund Appropriation—Local	\$	296,000
Total Appropriation	\$	945,234,000

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

- (1) Nursing home rates shall be adjusted for inflation under RCW 74.46.495 by 4.7 percent on July 1, 1989, and 4.7 percent on July 1, 1990.
- (2) \$3,200,000 of the general fund—state appropriation is provided solely to enhance respite care services.
- (3) The department shall provide personal care services for Title XIX categorically eligible persons, effective July 1, 1989. Personal care services shall be provided to eligible persons with one or more personal care needs who meet program eligibility standards established by rule pursuant to chapter 34.05 RCW.
- (4) \$2,100,000 of the general fund—state appropriation and \$700,000 of the general fund—federal appropriation are provided solely to increase medical benefits for contracted chore service workers, contracted personal care workers, and contracted COPES workers.
- (5) The department shall request an amendment to its community options program entry system waiver under section 1905(c) of the federal social security act to include respite services as a service available under the waiver.
- (6) At least \$16,050,420 of the general fund—state appropriation shall initially be allotted for implementation of the senior citizens services act. However, at least \$1,265,000 of this amount shall be used solely for programs that use volunteer workers for the provision of chore services to persons whose need for chore services is not being met by the chore services program.
- (7) \$2,179,000 of the general fund—state appropriation and \$2,464,000 of the general fund—federal appropriation are provided solely for expansion of the community options entry program.
- (8) \$700,000 of the general fund—state appropriation is provided for new and expanded volunteer chore services.
- (9) \$4,270,000 of the general fund—state appropriation and \$813,000 of the general fund—federal appropriation are provided solely for vendor rate increases for vendors providing services to long-term care services, as specified in section 202 of this act.
- (10) \$500,000 of the general fund—state appropriation is provided solely to enhance quality assurance for adult family homes through enhanced survey, licensing, and contracted consultation activities. If House Bill No. 1968 is not enacted by June 30, 1989, the amount provided in this subsection shall lapse.
- (11) In addition to the adjustments for inflation set forth in subsection (1) of this section, \$1,410,000 of the general fund—state appropriation and \$1,590,000 of the general fund—federal appropriation are provided solely for a special prospective inflation adjustment for the nursing services cost center. The special adjustment shall go into effect July 1, 1989, and shall be set at a level to ensure that the amount provided in this subsection is sufficient to fund the special adjustment through June 30, 1991. The special adjustment shall be used only to fund wages and benefits and shall not be used to fund nursing pool expenses. The legislature finds that medicaid reimbursement rates, in every cost center and rate period, are and have been adequate, without enhancements, to meet costs that must be incurred by economically operated nursing care in compliance with all state or federal health and safety standards.
- (12) \$3,686,000, of which \$1,596,000 is from the general fund—state appropriation, is provided solely for the maximum needs allowance for at-home spouses of nursing home residents as provided in chapter 87, Laws of 1989. The maximum needs allowance is set at \$1,000 per month per at-home spouse.

NEW SECTION, Sec. 208. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—INCOME ASSISTANCE PROGRAM

General Fund Appropriation—State	\$	374,337,000
General Fund Appropriation—Federal	\$	406,084,000
Total Appropriation	\$	780,421,000

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

- (1) \$8,661,000 of the general fund—state appropriation and \$10,026,000 of the general fund—federal appropriation are provided solely for a two percent standard increase beginning January 1, 1990, for the aid to families with dependent children, noncontinuing general assistance, and refugee assistance programs.
- (2) Payment levels in the programs for aid to families with dependent children, general assistance, and refugee assistance shall contain an energy allowance to offset the costs of energy. The allowance shall be excluded from consideration as income for the purpose of determining eligibility and benefit levels of the food stamp program to the maximum extent such exclusion is authorized under federal law and RCW 74.08.046. To this end, up to \$200,000,000 of the income assistance payments is so designated for exemptions of the following amounts:

Family size:	1	2	3	4	5	6	7	8 or more
Exemption:	\$36	47	56	67	77	87	101	111

(3) No funds are provided under this section for the consolidated emergency assistance program. The department of social and health services shall eliminate the program as of July 1, 1989.

(4) \$250,000 of the general fund—state appropriation and \$117,000 of the general fund—federal appropriation are provided solely for vendor rate increases for vendors providing services for the income assistance program, as specified in section 202 of this act.

(5) The department shall expand the family independence program by four sites to a total of fifteen sites.

(6) Moneys from these appropriations may be spent for general assistance programs not included in section 209 of this act.

NEW SECTION. Sec. 209. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—GENERAL ASSISTANCE—UNEMPLOYABLE PROGRAM

General Fund Appropriation—State	\$	69,550,000
General Fund Appropriation—Federal	\$	418,000
Total Appropriation	\$	69,968,000

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

(1) The department shall conserve the moneys from this appropriation so that assistance is available throughout the 1989-91 biennium.

(2) \$1,379,000 of the general fund—state appropriation is provided solely for a two percent standard increase beginning January 1, 1990, for the general assistance—unemployable program.

NEW SECTION. Sec. 210. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—COMMUNITY SOCIAL SERVICES PROGRAM

General Fund Appropriation—State	\$	28,872,000
General Fund Appropriation—Federal	\$	17,651,000
Total Appropriation	\$	46,523,000

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

(1) \$1,204,000 of the general fund—state appropriation and \$32,000 of the general fund—federal appropriation are provided solely for vendor rate increases for vendors providing services for the community social service program, as specified in section 202 of this act.

(2) \$700,000 of the general fund—state appropriation is provided solely to expand refugee assistance services.

(3) In order to achieve a more equitable rate structure, the department, in consultation with affected parties, shall revise its rates for vendors providing services for the alcohol and drug addiction treatment and support program by reducing outpatient treatment rates and increasing inpatient treatment rates.

NEW SECTION. Sec. 211. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—ALCOHOL AND DRUG TREATMENT AND SUPPORT PROGRAM—ASSESSMENT AND TREATMENT

General Fund Appropriation—State	\$	17,116,000
General Fund Appropriation—Federal	\$	9,948,000
Total Appropriation	\$	27,064,000

The appropriation in this section is subject to the following conditions and limitations: This appropriation is provided solely for assessment and treatment services under the alcohol and drug addiction treatment and support act and is the maximum amount that may be spent for those services. First priority for receipt of inpatient and outpatient treatment services shall be given to pregnant women and parents of young children. The department shall conserve the moneys from this appropriation so that services are available throughout the 1989-91 biennium.

NEW SECTION. Sec. 212. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—ALCOHOL AND DRUG TREATMENT AND SUPPORT PROGRAM—SHELTER

General Fund Appropriation	\$	10,639,000
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The appropriation in this section is subject to the following conditions and limitations:

(1) This appropriation is provided solely for shelter services under the alcohol and drug addiction treatment and support act and is the maximum amount that may be spent for those services. The department shall conserve the moneys from this appropriation so that services are available throughout the 1989-91 biennium.

(2) A person is eligible for shelter services provided by this appropriation only if he or she:

(a) Meets the financial eligibility requirements contained in RCW 74.04.005;

(b) Is incapacitated from gainful employment due to a condition contained in (c) of this subsection, which incapacity will likely continue for a minimum of sixty days; and

(c) (i) Suffers from active addiction to alcohol or drugs manifested by physiological or organic damage resulting in functional limitation, based on documented evidence from a physician, psychologist, or alcohol or drug treatment professional who is determined by the department to be qualified to make this finding; or

(ii) Suffers from active addiction to alcohol or drugs to the extent that impairment of the applicant's cognitive ability will not dissipate with sobriety or detoxification, based on documented evidence from a physician, psychologist, or alcohol or drug treatment professional who is determined by the department to be qualified to make this finding.

(3) Any rule by the department pursuant to section 2, chapter 3, Laws of 1989, as amended, shall be consistent with these conditions and limitations.

(4) Consistent with RCW 74.50.010(7), the department shall aggressively develop and contract for shelter services, including dormitory-style shelters.

NEW SECTION. Sec. 213. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—MEDICAL ASSISTANCE PROGRAM

General Fund Appropriation—State	\$	688,479,000
General Fund Appropriation—Federal	\$	666,599,000
Total Appropriation	\$	1,355,078,000

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

(1) The department is authorized under 42 U.S.C. Sec. 1396b(a)(1) to pay third-party health insurance premiums for categorically needy medical assistance recipients upon a determination that payment of the health insurance premium is cost effective. In determining cost effectiveness, the department shall compare the amount, duration, and scope of coverage offered under the medical assistance program.

(2) The senate committee on ways and means and the house of representatives committee on appropriations shall jointly contract for a management and financial study of Harborview medical center, for the purpose of determining whether the cause of the actual and projected operating losses experienced by Harborview medical center are attributable to management practices within the hospital itself, or whether they are fundamentally attributable to the context in which the hospital operates.

(3) The department shall continue variable ratable reductions for the medically indigent and general assistance—unemployable programs in effect November 1, 1988.

(4) \$7,014,000 of the general fund—state appropriation and \$6,928,000 of the general fund—federal appropriation are provided solely for vendor rate increases for vendors providing services to the medical assistance program, as specified in section 202 of this act.

(5) In order to increase coordination and visibility of the state's overall mental health effort, a maximum of \$37,158,000 of the general fund—state appropriation, and a maximum of \$39,921,000 of the general fund—federal appropriation may be transferred to the mental health program. The department shall report to the house of representatives committee on appropriations and senate ways and means committee on any adjustments needed to this act to implement this subsection. It is the intent of the legislature that providers providing services funded by the amounts provided in this subsection shall receive the vendor increases provided in this section.

(6) \$14,473,000 of the general fund—state appropriation and \$17,566,000 of the general fund—federal appropriation are provided solely for the adult dental program for Title XIX categorically eligible and medically needy persons.

(7) The department of social and health services shall not provide payment for chiropractic services under chapter 74.09 RCW.

(8) \$12,200,000 of the general fund—state appropriation and \$14,254,000 of the general fund—federal appropriation are provided solely to increase medicaid disproportionate share payments to eligible hospitals. The department shall expend fifty-seven percent of the combined appropriations in fiscal year 1990. The remainder shall be for payments during fiscal year 1991. The department may use a hospital's low-income utilization rate, as defined in 42 U.S.C.A. § 1396a (a)(13)(A) sec. 4112 (b)(c), as the variable for determining disproportionate share payments. The department shall continue to provide vendor payment advances to Harborview medical center. A total of at least \$28,162,000 in disproportionate share payments shall be provided to Harborview medical center.

NEW SECTION. Sec. 214. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—PUBLIC HEALTH PROGRAM

General Fund Appropriation—State	\$	60,308,000
General Fund Appropriation—Federal	\$	14,468,000
General Fund Appropriation—Local	\$	10,951,000
Public Safety and Education Account Appropriation	\$	200,000
State Toxics Control Account Appropriation	\$	828,000
Total Appropriation	\$	86,755,000

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

(1) \$1,600,000 of the general fund—state appropriation is provided solely for continuation of the state drinking water program.

(2) \$4,000,000 of the general fund—state appropriation is provided solely to enhance funding for AIDS education, high-risk intervention, counseling and testing, case management, continuum of care, and coordination and planning activities through the regional AIDSNET program established by chapter 70.24 RCW. State moneys provided for AIDSNET activities may not be used to supplant other funds. The office on AIDS, established by RCW 70.24.250, shall require AIDSNET lead counties to develop regional service plans which meet state standards for uniformity and consistency. The state standards shall ensure that all the provisions of RCW 70.24.400(3) are implemented uniformly throughout the state.

(3) \$1,000,000 of the general fund—state appropriation is provided solely to increase in equal percentages medical and dental services provided through community health clinics. A maximum of \$100,000 of the amount provided in this subsection may be used to contract with new providers. \$900,000 of this amount shall be allocated to contractors who were contractors in fiscal year 1989, prorated according to the percentage of total fiscal year 1989 contract funds received by each contractor.

(4) In allocating money to community health clinics, the department shall ensure that each clinic receives at least ninety-five percent of the amount received in the prior fiscal year. The department shall promulgate rules under chapter 34.05 RCW to develop an allocation formula for distributing money to community health clinics, and to develop eligibility criteria for receipt of program moneys.

(5) \$150,000 of the state toxics control account appropriation is provided solely to contract with the University of Washington for toxicology research, evaluation, and technical assistance regarding health risks of toxic substances.

(6) \$200,000 of the public safety and education account is provided solely for a study of the trauma care system.

**NEW SECTION, Sec. 215. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—
VOCATIONAL REHABILITATION PROGRAM**

General Fund Appropriation—State	\$	13,114,000
General Fund Appropriation—Federal	\$	51,032,000
Total Appropriation	\$	64,146,000

The appropriations in this section are subject to the following conditions and limitations: \$75,000 of the general fund—state appropriation is provided solely for vendor rate increases for vendors providing services to the vocational rehabilitation program, as specified in section 202 of this act.

**NEW SECTION, Sec. 216. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—
ADMINISTRATION AND SUPPORTING SERVICES PROGRAM**

General Fund Appropriation—State	\$	55,295,000
General Fund Appropriation—Federal	\$	36,264,000
Institutional Impact Account Appropriation	\$	80,000
Total Appropriation	\$	91,639,000

The appropriations in this section are subject to the following conditions and limitations: \$666,000 of the general fund—state appropriation is provided solely to enhance the department's accounting system.

**NEW SECTION, Sec. 217. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—
COMMUNITY SERVICES ADMINISTRATION PROGRAM**

General Fund Appropriation—State	\$	165,471,000
General Fund Appropriation—Federal	\$	188,304,000
Total Appropriation	\$	353,775,000

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

(1) \$3,178,000 of the general fund—state appropriation is provided solely to expand the supplemental security income pilot project state-wide.

(2) \$454,000 of the general fund—state appropriation and \$840,000 of the general fund—federal appropriation are provided solely to expand the patient-requiring-regulation program and provider review program of the division of medical assistance.

(3) \$1,000,000 of the general fund—state appropriation and \$1,000,000 of the general fund—federal appropriation are provided solely for transfer by interagency agreement to the Washington state institute for public policy to continue to conduct a longitudinal study of public assistance recipients, pursuant to section 14, chapter 434, Laws of 1987.

(4) \$600,000 of the general fund—state appropriation and \$1,149,000 of the general fund—federal appropriation are provided solely for transfer by July 1, 1989, by interagency agreement to the legislative budget committee for the purpose of an independent evaluation of the family independence program as required by section 14, chapter 434, Laws of 1987.

(5) \$102,000 of the general fund—state appropriation and \$306,000 of the general fund—federal appropriation are provided solely for the department of social and health services and the employment security department for costs associated with the evaluation of the family independence program.

(6) \$137,000 of the general fund—state appropriation is provided solely for vendor rate increases for vendors providing services to the community services program, as specified in section 202 of this act.

(7)(a) \$668,000 of the general fund—state appropriation and \$518,000 of the general fund—federal appropriation are provided solely to continue the complaint backlog project to investigate and process backlogged public assistance and food stamp fraud complaints. The department shall assign additional staff under this subsection with the goals of (i) eliminating the complaint backlog existing as of June 30, 1989, by March 1990, and (ii) maximizing overpayment recoveries during the biennium ending June 30, 1991.

(b) Expenditures for the purposes of this subsection shall be charged to a unique identifier in the department's accounting system. The department shall collect necessary data on the

backlogged complaints and report to the legislative budget committee on December 1, 1989, and December 1, 1990, regarding the utilization, performance, and cost-effectiveness of the additional funding provided for complaint backlog work by this section.

NEW SECTION. Sec. 218. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—REVENUE COLLECTIONS PROGRAM

General Fund Appropriation—State	\$	39,600,000
General Fund Appropriation—Federal	\$	70,728,000
General Fund Appropriation—Local	\$	949,000
Total Appropriation	\$	111,277,000

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

(1) \$2,391,000 of the general fund—state appropriation and \$4,696,000 of the general fund—federal appropriation are provided solely for the enforcement of health insurance provisions of child support orders pursuant to Substitute House Bill No. 1547 (medical support enforcement). If the bill is not enacted by June 30, 1989, the amounts provided in this subsection shall lapse.

(2) \$3,419,000 of the general fund—state appropriation and \$6,786,000 of the general fund—federal appropriation are provided solely to implement the requirements of the family support act.

(3) \$1,800,000 of the general fund—state appropriation, \$4,940,000 of the general fund—federal appropriation, and \$706,000 of the general fund—local appropriation are provided solely to implement recommendations made to the office of support enforcement by the efficiency commission. Authority to expend \$1,115,000 of the general fund—state appropriation, \$3,059,000 of the general fund—federal appropriation, and \$438,000 of the general fund—local appropriation for information projects named in this subsection is conditioned on compliance with section 802 of this act. For the purposes of this subsection, "information systems projects" means the projects known by the following name or successor names: Office of support enforcement case tracking and collection.

(4) \$1,429,000 of the general fund—state appropriation, \$828,000 of the general fund—federal appropriation, and \$43,000 of the general fund—local appropriation are provided solely for information systems projects named in this subsection for which work will commence or continue in this biennium. Authority to expend these funds is conditioned upon compliance with section 802 of this act. For the purposes of this subsection, "information systems projects" means the projects known by the following names or successor names: Office of financial recovery accounts receivable management system.

(5) \$207,000 of the general fund—state appropriation and \$403,000 of the general fund—federal appropriation are provided solely for the implementation of the employer reporting amendments to RCW 26.23.040 contained in House Bill No. 1635 (support enforcement). If these amendments are not enacted by June 30, 1989, the amounts provided in this subsection shall lapse.

(6) \$273,000 of the general fund—state appropriation is provided solely for increased foster care support collections. In an effort to provide assistance, protection, and temporary care for children who require out-of-home placement, and to recognize the responsibility and ability of some parents to participate financially in such care, the department shall establish a financial participation plan including at least the following components:

(a) A financial participation schedule for use in assessing natural or adoptive parents of minor children receiving out-of-home residential care that is provided or funded by the department, as follows: The maximum amount of annual financial participation by parent(s) for services received shall be determined by subtracting one-half of the state median income adjusted for family size from annual gross income for the previous calendar year, and multiplying the result by a percentage based on the following sliding scale:

ANNUAL GROSS INCOME	PERCENT
Less than \$16,000	10
\$16,000 to \$21,000	12
\$21,000 to \$26,000	14
\$26,000 to \$31,000	16
\$31,000 to \$36,000	18
\$36,000 or more	20

(b) Family size for the purpose of this section is that number of exemptions for the minor's family allowed by federal income tax regulations.

(c) Persons assessed under this section may include parents, adoptive parents, or other responsible parties. A representative payee, fiduciary, or legal guardian of the recipient minor is a responsible party only to the extent of the benefits received, assets of the estate, or both.

(d) No services to minor children shall be denied due to the inability or refusal of a responsible party to pay for services previously provided.

NEW SECTION. Sec. 219. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—PAYMENTS TO OTHER AGENCIES PROGRAM

General Fund Appropriation—State	\$	38,187,000
General Fund Appropriation—Federal	\$	17,041,000

Total Appropriation	\$	55,228,000
NEW SECTION, Sec. 220. FOR THE WASHINGTON STATE HEALTH CARE AUTHORITY		
State Employees Insurance Administrative Account Appropriation	\$	6,203,000
NEW SECTION, Sec. 221. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT		
General Fund Appropriation—State	\$	58,487,000
General Fund Appropriation—Federal	\$	124,725,000
General Fund Appropriation—Private/Local	\$	269,000
Building Code Council Account Appropriation	\$	809,000
Public Works Assistance Account Appropriation	\$	933,000
Fire Service Training Account Appropriation	\$	750,000
State Toxics Control Account Appropriation	\$	519,000
Low Income Weatherization Account Appropriation	\$	8,007,000
Washington Housing Trust Fund Appropriation	\$	3,500,000
Total Appropriation	\$	197,999,000

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

(1) \$400,000 of the general fund—state appropriation is provided solely for a state-wide stabilization program for arts organizations that have annual budgets exceeding \$200,000. No portion of this amount may be expended for a grant without a match of an equal portion from nonstate sources. No organization shall be eligible for such a grant unless it has operated without a deficit for at least the previous two years. A maximum of \$200,000 of this appropriation may be expended for grants in any single county.

(2) \$200,000 of the general fund—state appropriation is provided solely for development of a state-wide food stamp assistance outreach program. No portion of this amount may be expended without a match of an equal amount from federal funds.

(3) \$3,500,000 of the general fund—state appropriation is provided solely for security costs associated with the goodwill games, subject to the following conditions and limitations:

(a) A maximum of \$1,500,000 may be expended by the department to develop, in consultation with the Washington state patrol, local governments, the Seattle goodwill games organizing committee, and appropriate federal authorities, a coordinated security plan for the 1990 goodwill games.

(b) The security plan shall contain an assessment of the security requirements for the goodwill games; a definition of the policy goals; and a description of the roles and responsibilities of federal, state, and local agencies in preparing and implementing the plan. The plan shall contain a detailed security plan element for the athletes village and for each of the local event venues. The plan shall provide a detailed budget that outlines how federal, state, local government resources, and Seattle goodwill games organizing committee resources will be used to meet the financial requirements of the plan. The plan shall consider the experiences of other states in providing security for such events. The plan shall be completed no later than November 1, 1989, and shall be submitted to the appropriate committees of the legislature no later than January 8, 1990.

(c) Other than expenditures for developing the plan, no portion of the amount provided in this subsection may be expended unless the plan has been completed and the expenditure complies with the plan and with the following conditions and limitations:

(i) The department shall provide in full for the entire budget requirement from the amount provided in this subsection contained in the plan for the Washington state patrol.

(ii) No more than \$200,000 of the amount provided in this subsection may be expended for administration of the plan.

(iii) The remainder of the amount provided in this subsection shall be allocated to local governments.

(iv) Only direct personnel costs related to event security shall be eligible for general fund—state reimbursement. Local revenue losses and expenses for reducing normal workloads shall not be eligible for reimbursement.

(v) No amount shall be expended for local governments prior to an agreement by the Seattle goodwill games organizing committee to contribute at least \$2,000,000 to local governments to help defray the costs of preparing and implementing the security plan. The agreement by the Seattle goodwill games organizing committee shall also indemnify the state from any liability resulting from the games.

(4) \$3,000,000 of the general fund—state appropriation is provided solely for grants to emergency shelters.

(5) \$526,000 of the general fund—state appropriation is provided solely for the department's emergency food assistance program.

(6) \$250,000 of the general fund—state appropriation is provided solely for providing representation to indigent persons in dependency proceedings under chapter 13.34 RCW.

(7) \$13,900,000 of the general fund—state appropriation is provided solely to increase the number of children enrolled in the early childhood education program.

(8) \$120,000 is provided solely for the department to provide grants to nonprofit organizations for the purpose of locating at least one additional reemployment center in areas of the state adversely impacted by reductions in timber harvested from federal lands. Each center

shall provide direct and referral services to the unemployed. These services may include but are not limited to reemployment assistance, medical services, social services including marital counseling, mortgage foreclosure and utility problem counseling, drug and alcohol abuse counseling, credit counseling, and other services deemed appropriate. These services shall not supplant the on-going efforts of any reemployment centers existing on the effective date of this act. Not more than five percent of this amount may be used for administrative costs of the department.

(9) By January 8, 1990, the department shall report to the legislature on the distribution and amount of grants to bordertowns. It is intended that the level of funding provided for this purpose under RCW 66.08.190 through 66.08.195 to bordertowns shall remain substantially equal to the current level of expenditures.

(10) \$307,000 of the general fund—state appropriation is provided solely for the department to continue homeport activities.

(11) \$200,000 of the general fund—state appropriation is provided solely to assist Okanogan county with planning activities to address impacts associated with major tourism developments.

(12) \$475,000 of the general fund—state appropriation is provided solely for the Lewis county technology demonstration project. This amount constitutes the final state contribution to the project.

(13) \$75,000 of the general fund—state appropriation is provided solely for increased grants to public radio and television stations, consistent with RCW 43.63A.410 through 43.63A.420. In determining the allocation of grants to stations, the department shall strive to provide rural stations equitable access to these funds.

(14) \$200,000 of the general fund—state appropriation is provided solely for a pilot rural revitalization program.

(15) \$150,000 of the general fund—state appropriation is provided solely for the department to contract with the University of Washington for development and continuation of the children's telecommunication project.

(16) \$200,000 of the general fund—state appropriation is provided solely to enhance the long-term care ombudsman program.

(17) \$400,000 of the general fund—state appropriation is provided solely for a pilot demonstration project for high-risk youth pursuant to Engrossed Second Substitute Senate Bill No. 5624. On or before November 1, 1990, the department shall report to the senate children and family services committee and the house of representatives human services committee on the status of this project. If the bill is not enacted by June 30, 1989, the amount provided in this subsection shall lapse.

(18) \$350,000 of the general fund—state appropriation is provided solely for the department to establish a temporary commission on Washington state growth strategies. The purpose of the commission is to develop a specific growth strategy for the state which focuses on the Puget Sound region and fast-growing counties having a population exceeding one hundred thousand persons. The strategy shall promote linkage between transportation and land use decisions and shall include specific recommendations to the legislature on ways to enhance regional planning and coordinate state and local decision-making processes. The commission shall consist of seventeen members appointed by the president of the senate and the speaker of the house of representatives representing a balance of the growing geographic regions of the state. Six members shall be from the legislature, including two members from each of the majority caucuses and one member from each of the minority caucuses. The commission shall submit to the legislature by January 1, 1990, a set of preliminary findings, including but not limited to growth planning goals. The commission shall submit its final report to the legislature by January 1, 1991.

NEW SECTION. Sec. 222. FOR THE HUMAN RIGHTS COMMISSION

General Fund Appropriation—State	\$	3,830,000
General Fund Appropriation—Federal	\$	864,000
Total Appropriation	\$	4,694,000

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

(1) \$227,414 of the general fund—state appropriation is provided solely for combined federal and state jurisdiction case management to ensure continuance of current level federal contract reimbursement to the state.

(2) \$550,000 of the general fund—state appropriation is provided solely for legal services provided by the attorney general's office.

NEW SECTION. Sec. 223. FOR THE BOARD OF INDUSTRIAL INSURANCE APPEALS

Public Safety and Education Account Appropriation	\$	324,000
Worker and Community Right-to-Know Account Appropriation	\$	32,000
Accident Fund Appropriation	\$	6,459,000
Medical Aid Fund Appropriation	\$	6,459,000
Total Appropriation	\$	13,274,000

NEW SECTION. Sec. 224. FOR THE CRIMINAL JUSTICE TRAINING COMMISSION

Death Investigations Account Appropriation	\$	35,000
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Public Safety and Education Account Appropriation	\$	8,643,000
Total Appropriation	\$	8,678,000
NEW SECTION, Sec. 225. FOR THE DEPARTMENT OF LABOR AND INDUSTRIES		
General Fund Appropriation	\$	9,277,000
Public Safety and Education Account Appropriation—State	\$	18,334,000
Public Safety and Education Account Appropriation—Federal	\$	2,000,000
Accident Fund Appropriation	\$	100,104,000
Electrical License Fund Appropriation	\$	11,882,000
Farm Labor Revolving Account Appropriation	\$	30,000
Medical Aid Fund Appropriation	\$	119,330,000
Asbestos Account Appropriation	\$	1,314,000
Plumbing Certificate Fund Appropriation	\$	696,000
Pressure Systems Safety Fund Appropriation	\$	1,476,000
Worker and Community Right-to-Know Fund Appropriation	\$	2,406,000
Total Appropriation	\$	266,849,000

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

(1) \$6,596,793 from the accident fund appropriation and \$12,953,328 from the medical aid fund appropriation are provided solely for information systems projects named in this section. Authority to expend these funds is conditioned on compliance with section 802 of this act. For the purposes of this section, "information systems projects" means the projects known by the following names or successor names: Document image processing, improved service level, electronic data interchange, interactive system, and integrated system.

(2) \$300,000 of the general fund—state appropriation is provided solely to fund the provisions of Engrossed Substitute House Bill No. 1581. If the bill is not enacted by June 30, 1989, the amount provided in this subsection shall lapse.

(3) \$216,000 of the worker and community right-to-know appropriation, \$575,000 of the accident fund appropriation, and \$101,000 of the medical fund appropriation are provided to fund the provisions of House Bill No. 2222 (chapter ---, Laws of 1989). If the bill is not enacted by June 30, 1989, the amounts provided in this subsection shall lapse.

NEW SECTION, Sec. 226. FOR THE INDETERMINATE SENTENCE REVIEW BOARD

General Fund Appropriation	\$	3,236,000
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NEW SECTION, Sec. 227. FOR THE DEPARTMENT OF VETERANS AFFAIRS

General Fund Appropriation—State	\$	20,229,000
General Fund Appropriation—Federal	\$	5,726,000
General Fund Appropriation—Local	\$	7,802,000
Total Appropriation	\$	33,757,000

NEW SECTION, Sec. 228. FOR THE DEPARTMENT OF CORRECTIONS

(1) COMMUNITY SERVICES

General Fund Appropriation	\$	74,807,000
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The appropriation in this subsection is subject to the following conditions and limitations: To the extent feasible, the department shall increase the daily board and room charges authorized under RCW 72.65.050 for work release participants to \$15.00.

(2) INSTITUTIONAL SERVICES

General Fund Appropriation	\$	300,806,000
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The appropriation in this subsection is subject to the following conditions and limitations: \$556,000 of the general fund appropriation is provided for offender population increases associated with increased penalties for residential burglaries established in Engrossed Senate Bill No. 5233. If the bill is not enacted by June 30, 1989, this amount shall lapse.

(3) ADMINISTRATION AND PROGRAM SUPPORT

General Fund Appropriation	\$	22,531,000
Institutional Impact Account Appropriation	\$	332,000
Total Appropriation	\$	22,863,000

(4) INSTITUTIONAL INDUSTRIES

General Fund Appropriation	\$	2,622,000
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NEW SECTION, Sec. 229. FOR THE DEPARTMENT OF SERVICES FOR THE BLIND

General Fund Appropriation—State	\$	2,472,000
General Fund Appropriation—Federal	\$	6,987,000
Total Appropriation	\$	9,459,000

NEW SECTION, Sec. 230. FOR THE HOSPITAL COMMISSION

General Fund Appropriation	\$	864,000
Hospital Commission Account Appropriation	\$	821,000
Total Appropriation	\$	1,685,000

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

(1) These appropriations are provided solely for fiscal year 1990.

(2) If Substitute Senate Bill No. 5385 (hospital data collection) is enacted by June 30, 1989, \$432,000 of the general fund appropriation and \$411,000 of the hospital commission account appropriation are provided solely for the purposes of Substitute Senate Bill No. 5385 during fiscal year 1990 and are subject to the following conditions:

(a) If a department of health is created by June 30, 1989, the amounts provided in this subsection shall be transferred to the department of health for the purposes specified in this subsection;

(b) If a department of health is not created by June 30, 1989, the amounts provided in this subsection shall be transferred to the office of financial management for the purposes specified in this subsection.

NEW SECTION. Sec. 231. FOR THE WASHINGTON BASIC HEALTH PLAN

General Fund Appropriation \$ 27,215,000

The appropriation in this section is subject to the following conditions and limitations: The plan may enroll up to 25,000 individuals during the 1989-91 biennium.

NEW SECTION. Sec. 232. FOR THE SENTENCING GUIDELINES COMMISSION

General Fund Appropriation \$ 573,000

NEW SECTION. Sec. 233. FOR THE EMPLOYMENT SECURITY DEPARTMENT

General Fund Appropriation—State \$ 129,000

General Fund Appropriation—Federal \$ 162,308,000

General Fund Appropriation—Local \$ 12,489,000

Administrative Contingency Fund

Appropriation—Federal \$ 8,953,000

Unemployment Compensation Administration Fund Appropria-
tion—Federal \$ 118,169,000

Employment Service Administration Account Appropriation—Fed-
eral \$ 790,000

Employment Service Administration Account Appropriation—State \$ 6,823,000

Federal Interest Payment Fund Appropriation \$ 2,100,000

Total Appropriation \$ 311,761,000

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

(1) \$152,000 of the administrative contingency fund—federal appropriation and \$2,100,000 of the federal interest payment fund appropriation are provided solely for transfer through interagency agreement to the department of social and health services for family independence program employment services.

(2) The department shall provide job placement services for the department of natural resources' forest land management activities. These services shall include widely disseminating information on the availability of work on state forest lands and information on the procedures for bidding on contracts for such work. Priority for these services shall be given to unemployed individuals who have been employed in the timber industry. The department shall record the number of unemployed timber workers who obtain employment through the department of natural resources' forest land management activities and shall report its findings to the governor and to the appropriate legislative committees on January 1, 1990, and January 1, 1991.

NEW SECTION. Sec. 234. FOR THE EMPLOYMENT SECURITY DEPARTMENT

\$300,000 from the administrative contingency fund—federal appropriation is appropriated solely for a study of the impact of the state minimum wage increase under chapter 1, Laws of 1989 (initiative 518). The department shall contract with the northwest policy center at the University of Washington and shall cooperate in supplying data to the center for purposes of the study. The center shall choose an advisory committee to advise the center on the design of the study. The committee shall consist of an equal number of economists who supported the minimum wage initiative and who opposed the initiative, and an equal number of representatives of labor and of business. The minimum wage study shall include the identification of the affected population of employers and employees, and a survey of a sample of the affected population. The survey instrument shall include questions regarding the longitudinal impact of the initiative on wages, employment, employee hours, employee benefits, tip income, productivity, prices, business closures and openings, social welfare payments, and the demographic characteristics of the affected population. To the extent feasible, the study shall attempt to verify the information provided by survey respondents. The study shall also include a report on minimum wage claims filed with the department of labor and industries. A report of findings shall be presented to the governor and legislature by December 1, 1990.

NEW SECTION. Sec. 235. FOR THE EMPLOYMENT SECURITY DEPARTMENT

\$1,175,000 from the administrative contingency fund—federal is appropriated solely for an interagency agreement with the department of trade and economic development to promote employer involvement in the development of child care services and facilities as provided in Second Substitute Senate Bill No. 6051. Of this amount, \$1,000,000 shall be deposited in the child care expansion grant fund. If the bill is not enacted by June 30, 1989, the amount provided in this section shall lapse.

NEW SECTION. Sec. 236. FOR THE 1991 HUMAN RESOURCES RESERVE ACCOUNT

\$25,839,000, of which \$14,094,000 is from federal funds, is appropriated from the general fund to the 1991 human resources reserve account, which account is hereby created in the state treasury. This appropriation represents the fiscal year 1991 costs to operate the family independence program. All moneys in the 1991 human resources reserve account not appropriated by law for the family independence program by June 30, 1990, may be expended to

implement the job opportunities/basic skills mandate of the federal family support act of 1988 or for the transition of family independence program clients to the aid to families with dependent children program.

PART III
NATURAL RESOURCES

NEW SECTION, Sec. 301. FOR THE STATE ENERGY OFFICE

General Fund Appropriation—State	\$	2,086,000
General Fund Appropriation—Federal	\$	10,832,000
General Fund Appropriation—Private/Local	\$	260,000
Geothermal Account Appropriation—Federal	\$	22,000
Building Code Council Account Appropriation	\$	40,000
Solid Waste Management Account Appropriation	\$	150,000
Total Appropriation	\$	13,390,000

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

(1) The entire solid waste management account appropriation is provided solely to implement the energy-related provisions of Engrossed Substitute House Bill No. 1671. If the bill is not enacted by June 30, 1989, the solid waste management account appropriation is null and void.

(2) \$153,000 of the general fund—state appropriation is provided solely to implement Substitute Senate Bill No. 5174 (state hydropower plan). If the bill is not enacted by June 30, 1989, the amount provided in this subsection shall lapse.

NEW SECTION, Sec. 302. FOR THE WASHINGTON CENTENNIAL COMMISSION

General Fund Appropriation	\$	1,044,000
State Centennial Commission Account Appropriation	\$	302,000
Total Appropriation	\$	1,346,000

The appropriations in this section are subject to the following conditions and limitations: The general fund appropriation is intended to be the final state contribution to the funding of the centennial commission.

NEW SECTION, Sec. 303. FOR THE COLUMBIA RIVER GORGE COMMISSION

General Fund Appropriation—State	\$	570,000
General Fund Appropriation—Private/Local	\$	580,000
Total Appropriation	\$	1,150,000

NEW SECTION, Sec. 304. FOR THE DEPARTMENT OF ECOLOGY

General Fund Appropriation—State	\$	59,767,000
General Fund Appropriation—Federal	\$	27,024,000
General Fund Appropriation—Private/Local	\$	432,000
Flood Control Assistance Account Appropriation	\$	3,852,000
Special Grass Seed Burning Research Account Appropriation	\$	41,000
Reclamation Revolving Account Appropriation	\$	474,000
Emergency Water Project Revolving Account Appropriation: Appropriated pursuant to chapter 1, Laws of 1977 ex. sess.	\$	389,000
Litter Control Account Appropriation	\$	6,755,000
State and Local Improvements Revolving Account—Waste Disposal Facilities: Appropriated pursuant to chapter 127, Laws of 1972 ex. sess. (Referendum 26)	\$	2,627,000
State and Local Improvements Revolving Account—Waste Disposal Facilities 1980: Appropriated pursuant to chapter 159, Laws of 1980 (Referendum 39)	\$	1,187,000
State and Local Improvements Revolving Account—Water Supply Facilities: Appropriated pursuant to chapter 234, Laws of 1979 ex. sess. (Referendum 38)	\$	1,586,000
Stream Gaging Basic Data Fund Appropriation	\$	142,000
Vehicle Tire Recycling Account Appropriation	\$	6,494,000
Water Quality Account Appropriation	\$	2,551,000
Wood Stove Education Account Appropriation	\$	232,000
Worker and Community Right-to-Know Fund Appropriation	\$	285,000
State Toxics Control Account	\$	26,173,000
Local Toxics Control Account	\$	23,847,000
Water Quality Permit Account Appropriation	\$	7,135,000
Solid Waste Management Account Appropriation	\$	5,600,000
Underground Storage Tank Account Appropriation	\$	3,658,000
Total Appropriation	\$	180,251,000

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

(1) \$344,000 of the general fund—state appropriation is provided solely for costs associated with the development of a single headquarters building.

(2) \$1,010,000 of the general fund—state appropriation is provided solely as an enhancement to the water resources program.

(3) \$250,000 of general fund—state appropriation is provided solely for the initial development of a cost accounting system. Authority to expend these funds is conditioned on compliance with the requirements set forth in section 802 of this act.

(4) A maximum of \$2,209,000 of the general fund—state appropriation may be expended for the auto emissions inspection and maintenance program. If Engrossed Substitute House Bill No. 1104 is not enacted by June 30, 1989, the amount provided in this subsection shall lapse.

(5) The entire underground storage tank account appropriation is contingent on enactment of Engrossed Substitute House Bill No. 1086. If the bill is not enacted by June 30, 1989, the underground storage tank account appropriation is null and void. In implementing Engrossed Substitute House Bill No. 1086, the department shall use, to the greatest extent possible, local government and private sector expertise in meeting installation, closure, testing, and monitoring requirements.

(6) The entire solid waste management account appropriation is contingent on enactment of Engrossed Substitute House Bill No. 1671. If the bill is not enacted by June 30, 1989, the solid waste management account appropriation and the amounts provided in subsections (7), (8), (9), and (10) are null and void.

(7) \$1,000,000 of the solid waste management account appropriation is provided solely to assist local governments in developing materials to promote waste reduction and recycling pursuant to section 7, chapter Laws of 1989 (Engrossed Substitute House Bill No. 1671).

(8) \$1,000,000 of the solid waste management account appropriation is provided solely for assisting local governments in establishing the feasibility of food and yard waste composting.

(9) \$150,000 of the solid waste management account appropriation is provided solely for pilot projects to recycle disposable diapers.

(10) \$1,300,000 of the solid waste management account appropriation is provided solely to implement sections 6(2), 9, 13, 54, 96, 99, 102, and 104 of chapter Laws of 1989 (Engrossed Substitute House Bill No. 1671).

(11) \$231,000 of the state toxics control account appropriation is provided solely for the office of waste reduction.

(12) \$200,000 of the general fund—state appropriation is provided solely for the purpose of implementing the Nisqually river management plan activities and projects outlined in the Nisqually river council report to the legislature dated December 1988. No more than half of this amount may be spent until twenty percent of the total project costs have been provided as matching funds from private or other government participants represented on the Nisqually river council.

(13) \$2,654,000 of the state toxics control account appropriation is contingent on enactment of Engrossed House Bill No. 2168. If the bill is not enacted by June 30, 1989, the amount provided in this subsection shall lapse.

(14) \$389,000 of the emergency water project revolving account appropriation is provided solely for drought relief activities. If Substitute Senate Bill No. 5196 is enacted by June 30, 1989, \$321,000 of the amount provided in this subsection may be spent only if a drought order is issued pursuant to section 2, chapter Laws of 1989 (Substitute Senate Bill No. 5196).

(15) \$427,000 of the state and local improvement revolving account—water supply facilities (Referendum 38) appropriation is provided solely for the implementation of Substitute House Bill No. 1397. If the bill is not enacted by June 30, 1989, the amount provided in this subsection shall lapse.

(16) \$250,000 of the general fund—state appropriation is provided solely for oil and chemical spill activities in implementing legislative requirements regarding damage assessments and vessel financial responsibility.

(17) \$70,000 of the general fund—state appropriation is provided solely to implement Substitute Senate Bill No. 5174 (state hydropower plan). If the bill is not enacted by June 30, 1989, the amount provided in this subsection shall lapse.

(18) \$200,000 of the general fund—state appropriation is provided solely for the implementation of chapter 47, Laws of 1988.

NEW SECTION, Sec. 305. FOR THE ENERGY FACILITY SITE EVALUATION COUNCIL

General Fund Appropriation—Federal	\$	40,000
General Fund Appropriation—Private/Local	\$	4,093,000
Total Appropriation	\$	4,133,000

NEW SECTION, Sec. 306. FOR THE STATE PARKS AND RECREATION COMMISSION

General Fund Appropriation—State	\$	41,132,000
General Fund Appropriation—Federal	\$	1,208,000
General Fund Appropriation—Private/Local	\$	822,000
Trust Land Purchase Account Appropriation	\$	10,542,000
Winter Recreation Parking Account Appropriation	\$	348,000
ORV (Off-Road Vehicle) Account Appropriation	\$	173,000
Snowmobile Account Appropriation	\$	963,000
Public Safety and Education Account Appropriation	\$	10,000
Motor Vehicle Fund Appropriation	\$	1,100,000

Total Appropriation \$ 56,298,000

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

- (1) \$60,000 of the general fund—state appropriation is provided solely for a contract with the marine science center at Fort Worden state park.
- (2) \$1,100,000 of the general fund—state appropriation is provided solely to implement Second Substitute Senate Bill No. 5372 (recreational boating). If the bill is not enacted by June 30, 1989, the amount provided in this subsection shall lapse.

NEW SECTION, Sec. 307. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Outdoor Recreation Account Appropriation—State \$ 1,900,000
 Outdoor Recreation Account Appropriation—Federal \$ 26,000
 Total Appropriation \$ 1,926,000

The appropriations in this section are subject to the following conditions and limitations: \$63,000 of the outdoor recreation account—state appropriation is provided solely for a state-wide needs assessment and action plan for land acquisition for long-term outdoor recreation, wildlife, and conservation purposes. The agency shall oversee the preparation of the needs assessment and action plan and it may contract with a nonprofit organization representing these interests, subject to a requirement that private matching funding on a one-for-one basis be provided. The agency members of the interagency committee shall participate in the formulation of the plan and shall provide relevant information as needed. The report and plan shall be submitted to the legislature by January 15, 1990.

NEW SECTION, Sec. 308. FOR THE ENVIRONMENTAL HEARINGS OFFICE

General Fund Appropriation \$ 901,000

NEW SECTION, Sec. 309. FOR THE DEPARTMENT OF TRADE AND ECONOMIC DEVELOPMENT

General Fund Appropriation \$ 30,068,000
 Motor Vehicle Fund Appropriation \$ 553,000
 Solid Waste Management Account Appropriation \$ 312,000
 Total Appropriation \$ 30,933,000

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

- (1) \$450,000 of the general fund appropriation is provided solely for the purpose of implementing either Engrossed Second Substitute Senate Bill No. 5339 or Engrossed Substitute House Bill No. 1553. If neither bill is enacted by June 30, 1989, the amount provided in this subsection shall lapse. In addition:

(a) The department shall spend the amount provided in this subsection solely for development of programs to be administered by the Washington economic development finance authority (the "authority") and shall not spend any amount for implementation or administration of the programs.

(b) On or before January 8, 1990, the department shall submit to the house of representatives appropriations committee and the senate ways and means committee a plan outlining how state employees and state resources are expected to be used with respect to the authority and describing procedures under which the lending of credit provisions of the state Constitution will be observed.

(c) The amount provided in this subsection is intended to be a one-time appropriation from state-revenue sources to support the initial development of programs of the Washington economic development finance authority.

(d) No state funds from state revenue sources and no state funds from federal revenue sources, except federal revenue sources provided expressly for the authority or its programs may be used for a reserve fund for the authority's programs, and no public funds subject to either appropriation or allotment control may be used for a reserve account without prior consultation with the house of representatives appropriations committee and the senate ways and means committee.

- (2) \$350,000 of the general fund appropriation is provided solely for the Washington marketplace program as provided for in Second Substitute House Bill No. 1476. If the bill is not enacted by June 30, 1989, the amount in this subsection shall lapse.

- (3) \$550,000 of the general fund appropriation is provided solely for the department to develop and implement a business and job retention program as follows:

(a) The program shall provide technical assistance to firms and workforces in which there is a risk of plant closure, mass layoff, or business failure. This technical assistance shall include turn-around assistance to firms at risk of closure to identify management activities and other actions, including diversification, that would permit continued operation. The department may contract for specialized services to provide turn-around assistance.

(b) The department shall establish a business and job retention advisory committee. The governor shall appoint eight members of whom four shall be from business and four from labor. The directors, or their designees, of the departments of trade and economic development, community development, financial management, revenue, and employment security shall serve as ex officio members of the committee. The president of the senate and the speaker of the house of representatives shall each appoint one member from each of the major caucuses to serve as ex officio members of the committee.

(c) The department shall select, in consultation with the advisory committee, locally based development organizations to undertake local business and job retention activities. Such local activities shall include the identification of firms in which there is a risk of plant closure, mass layoff, or business failure; initial assessment of firms and their workforces; the provision of technical assistance; and referrals for additional resources. A maximum of \$275,000 of the appropriation may be expended for contracts with locally based development organizations for local business and job retention activities.

(d) The department, in consultation with the advisory committee, shall provide grants to study the feasibility of various options for continuing or renewing the operation of industrial facilities that are threatened with closure or that have already closed. Grants shall also be made for proposals to implement a system to identify firms at risk of closure, layoff, or relocation. Grants may not exceed \$35,000 and may be made to: Local governments, ports, local associate development organizations, local labor organizations, or local nonprofit community organizations. The department may require that grant money be matched at least dollar for dollar with nonstate money.

(e) The department shall establish an early warning program within the business and job retention program. The program shall obtain information currently available within state agencies to identify firms and industrial facilities at risk of closure, consistent with the confidentiality requirements of chapter 50.13 RCW.

(4) \$150,000 of the general fund appropriation is provided solely for the targeted sectors program as provided for in Engrossed Substitute House Bill No. 2137. If the bill is not enacted by June 30, 1989, the amount in this subsection shall lapse.

(5) \$200,000 of the general fund appropriation is provided solely for the Washington village project. No portion of this amount may be expended unless matched by an equal portion of nonstate money.

(6) \$700,000 of the general fund appropriation is provided solely for tourism enhancement. Of this amount: (a) \$400,000 is provided solely for market research and analysis; (b) \$190,000 is provided solely for tourism facility development to encourage private sector development in Washington tourism facilities; (c) \$35,000 is provided solely for the development of a tourism advisory committee; and (d) \$75,000 is provided solely for additional staff and costs associated with the film and video division within the department.

(7) \$1,614,000 of the general fund appropriation is provided solely for the Tri-Cities diversification program. This amount is intended to be the final state contribution toward Tri-Cities diversification. Of this amount:

(a) \$331,000 is provided solely for the department of agriculture, by interagency agreement, for continuation of its contractual relationship with TRIDEC and for development of local diversification agricultural projects;

(b) \$206,000 is provided solely for the department of community development, by interagency agreement, for social service impact mitigation, and for loan packaging assistance;

(c) \$260,000 is provided solely for transfer to the employment security department, by interagency agreement, for a state-funded employment and training project;

(d) \$250,000 is provided solely for transfer to the employment security department, by interagency agreement, for public works related employment;

(e) \$383,000 is provided solely for contracts with local organizations for specific diversification projects;

(f) \$184,000 is provided solely for necessary staff to implement and coordinate the Tri-Cities diversification program.

(8) \$367,000 of the general fund appropriation is provided solely for the purpose of implementing a timber industrial extension service. The department shall provide technical and financial assistance to businesses for the purpose of identifying new markets, developing new technologies and products, and assisting production and marketing efforts. This program shall provide specialized expertise on issues affecting forest products companies, including the provision of assistance to firms experiencing supply problems, and shall provide industry perspective on proposed state and federal policies and programs impacting the forest industry. The department may contract for services provided under this chapter.

(9) \$8,195,000 of the general fund appropriation is provided solely for the Washington high technology center.

(10) \$305,000 of the general fund appropriation is provided solely for the center for international trade in forest products (CINTRAFOR).

(11) The general fund appropriation in this section includes moneys for higher education salary increases for the Washington high technology center and CINTRAFOR in the manner provided in section 601 of this act.

(12) It is the intent of the legislature that the department shall continue to provide grants of at least current level amounts to associate development organizations located in counties of at least classes three through eight.

(13) \$400,000 may be allocated to the Washington research foundation. The state auditor shall conduct an audit of the foundation by December 1, 1989.

NEW SECTION. Sec. 310. FOR THE CONSERVATION COMMISSION

General Fund Appropriation	\$	1,340,000
Water Quality Account Appropriation	\$	179,000
Total Appropriation	\$	1,519,000

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

(1) No more than eight percent of the water quality account moneys administered by the commission may be used by the commission for administration and program activities related to the grant and loan program.

(2) \$521,000 of the general fund appropriation is provided solely to provide operational funds for conservation districts. Moneys may be expended under this subsection only to the extent that the conservation districts provide an equal amount of matching funds.

(3) \$85,000 of the general fund appropriation is provided solely for a one-time allocation to Stevens county.

NEW SECTION, Sec. 311. FOR THE WINTER RECREATION COMMISSION

General Fund Appropriation	\$	27,000
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NEW SECTION, Sec. 312. FOR THE PUGET SOUND WATER QUALITY AUTHORITY

General Fund Appropriation—State	\$	3,489,000
General Fund Appropriation—Federal	\$	202,000
Water Quality Account Appropriation	\$	1,100,000
Total Appropriation	\$	4,791,000

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

(1) \$400,000 of the general fund—state appropriation is provided solely for the Puget Sound water quality management plan's monitoring program. Of this amount:

(a) \$200,000 is provided solely for transfer to the department of fisheries, by interagency agreement, to monitor levels of toxins in fish;

(b) \$160,000 is provided solely for transfer to the department of social and health services, by interagency agreement, to monitor levels of toxins in shellfish;

(c) \$20,000 is provided solely for the authority to implement a citizen monitoring program; and

(d) \$20,000 is provided solely for for program coordination and data management.

(2) \$100,000 of the general fund—state appropriation is provided solely for public education and information programs.

NEW SECTION, Sec. 313. FOR THE DEPARTMENT OF FISHERIES

General Fund Appropriation—State	\$	54,022,000
General Fund Appropriation—Federal	\$	16,496,000
General Fund Appropriation—Private/Local	\$	5,284,000
Aquatic Lands Enhancement Account Appropriation	\$	1,076,000
Total Appropriation	\$	76,878,000

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

(1) \$320,000 of the general fund—state appropriation is provided so that patrol officers, in the course of duty, emphasize vessel registration.

(2) \$100,000 of the general fund—state appropriation is provided solely for monitoring of Navy homeport dredging and dumping.

(3) \$250,000 of the general fund—state appropriation is provided solely for a grant for shellfish studies to the sea grant program at the University of Washington.

(4) \$276,000 of the general fund—state appropriation is provided solely for maintenance of current operations of the Simpson hatchery. Of this amount, \$138,000 shall be expended during fiscal year 1990. The remainder of this amount shall lapse if the results of the study of the Grays Harbor watershed, to be completed by March 1, 1990, show that the hatchery production is seriously jeopardized by environmental conditions beyond control of the department.

(5) \$1,810,000 of the general fund—state appropriation is provided solely for recreational salmon enhancement projects.

(6) \$41,000 of the general fund—state appropriation is provided to implement Substitute Senate Bill No. 5174 (state hydropower plan).

NEW SECTION, Sec. 314. FOR THE DEPARTMENT OF WILDLIFE

General Fund Appropriation	\$	9,385,000
ORV (Off-Road Vehicle) Account Appropriation	\$	265,000
Aquatic Lands Enhancement Account Appropriation	\$	1,081,000
Public Safety and Education Account Appropriation	\$	566,000
Wildlife Fund Appropriation—State	\$	41,441,000
Wildlife Fund Appropriation—Federal	\$	15,717,000
Wildlife Fund Appropriation—Private/Local	\$	2,135,000
Game Special Wildlife Account Appropriation	\$	466,000
Total Appropriation	\$	71,056,000

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

(1) \$45,000 of the general fund appropriation is provided solely to implement Substitute Senate Bill No. 5174 (state hydropower plan). If the bill is not enacted by June 30, 1989, the amount provided in this subsection shall lapse.

(2) \$68,000 of the general fund appropriation is provided solely for contracting for fire protection on agency lands.

(3) \$100,000 of the wildlife fund appropriation—state is provided solely for a study of the impact of elk in the Blue Mountains.

NEW SECTION. Sec. 315. FOR THE DEPARTMENT OF NATURAL RESOURCES

General Fund Appropriation—State	\$	44,540,000
General Fund Appropriation—Federal	\$	639,000
General Fund Appropriation—Private/Local	\$	12,000
ORV (Off-Road Vehicle) Account Appropriation—Federal	\$	3,266,000
Geothermal Account Appropriation—Federal	\$	16,000
Forest Development Account Appropriation	\$	23,074,000
Survey and Maps Account Appropriation	\$	860,000
Natural Resources Conservation Area Stewardship Account Approp- riation	\$	364,000
Aquatic Lands Enhancement Account Appropriation	\$	635,000
Landowner Contingency Forest Fire Suppression Account Appropria- tion	\$	2,119,000
Resource Management Cost Account Appropriation	\$	68,432,000
Aquatic Land Dredged Material Disposal Site Account Appropriation	\$	286,000
Total Appropriation	\$	144,243,000

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

(1) \$4,654,000 of the general fund—state appropriation is provided solely for the emergency fire suppression subprogram.

(2) \$2,297,000, of which \$372,000 is from the general fund—state appropriation, \$1,448,000 is from the resource management cost account appropriation, and \$477,000 is from the forest development account appropriation, is provided solely for information systems projects named in this subsection for which work will commence or continue in this biennium. Authority to expend these funds is conditioned upon compliance with the requirements set forth in section 802 of this act. For the purposes of this section, information systems projects shall mean the projects known by the following name or successor names: Department of natural resources revenue system.

(3) \$110,000 from the general fund—state appropriation is provided solely for a fire investigator.

(4) \$1,500,000 of the general fund—state appropriation is provided solely for cooperative monitoring, evaluation, and research projects related to implementation of the timber-fish-wildlife agreement.

(5) \$400,000 of the aquatic lands enhancement account appropriation is provided solely for conducting an inventory of state wetlands.

(6) \$122,000 of the natural resources conservation area stewardship account appropriation is provided solely for operations and maintenance costs associated with natural area preserves.

(7) \$242,000 of the natural resources conservation area stewardship account appropriation is provided solely for operations and maintenance costs associated with natural resources conservation areas.

(8) No portion of these appropriations may be expended for spreading sludge on state trust lands without first completing an environmental impact statement with respect to the sludge spreading operations. \$75,000 of the resource management cost account appropriation is provided solely for the costs of the environmental impact statement performed pursuant to this subsection.

(9) The department shall contract for labor-intensive forest land management activities in areas of the state adversely impacted by reductions in timber sales from federal lands. Contracts provided for under this section shall be in addition to and shall not supplant or displace activities normally administered by the department. The department shall, to the extent feasible, offer the additional contracts in sizes that do not discourage participation by small enterprises. The department shall cooperate with the employment security department in disseminating information on forest land management contracts to unemployed individuals who have been employed in the timber industry, and others adversely affected by reductions in timber sales from federal lands. \$2,800,000 of the resource management cost account appropriation is provided solely for this purpose.

(10) \$125,000 of the general fund—state appropriation is provided solely to implement Engrossed Senate Bill No. 5364 or Engrossed House Bill No. 1249 (marine debris).

(11) Based on schedules submitted by the director of financial management, the state treasurer shall transfer from the general fund—state or such other funds as the state treasurer deems appropriate to the Clarke McNary fund such amounts as are necessary to meet unbudgeted forest fire fighting expenses. All amounts borrowed under the authority of this section shall be repaid to the appropriate fund, together with interest at a rate determined by the state treasurer to be equivalent to the return on investments of the state treasury during the period the amounts are borrowed.

NEW SECTION, Sec. 316. FOR THE DEPARTMENT OF NATURAL RESOURCES—COMMON SCHOOL CONSTRUCTION

The following amounts are appropriated for the acquisition in fee of common school trust lands and timber throughout the state as determined by the board of natural resources:

General Fund Appropriation for fiscal year 1990	\$	35,750,000
General Fund Appropriation for the period April 15, 1990, through June 30, 1991	\$	35,750,000
Total Appropriation	\$	71,500,000

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

(1) Lands and timber purchased by the department shall be based on a finding by the board of natural resources, in consultation with the appropriations committee of the house of representatives and the ways and means committee of the senate, that, in the interest of the state, the timber on such lands should not be harvested.

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

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

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

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

NEW SECTION, Sec. 317. FOR THE DEPARTMENT OF AGRICULTURE

General Fund Appropriation—State	\$	18,780,000
General Fund Appropriation—Federal	\$	795,000
State Toxics Control Account Appropriation	\$	299,000
Total Appropriation	\$	19,874,000

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

(1) Authority to expend funds from any source for AIM 2000, the agency information system, is conditioned on compliance with section 802 of this act.

(2) \$1,624,000 of the general fund—state appropriation is provided solely for the implementation of House Bill No. 2222 regarding the regulation of agricultural chemicals. If the bill is not enacted by June 30, 1989, the amount provided in this subsection shall lapse. \$1,224,000 of the amount provided in this subsection shall be supported by increased fees deposited into the general fund in accordance with chapter 15.58 RCW.

NEW SECTION, Sec. 318. FOR THE STATE CONVENTION AND TRADE CENTER

State Convention/Trade Center Account Appropriation	\$	22,119,000
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The appropriation in this section is subject to the following conditions and limitations: \$3,453,000 is provided solely for marketing the facilities and services of the convention center, for promoting the locale as a convention and visitor destination, and for related activities. Of this amount, the center shall not expend more than is projected to be received from revenue generated by the special excise tax that is deposited in the state convention and trade center operations account under RCW 67.40.090(3). Projections of such revenue shall be as determined and updated by the department of revenue.

**PART IV
TRANSPORTATION**

NEW SECTION, Sec. 401. FOR THE STATE PATROL

General Fund Appropriation—State	\$	25,718,000
General Fund Appropriation—Federal	\$	161,000
General Fund Appropriation—Private/Local	\$	164,000
Death Investigations Account Appropriation	\$	24,000
Total Appropriation	\$	26,067,000

The appropriations in this section are subject to the following conditions and limitations: The staff of the Washington state patrol crime laboratory shall not provide tests for marijuana to cities or counties except: (1) To verify weight for criminal cases where weight is a factor, or (2) for criminal cases that the prosecuting attorney and field administrator of the crime laboratory agree are likely to go to trial.

NEW SECTION, Sec. 402. FOR THE DEPARTMENT OF LICENSING

General Fund Appropriation	\$	19,349,000
Architects' License Account Appropriation	\$	623,000
Cemetery Account Appropriation	\$	157,000
Health Professions Account Appropriation	\$	15,059,000
Medical Disciplinary Account Appropriation	\$	1,586,000
Professional Engineers' Account Appropriation	\$	1,527,000
Real Estate Commission Account Appropriation	\$	5,603,000
Total Appropriation	\$	43,904,000

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

(1) If uniform commercial code filing fees are increased such that the increase is expected to yield at least \$1,000,000 in additional revenues, then up to \$1,000,000 of the general fund—state appropriation may be expended for department purposes.

(2) If any of the following bills are not enacted by June 30, 1989, a corresponding amount, shown below, from the health professions account appropriation shall lapse:

House Bill No. 1896	\$	9,000
House Bill No. 2126	\$	42,000

(3) Of the general fund—state appropriation, the following amounts are provided solely for the purposes of the following bills. The general fund shall be reimbursed by June 30, 1991, through an assessment of fees sufficient to cover all costs associated with enacting the purposes of the following legislation. If any of the following bills is not enacted by June 30, 1989, a corresponding amount, shown below, from the general fund—state appropriation in this section shall lapse:

House Bill No. 1096	\$	130,000
Engrossed House Bill No. 1917	\$	450,000
Substitute Senate Bill No. 5085	\$	153,000

PART V
EDUCATION

NEW SECTION, Sec. 501. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR STATE ADMINISTRATION

General Fund Appropriation—State	\$	19,774,000
General Fund Appropriation—Federal	\$	9,074,000
Public Safety and Education Account Appropriation	\$	409,000
Total Appropriation	\$	29,257,000

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

(1) The entire public safety and education account appropriation is provided solely for administration of the traffic safety education program, including in-service training related to instruction in the risks of driving while under the influence of alcohol and other drugs.

(2) \$336,000 of the general fund—state appropriation is provided solely for the continuation of the international education and teacher exchange programs.

(3) \$19,000 of the general fund—state appropriation is provided solely for the continuation of the environmental education program.

(4) \$54,000 of the general fund—state appropriation is provided solely for Hispanic drop-out prevention and retrieval.

(5) \$200,000 of the general fund—state appropriation is provided solely for purchase and dissemination to school districts of innovative or multicultural curriculum materials, and for training to implement innovative curricula such as a schools and architecture program. The superintendent of public instruction shall select materials based on unusual potential for stimulating new instructional methods, student interest and understanding of academic subjects, or cultural and ethnic awareness.

(6) \$25,000 of the general fund—state appropriation is provided solely for continued development of educational outcomes measures and field testing in local school districts, including: Development of a model writing assessment program at three grade levels; definitions of measurements for academic skills and mastery of key curriculum concepts; a follow-up survey of high school graduates; uniform reporting forms for data collection and display; and an instrument for identifying successful schools. In performing these activities, the superintendent shall consult with an advisory committee on outcomes-based education, comprising one representative of each of the selected field test projects, one representative of each twenty-first century schools project that has selected the outcomes measures as its evaluative tool, and two members who participated in the temporary committee on the assessment and accountability of educational outcomes.

NEW SECTION, Sec. 502. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR GENERAL APPORTIONMENT (BASIC EDUCATION)

General Fund Appropriation	\$	4,323,885,000
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The appropriation in this section is subject to the following conditions and limitations:

(1) \$414,003,000 of the general fund appropriation is provided solely for the remaining months of the 1988-89 school year.

(2) Allocations for certificated staff salaries for the 1989-90 and 1990-91 school years shall be determined using formula-generated staff units calculated pursuant to this subsection. Small school enrollments in kindergarten through grade six shall generate funding under (a) of this subsection, and shall not generate allocations under (d) and (e) of this subsection, if the staffing allocations generated under (a) of this subsection exceed those generated under (d) and (e) of this subsection. The certificated staffing allocations shall be as follows:

(a) On the basis of average annual full time equivalent enrollments, excluding full time equivalent enrollment otherwise recognized for certificated staff unit allocations under (c) through (f) of this subsection:

(i) Four certificated administrative staff units for each one thousand full time equivalent kindergarten through twelfth grade students excluding full time equivalent handicapped enrollment as recognized for funding purposes under section 510 of this act;

(ii) Fifty-one certificated instructional staff units for each one thousand full time equivalent students in kindergarten through third grade, excluding full time equivalent handicapped students ages six through eight; and

(iii) Forty-six certificated instructional staff units for each one thousand full time equivalent students in grades four through twelve, excluding full time equivalent handicapped students ages nine and above;

(b) For school districts with a minimum enrollment of 250 full time equivalent students, whose full time equivalent student enrollment count in a given month exceeds the first of the month full time equivalent enrollment count by 5 percent, an additional state allocation of 110 percent of the share that such increased enrollment would have generated had such additional full time equivalent students been included in the normal enrollment count for that particular month.

(c) On the basis of full time equivalent enrollment in vocational education programs approved by the superintendent of public instruction, 0.92 certificated instructional staff units and 0.08 certificated administrative staff units for each 17.5 full time equivalent vocational students, except that for skills center programs the allocation ratios shall be 0.92 certificated instructional staff units and 0.08 certificated administrative staff units for each 16.67 full time equivalent vocational students;

(d) For districts enrolling not more than twenty-five average annual full time equivalent students in kindergarten through grade eight, and for small school plants within any school district which have been judged to be remote and necessary by the state board of education and enroll not more than twenty-five average annual full time equivalent students in kindergarten through grade eight:

(i) For those enrolling no students in grades seven and eight, 1.76 certificated instructional staff units and 0.24 certificated administrative staff units for enrollment of not more than five students, plus one-twentieth of a certificated instructional staff unit for each additional student enrolled; and

(ii) For those enrolling students in grades seven or eight, 1.68 certificated instructional staff units and 0.32 certificated administrative staff units for enrollment of not more than five students, plus one-tenth of a certificated instructional staff unit for each additional student enrolled.

(e) For specified enrollments in districts enrolling more than twenty-five but not more than one hundred average annual full time equivalent students in kindergarten through grade eight, and for small school plants within any school district which enroll more than twenty-five average annual full time equivalent kindergarten through eighth grade students and have been judged to be remote and necessary by the state board of education:

(i) For enrollment of up to sixty annual average full time equivalent students in kindergarten through grade six, 2.76 certificated instructional staff units and 0.24 certificated administrative staff units; and

(ii) For enrollment of up to twenty annual average full time equivalent students in grades seven and eight, 0.92 certificated instructional staff units and 0.08 certificated administrative staff units.

(f) For districts operating no more than two high schools with enrollments of less than three hundred average annual full time equivalent students, for enrollment in grades nine through twelve in each such school, other than alternative schools:

(i) For remote and necessary schools enrolling students in any grades nine through twelve but no more than twenty-five average annual full time equivalent kindergarten through twelfth grade students, four and one-half certificated instructional staff units and one-quarter of a certificated administrative staff unit;

(ii) For all other small high schools under this subsection, nine certificated instructional staff units and one-half of a certificated administrative staff unit for the first sixty average annual full time equivalent students, and additional staff units based on a ratio of 0.8732 certificated instructional staff units and 0.1268 certificated administrative staff units per each additional forty-three and one-half average annual full time equivalent students.

Units calculated under (f)(ii) of this subsection shall be reduced by certificated staff units at the rate of forty-six certificated instructional staff units and four certificated administrative staff units per thousand vocational and handicapped full time equivalent students.

(g) For each nonhigh school district having an enrollment of more than seventy annual average full time equivalent students and less than one hundred eighty students, operating a grades K-8 program or a grades 1-8 program, an additional one-half of a certificated instructional staff unit.

(h) For each nonhigh school district having an enrollment of more than fifty annual average full time equivalent students and less than one hundred eighty students, operating a grades K-6 program or a grades 1-6 program, an additional one-half of a certificated instructional staff unit.

(3) Allocations for classified salaries for the 1989-90 and 1990-91 school years shall be calculated using formula-generated classified staff units determined as follows:

(a) For enrollments generating certificated staff unit allocations under subsections (2) (d) through (h) of this section, one classified staff unit for each three certificated staff units allocated under such subsections.

(b) For all other enrollment in grades kindergarten through twelve, including vocational but excluding handicapped full time equivalent enrollments, one classified staff unit for each sixty average annual full time equivalent students.

(c) For each nonhigh school district with an enrollment of more than fifty annual average full time equivalent students and less than one hundred eighty students, an additional one-half of a classified staff unit.

(4) Fringe benefit allocations shall be calculated at a rate of 19.80 percent in the 1989-90 school year and 19.85 percent in the 1990-91 school year of certificated salary allocations provided under subsection (2) of this section, and a rate of 17.32 percent in the 1989-90 school year and 17.37 percent in the 1990-91 school year of classified salary allocations provided under subsection (3) of this section.

(5) Insurance benefit allocations shall be calculated at the rates specified in section 505 of this act, based on:

(a) The number of certificated staff units determined in subsection (2) of this section; and

(b) The number of classified staff units determined in subsection (3) of this section multiplied by 1.152. This factor is intended to adjust allocations so that, for the purposes of distributing insurance benefits, full time equivalent classified employees may be calculated on the basis of 1440 hours of work per year, with no individual employee counted as more than one full time equivalent.

(6)(a) For nonemployee related costs associated with each certificated staff unit allocated under subsection (2) (a), (b), and (d) through (h) of this section, there shall be provided a maximum of \$6,355 per certificated staff unit in the 1989-90 school year and a maximum of \$6,654 per certificated staff unit in the 1990-91 school year.

(b) For nonemployee related costs associated with each certificated staff unit allocated under subsection (2)(c) of this section, there shall be provided a maximum of \$12,110 per certificated staff unit in the 1989-90 school year and a maximum of \$12,679 per certificated staff unit in the 1990-91 school year.

(7) Allocations for substitute costs for classroom teachers shall be distributed at a maximum rate of \$290 per year for allocated classroom teachers. Solely for the purposes of this subsection, allocated classroom teachers shall be equal to the number of certificated instructional staff units allocated under subsection (2) of this section, multiplied by the ratio between the number of actual basic education certificated teachers and the number of actual basic education certificated instructional staff reported state-wide for the 1987-88 school year.

(8) The superintendent may distribute a maximum of \$9,925,000 outside the basic education formula during fiscal years 1990 and 1991 as follows:

(a) For fire protection for school districts located in a fire protection district as now or hereafter established pursuant to chapter 52.04 RCW, a maximum of \$358,000 may be expended in fiscal year 1990 and a maximum of \$375,000 in fiscal year 1991.

(b) For summer vocational programs at skills centers, a maximum of \$1,321,000 may be expended in fiscal year 1990 and a maximum of \$1,599,000 may be expended in fiscal year 1991.

(c) A maximum of \$272,000 may be expended for school district emergencies.

(d) A maximum of \$6,000,000 is provided solely for the purchase of new and replacement equipment for use in approved vocational-secondary and skill center programs. These moneys shall be allocated to school districts during the 1989-90 school year on the basis of full time equivalent enrollment in vocational programs.

(9) For the purposes of RCW 84.52.0531, the increase per full time equivalent student in state basic education appropriations provided under this act, including appropriations for salary and benefits increases, is 6.07 percent from the 1988-89 school year to the 1989-90 school year, and 5.74 percent from the 1989-90 school year to the 1990-91 school year.

(10) (a) The superintendent of public instruction shall revise personnel reporting systems to include information on grade level assignments of basic education certificated instructional staff, by grade level groupings of K-3, 4-6, and 7-12. The superintendent of public instruction shall collect such information from school districts beginning in the 1989-90 school year. School districts may submit supplemental information on changes in staffing levels after the initial personnel report for each school year. Staffing ratios calculated under this subsection may recognize additional staff reported, prorated by the number of months of employment during the academic year.

(b) For each school year, the funding provided under subsection (2)(a) of this section shall be based on a ratio of fifty-one certificated instructional staff per thousand students in kindergarten through grade three only if the district documents an actual ratio of at least fifty-one full time basic education certificated instructional staff per thousand full time equivalent students at those grade levels. For any school district documenting a lower ratio, the funding provided

under this section shall be based on the district's actual K-3 ratio achieved in that school year, or the statutory minimum ratio established under RCW 28A.41.140(2)(c), if greater.

(c) School districts that had a ratio of fifty-one basic education certificated instructional staff per thousand students in kindergarten through grade three in the 1988-89 school year shall expend additional funding generated by the increase in staffing ratios provided in this section solely to improve staffing ratios in kindergarten through grade twelve.

NEW SECTION. Sec. 503. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—BASIC EDUCATION EMPLOYEE COMPENSATION INCREASES

General Fund Appropriation \$ 196,128,000

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

(1) The following calculations determine the salaries used in the general fund allocations for certificated instructional, certificated administrative, and classified staff units under section 502 of this act:

(a) Salary allocations for certificated instructional staff units shall be determined for each district by multiplying the district's certificated instructional derived base salary shown on LEAP Document 12 by the district's average staff mix factor for basic education certificated instructional staff in that school year, computed using LEAP Document 1.

(b) Salary allocations for certificated administrative staff units and classified staff units shall be determined for each district by the district's certificated administrative and classified salary allocation amounts shown on LEAP Document 12.

(2)(a) Districts shall certify to the superintendent of public instruction such information as may be necessary regarding the years of service and educational experience of basic education certificated instructional employees for the purposes of calculating certificated instructional staff salary allocations pursuant to this section. Any change in information previously certified, on the basis of years of experience or educational credits, shall be reported and certified to the superintendent of public instruction at the time such change takes place.

(b) For the purposes of this section, "basic education certificated instructional staff" is defined as provided in RCW 28A.41.110.

(c) "LEAP Document 1" means the computerized tabulation establishing staff mix factors for basic education certificated instructional staff according to education and years of experience, as developed by the legislative evaluation and accountability program committee on August 18, 1987, at 13:26 hours.

(d) "LEAP Document 1R" means the computerized tabulation establishing staff mix factors for basic education certificated instructional staff according to education and years of experience, as developed on May 7, 1989, at 11:00 hours.

(e) "LEAP Document 12" means the computerized tabulation of 1988-89 salary allocations for basic education certificated administrative staff and basic education classified staff and 1988-89 derived base salaries for basic education certificated instructional staff as developed on April 20, 1989, at 14:15 hours.

(f) The incremental fringe benefits factors applied to salary increases in this section shall be 1.1916 for certificated salaries and 1.1379 for classified salaries in the 1989-90 school year, and 1.1921 for certificated salaries and 1.1384 for classified salaries in the 1990-91 school year.

(3) \$7,492,000 is provided solely to increase allocations for certificated administrative staff units provided under section 502 of this act, pursuant to this subsection. For the 1989-90 and 1990-91 school years, the allocation for each certificated administrative staff unit shall be increased by 2.5 percent of the 1988-89 state-wide average certificated administrative salary shown on LEAP Document 12, multiplied by incremental fringe benefits.

(4) \$27,903,000 is provided solely to increase allocations for classified staff units provided under section 502 of this act, pursuant to this subsection. For the 1989-90 and 1990-91 school years, the allocation for each classified staff unit shall be increased by 4.0 percent of the 1988-89 state-wide average classified salary shown on LEAP Document 12, multiplied by incremental fringe benefits. For the 1990-91 school year, the allocation for each classified staff unit shall be further increased by an additional 3.12 percent of the 1988-89 state-wide average classified salary shown on LEAP Document 12, multiplied by incremental fringe benefits.

(5) \$160,733,000 is provided solely to increase allocations for certificated instructional staff units provided under section 502 of this act, pursuant to this subsection:

(a) For any district with a derived base salary of \$17,600 on LEAP Document 12, the allocation for each certificated instructional staff unit in the 1989-90 school year shall be increased by the difference between:

(i) The district's salary allocation per certificated instructional staff unit computed under subsection (1)(a) of this section, adjusted for incremental fringe benefits; and

(ii) The district's 1989-90 average certificated instructional staff allocation salary as determined by placing the district's actual full time equivalent basic education certificated instructional staff on the state-wide salary allocation schedule established in subsection (6) of this section, adjusted for incremental fringe benefits.

(b) For any district with a derived base salary greater than \$17,600 on LEAP Document 12, the allocation for each certificated instructional staff unit in the 1989-90 school year shall be

increased by 4.0 percent of the district's salary allocation per certificated instructional staff unit computed under subsection (1)(a) of this section, adjusted for incremental fringe benefits.

(c) For any district with a derived base salary of \$17,600 on LEAP Document 12, the allocation for each certificated instructional staff unit in the 1990-91 school year shall be increased by the difference between:

(i) The district's salary allocation per certificated instructional staff unit computed under subsection (1)(a) of this section, adjusted for incremental fringe benefits; and

(ii) The district's 1990-91 average certificated instructional staff allocation salary as determined by placing the district's actual full time equivalent basic education certificated instructional staff on the state-wide salary allocation schedule established in subsection (7) of this section, adjusted for incremental fringe benefits.

(d) For any district with a derived base salary greater than \$17,600 on LEAP Document 12, the allocation for each certificated instructional staff unit in the 1990-91 school year shall be increased by the difference between:

(i) The district's salary allocation per certificated instructional staff unit computed under subsection (1)(a) of this section, adjusted for incremental fringe benefits; and

(ii) The district's salary allocation per certificated instructional staff unit computed under subsection (1)(a) of this section multiplied by the compounded increase provided in this subsection, adjusted for incremental fringe benefits. The compounded increase for each district shall be 7.12 percent, compounded by the percentage difference between the district's average staff mix factor for actual 1990-91 full time equivalent basic education certificated instructional employees computed using LEAP Document 1R and such factor for the same 1990-91 employees computed using LEAP Document 1.

(6)(a) Pursuant to RCW 28A.41.112, the following state-wide salary allocation schedule for certificated instructional staff is established for basic education salary allocations for the 1989-90 school year:

1989-90 STATE-WIDE SALARY ALLOCATION SCHEDULE
FOR INSTRUCTIONAL STAFF

Years of Service	BA	BA+15	BA+30	BA+45
0	18,304	18,798	19,311	19,823
1	18,981	19,494	20,025	20,574
2	19,677	20,208	20,757	21,361
3	20,409	20,958	21,526	22,166
4	21,159	21,745	22,331	23,008
5	21,946	22,551	23,155	23,887
6	22,770	23,374	24,015	24,802
7	23,612	24,234	24,893	25,735
8	24,472	25,131	25,809	26,724
9		26,065	26,779	27,731
10			27,767	28,792
11				29,890
12				
13				
14 or more				

1989-90 STATE-WIDE SALARY ALLOCATION SCHEDULE
FOR INSTRUCTIONAL STAFF

Years of Service	BA+90	BA+135	MA	MA+45	MA+90 or PHD
0	21,471	22,532	21,471	22,770	23,887
1	22,276	23,356	22,276	23,612	24,765
2	23,100	24,216	23,100	24,491	25,681
3	23,942	25,113	23,942	25,388	26,632
4	24,839	26,047	24,839	26,321	27,621
5	25,754	27,017	25,754	27,310	28,627
6	26,706	28,005	26,706	28,316	29,689
7	27,694	29,048	27,694	29,360	30,787
8	28,719	30,128	28,719	30,440	31,940
9	29,781	31,245	29,781	31,574	33,112
10	30,879	32,398	30,879	32,746	34,338
11	32,032	33,588	32,032	33,954	35,601
12	33,222	34,833	33,222	35,217	36,919
13	34,448	36,114	34,448	36,516	38,292
14 or more		37,450	35,711	37,871	39,701

(b) As used in this subsection, "+(N)" means the number of credits earned since receiving the highest degree.

(7)(a) Pursuant to RCW 28A.41.112, the following state-wide salary allocation schedule for certificated instructional staff is established for basic education salary allocations for the 1990-91 school year:

1990-91 STATE-WIDE SALARY ALLOCATION SCHEDULE
FOR INSTRUCTIONAL STAFF

Years of Service	BA	BA+15	BA+30	BA+45
0	20,001	20,541	21,101	21,661
1	20,656	21,214	21,792	22,389
2	21,325	21,900	22,495	23,150
3	22,027	22,620	23,232	23,923
4	22,742	23,372	24,001	24,729
5	23,490	24,136	24,783	25,566
6	24,269	24,913	25,596	26,435
7	25,061	25,721	26,421	27,314
8	25,864	26,561	27,277	28,244
9		27,431	28,182	29,184
10			29,098	30,172
11				31,189
12				
13				
14 or more				

1990-91 STATE-WIDE SALARY ALLOCATION SCHEDULE
FOR INSTRUCTIONAL STAFF

Years of Service	BA+90	BA+135	MA	MA+45	MA+90 or PHD
0	23,461	24,621	23,980	25,780	26,940
1	24,242	25,417	24,708	26,561	27,736
2	25,034	26,245	25,469	27,353	28,563
3	25,840	27,104	26,242	28,159	29,423
4	26,696	27,995	27,048	29,015	30,314
5	27,565	28,916	27,885	29,884	31,235
6	28,464	29,849	28,754	30,783	32,168
7	29,393	30,831	29,633	31,712	33,150
8	30,352	31,842	30,563	32,671	34,161
9	31,341	32,882	31,502	33,660	35,201
10	32,358	33,950	32,491	34,677	36,269
11	33,423	35,047	33,508	35,742	37,366
12	34,516	36,189	34,566	36,835	38,508
13	35,636	37,359	35,659	37,955	39,678
14 or more		38,573	36,786	39,154	40,892

(b) As used in this subsection, the column headings "BA+(N)" refer to the number of credits earned since receiving the baccalaureate degree.

(c) For credits earned after the baccalaureate degree but before the masters degree, any credits in excess of forty-five credits may be counted after the masters degree. Thus, as used in this subsection, the column headings "MA+(N)" refer to the total of:

(i) Credits earned since receiving the masters degree; and

(ii) Any credits in excess of forty-five credits that were earned after the baccalaureate degree but before the masters degree.

(8) For the purposes of this section:

(a) "BA" means a baccalaureate degree.

(b) "MA" means a masters degree.

(c) "PHD" means a doctorate degree.

(d) "Years of service" shall be calculated under the same rules used by the superintendent of public instruction for salary allocations in the 1988-89 school year.

(e) "Credits" means college quarter hour credits and equivalent inservice credits computed in accordance with RCW 28A.71.110.

(9) The salary allocation schedules established in subsections (5) and (6) of this section are for allocation purposes only.

(10) The legislature finds that, during the 1987-89 biennium, actual salary increases provided to school administrators substantially exceeded the state-funded increases granted for administrative staff. The legislature intends that increases granted to administrators during the

1989-91 biennium be limited to the percentage increase provided in administrative salary allocations under this section. School districts shall annually submit documentation to the superintendent of public instruction on any increases in average administrative salaries that exceed the increase provided in this section, pursuant to instructions issued by the superintendent. The superintendent of public instruction shall forward such data and documentation to the appropriations committee of the house of representatives and the ways and means committee of the senate. The documentation shall include an explanation of amount of the excess increases provided by each district and the justification or reasons for such increases.

NEW SECTION, Sec. 504. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—CATEGORICAL PROGRAM SALARY INCREASES

General Fund Appropriation \$ 38,730,000

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

(1) The incremental fringe benefits factors applied to salary increases in subsection (3) of this section shall be 1.1916 for certificated salaries and 1.1379 for classified salaries in the 1989-90 school year, and 1.1921 for certificated salaries and 1.1384 for classified salaries in the 1990-91 school year.

(2) A maximum of \$13,400,000 is provided to implement salary increases for each school year for state-supported school employees in the following categorical programs: Transitional bilingual instruction, learning assistance, education of highly capable students, vocational technical institutes, and pupil transportation. Moneys provided by this subsection include costs of incremental fringe benefits and shall be distributed by increasing allocation rates for each school year by the amounts specified:

(a) Transitional bilingual instruction: The rates specified in section 520 of this act shall be increased by \$16.04 per pupil for the 1989-90 school year and by \$40.13 per pupil for the 1990-91 school year.

(b) Learning assistance: The rates specified in section 521 of this act shall be increased by \$12.91 per pupil for the 1989-90 school year and by \$22.99 per pupil for the 1990-91 school year.

(c) Education of highly capable students: The rates specified in section 516 of this act shall be increased by \$9.50 per pupil for the 1989-90 school year and by \$23.78 per pupil for the 1990-91 school year.

(d) Vocational technical institutes: The rates for vocational programs specified in section 508 of this act shall be increased by \$86.33 per full time equivalent student for the 1989-90 school year, and by \$205.01 per full time equivalent student for the 1990-91 school year.

(e) Pupil transportation: The rates provided under section 507 of this act shall be increased by \$0.66 per weighted pupil-mile for the 1989-90 school year, and by \$1.18 per weighted pupil-mile for the 1990-91 school year.

(3) A maximum of \$25,330,000 is provided for salary increases and incremental fringe benefits for state-supported staff unit allocations in the handicapped program, section 510, and for state-supported staff in institutional education programs, section 515, and in educational service districts, section 512. The superintendent of public instruction shall distribute salary increases for these programs not to exceed the percentage salary increases provided for basic education staff under section 503 of this act.

(4) While this section and section 509 of this act do not provide specific allocations for salary increases for school food services employees, nothing in this act is intended to preclude or discourage school districts from granting increases that are equivalent to those provided for other classified staff.

NEW SECTION, Sec. 505. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR SCHOOL EMPLOYEE INSURANCE BENEFIT INCREASES

General Fund Appropriation \$ 21,111,000

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

(1) Allocations for insurance benefits from general fund appropriations provided under section 502 of this act shall be calculated at a rate of \$224.75 per month for each certificated staff unit, and for each classified staff unit adjusted pursuant to section 502(5)(b).

(2) The appropriation in this section is provided solely to increase insurance benefit allocations for state-funded certificated and classified staff in the 1989-90 and 1990-91 school years, effective October 1, 1989, to a rate of \$239.86 per month, as distributed pursuant to this section.

(3) A maximum of \$16,939,000 may be expended to increase general fund allocations for insurance benefits for basic education staff units under section 502(5) of this act by \$15.11 per month.

(4) A maximum of \$2,226,000 may be expended to increase insurance benefit allocations for handicapped program staff units as calculated under section 510 of this act by \$15.11 per month.

(5) A maximum of \$108,000 may be expended to increase insurance benefit allocations for state-funded staff in educational service districts and institutional education programs by \$15.11 per month.

(6) A maximum of \$1,838,000 may be expended to fund insurance benefit increases in the following categorical programs by increasing annual state funding rates by the amounts specified in this subsection. For the 1989-90 school year, due to the October implementation, school districts shall receive eleven-twelfths of the annual rate increases specified. On an annual basis, the maximum rate adjustments provided under this section are:

- (a) For pupil transportation, an increase of \$0.14 per weighted pupil-mile;
- (b) For learning assistance, an increase of \$3.78 per pupil;
- (c) For education of highly capable students, an increase of \$1.29 per pupil;
- (d) For transitional bilingual education, an increase of \$2.44 per pupil;
- (e) For vocational-technical institutes, an increase of \$10.05 per full time equivalent pupil.

NEW SECTION. Sec. 506. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—RETIREMENT CONTRIBUTIONS

General Fund Appropriation \$ 33,141,000

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

- (1) \$13,056,000 for the teachers' retirement system and \$2,147,000 for the public employees' retirement system, or so much thereof as may be necessary, shall be distributed to local districts to increase state retirement system contributions resulting from Engrossed Substitute House Bill No. 1322. If the bill is not enacted by June 30, 1989, the amounts provided in this subsection shall lapse.
- (2) \$14,587,000 for the teachers' retirement system and \$3,351,000 for the public employees' retirement system, or so much thereof as may be necessary, shall be distributed to local districts to increase state retirement system contributions resulting from Substitute Senate Bill No. 5418. If the bill is not enacted by June 30, 1989, the amounts provided in this subsection shall lapse.

NEW SECTION. Sec. 507. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR PUPIL TRANSPORTATION

General Fund Appropriation \$ 250,821,000

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

- (1) \$22,695,000 is provided solely for distribution to school districts for the remaining months of the 1988-89 school year.
- (2) A maximum of \$111,468,000 may be distributed for pupil transportation operating costs in the 1989-90 school year.
- (3) A maximum of \$857,000 may be expended for regional transportation coordinators.
- (4) A maximum of \$64,000 may be expended for bus driver training.
- (5) For eligible school districts, the small fleet maintenance factor shall be funded at a rate of \$1.53 per weighted pupil-mile in the 1989-90 school year and \$1.60 per weighted pupil-mile in the 1990-91 school year.

NEW SECTION. Sec. 508. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR VOCATIONAL-TECHNICAL INSTITUTES AND ADULT EDUCATION AT VOCATIONAL-TECHNICAL INSTITUTES

General Fund Appropriation \$ 82,884,000

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

- (1) Funding for vocational programs during the 1989-90 school year shall be distributed at a rate of \$3,267 per student for a maximum of 12,655 full time equivalent students. This amount includes \$154 per student solely to replace out-of-date or worn-out equipment.
- (2) Funding for vocational programs during the 1990-91 school year shall be distributed at a rate of \$3,268 per student for a maximum of 12,655 full time equivalent students. This amount includes \$154 per student solely to replace out-of-date or worn-out equipment.
- (3) Funding for adult basic education programs during the 1989-90 school year shall be distributed at a rate of \$1.46 per hour of student service for a maximum of 288,690 hours.
- (4) Funding for adult basic education programs during the 1990-91 school year shall be distributed at a rate of \$1.48 per hour of student service for a maximum of 288,690 hours.

NEW SECTION. Sec. 509. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR SCHOOL FOOD SERVICE PROGRAMS

General Fund Appropriation—State \$ 6,000,000
 General Fund Appropriation—Federal \$ 85,000,000
 Total Appropriation \$ 91,000,000

NEW SECTION. Sec. 510. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR HANDICAPPED EDUCATION PROGRAMS

General Fund Appropriation—State \$ 503,593,000
 General Fund Appropriation—Federal \$ 59,000,000
 Total Appropriation \$ 562,593,000

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

- (1) \$48,111,000 of the general fund—state appropriation is provided solely for the remaining months of the 1988-89 school year.
- (2) The superintendent of public instruction shall distribute state funds for the 1989-90 and 1990-91 school years in accordance with districts' actual handicapped enrollments and the

allocation model established in LEAP Document 13 as developed on March 25, 1989, at 13:45 hours.

(3) A maximum of \$440,000 may be expended from the general fund—state appropriation to fund 4.66 full time equivalent teachers and one aide at Children's orthopedic hospital and medical center. This amount is in lieu of money provided through the home and hospital allocation and the handicapped program.

(4) \$272,000 of the general fund—state appropriation is provided solely for the early childhood home instruction program for hearing impaired infants and their families. \$80,000 of the amount provided in this subsection is a one-time grant to replace lost federal support and maintain program continuity until other nonstate resources to support existing service levels can be identified.

(5) \$150,000 of the general fund—state appropriation is provided solely for development and implementation of a process for school districts to bill medical assistance for eligible services included in handicapped education programs, pursuant to Substitute House Bill No. 2014. If the bill is not enacted by June 30, 1989, the amount provided in this subsection shall lapse. \$50,000 of the amount provided in this subsection is solely for interagency reimbursement for administrative and planning costs of the department of social and health services. \$100,000 of the amount provided in this subsection is solely for contracts with educational service districts for development and implementation of billing systems.

(6) A maximum of \$1,500,000 of the general fund—state appropriation may be granted to school districts for pilot programs for prevention of learning problems established under section 13 of Engrossed Substitute House Bill No. 1444. A district's grant for a school year under this subsection shall not exceed:

(a) The total of state allocations for general apportionment and handicapped education programs that the district would have received for that school year with specific learning disabled enrollment at the prior school year's level; minus

(b) The total of the district's actual state allocations for general apportionment and handicapped education programs for that school year.

NEW SECTION. Sec. 511. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR TRAFFIC SAFETY EDUCATION PROGRAMS

Public Safety and Education Account Appropriation \$ 14,067,000

The appropriation in this section is subject to the following conditions and limitations: Not more than \$596,000 may be expended for regional traffic safety education coordinators.

NEW SECTION. Sec. 512. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR EDUCATIONAL SERVICE DISTRICTS

General Fund Appropriation \$ 10,654,000

The appropriation in this section is subject to the following conditions and limitations: The educational service districts shall continue to furnish financial services required by the superintendent of public instruction and RCW 28A.21.088 (3) and (4).

NEW SECTION. Sec. 513. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR LOCAL EFFORT ASSISTANCE

General Fund Appropriation \$ 82,700,000

The appropriation in this section is subject to the following conditions and limitations: \$82,700,000 is provided for state matching funds pursuant to RCW 28A.41.155.

NEW SECTION. Sec. 514. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR THE ENUMERATED PURPOSES

General Fund Appropriation—Federal \$ 141,817,000

(1) Education Consolidation and Improvement Act \$ 138,000,000

(2) Education of Indian Children \$ 317,000

(3) Adult Basic Education \$ 3,500,000

NEW SECTION. Sec. 515. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR INSTITUTIONAL EDUCATION PROGRAMS

General Fund Appropriation—State \$ 20,566,000

General Fund Appropriation—Federal \$ 8,006,000

Total Appropriation \$ 28,572,000

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

(1) \$3,817,000 of the general fund—state appropriation is provided solely for the remaining months of the 1988-89 school year.

(2) \$10,165,000 of the general fund—state appropriation is provided solely for the 1989-90 school year, distributed as follows:

(a) \$3,293,000 is provided solely for programs in state institutions for the handicapped or emotionally disturbed. These moneys may be distributed for that school year at a maximum rate averaged over all of these programs of \$10,903 per full time equivalent student.

(b) \$3,647,000 is provided solely for programs in state institutions for delinquent youth. These moneys may be distributed for that school year at a maximum rate averaged over all of these programs of \$6,728 per full time equivalent student.

(c) \$418,000 is provided solely for programs in state group homes for delinquent youth. These moneys may be distributed for that school year at a maximum rate averaged over all of these programs of \$5,166 per full time equivalent student.

(d) \$727,000 is provided solely for juvenile parole learning center programs. These moneys may be distributed for that school year at a maximum rate averaged over all of these programs of \$1,772 per full time equivalent student, and are in addition to moneys allocated for these students through the basic education formula established in section 502 of this act.

(e) \$2,080,000 is provided solely for programs in county detention centers. These moneys may be distributed for that school year at a maximum rate averaged over all of these programs of \$4,871 per full time equivalent student.

(3) Distribution of state funding for the 1990-91 school year shall be based upon the following overall limitations for that school year including expenditures anticipated for July and August of 1991:

(a) State funding for programs in state institutions for the handicapped or emotionally disturbed may be distributed at a maximum rate averaged over all of these programs of \$10,847 per full time equivalent student and a total allocation of no more than \$2,885,000 for that school year.

(b) State funding for programs in state institutions for delinquent youth may be distributed at a maximum rate averaged over all of these programs of \$6,741 per full time equivalent student and a total allocation of no more than \$3,701,000 for that school year.

(c) State funding for programs in state group homes for delinquent youth may be distributed in that school year at a maximum rate averaged over all of these programs of \$5,177 per full time equivalent student and a total allocation of no more than \$419,000 for that school year.

(d) State funding for juvenile parole learning center programs may be distributed at a maximum rate averaged over all of these programs of \$1,789 per full time equivalent student and a total allocation of no more than \$723,000 for that school year, excluding funds provided through the basic education formula established in section 502 of this act.

(e) State funding for programs in county detention centers may be distributed at a maximum rate averaged over all of these programs of \$4,882 per full time equivalent student and a total allocation of no more than \$2,080,000 for that school year.

(4) \$167,000 of the general fund—state appropriation is provided solely to maintain the increased teacher/student ratio for programs at mentally ill offender units within the state institutions for delinquent youth.

(5) Notwithstanding any other provision of this section, the superintendent of public instruction may transfer funds between the categories of institutions identified in subsections (2) and (3) of this section if the maximum expenditures per full time equivalent student for each category of institution are not thereby exceeded.

(6) State funding provided under this section is based on salaries and other expenditures for a 220-day school year. The superintendent of public instruction shall monitor school district expenditure plans for institutional education programs to ensure that districts plan for a full-time summer program.

(7) The superintendent of public instruction shall conduct a study of institutional education programs, addressing the division of administrative and budgetary responsibilities between the school districts, the department of social and health services, and, in the case of county detention centers, the juvenile court administrators. The superintendent shall consult with the department of social and health services and the institutions in designing and conducting the study, and in developing recommendations. The study shall include recommendations on methods to improve communication, decision making, and cooperation among school district and institutional staff, as well as coordination of programs and responsiveness to student needs. The superintendent shall submit a report of the study to the legislature prior to December 1, 1990, including recommendations for legislative action and changes in administrative practices.

NEW SECTION. Sec. 516. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR PROGRAMS FOR HIGHLY CAPABLE STUDENTS

General Fund Appropriation \$ 7,090,000

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

(1) \$534,000 is provided solely for distribution to school districts for the remaining months of the 1988-89 school year.

(2) Allocations for school district programs for highly capable students during the 1989-90 school year shall be distributed at a maximum rate of \$364 per student for up to one percent of each district's full time equivalent enrollment.

(3) Allocations for school district programs for highly capable students during the 1990-91 school year shall be distributed at a maximum rate of \$364 per student for up to one and one-half percent of each district's full time equivalent enrollment.

(4) A maximum of \$356,000 is provided to contract for gifted programs to be conducted at Fort Worden state park.

NEW SECTION. Sec. 517. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR SCHOOL DISTRICT SUPPORT

General Fund Appropriation—State	\$	5,684,000
General Fund Appropriation—Federal	\$	5,131,000
Total Appropriation	\$	10,815,000

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

(1) \$282,000 of the general fund—state appropriation is provided solely for teacher in-service training in math, science, and computer technology.

(2) \$651,000 of the general fund—state appropriation is provided solely for teacher training workshops conducted by the Pacific science center. \$496,000 of this amount is for in-service training in science to be provided to approximately ten percent of the kindergarten through eighth grade teachers each year.

(3) \$2,029,000 of the general fund—state appropriation is provided solely for operation by the educational service districts of regional computer demonstration centers and computer information centers.

(4) \$872,000 of the general fund—state appropriation and \$413,000 of the general fund—federal appropriation are provided solely for teacher training in drug and alcohol abuse education and prevention in kindergarten through grade twelve. The amount provided in this subsection includes \$300,000 from license fees collected pursuant to RCW 66.24.320 and 66.24.330 which are dedicated to juvenile drug and alcohol prevention programs under RCW 66.08.180(4).

(5) \$1,500,000 of the general fund—state appropriation is provided solely for training of paraprofessional classroom assistants and classroom teachers to whom the assistants are assigned. The funding is intended to provide a training program of at least twenty-five hours for approximately one thousand classroom assistants, and at least a one-day training program for approximately two thousand assigned teachers. A maximum of \$175,000 of this amount may be spent by the superintendent for state administrative costs of this program.

(6) \$350,000 of the general fund—state appropriation is provided solely for grants to school districts for multicultural inservice training.

NEW SECTION. Sec. 518. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR SPECIAL AND PILOT PROGRAMS

General Fund Appropriation—State	\$	15,991,000
General Fund Appropriation—Federal	\$	5,973,000
Total Appropriation	\$	21,964,000

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

(1) \$1,731,000 of the general fund—state appropriation is provided solely for a contract with the Pacific science center for travelling van programs and other educational services for public schools. \$815,000 of this amount is provided to expand the travelling van program to serve approximately 50 percent of public elementary schools annually, and to expand the on-site instruction program to serve approximately 70,000 students and teachers each year.

(2) \$88,000 of the general fund—state appropriation is provided solely for a contract with the Cispus learning center for environmental education programs.

(3) \$3,975,000 of the general fund—federal appropriation is provided solely for substance abuse prevention programs.

(4) \$5,719,000 of the general fund—state appropriation and \$1,710,000 of the general fund—federal appropriation are provided solely for the schools for the twenty-first century pilot programs established by RCW 28A.100.030 through 28A.100.068. The general fund—federal appropriation shall be expended to establish a maximum of twelve new projects in fiscal year 1991.

(5) \$3,560,000 of the general fund—state appropriation is provided solely for the beginning teachers assistance program established under RCW 28A.67.240. Moneys shall be distributed under this subsection at a maximum rate per mentor/beginning teacher team of \$1,780 per year.

(6) \$204,000 of the general fund—state appropriation is provided solely for child abuse education provisions of RCW 28A.03.512 through 28A.03.514.

(7) \$1,519,000 of the general fund—state appropriation is provided solely for grants to public or private nonprofit organizations to assist parents of children in headstart or early childhood education and assistance programs, who are enrolled in adult literacy classes or tutoring programs under RCW 28A.130.010 through 28A.130.020. Grants provided under this subsection may be used for scholarships, costs of transportation and child care, and other support services. Moneys provided under this subsection may not be used by the superintendent of public instruction for state administrative costs.

(8) \$82,000 of the general fund—state appropriation is provided solely for in-service training and other costs associated with the development of a comprehensive K-12 health education curriculum, including an integral component relating to acquired immunodeficiency syndrome.

(9) \$250,000 of the general fund—state appropriation is provided solely for the continuation of student teaching pilot projects under Engrossed Senate Bill No. 5826. If the bill is not enacted by June 30, 1989, the amount provided in this subsection shall lapse.

(10) \$2,712,000 of the general fund—state appropriation and \$288,000 of the general fund—federal appropriation are provided solely for grants for drop-out prevention and retrieval programs established under RCW 28A.120.060 through 28A.120.072. The general fund—federal appropriation shall be allocated to school districts for projects that meet federal criteria for targeted services eligible for funding under chapter 2 of the education consolidation and improvement act, to assist in establishing new services and innovative programs for students at risk.

(11) \$126,000 of the general fund—state appropriation is provided solely to establish and operate a toll-free telephone number at the Lifeline Institute to assist school districts in youth suicide prevention.

NEW SECTION. Sec. 519. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR ENCUMBRANCES OF FEDERAL GRANTS

General Fund Appropriation—Federal \$ 36,216,000

NEW SECTION. Sec. 520. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR TRANSITIONAL BILINGUAL PROGRAMS

General Fund Appropriation \$ 14,772,000

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

(1) \$1,476,000 is provided solely for the remaining months of the 1988-89 school year.

(2) The superintendent shall distribute funds for the 1989-90 and 1990-91 school years at a rate for each year of \$452 per eligible student.

NEW SECTION. Sec. 521. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR THE LEARNING ASSISTANCE PROGRAM

General Fund Appropriation \$ 70,417,000

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

(1) \$5,899,000 is provided solely for the remaining months of the 1988-89 school year.

(2) Funding for school district learning assistance programs serving kindergarten through grade nine shall be distributed during the 1989-90 and 1990-91 school years at a maximum rate of \$389 per unit as calculated pursuant to this subsection. The number of units for each school district in each school year shall be the sum of: (a) The number of full time equivalent students enrolled in kindergarten through grade six in the district multiplied by the percentage of the district's students taking the fourth grade basic skills test who scored in the lowest quartile as compared to national norms, and then reduced by the number of students ages eleven and below in the district who are identified as specific learning disabled and are served through programs established pursuant to chapter 28A.13 RCW; and (b) the number of full time equivalent students enrolled in grades seven through nine in the district multiplied by the percentage of the district's students taking the eighth grade basic skills test who scored in the lowest quartile as compared to national norms, and then reduced by the number of students ages twelve through fourteen in the district who are identified as specific learning disabled and are served through programs established pursuant to chapter 28A.13 RCW. In determining these allocations, the superintendent shall use the most recent prior five-year average scores on the fourth grade and eighth grade state-wide basic skills tests.

NEW SECTION. Sec. 522. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR EDUCATIONAL CLINICS

General Fund Appropriation \$ 3,584,000

The appropriation in this section is subject to the following conditions and limitations: Not more than \$1,792,000 of the general fund appropriation may be expended during fiscal year 1990.

NEW SECTION. Sec. 523. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—LOCAL EDUCATION PROGRAM ENHANCEMENT FUNDS

General Fund Appropriation \$ 54,463,000

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

(1) \$5,053,000 of the general fund appropriation is provided solely for the remaining months of the 1988-89 school year.

(2) A school district may be eligible to receive an allocation from this appropriation if the school district's board of directors has:

(a) Assessed the needs of the schools within the district;

(b) Prioritized the identified needs; and

(c) Developed an expenditure plan for the allocation and an evaluation methodology to assess benefits to students.

(3) School districts receiving moneys pursuant to this section shall expend such moneys to meet educational needs identified by the district within the following program areas:

(a) Prevention and intervention services in the elementary grades;

(b) Reduction of class size;

(c) Early childhood education;

(d) Student-at-risk programs, including dropout prevention and retrieval, and substance abuse awareness and prevention;

(e) Staff development and in-service programs;

(f) Student logical reasoning and analytical skill development;

- (g) Programs for highly capable students;
- (h) Programs involving students in community services;
- (i) Senior citizen volunteer programs; and
- (j) Other purposes that enhance a school district's basic education program.

Program enhancements funded pursuant to this section do not fall within the definition of basic education for purposes of Article IX of the state Constitution and the state's funding duty thereunder, nor shall such funding as now or hereafter appropriated and allocated constitute levy reduction funds for purposes of RCW 84.52.0531.

(4)(a) Allocations to eligible school districts for the 1989-90 and 1990-91 school years shall be calculated on the basis of average annual full time equivalent enrollment, at an annual rate of \$35.26 per pupil. For school districts enrolling not more than one hundred average annual full time equivalent students, and for small school plants within any school district designated as remote and necessary schools, the allocations shall be determined as follows:

(i) Enrollment of not more than sixty average annual full time equivalent students in grades kindergarten through six shall generate funding based on sixty full time equivalent students;

(ii) Enrollment of not more than twenty average annual full time equivalent students in grades seven and eight shall generate funding based on twenty full time equivalent students; and

(iii) Enrollment of sixty or fewer average annual full time equivalent students in grades nine through twelve shall generate funding based on sixty full time equivalent students.

(b) Allocations shall be distributed on a school-year basis pursuant to RCW 28A.48.010.

NEW SECTION, Sec. 524. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR THE STATE SCHOOL FOR THE BLIND AND THE STATE SCHOOL FOR THE DEAF

General Fund Appropriation—State	\$	17,318,000
General Fund Appropriation—Federal	\$	48,000
Total Appropriation	\$	17,366,000

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

(1) \$5,940,000 of the general fund—state appropriation is provided to pass through directly to the state school for the blind at the request of the school's superintendent.

(2) \$10,991,000 of the general fund—state appropriation and \$48,000 of the general fund—federal appropriation is provided to pass through directly to the state school for the deaf at the request of the school's superintendent.

(3) \$387,000 of the general fund—state appropriation is provided solely for transportation of day students attending the schools. The state school for the deaf and the state school for the blind shall contract with educational service district No. 112 for the provision of pupil transportation services.

PART VI HIGHER EDUCATION

NEW SECTION, Sec. 601. The appropriations in sections 602 through 608 of this act are subject to the following conditions and limitations:

(1) For the purposes of this section and sections 602 through 608 of this act, "institutions of higher education" means the institutions receiving appropriations pursuant to sections 602 through 608 of this act.

(2) (a) Student Quality Standard: During the 1989-91 fiscal biennium, each institution of higher education shall not spend less than the average biennial amount listed in this subsection per full time equivalent student. The amounts include total appropriated general fund—state operating expenses for the institution, less expenditures for plant maintenance and operations, with the exception of Washington State University, where cooperative extension and agricultural research are also excluded from the per student expenditures. This expenditure-per-student requirement may vary by two percent. If an institution's expenditure per student in fiscal year 1989-90 exceeds the two-percent variance, then the office of financial management shall reduce that institution's allotment for fiscal year 1990-91 by the amount above the two-percent variance.

University of Washington	\$	9,290
Washington State University	\$	7,625
Eastern Washington University	\$	5,511
Central Washington University	\$	5,649
The Evergreen State College	\$	7,076
Western Washington University	\$	5,430
State Board for Community College Education	\$	3,302

(b) Facilities Quality Standard: During the 1989-91 biennium, no institution of higher education may allow its expenditures for plant operation and maintenance to be more than five percent below the general fund—state appropriation and the general fund—local amounts allotted for this purpose.

(3)(a) The following are maximum amounts that each institution may spend from the appropriations in sections 602 through 608 and 610 of this act for faculty, graduate assistants, and exempt staff salary increases and are subject to all the limitations contained in this section.

For the purpose of allocating these funds, "faculty" includes all instructional and research faculty, teaching and research assistants, academic deans, department chairpersons, librarians, and community college counselors who are not part of the state classified service system. "Exempt staff" includes all professional and administrative employees who are not part of the state classified service system.

University of Washington	\$	18,348,000
Washington State University	\$	9,603,000
Eastern Washington University	\$	2,864,000
Central Washington University	\$	2,553,000
The Evergreen State College	\$	1,210,000
Western Washington University	\$	3,435,000
State Board for Community College Education	\$	19,753,000
Higher Education Coordinating Board	\$	66,000

(b) The amounts listed in (a) of this subsection are intended to provide faculty, exempt staff, teaching and research assistants, and medical residents at each four-year institution and the community college system as a whole, a maximum of the average percentage increase, including increments, listed below on the effective dates indicated:

	<u>Faculty and Exempt Staff</u>	
	January 1, 1990	January 1, 1991
University of Washington	6.1%	6.1%
Washington State University	6.1%	6.1%
Eastern Washington University	6.4%	6.4%
Central Washington University	6.4%	6.4%
The Evergreen State College	6.4%	6.4%
Western Washington University	6.4%	6.4%
State Board for Community College Education	6.2%	6.2%
Exempt staff (all institutions)	2.5%	6.0%
Higher Education Coordinating Board	2.5%	6.0%

(c) Regardless of whether the maximum amounts authorized in this subsection are granted, they will be considered granted by the higher education coordinating board when comparing faculty salaries to other institutions for the purpose of determining salary increase requirements.

(d) The salary increases authorized under this subsection may be granted to state employees at Washington State University who are supported in full or in part by federal land grant formula funds.

(e) The state board for community college education shall allocate the amounts authorized in this subsection among the community college districts according to policies and guidelines established by the board that may include policies for achieving more equitable salary levels among districts and more equitable salary levels between part-time and full-time faculty.

(4) The following amounts from the appropriations in sections 602 through 608 of this act, or as much thereof as may be necessary, shall be spent to provide higher education personnel board classified employees with a 2.5 percent across-the-board salary increase effective January 1, 1990, and an additional 6.0 percent across-the-board salary increase effective January 1, 1991. These increases shall be implemented in compliance and conformity with all requirements of the comparable worth agreement ratified by 1986 Senate Concurrent Resolution No. 126. No salary increase may be paid under this subsection to any person whose salary has been Y-rated pursuant to rules adopted by the higher education personnel board.

University of Washington	\$	4,484,000
Washington State University	\$	2,950,000
Eastern Washington University	\$	747,000
Central Washington University	\$	574,000
The Evergreen State College	\$	427,000
Western Washington University	\$	792,000
State Board for Community College Education	\$	4,011,000
Higher Education Coordinating Board	\$	35,000

(5) The following amounts from the appropriations in sections 602 through 608 of this act are provided solely for student employee salary increases:

University of Washington	\$	130,000
Washington State University	\$	73,000
Eastern Washington University	\$	21,000
Central Washington University	\$	18,000
The Evergreen State College	\$	9,000
Western Washington University	\$	25,000

State Board for Community College Education	\$	142,000
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(6) Any institution that grants an average salary increase in excess of the amounts authorized in subsection (3) of this section is ineligible to receive any funds appropriated for salary increases in sections 603 through 608 of this act. Any community college district that grants an average salary increase in excess of the amounts authorized in subsection (3) of this section, as allocated by the state board for community college education, is ineligible to receive any funds appropriated for salary increases in section 602 of this act. The office of financial management shall adjust an institution's allotment as necessary to enforce the restrictions imposed by this section.

(7) The office of financial management shall by November 1, 1989, develop an employee classification system for the purpose of allocating the appropriations in this act for higher education salary increases. In developing the classification system, the office of financial management shall consult with the institutions of higher education, the senate committee on ways and means, and the house of representatives committee on appropriations. The classification system shall be consistent among the institutions and shall provide for uniform application of each employee classification, including instructional and research faculty, academic and administrative deans, department chairpersons, exempt and classified staff, presidents, chancellors, vice-presidents, librarians, and counselors. An institution of higher education shall not grant any salary increase under this section unless the office of financial management determines that the increase is consistent with the classification system required by this subsection. It is the intent of the legislature to adjust the appropriations in this act during the 1990 legislative session to reflect the classification system; the appropriation adjustments shall result in a total expenditure level that is less than or equal to the total amount allocated for salary increases under this section to all institutions. The classification system shall be used solely for the purpose of salary increase allocations under this section and shall not affect any employee rights under the state higher education personnel law, chapter 28B.16 RCW.

NEW SECTION, Sec. 602. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION General Fund Appropriation	\$	629,466,000
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The appropriation in this section is subject to the following conditions and limitations:

(1) The state board for community college education shall establish compensation guidelines for salary levels of the top administrative position at community colleges. The guidelines should take into account criteria such as institutional size, level of responsibility, experience, and longevity.

(2) Community college districts having a higher than average proportion of part-time faculty may use up to five percent of instructional support enhancement money to convert existing part-time faculty to full-time status. Community college districts having a lower than average proportion of part-time faculty shall not use instructional support enhancement money to convert existing part-time faculty to full-time status.

(3) The enrollment increases funded by this appropriation shall be distributed among all the community college districts based on the weighted percentage enrollment plan developed by the state board for community college education, and contained in the legislative budget notes.

(4) At least \$400,000 shall be spent on assessment of student outcomes. The institutions shall strive to improve the quality of instruction in areas such as instructor contact time and student writing requirements.

(5) At least \$50,000 shall be spent to fund the comparable worth salary adjustments for employees in community college childcare centers.

(6) \$5,430,000 is provided to enhance the institution's appropriation for equipment.

NEW SECTION, Sec. 603. FOR THE UNIVERSITY OF WASHINGTON General Fund Appropriation	\$	613,671,000
Medical Aid Fund Appropriation	\$	3,518,000
Accident Fund Appropriation	\$	3,517,000
Death Investigations Account Appropriation	\$	957,000
Total Appropriation	\$	621,663,000

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

(1) At least \$6,570,000 of the general fund appropriation shall be spent to begin off-campus upper-division course offerings in Tacoma and Bothell.

(2) The University of Washington shall establish an evening degree credit program. \$391,000 of the general fund appropriation is provided to facilitate this purpose.

(3) At least \$400,000 shall be spent on assessment of student outcomes. The institution shall strive to improve the quality of instruction in areas such as professor contact time and student writing requirements.

(4) \$4,587,000 is provided to enhance the institution's appropriation for equipment.

NEW SECTION, Sec. 604. FOR WASHINGTON STATE UNIVERSITY General Fund Appropriation	\$	337,669,000
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The appropriation in this section is subject to the following conditions and limitations:

(1) At least \$2,012,000 shall be spent to expand upper-division and graduate off-campus course offerings.

(2) Washington State University shall continue funding three faculty positions associated with Tri-Cities diversification.

(3) At least \$400,000 shall be spent on assessment of student outcomes. The institution shall strive to improve the quality of instruction in areas such as professor contact time and student writing requirements.

(4) \$1,237,000 is provided to enhance the institution's appropriation for equipment.

NEW SECTION, Sec. 605. FOR EASTERN WASHINGTON UNIVERSITY

General Fund Appropriation \$ 92,656,000

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

(1) It is intended that enrollment increases be directed to resident students and that priority be given to students seeking entrance to upper-division courses with the intent to complete a bachelor's degree.

(2) At least \$400,000 shall be spent on assessment of student outcomes. The institution shall strive to improve the quality of instruction in areas such as professor contact time and student writing requirements.

(3) \$516,000 is provided to enhance the institution's appropriation for equipment.

NEW SECTION, Sec. 606. FOR CENTRAL WASHINGTON UNIVERSITY

General Fund Appropriation \$ 78,366,000

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

(1) It is intended that enrollment increases be directed to resident students and that priority be given to students seeking entrance to upper-division courses with the intent to complete a bachelor's degree.

(2) At least \$599,000 shall be spent to provide upper-division courses in Yakima.

(3) At least \$400,000 shall be spent on assessment of student outcomes. The institution shall strive to improve the quality of instruction in areas such as professor contact time and student writing requirements.

(4) \$316,000 is provided to enhance the institution's appropriation for equipment.

NEW SECTION, Sec. 607. FOR THE EVERGREEN STATE COLLEGE

General Fund Appropriation \$ 48,375,000

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

(1) It is intended that enrollment increases be directed to resident students and that priority be given to students seeking entrance to upper-division courses with the intent to complete a bachelor's degree.

(2) At least \$400,000 shall be spent on assessment of student outcomes. The institution shall strive to improve the quality of instruction in areas such as professor contact time and student writing requirements.

(3) \$377,000 is provided to enhance the institution's appropriation for equipment.

NEW SECTION, Sec. 608. FOR WESTERN WASHINGTON UNIVERSITY

General Fund Appropriation \$ 102,936,000

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

(1) It is intended that enrollment increases be directed to resident students and that priority be given to students seeking entrance to upper-division courses with the intent to complete a bachelor's degree.

(2) At least \$400,000 shall be spent on assessment of student outcomes. The institution shall strive to improve the quality of instruction in areas such as professor contact time and student writing requirements.

(3) \$805,000 is provided to enhance the institution's appropriation for equipment.

NEW SECTION, Sec. 609. FOR THE COMPACT FOR EDUCATION

General Fund Appropriation \$ 92,000

NEW SECTION, Sec. 610. FOR THE HIGHER EDUCATION COORDINATING BOARD

General Fund Appropriation—State \$ 58,248,000

General Fund Appropriation—Federal \$ 4,152,000

State Educational Grant Account Appropriation \$ 40,000

Total Appropriation \$ 62,440,000

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

(1) \$53,943,000 of the general fund—state appropriation is provided solely for student financial aid, including administrative costs. Of that amount:

(a) At least \$18,100,000 shall be expended for work study grants;

(b) \$31,609,000 of the general fund—state appropriation is provided solely for the state need grant program. The need grant award to any individual shall not exceed the amount received by a student attending a state research university;

(c) \$250,000 is provided solely for additions to the conditional scholarship program for nurses;

(d) \$300,000 is provided solely for additions to the conditional scholarship program for teachers;

(e) \$500,000 is provided solely for the educational opportunity grant program;

(f) \$100,000 is provided solely to make matching awards of \$2,000 to community scholarship foundations that:

(i) After the effective date of this act, begin a higher education scholarship program and raise at least \$2,000 for the program;

(ii) Obtain and maintain tax-exempt status under section 501(c)(3) of the internal revenue code for the fund supporting the scholarship program; and

(iii) Have not previously received a matching award from the amount provided in this subsection.

(2) \$50,000 is provided solely for the establishment of a Washington state writing project intended to enhance the skills of writing teachers in grades kindergarten through twelfth grade in Washington public schools.

NEW SECTION. Sec. 611. FOR THE WASHINGTON INSTITUTE OF APPLIED TECHNOLOGY
General Fund Appropriation \$ 1,500,000

The appropriation in this section is subject to the following conditions and limitations: This appropriation is provided solely for fiscal year 1990.

NEW SECTION. Sec. 612. FOR THE 1991 APPLIED TECHNOLOGY RESERVE ACCOUNT.
(1) \$1,500,000 is appropriated from the general fund to the 1991 applied technology reserve account, which account is hereby created in the state treasury. This appropriation represents the fiscal year 1991 costs to operate the Washington institute of applied technology. All moneys in the 1991 applied technology reserve account not appropriated by law by June 30, 1990, shall revert to the general fund.

(2) The state board for vocational education within the governor's office shall conduct a study of the Washington institute of applied technology. The study shall be conducted in conjunction with the Seattle school district, Seattle community college, the superintendent of public instruction, and the office of financial management. The study shall examine the institute's role in the marketplace, its effectiveness in accomplishing its purpose, and alternative methods of operation. The results of the study, together with any recommendations, shall be submitted to the senate committee on ways and means and the house of representatives committee on appropriations by December 1, 1989.

NEW SECTION. Sec. 613. FOR THE HIGHER EDUCATION PERSONNEL BOARD
Higher Education Personnel Board Service Fund Appropriation \$ 2,083,000

The appropriation in this section is subject to the following conditions and limitations: \$50,000 of the appropriation is provided solely for a 2.5 percent across-the-board salary increase effective January 1, 1990, and an additional 6.0 percent across-the-board salary increase effective January 1, 1991, for staff of the higher education personnel board.

NEW SECTION. Sec. 614. FOR WASHINGTON STATE LIBRARY
General Fund Appropriation—State \$ 11,013,000
General Fund Appropriation—Federal \$ 4,620,000
General Fund Appropriation—Private/Local \$ 112,000
Western Library Network Computer System Revolving Fund Approp-
riation—Private/Local \$ 14,073,000
Total Appropriation \$ 29,818,000

The appropriations in this section are subject to the following conditions and limitations: \$2,331,000 of the general fund—state and the general fund—federal appropriations are provided solely for a contract with the Seattle public library for library services for the blind and physically handicapped.

NEW SECTION. Sec. 615. FOR THE WASHINGTON STATE ARTS COMMISSION
General Fund Appropriation—State \$ 4,557,000
General Fund Appropriation—Federal \$ 772,000
Total Appropriation \$ 5,329,000

The appropriations in this section are subject to the following conditions and limitations:
(1) \$1,084,000 of the general fund—state appropriation is provided solely for grants of institutional support to major arts organizations.

(2) \$183,000 of the general fund—state appropriation is provided solely for grants for artists participating in the artist-in-residence program.

(3) The commission shall develop and implement a plan to reduce administrative expenditures below twenty-five percent of total expenditures by fiscal year 1991. The commission shall submit a progress report on its plan to the appropriations committee of the house of representatives and the ways and means committee of the senate prior to January 8, 1990.

NEW SECTION. Sec. 616. FOR THE WASHINGTON STATE HISTORICAL SOCIETY
General Fund Appropriation \$ 1,095,000

The appropriation in this section is subject to the following conditions and limitations: \$241,000 of the general fund appropriation is provided solely for planning and implementation of the maritime voyages exhibition.

NEW SECTION. Sec. 617. FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY
General Fund Appropriation—State \$ 748,000
General Fund Appropriation—Federal \$ 126,000
Total Appropriation \$ 874,000

NEW SECTION, Sec. 618. FOR THE STATE CAPITOL HISTORICAL ASSOCIATION

General Fund Appropriation	\$	873,000
State Capitol Historical Association Museum Account Appropriation	\$	119,000
Total Appropriation	\$	992,000

The appropriations in this section are subject to the following conditions and limitations: \$100,000 of the general fund appropriation is provided solely for the continuation of a technical assistance program for local heritage organizations.

**PART VII
SPECIAL APPROPRIATIONS**

NEW SECTION, Sec. 701. FOR THE STATE TREASURER—STATE REVENUES FOR

DISTRIBUTION

General Fund Appropriation for fire insurance premiums tax distribution	\$	5,239,000
General Fund Appropriation for public utility district excise tax distribution	\$	22,854,000
General Fund Appropriation for prosecuting attorneys' salaries	\$	2,277,000
General Fund Appropriation for motor vehicle excise tax distribution	\$	68,719,000
General Fund Appropriation for local mass transit assistance	\$	208,213,000
General Fund Appropriation for camper and travel trailer excise tax distribution	\$	2,600,000
Aquatic Lands Enhancement Account Appropriation for harbor improvement revenue distribution	\$	80,000
Liquor Excise Tax Fund Appropriation for liquor excise tax distribution	\$	18,667,000
Motor Vehicle Fund Appropriation for motor vehicle fuel tax and overload penalties distribution	\$	290,025,000
Liquor Revolving Fund Appropriation for liquor profits distribution	\$	41,250,000
Timber Tax Distribution Account Appropriation for distribution to "Timber" counties	\$	57,544,000
Municipal Sales and Use Tax Equalization Account Appropriation	\$	37,002,000
County Sales and Use Tax Equalization Account Appropriation	\$	12,695,000
Death Investigations Account Appropriation for distribution to counties for publicly funded autopsies	\$	636,000
Total Appropriation	\$	767,801,000

NEW SECTION, Sec. 702. FOR THE STATE TREASURER—FEDERAL REVENUES FOR

DISTRIBUTION

Forest Reserve Fund Appropriation for federal forest reserve fund distribution	\$	70,000,000
General Fund Appropriation for federal flood control funds distribution	\$	70,000
General Fund Appropriation for federal grazing fees distribution	\$	50,000
Geothermal Account Appropriation—Federal	\$	20,000
General Fund Appropriation for distribution of federal funds to counties in conformance with Public Law 97-99	\$	720,000
Total Appropriation	\$	70,860,000

NEW SECTION, Sec. 703. FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, INCLUDING ONGOING BOND REGISTRATION AND TRANSFER CHARGES; FOR GENERAL OBLIGATION DEBT SUBJECT TO THE STATUTORY DEBT LIMIT

Fisheries Bond Redemption Fund 1977 Appropriation	\$	1,367,200
Water Pollution Control Facilities Bond Redemption Fund 1967 Appropriation	\$	4,117,000
State Building and Higher Education Construction Bond Redemption Fund 1967 Appropriation	\$	8,034,700
State Building (Expo 74) Bond Redemption Fund 1973A Appropriation	\$	375,900
State Building Bond Redemption Fund 1973 Appropriation	\$	3,796,000
State Higher Education Bond Redemption Fund 1973 Appropriation	\$	4,379,300
State Building Authority Bond Redemption Fund Appropriation	\$	9,401,000
Community College Capital Improvement Bond Redemption Fund 1972 Appropriation	\$	7,514,400
State Higher Education Bond Redemption Fund 1974 Appropriation	\$	1,182,900
Waste Disposal Facilities Bond Redemption Fund Appropriation	\$	64,569,200
Water Supply Facilities Bond Redemption Fund Appropriation	\$	11,126,800
Recreation Improvements Bond Redemption Fund Appropriation	\$	5,996,200
Social and Health Services Facilities 1972 Bond Redemption Fund Appropriation	\$	3,714,100
Outdoor Recreation Bond Redemption Fund 1967 Appropriation	\$	6,298,000
Indian Cultural Center Construction Bond Redemption Fund 1976 Appropriation	\$	124,200

Fisheries Bond Redemption Fund 1976 Appropriation	\$	762,600
Higher Education Bond Redemption Fund 1975 Appropriation	\$	2,167,100
State Building Bond Retirement Fund 1975 Appropriation	\$	421,900
Social and Health Services Bond Redemption Fund 1976 Appropriation	\$	9,474,800
Emergency Water Projects Bond Retirement Fund 1977 Appropriation	\$	2,614,000
Higher Education Bond Redemption Fund 1977 Appropriation	\$	19,264,000
Salmon Enhancement Bond Redemption Fund 1977 Appropriation	\$	4,328,700
Fire Service Training Center Bond Retirement Fund 1977 Appropriation	\$	850,500
State General Obligation Bond Retirement Bond 1979 Appropriation	\$	339,761,200
Total Appropriation	\$	511,641,700

NEW SECTION. Sec. 704. FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, INCLUDING ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL OBLIGATION DEBT TO BE REIMBURSED BY ENTERPRISE ACTIVITIES

State Convention and Trade Center Account Appropriation	\$	29,443,500
University of Washington Hospital Bond Retirement Fund 1975 Appropriation	\$	1,171,600
Office-Laboratory Facilities Bond Redemption Fund Appropriation	\$	273,700
Higher Education Bond Retirement Fund 1979 Appropriation	\$	2,556,600
State General Obligation Bond Retirement Fund 1979 Appropriation	\$	9,249,000
Spokane River Toll Bridge Revolving Account Appropriation	\$	882,100
Total Appropriation	\$	43,576,500

NEW SECTION. Sec. 705. FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, INCLUDING ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL OBLIGATION DEBT TO BE REIMBURSED AS PRESCRIBED BY STATUTE

Community College Refunding Bond Retirement Fund 1974 Appropriation	\$	9,756,200
Community College Capital Construction Bond Redemption Fund 1975, 1976, 1977 Appropriation	\$	10,773,500
Higher Education Bond Retirement Fund 1979 Appropriation	\$	10,268,800
Washington State University Bond Redemption Fund 1977 Appropriation	\$	539,200
Higher Education Refunding Bond Redemption Fund 1977 Appropriation	\$	7,801,200
State General Obligation Bond Retirement Fund 1979 Appropriation	\$	29,346,300
Total Appropriation	\$	68,485,200

NEW SECTION. Sec. 706. FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, INCLUDING ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR DEBT TO BE PAID BY MOTOR VEHICLE FUND REVENUE

Highway Bond Retirement Fund Appropriation	\$	195,489,500
Ferry Bond Retirement Fund 1977 Appropriation	\$	26,531,100
Total Appropriation	\$	222,020,600

NEW SECTION. Sec. 707. FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, INCLUDING ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR DEBT TO BE PAID BY STATUTORILY PRESCRIBED REVENUE

Common School Building Bond Redemption Fund 1967 Appropriation	\$	6,906,000
State Building Bond Redemption Fund 1967 Appropriation	\$	655,600
State Building and Parking Bond Redemption Fund 1969 Appropriation	\$	2,450,900
Total Appropriation this Section	\$	10,012,500
Total Bond Retirement and Interest Appropriations, Sections 703 through 707	\$	855,736,200

NEW SECTION. Sec. 708. FOR THE GOVERNOR—EMERGENCY FUND

General Fund Appropriation	\$	2,000,000
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The appropriation in this section is for the governor's emergency fund to be allocated for the carrying out of the critically necessary work of any agency.

NEW SECTION. Sec. 709. FOR THE GOVERNOR—INDIAN CLAIMS

General Fund Appropriation	\$	4,925,000
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The appropriation in this section is subject to the following conditions and limitations:

(1) This appropriation is provided solely for implementation of the Puyallup tribal settlement agreement, as provided in Substitute House Bill No. 1788 and Engrossed Senate Bill No. 5734. If neither bill is enacted by June 30, 1989, this appropriation shall lapse.

(2) No portion of this appropriation may be spent, released, transferred, or placed into escrow until all of the following have occurred:

(a) The United States Congress has passed (and the President of the United States has signed, if necessary) legislation providing approximately \$77,250,000 to the Puyallup Indian

Tribe (the "tribe") as described in the "Agreement between the Puyallup Tribe of Indians, local Governments in Pierce County, the State of Washington, the United States of America, and certain private property owners," dated August 27, 1988 (the "agreement").

(b) The local governments of Pierce county, the city of Tacoma, the city of Fife, the city of Puyallup, and the Port of Tacoma have among them agreed to pay approximately \$52,134,000 to the tribe according to the terms of the agreement.

(3) The legislature recognizes the need for consistency and finality in property settlement agreements in order for economic expansion to benefit the community. The attorney general shall appear for and represent individual owners of owner-occupied residential real estate before the state and federal courts in all cases in which an individual tribal member of a tribe signatory to the agreement has instituted an action or proceeding raising a claim of Indian title for land located within the properties comprising the agreement.

NEW SECTION, Sec. 710. FOR THE GOVERNOR—TORT DEFENSE SERVICES

General Fund Appropriation	\$	1,500,000
Special Fund Agency Tort Defense Services Revolving Fund Approp- riation	\$	1,292,000
Total Appropriation	\$	2,792,000

The appropriations in this section are subject to the following conditions and limitations: To facilitate payment of tort defense services from special funds, the state treasurer is directed to transfer sufficient moneys from each special fund to the special fund tort defense services revolving fund, hereby created, in accordance with schedules provided by the office of financial management. The governor shall distribute the moneys appropriated in this section to agencies to pay for tort defense services.

NEW SECTION, Sec. 711. DEPARTMENT OF PUBLIC HEALTH—TRANSITION

General Fund Appropriation	\$	1,000,000
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The appropriation in this section is subject to the following conditions and limitations: If a department of public health or a department of health is not established by law by June 30, 1989, this appropriation shall lapse.

NEW SECTION, Sec. 712. FOR BELATED CLAIMS

(1) There is appropriated to the office of financial management for payment of supplies and services furnished in previous biennia, from the General Fund	\$	1,140,000
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(2) The following sums, or so much thereof as shall severally be found necessary, are hereby appropriated and authorized to be expended out of the several funds indicated, for the period from the effective date of this act to June 30, 1991, except as otherwise noted.

To reimburse the general fund for expenditures from belated claims appropriations to be disbursed on vouchers approved by the office of financial management:

Medical Disciplinary Account	\$	520
Institutional Impact Account	\$	26,153
ORV (Off-Road-Vehicle) Account	\$	23
Hospital Commission Account	\$	15,224
Centennial Commission Account	\$	940
Public Safety and Education Account	\$	1151
Health Professions Account	\$	734
Forest Development Account	\$	6,122
Real Estate Commission Account	\$	1,614
Reclamation Revolving Account	\$	103
Landowner Contingency Forest Fire Suppression Account	\$	600
Capitol Building Construction Account	\$	40,251
Resource Management Cost Account	\$	9,295
Litter Control Account	\$	34,305
State Building Construction Account	\$	35
Outdoor Recreation Account	\$	1,958
Local Governance Study Commission Account	\$	42
Grade Crossing Protective Fund	\$	1,029
State Patrol Highway Account	\$	25,745
Motorcycle Safety Education Fund	\$	266
Fire Service Training Account	\$	447
Seed Fund	\$	3,023
Electrical License Fund	\$	724
State Wildlife Fund	\$	20,500
Highway Safety Fund	\$	7,774
Motor Vehicle Fund	\$	14,046
Puget Sound Ferry Operations Account	\$	12
Public Service Revolving Fund	\$	6,042
Insurance Commissioner's Regulatory Account	\$	1,910
State Treasurer's Service Fund	\$	1,053
Legal Services Revolving Fund	\$	2,557
Municipal Revolving Fund	\$	5,671

Department of Personnel Service Fund	\$	6,472
State Auditing Services Revolving Fund	\$	1,240
Liquor Revolving Fund	\$	15,445
Department of Retirement Systems Expense Fund	\$	2,982
Accident Fund	\$	62,964
Medical Aid Fund	\$	57,948
Western Library Network Computer System Revolving Fund	\$	460
Pressure Systems Safety Fund	\$	32

NEW SECTION. Sec. 713. FOR SUNDRY CLAIMS

The following sums, or so much thereof as are necessary, are appropriated from the general fund, unless otherwise indicated, for the payment of court judgments and for relief of various individuals, firms, and corporations for sundry claims. These appropriations are to be disbursed on vouchers approved by the director of the department of general administration, except as otherwise provided, as follows:

(1) For transfer to the Tort Claims Revolving Fund to reimburse the Tort Claims Revolving Fund for payments made to Lori Ann Newman per order of Pierce County Superior Court, Cause No. 85-2-06030-5	\$	6,000.00
(2) Juan Manuel Palomarez, in settlement of all claims for expenses per order of Yakima County Superior Court, Cause No. 86-1-01381-0, pursuant to RCW 9.01.200, including interest	\$	17,114.96
(3) Michael Ringo, in settlement of all claims for expenses per order of Kitsap County Superior Court, Cause No. 87-1-00115-4, pursuant to RCW 9.01.200, including interest	\$	8,500.17
(4) Lee Arthur Jackson, in settlement of all claims for expenses per order of Spokane County Superior Court, Cause No. 87-1-00516-1, pursuant to RCW 9.01.200, including interest	\$	11,946.92
(5) Thomas A. Simmons, in settlement of all claims for expenses per order of Airport District Court, King County, Cause No. POS 94143, pursuant to RCW 9.01.200, including interest	\$	2,781.87
(6) Daniel L. Boyer, in settlement of all claims for expenses per order of Wahkiakum County Superior Court, Cause No. CR-296, pursuant to RCW 9.01.200, including interest	\$	4,264.05
(7) Alex Rooney, in settlement of all claims for expenses per order of Mason County Superior Court, Cause No. 87-1-00074-5, pursuant to RCW 9.01.200, including interest	\$	31,687.80
(8) Kevin Keniston, in settlement of all claims for expenses per order of Airport District Court, King County, Cause No. 85-188358, pursuant to RCW 9.01.200, including interest	\$	2,862.77
(9) Richard Woods, in settlement of all claims for expenses per order of Pierce County District Court No. 1, Cause No. 88-661977-9, pursuant to RCW 9.01.200, including interest	\$	3,264.21
(10) Donald L. Bakko, in settlement of all claims for expenses per order of Cowlitz County District Court, Cause No. 13818/88-2168, pursuant to RCW 9.01.200, including interest	\$	3,353.09
(11) Curtis A. Fifield, in settlement of all claims for expenses per order of Aukeen District Court, King County, Cause No. K-91052, pursuant to RCW 9.01.200, including interest	\$	4,782.20
(12) Richard J. Giakovmis, in settlement of all claims for expenses per order of Grant County Superior Court, Cause No. 86-2-00119-7	\$	6,437.50
(13) Edward Frank Simpson, in settlement of all claims for expenses per order of Spokane County Superior Court, Cause No. 88-1-00710-2, pursuant to RCW 9.01.200, including interest	\$	12,454.06
(14) Lisa Marie Jones, payment of judgment against The Evergreen State College, per order of Thurston County Superior Court, Cause No. 87-2-01331-3	\$	22,900.00
(15) Mary F. Simmerer Lewis and Timothy P. Lewis, payment of judgment against The Evergreen State College, per order of Thurston County Superior Court, Cause No. 87-2-01331-3	\$	6,000.00
(16) Quigg Bros.-McDonald, Inc., payment based upon consent decree against Bekaert Steel Wire, per order of King County Superior Court, Cause No. 87-2-10275-1 and Stipulation of Settlement No. C88-289TB entered in the U.S. District Court, Western District of Washington	\$	8,571.00
(17) Clyde Waverly Fondern, in settlement of all claims for expenses per order of Klickitat County Superior Court, Cause No. C-2100, pursuant to RCW 9.01.200, including interest	\$	128,601.04

(18) Compensation to the following for all pending claims of damage to crops by game: PROVIDED. That payment shall be made from the Wildlife Fund:

(a) Phyllis L. Thompson, on behalf of Hidden Valley Nursery	..... \$	3,587.92
(b) Harold J. Weber	..... \$	6,145.76
(c) Joe C. Greutz	..... \$	11,591.75

NEW SECTION. Sec. 714. FOR THE GOVERNOR—COMPENSATION—SALARY AND

INSURANCE BENEFITS

General Fund Appropriation—State	..... \$	65,080,000
General Fund Appropriation—Federal	..... \$	20,015,000
Special Fund Salary and Insurance Contribution		
Increase Revolving Fund Appropriation	..... \$	47,638,000
Total Appropriation	..... \$	132,733,000

The appropriations in this section, or so much thereof as may be necessary, shall be expended solely for the purposes designated in this section and are subject to the conditions and limitations specified in this section.

(1) \$40,060,000 of the general fund—state appropriation, \$13,311,000 of the general fund—federal appropriation, and \$31,888,000 of the special fund salary and insurance contribution increase revolving fund appropriation are provided for a 2.5 percent across-the-board salary increase effective January 1, 1990, and an additional 6.0 percent across-the-board salary increase effective January 1, 1991, for all classified and exempt employees under the state personnel board (SPB), and commissioned officers of the Washington state patrol. These increases shall be implemented in compliance and conformity with all requirements of the comparable worth agreement ratified by 1986 Senate Concurrent Resolution No. 126, where applicable.

(2) The governor shall allocate to state agencies from the general fund—state appropriation \$3,327,000 for fiscal year 1990 and \$6,654,000 for fiscal year 1991, from the general fund—federal appropriation \$513,000 for fiscal year 1990 and \$1,027,000 for fiscal year 1991, and from the special fund salary and insurance contribution increase revolving fund appropriation \$2,587,000 for fiscal year 1990 and \$5,173,000 for fiscal year 1991 to fulfill the 1989-91 obligations of the comparable worth agreement ratified by 1986 Senate Concurrent Resolution No. 126.

(3)(a) The monthly contributions for insurance benefit premiums shall not exceed \$239.86 per eligible employee.

(b) The monthly contributions for the margin in the self-insured medical and dental plans and for the operating costs of the health care authority shall not exceed \$16.21 per eligible employee.

(c) Any returns of funds to the health care authority resulting from favorable claims experienced during the 1989-91 biennium shall be held in reserve within the state employees insurance account until appropriated by the legislature.

(d) Funds provided under this section, including funds resulting from dividends or refunds, shall not be used to increase employee insurance benefits over the level of services provided on the effective date of this act. Contributions by any county, municipal, or other political subdivision to which coverage is extended after the effective date of this act shall not receive the benefit of any surplus funds attributable to premiums paid prior to the date on which coverage is extended.

(4) To facilitate the transfer of moneys from dedicated funds and accounts, the state treasurer is directed to transfer sufficient moneys from each dedicated fund or account to the special fund salary and insurance contribution increase revolving fund in accordance with schedules provided by the office of financial management.

(5) In calculating individual agency allocations for this section, the office of financial management shall calculate the allocation of each subsection separately. The separate allocations for each agency may be combined under a single appropriation code for improved efficiency. The office of financial management shall transmit a list of agency allocations by subsection to the senate committee on ways and means and the house of representatives committee on appropriations.

(6) No salary increase may be paid under this section to any person whose salary has been Y-rated pursuant to rules adopted by the state personnel board.

(7) Moneys from the appropriation in this section may be expended for salary and benefit increases for ferry workers in accordance with the 1989-91 transportation appropriations act.

NEW SECTION. Sec. 715. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS—CONTRIBUTIONS TO RETIREMENT SYSTEMS

The appropriations in this section are subject to the following conditions and limitations: The appropriations shall be made on a quarterly basis.

(1) There is appropriated for state contributions to the law enforcement officers' and fire fighters' retirement system:

		FY 1990	FY 1991
General Fund Appropriation	..... \$	63,000,000	62,167,000

Total Appropriation \$125,167,000

The appropriation in this subsection is subject to the following conditions and limitations: If Substitute Senate Bill No. 5418 is enacted before June 30, 1989, the FY 1991 appropriation in this subsection shall lapse.

(2) There is appropriated for contributions to the judicial retirement system:

		FY 1990	FY 1991
General Fund Appropriation	\$	1,100,000	1,100,000
Total Appropriation		\$2,200,000	

(3) There is appropriated for contributions to the judges retirement system:

		FY 1990	FY 1991
General Fund Appropriation	\$	250,000	250,000
Total Appropriation		\$500,000	

(4) If Substitute Senate Bill No. 5418 is enacted by June 30, 1989, the initial employer trust fund contribution rate for all employers of members of the retirement system governed by chapter 41.32 RCW (the teachers' retirement system) shall be set at 11.34% of earnable compensation, beginning July 1, 1989, and 12.60% of earnable compensation, beginning September 1, 1990. If Substitute Senate Bill No. 5418 is not enacted by June 30, 1989, the initial employer trust fund contribution rate for all employers of members of the retirement system governed by chapter 41.32 RCW (the teachers' retirement system) shall be set at 11.34% of earnable compensation, beginning July 1, 1989.

(5) If Substitute Senate Bill No. 5418 is enacted by June 30, 1989, the initial employer trust fund contribution rate for all employers of members of the retirement system governed by chapter 41.40 RCW (the public employees' retirement system) shall be set at 5.99% of compensation earnable, beginning July 1, 1989, and 7.1% of earnable compensation, beginning September 1, 1990. If Substitute Senate Bill No. 5418 is not enacted by June 30, 1989, the initial employer trust fund contribution rate for all employers of members of the retirement system governed by chapter 41.40 RCW (the public employees' retirement system) shall be set at 5.99% of compensation earnable, beginning July 1, 1989.

(6) The employer rate for all employers of members of the retirement system governed by chapter 43.43 RCW (the state patrol retirement system) shall be set at 19.88% of compensation for the 1989-91 biennium.

NEW SECTION. Sec. 716. FOR THE OFFICE OF FINANCIAL MANAGEMENT—CONTRIBUTIONS TO RETIREMENT SYSTEMS

		FY 1990	FY 1991
General Fund—State Appropriation	\$	2,334,000	9,283,000
General Fund—Federal Appropriation	\$	480,000	2,012,000
Retirement Contribution Increase Revolving Fund			
Appropriation	\$	1,954,000	9,494,000
Total Appropriation		\$25,557,000	

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

(1) \$231,000 of the general fund—state appropriation, or as much thereof as may be necessary, shall be distributed to state agencies to increase state contributions to the public employees' retirement system.

(2) \$4,108,000 of the general fund—state appropriation, \$948,000 of the general fund—federal appropriation, and \$4,349,000 of the retirement contribution increase revolving fund appropriation, or as much thereof as may be necessary, shall be distributed to state agencies to increase state contributions to the public employees' retirement system resulting from Engrossed Substitute House Bill No. 1322. If the bill is not enacted by June 30, 1989, the amount provided in this subsection shall lapse.

(3) \$6,544,000 of the general fund—state appropriation, \$1,486,000 of the general fund—federal appropriation, and \$7,157,000 of the retirement contribution increase revolving fund appropriation, or as much thereof as may be necessary, shall be distributed to state agencies to increase state contributions to the public employees' retirement system resulting from Engrossed Substitute Senate Bill No. 5418. If the bill is not enacted by June 30, 1989, the amount provided in this subsection shall lapse.

(4) \$343,000, or as much as may be necessary, shall be distributed to state agencies to increase state contributions to the teachers' retirement fund resulting from Engrossed Substitute House Bill No. 1322. If the bill is not enacted by June 30, 1989, the amount provided in this subsection shall lapse.

(5) \$391,000, or as much thereof as may be necessary, shall be distributed to state agencies to increase state contributions to the teachers' retirement fund resulting from Substitute Senate Bill No. 5418. If the bill is not enacted by June 30, 1989, the amount provided in this subsection shall lapse.

NEW SECTION. Sec. 717. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS—TRANSFERS

General Fund Appropriation: For transfer to the Department of Retirement Systems Expense Fund	\$	28,000
Motor Vehicle Fund—State Patrol Highway Account Appropriation: For transfer to the Department of Retirement Systems Expense		

Fund	\$	125,000
NEW SECTION, Sec. 718. FOR THE STATE TREASURER—TRANSFERS		
General Fund Appropriation: For transfer to the Institutional Impact Account	\$	332,536
General Government Special Revenue Fund—State Treasurer's Service Account Appropriation: For transfer to the general fund on or before July 20, 1991, an amount up to \$10,000,000 in excess of the cash requirements in the State Treasurer's Service Account for fiscal year 1992, for credit to the fiscal year in which earned	\$	10,000,000
General Fund Appropriation: For transfer to the Natural Resources Fund—Water Quality Account	\$	15,378,000
Data Processing Revolving Account: For transfer to the General Fund	\$	2,400,000
Public Facilities Construction Loan and Grant Revolving Fund: For transfer to the General Fund	\$	3,110,000
Puget Sound Ferry Operations Account: For transfer to the Tort Claims Revolving Fund for claims paid on behalf of the department of transportation, Washington state ferry system during the period July 1, 1989, through June 30, 1991	\$	1,353,000
Motor Vehicle Fund: For transfer to the Tort Claims Revolving Fund for claims paid on behalf of the department of transportation and the state patrol during the period July 1, 1989, through June 30, 1991	\$	14,000,000
Resource Cost Management Cost Account: For transfer to the University of Washington Bond Retirement Account	\$	15,000,000
Water Quality Account Appropriation: For transfer to the water pollution revolving fund. Transfers shall be made at intervals coinciding with deposits of federal capitalization grant money into the revolving fund. The amounts transferred shall not exceed the match required for each federal deposit	\$	15,800,000
Building Code Council Account Appropriation: For transfer to the general fund	\$	210,000
General Fund Appropriation, FY 1991: For transfer to the law enforcement officers' and fire fighters' retirement system as provided in Substitute Senate Bill No. 5418. If the bill is not enacted by June 30, 1989, this appropriation shall lapse	\$	62,167,000
Conservation Areas Account: For transfer to the Natural Resources Conservation Area Stewardship Account	\$	364,000

PART VIII
MISCELLANEOUS

NEW SECTION, Sec. 801. The appropriations contained in this act are maximum expenditure authorizations. Pursuant to RCW 43.88.037, moneys disbursed from the treasury on the basis of formalized loan agreements with other governmental entities shall be treated as loans and are to be recorded as loans receivable and not as expenditures for accounting purposes. To the extent that moneys are disbursed on a loan basis, the corresponding appropriation shall be reduced by the amount of loan moneys disbursed from the treasury during the 1989-91 biennium.

NEW SECTION, Sec. 802. Agencies shall comply with the following requirements regarding information systems projects when specifically directed to do so by this act.

- (1) The agency shall produce a feasibility study for each information systems project in accordance with published department of information services instructions. In addition to department of information services requirements, the study shall examine and evaluate the costs and benefits of maintaining status quo.
- (2) The agency shall produce a project management plan for each project. The plan or plans shall address all factors critical to successful completion of each project. The plan shall include, but is not limited to, the following elements: A description of the problem or opportunity that the information systems project is intended to address; a statement of project objectives and assumptions; definition of phases, tasks, and activities to be accomplished and the estimated cost of each phase; a description of how the agency will facilitate responsibilities of oversight agencies; a description of key decision points in the project life cycle; a description of variance control measures; a definitive schedule that shows the elapsed time estimated to complete the project and when each task is to be started and completed; and a description of resource requirements to accomplish the activities within specified time, cost, and functionality constraints.
- (3) A copy of each feasibility study and project management plan shall be provided to the department of information services, the office of financial management, and appropriate legislative committees. Authority to expend any funds for individual information systems projects is conditioned on approval of the relevant feasibility study and project management plan by the department of information services and the office of financial management.

(4) A project status report shall be submitted to the department of information services, the office of financial management, and appropriate legislative committees for each project prior to reaching key decision points identified in the project management plan. Project status reports shall examine and evaluate project management, accomplishments, budget, action to address variances, risk management, cost and benefits analysis, and other aspects critical to completion of a project.

Work shall not commence on any task in a subsequent phase of a project until the status report for the preceding key decision point has been approved by the department of information services and the office of financial management.

(5) If a project review is requested in accordance with department of information services policies, the reviews shall examine and evaluate: System requirements specifications; scope; system architecture; change controls; documentation; user involvement; training; availability and capability of resources; programming languages and techniques; system inputs and outputs; plans for testing, conversion, implementation, and post-implementation; and other aspects critical to successful construction, integration, and implementation of automated systems. Copies of project review written reports shall be forwarded to the office of financial management and appropriate legislative committees by the agency.

(6) A written post-implementation review report shall be prepared by the agency for each information systems project in accordance with published department of information services instructions. In addition to the information requested pursuant to the department of information services instructions, the post-implementation report shall evaluate the degree to which a project accomplished its major objectives including, but not limited to, a comparison of original cost and benefit estimates to actual costs and benefits achieved. Copies of the post-implementation review report shall be provided to the department of information services, the office of financial management, and appropriate legislative committees.

NEW SECTION. Sec. 803. The department of information services will act as lead agency in coordinating video telecommunications services for state agencies. As lead agency, the department shall develop standards and common specifications for leased and purchased telecommunications equipment and assist state agencies in developing a video telecommunications expenditure plan. No agency may spend any portion of any appropriation in this act for new video telecommunication equipment, new video telecommunication transmission, or new video telecommunication programming, or for expanding current video telecommunication systems without first complying with chapter 43.105 RCW, including but not limited to RCW 43.105.041(2), and without first submitting a video telecommunications expenditure plan, in accordance with the policies of the department of information services, for review and assessment by the department of information services under RCW 43.105.052. Prior to any such expenditure by a public school, a video telecommunications expenditure plan shall be approved by the superintendent of public instruction. The office of the superintendent of public instruction shall submit the plans to the department of information services in a form prescribed by the department. The office of the superintendent of public instruction shall coordinate the use of video telecommunications in public schools by providing educational information to local school districts and shall assist local school districts and educational service districts in telecommunications planning and curriculum development. Prior to any such expenditure by a public institution of postsecondary education, a telecommunications expenditure plan shall be approved by the higher education coordinating board. The higher education coordinating board shall coordinate the use of video telecommunications for instruction and instructional support in postsecondary education, including the review and approval of instructional telecommunications course offerings.

NEW SECTION. Sec. 804. Prior to submitting any request to the department of personnel for personnel reclassifications or other modifications to any compensation plans or schedules, an agency shall submit to the office of financial management a report describing the fiscal impact of the request and a description of the moneys available to the agency to fund the request. The office of financial management, pursuant to its statutory duties under RCW 43.88.160(1)(c), shall review the report. The results of that review shall be submitted to the requesting agency, the department of personnel, the senate committee on ways and means, and the house of representatives committee on appropriations prior to action on the request by the personnel board or its successor.

NEW SECTION. Sec. 805. Except for the appropriations in sections 107 through 112 of this act, the general fund—state appropriations in this act are subject to the following conditions and limitations: For any agency, the percentage of its total 1989-91 biennial general fund—state appropriations spent for personal service contracts shall not exceed the percentage of its total 1987-89 biennial general fund—state appropriations spent for personal service contracts, unless such excess expenditures are approved in advance by the director of the office of financial management for good cause.

NEW SECTION. Sec. 806. Whenever allocations are made from the governor's emergency fund appropriation to an agency that is financed in whole or in part by other than general

fund moneys, the director of financial management may direct the repayment of such allocated amount to the general fund from any balance in the fund or funds which finance the agency. No appropriation shall be necessary to effect such repayment.

NEW SECTION. Sec. 807. In addition to the amounts appropriated in this act for revenue for distribution, state contributions to the law enforcement officers' and fire fighters' retirement system, and bond retirement and interest including ongoing bond registration and transfer charges, transfers, interest on registered warrants, and certificates of indebtedness, there is also appropriated such further amounts as may be required or available for these purposes under any statutory formula or under any proper bond covenant made in accordance with law.

NEW SECTION. Sec. 808. In addition to such other appropriations as are made by this act, there is hereby appropriated to the state finance committee from legally available bond proceeds in the applicable construction or building funds and accounts such amounts as are necessary to pay the expenses incurred in the issuance and sale of the subject bonds.

NEW SECTION. Sec. 809. It is the intent of the legislature that, unless otherwise provided in this act or in the legislative budget notes for the 1989-91 biennium, new programs initiated in this act are funded for the entire fiscal biennium. To the extent feasible, funds appropriated for such programs shall be allotted by the office of financial management and expended by the agency at a uniform rate.

Sec. 810. Section 10, chapter 218, Laws of 1973 1st ex. sess. as last amended by section 505, chapter 405, Laws of 1985 and RCW 9.46.100 are each amended to read as follows:

There is hereby created a fund to be known as the "gambling revolving fund" which shall consist of all moneys receivable for licensing, penalties, forfeitures, and all other moneys, income, or revenue received by the commission. The state treasurer shall be custodian of the fund. All moneys received by the commission or any employee thereof, except for change funds and an amount of petty cash as fixed by rule or regulation of the commission, shall be deposited each day in a depository approved by the state treasurer and transferred to the state treasurer to be credited to the gambling revolving fund. Disbursements from the revolving fund shall be on authorization of the commission or a duly authorized representative thereof. In order to maintain an effective expenditure and revenue control the gambling revolving fund shall be subject in all respects to chapter 43.88 RCW but no appropriation shall be required to permit expenditures and payment of obligations from such fund. All expenses relative to commission business, including but not limited to salaries and expenses of the director and other commission employees shall be paid from the gambling revolving fund.

The (~~office of financial management may direct the~~) state treasurer (~~to loan~~) shall transfer to the general fund (~~an amount not to exceed \$1,400,000~~) two million dollars from the gambling revolving fund for the ((1983-85)) 1989-91 fiscal biennium.

Sec. 811. Section 7, chapter 13, Laws of 1983 1st ex. sess. as amended by section 710, chapter 289, Laws of 1988 and RCW 50.16.070 are each amended to read as follows:

The federal interest payment fund shall consist of contributions payable by each employer (except employers as described in RCW 50.44.010 and 50.44.030 who have properly elected to make payments in lieu of contributions, employers who are required to make payments in lieu of contributions, and employers paying contributions under RCW 50.44.035) for any calendar quarter which begins on or after January 1, 1984, and for which the commissioner determines that the department will have an outstanding balance of accruing federal interest at the end of the calendar quarter. The amount of wages subject to tax shall be determined according to RCW 50.24.010. The tax rate applicable to wages paid during the calendar quarter shall be determined by the commissioner and shall not exceed fifteen one-hundredths of one percent. In determining whether to require contributions as authorized by this section, the commissioner shall consider the current balance in the federal interest payment fund and the projected amount of interest which will be due and payable as of the following September 30. Except as appropriated for the fiscal biennium ending June 30, ((1989)) 1991, any excess moneys in the federal interest payment fund shall be retained in the fund for future interest payments.

Contributions under this section shall become due and be paid by each employer in accordance with such rules as the commissioner may prescribe and shall not be deducted, in whole or in part, from the remuneration of individuals in the employ of the employer. Any deduction in violation of this section is unlawful.

In the payment of any contributions under this section, a fractional part of a cent shall be disregarded unless it amounts to one-half cent or more, in which case it shall be increased to one cent.

NEW SECTION. Sec. 812. The sum of sixty million dollars is appropriated for the biennium ending June 30, 1989, from the general fund to the state treasurer for immediate transfer to the budget stabilization account pursuant to RCW 43.88.525 and 43.88.530.

Sec. 813. Section 338, chapter 258, Laws of 1984 as amended by section 27, chapter 57, Laws of 1985 and RCW 43.08.250 are each amended to read as follows:

The money received by the state treasurer from fees, fines, forfeitures, penalties, reimbursements or assessments by any court organized under Title 3 or 35 RCW, or chapter 2.08 RCW, shall be deposited in the public safety and education account which is hereby created in the state treasury. The legislature shall appropriate the funds in the account to promote traffic

safety education, highway safety, criminal justice training, crime victims' compensation, judicial education, the judicial information system, winter recreation parking, and state game programs. All earnings of investments or balances in the public safety and education account shall be credited to the general fund.

On July 1, 1989, the state treasurer shall transfer to the general fund from the public safety and education account the sum of two million dollars.

NEW SECTION. Sec. 814. Notwithstanding RCW 43.01.090 the house of representatives, the senate, and the permanent statutory committees shall pay expenses quarterly to the department of general administration facilities and services revolving fund for services rendered by the department for operations, maintenance, and supplies relating to buildings, structures, and facilities used by the legislature for the biennium beginning July 1, 1989.

NEW SECTION. Sec. 815. Amounts received by an agency as reimbursements pursuant to RCW 39.34.130 shall be considered as returned loans of materials supplied or services rendered. Such amounts may be expended as a part of the original appropriation of the fund to which it belongs, without further or additional appropriation, subject to conditions and procedures prescribed by the director of financial management, which shall provide for determination of full costs, disclosure of such reimbursements in the governor's budget, maximum interagency usage of data processing equipment and services, and such restrictions as will promote more economical operations of state government without incurring continuing costs beyond those reimbursed.

NEW SECTION. Sec. 816. The appropriations of moneys and the designation of funds and accounts by this and other acts of the 1989 legislature shall be construed in a manner consistent with legislation enacted by the 1985 and 1987 legislatures to conform state funds and accounts with generally accepted accounting principles.

NEW SECTION. Sec. 817. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 818. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1989."

On page 1, line 1 of the title, after "matters;" strike the remainder of the title and insert "making appropriations and authorizing expenditures for the operations of state agencies for the fiscal biennium beginning July 1, 1989, and ending June 30, 1991; amending RCW 9.46.100, 50.16.070, and 43.08.250; providing an effective date; and declaring an emergency."

Signed by Senators McDonald, Hayner, Gaspard; Representatives Locke, Ebersole, Silver.

MOTION

On motion of Senator Newhouse, the Report of the Conference Committee on Engrossed Substitute Senate Bill No. 5352 was adopted and the committee was granted the powers of Free Conference.

MOTION

At 11:05 a.m., on motion of Senator Newhouse, the Senate recessed until 1:00 p.m.

The Senate was called to order at 1:05 p.m. by President Pritchard.

There being no objection, the President reverted the Senate to the third order of business.

MESSAGES FROM THE GOVERNOR GUBERNATORIAL APPOINTMENTS

April 26, 1989

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

Sam J. Farmer, reappointed April 26, 1989, for a term beginning June 14, 1989, and ending June 13, 1993, as a member of the Washington Public Power Supply System Board of Directors.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Energy and Utilities.

April 26, 1989

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

John F. Cochburn, appointed April 26, 1989, for a term ending June 13, 1992, as a member of the Washington Public Power Supply System Board of Directors.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Energy and Utilities.

April 27, 1989

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

David Tang, appointed April 27, 1989, for a term beginning June 5, 1989, and ending June 30, 1992, as a member of the Higher Education Coordinating Board.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

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

MESSAGES FROM THE HOUSE

May 8, 1989

Mr. President:

The Speaker has signed HOUSE BILL NO. 2245, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

May 8, 1989

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 5897, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

May 8, 1989

Mr. President:

The House concurred in the Senate amendments to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1737 and passed the bill as amended by the Senate.

ALAN THOMPSON, Chief Clerk

May 8, 1989

Mr. President:

The House concurred in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 1788 and passed the bill as amended by the Senate.

ALAN THOMPSON, Chief Clerk

May 8, 1989

Mr. President:

The House has failed to pass ENGROSSED SUBSTITUTE SENATE BILL NO. 5338, as amended by the House, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

May 8, 1989

Mr. President:

The Speaker has signed SUBSTITUTE SENATE BILL NO. 6074, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:
HOUSE BILL NO. 2245.

SIGNED BY THE PRESIDENT

The President signed:
SUBSTITUTE SENATE BILL NO. 5897.

MOTIONS

On motion of Senator Vognild, Senator Conner was relieved of committee duties for the Committee on Governmental Operations.

On motion of Senator Vognild, Senator DeJarnatt was reappointed as a member of the Committee on Governmental Operations.

On motion of Senator Vognild, Senator Bauer was relieved of committee duties for the Committee on Environment and Natural Resources.

On motion of Senator Vognild, Senator DeJarnatt was reappointed as a member of the Committee on Environment and Natural Resources.

On motion of Senator Vognild, Senator Sutherland was relieved of committee duties for the Committee on Transportation.

On motion of Senator Vognild, Senator DeJarnatt was reappointed as a member of the Committee on Transportation.

MOTION

At 1:11 p.m., on motion of Senator Newhouse, the Senate was declared to be at ease.

The Senate was called to order at 2:16 p.m. by President Pritchard.

There being no objection, the President returned the Senate to the third order of business.

MESSAGE FROM THE SECRETARY OF STATE

The Honorable
President of the Senate
The Legislature of the State of Washington
Olympia, Washington
Mr. President:

We respectfully transmit for your consideration the following bill which has been partially vetoed by the Governor, together with the official veto message of the Governor setting forth his objections to the sections or items of the bill as required by Article III, section 12, of the Washington State Constitution.

Section 3, of Senate Bill No. 5172, the remainder of which has been designated Chapter 268, Laws of 1989.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of the state of Washington at Olympia, this eighth day of May, 1989.

(Seal)

RALPH MUNRO, Secretary of State

PARTIAL VETO MESSAGE ON SENATE BILL NO. 5172

May 5, 1989

To the Honorable, the Senate
of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to section 3, Senate Bill No. 5172, entitled:

"AN ACT Relating to energy conservation."

Sections 1 and 2 of this bill will allow the implementation of the 1988 voter-approved Constitutional Amendment, HJR 4223 which extends the conservation authority to add equipment to the prior authorization for structures. Section 4 makes the bill effective immediately. This legislation was requested by the State Energy Office and was supported by my office.

Section 3 is an amendment which authorizes financial assistance for the planting of trees that will cast shade on residential structures in the summer. Shade trees are aesthetically pleasing and have some energy benefits. However, the inclusion

of shade trees in this bill arguably goes beyond the public understanding of conservation under the constitutional amendment permitting loans for "... materials and equipment for conservation ...".

I would be favorably inclined to review this issue if, after further public discussion, shade trees or other energy conservation methods are shown to be and generally recognized as cost effective.

With the exception of section 3, Senate Bill No. 5172 is approved.

Respectfully submitted,
Booth Gardner, Governor

There being no objection, the President returned the Senate to the fourth order of business.

MESSAGE FROM THE HOUSE

May 8, 1989

Mr. President:

The House has passed REENGROSSED SENATE BILL NO. 6106 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. This act may be known and cited as the "maternity care access act of 1989."

NEW SECTION. Sec. 2. (1) The legislature finds that Washington state and the nation as a whole have a high rate of infant illness and death compared with other industrialized nations. This is especially true for minority and low-income populations. Premature and low weight births have been directly linked to infant illness and death. The availability of adequate maternity care throughout the course of pregnancy has been identified as a major factor in reducing infant illness and death. Further, the investment in preventive health care programs, such as maternity care, contributes to the growth of a healthy and productive society and is a sound approach to health care cost containment. The legislature further finds that access to maternity care for low-income women in the state of Washington has declined significantly in recent years and has reached a crisis level.

(2) It is the purpose of this chapter to provide, consistent with appropriated funds, maternity care necessary to ensure healthy birth outcomes for low-income families. To this end, a maternity care access system is established based on the following principles:

(a) The family is the fundamental unit in our society and should be supported through public policy.

(b) Access to maternity care for eligible persons should be made readily available in an expeditious manner through a single service entry point.

(c) Unnecessary barriers to maternity care for eligible persons should be removed.

(d) Access to preventive and other health care services should be available for low-income children.

(e) Each woman should be encouraged to and assisted in making her own informed decisions about her maternity care.

(f) Unnecessary barriers to the provision of maternity care by qualified health professionals should be removed.

(g) The system should be sensitive to cultural differences among eligible persons.

(h) To the extent possible, decisions about the scope, content, and delivery of services should be made at the local level involving a broad representation of community interests.

(i) The maternity care access system should be evaluated at appropriate intervals to determine effectiveness and need for modification.

(j) Maternity care services should be delivered in a cost-effective manner.

NEW SECTION. Sec. 3. The legislature reserves the right to amend or repeal all or any part of this chapter at any time and there shall be no vested private right of any kind against such amendment or repeal. All rights, privileges, or immunities conferred by this chapter or any acts done pursuant thereto shall exist subject to the power of the legislature to amend or repeal this chapter at any time.

NEW SECTION. Sec. 4. Unless the context clearly requires otherwise, the definitions in this section apply throughout sections 1 through 8 of this act:

(1) "At-risk eligible person" means an eligible person determined by the department to need special assistance in applying for and obtaining maternity care, including pregnant women who are substance abusers, pregnant and parenting adolescents, pregnant minority women, and other eligible persons who need special assistance in gaining access to the maternity care system.

(2) "County authority" means the board of county commissioners, county council, or county executive having the authority to participate in the maternity care access program or its designee. Two or more county authorities may enter into joint agreements to fulfill the requirements of this chapter.

(3) "Department" means the department of social and health services.

(4) "Eligible person" means a woman in need of maternity care or a child, who is eligible for medical assistance pursuant to chapter 74.09 RCW or the prenatal care program administered by the department.

(5) "Maternity care services" means inpatient and outpatient medical care, case management, and support services necessary during prenatal, delivery, and postpartum periods.

(6) "Support services" means, at least, public health nursing assessment and follow-up, health and childbirth education, psychological assessment and counseling, outreach services, nutritional assessment and counseling, needed vitamin and nonprescriptive drugs, transportation, and child care. Support services may include alcohol and substance abuse treatment for pregnant women who are addicted or at risk of being addicted to alcohol or drugs to the extent funds are made available for that purpose by Engrossed Second Substitute House Bill No. 1793, if enacted.

NEW SECTION. Sec. 5. In an effort to provide for healthy births, the department shall, consistent with the state budget act, develop a maternity care access program as follows:

(1) Provide maternity care services to low-income pregnant women and health care services to children in poverty to the maximum extent allowable under the medical assistance program, Title XIX of the federal social security act;

(2) Provide maternity care services to low-income women who are not eligible to receive such services under the medical assistance program, Title XIX of the federal social security act;

(3) By January 1, 1990, have the following procedures in place to improve access to maternity care services and eligibility determinations for pregnant women applying for maternity care services under the medical assistance program, Title XIX of the federal social security act:

(a) Use of a shortened and simplified application form;

(b) Outstationing department staff to make eligibility determinations;

(c) Establishing local plans at the county and regional level, coordinated by the department; and

(d) Conducting an interview for the purpose of determining medical assistance eligibility within five working days of the date of an application by a pregnant woman and making an eligibility determination within fifteen working days of the date of application by a pregnant woman;

(4) Establish a maternity care case management system that shall assist at-risk eligible persons with obtaining medical assistance benefits and receiving maternity care services, including transportation and child care services;

(5) Within available resources, establish appropriate reimbursement levels for maternity care providers;

(6) Implement a broad-based public education program that stresses the importance of obtaining maternity care early during pregnancy; and

(7) Study the desirability and feasibility of implementing the presumptive eligibility provisions set forth in section 9407 of the federal omnibus budget reconciliation act of 1986 and report to the appropriate committees of the legislature by December 1, 1989.

NEW SECTION. Sec. 6. (1) The department shall establish an alternative maternity care service delivery system, if it determines that a county or a group of counties is a maternity care distressed area. A maternity care distressed area shall be defined by the department, in rule, as a county or a group of counties where eligible women are unable to obtain adequate maternity care. The department shall include the following factors in its determination:

(a) Higher than average percentage of eligible persons in the distressed area who receive late or no prenatal care;

(b) Higher than average percentage of eligible persons in the distressed area who go out of the area to receive maternity care;

(c) Lower than average percentage of obstetrical care providers in the distressed area who provide care to eligible persons;

(d) Higher than average percentage of infants born to eligible persons per obstetrical care provider in the distressed area; and

(e) Higher than average percentage of infants that are of low birth weight, five and one-half pounds or two thousand five hundred grams, born to eligible persons in the distressed area.

(2) If the department determines that a maternity care distressed area exists, it shall notify the relevant county authority. The county authority shall, within one hundred twenty days, submit a brief report to the department recommending remedial action. The report shall be prepared in consultation with the department and its local community service offices, the local public health officer, community health clinics, health care providers, hospitals, the business community, labor representatives, and low-income advocates in the distressed area. A county authority may contract with a local nonprofit entity to develop the report. If the county authority is unwilling or unable to develop the report, it shall notify the department within thirty days, and the department shall develop the report for the distressed area.

(3) The department shall review the report and use it, to the extent possible, in developing strategies to improve maternity care access in the distressed area. The department may contract with or directly employ qualified maternity care health providers to provide maternity care services, if access to such providers in the distressed area is not possible by other means. In such cases, the department is authorized to pay that portion of the health care providers' malpractice liability insurance that represents the percentage of maternity care provided to eligible persons by that provider through increased medical assistance payments.

NEW SECTION, Sec. 7. To the extent that federal matching funds are available, the department or the department of health if one is created shall establish, in consultation with the health science programs of the state's colleges and universities, and community health clinics, a loan repayment program that will encourage maternity care providers to practice in medically underserved areas in exchange for repayment of part or all of their health education loans.

Sec. 8. Section 4, chapter 30, Laws of 1967 ex. sess. as last amended by section 2, chapter 87, Laws of 1989 and RCW 74.09.510 are each amended to read as follows:

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

NEW SECTION, Sec. 9. The department shall contract with an independent nonprofit entity to evaluate the effectiveness of the maternity care access program set forth in sections 1 through 7 of this act based on the principles set forth in section 2 of this act. The evaluation shall also address:

- (1) Characteristics of women receiving services, including health risk factors;
- (2) Services utilized by eligible women;
- (3) Birth outcomes of women receiving services;
- (4) Birth outcomes of women receiving services, by type of practitioner; and
- (5) Services utilized by eligible infants.

The department shall submit an evaluation report to the appropriate committees of the legislature by December 1, 1990.

NEW SECTION, Sec. 10. The sum of forty-seven million five hundred thirty-one thousand dollars, or as much thereof as may be necessary, of which twenty-five million five hundred seventy thousand dollars shall be from federal funds, is appropriated from the state general fund for the biennium ending June 30, 1991, to the department of social and health services, medical assistance program, for medical assistance for categorically needy pregnant women and children under one year of age whose household income does not exceed one hundred eighty-five percent of the federal poverty level, and whose coverage qualifies for federal financial participation under Title XIX of the federal social security act.

NEW SECTION, Sec. 11. The sum of nine million five hundred thirty thousand dollars, or as much thereof as may be necessary, of which five million one hundred ten thousand dollars shall be from federal funds, is appropriated from the state general fund for the biennium ending June 30, 1991, to the department of social and health services, medical assistance program, for medical assistance for children under eight years of age whose family income does not exceed one hundred percent of the federal poverty level, and whose coverage qualifies for federal financial participation under Title XIX of the federal social security act.

NEW SECTION, Sec. 12. The sum of fourteen million three hundred ten thousand dollars, or as much thereof as may be necessary, of which seven million seven hundred ten thousand dollars shall be from federal funds, is appropriated from the state general fund for the biennium ending June 30, 1991, to the department of social and health services, medical assistance program, to increase reimbursement levels to health care providers for the delivery of maternity services.

NEW SECTION, Sec. 13. The sum of eight million eight hundred forty-one thousand dollars, or as much thereof as may be necessary, of which four million seven hundred forty-one thousand dollars shall be from federal funds, is appropriated from the state general fund for the

biennium ending June 30, 1991, to the department of social and health services, medical assistance program, for the purpose of establishing a maternity care case management system as prescribed in this act.

NEW SECTION. Sec. 14. The sum of ten million eighty-one thousand dollars, or as much thereof as may be necessary, of which five million three hundred thirty-six thousand dollars shall be from federal funds, is appropriated from the state general fund for the biennium ending June 30, 1991, to the department of social and health services, children and family services program, for the purpose of establishing a maternity care support service system as prescribed in this act.

NEW SECTION. Sec. 15. The sum of one million eight hundred seventy-seven thousand dollars, or as much thereof as may be necessary, of which nine hundred twenty-six thousand dollars shall be from federal funds, is appropriated from the state general fund for the biennium ending June 30, 1991, to the department of social and health services, community services administration program, for administration and claims processing activities associated with the medical assistance eligibility expansions prescribed in this act, and for prenatal case management and support services claims processing.

NEW SECTION. Sec. 16. Sections 1 through 7 of this act shall be added to chapter 74.09 RCW and codified with the subchapter heading of "maternity care access program."

On page 1, line 1 of the title, after "services;" strike the remainder of the title and insert "amending RCW 74.09.510; adding new sections to chapter 74.09 RCW; creating a new section; and making appropriations."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

Senator Newhouse moved that the Senate do not concur in the House amendments to Reengrossed Senate Bill No. 6106 and asks the House to recede therefrom.

MOTION

Senator Vognild moved that the Senate do concur in the House amendments to Reengrossed Senate Bill No. 6106.

Debate ensued.

Senator Niemi demanded a roll call and the demand was not sustained.

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

The President declared the question before the Senate to be the roll call on the positive motion by Senator Vognild that the Senate do concur in the House amendments to Reengrossed Senate Bill No. 6106.

ROLL CALL

The Secretary called the roll and the motion to concur failed by the following vote: Yeas, 15; nays, 29; absent, 4; excused, 1.

Voting yea: Senators Bender, Bluechel, Conner, Gaspard, Hansen, Kreidler, Madsen, Moore, Murray, Niemi, Rinehart, Talmadge, Vognild, Warnke, Wojahn - 15.

Voting nay: Senators Amondson, Anderson, Bailey, Barr, Bauer, Benitz, Cantu, Craswell, Hayner, Johnson, Lee, Matson, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Owen, Patterson, Pullen, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Thorsness, von Reichbauer, West - 29.

Absent: Senators Fleming, McMullen, Rasmussen, Williams - 4.

Excused: Senator DeJarnatt - 1.

The Senate refuses to concur in the House amendments to Reengrossed Senate Bill No. 6106 and asks the House to recede therefrom.

MOTION

On motion of Senator Bender, Senators Fleming, McMullen, Rasmussen and Williams were excused.

MOTION

At 2:29 p.m., on motion of Senator Newhouse, the Senate was declared to be at ease.

The Senate was called to order at 3:08 p.m. by President Pritchard.

MESSAGE FROM THE HOUSE

May 8, 1989

Mr. President:

The House has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1442, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

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

INTRODUCTION AND FIRST READING OF HOUSE BILL

ESHB 1442 by Committee on Transportation (originally sponsored by Representatives Walk, Schmidt, Baugher, O'Brien, Locke, Nelson, Leonard, Prentice, Hine, Brekke and Phillips) (by request of Governor Gardner)

Making transportation appropriations for the 1987-89 biennium.

MOTION

On motion of Senator Newhouse, the rules were suspended and Engrossed Substitute House Bill No. 1442 was advanced to second reading and placed on the second reading calendar.

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

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1442, by Committee on Transportation (originally sponsored by Representatives Walk, Schmidt, Baugher, O'Brien, Locke, Nelson, Leonard, Prentice, Hine, Brekke and Phillips) (by request of Governor Gardner)

Making transportation appropriations for the 1987-89 biennium.

The bill was read the second time.

MOTION

On motion of Senator Nelson, the rules were suspended, Engrossed Substitute House Bill No. 1442 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1442.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1442 and the bill failed to pass the Senate by the following vote: Yeas, 24; nays, 20; excused, 5.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Hayner, Johnson, Lee, Matson, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Patterson, Pullen, Saling, Sellar, Smith, Thorsness, West - 24.

Voting nay: Senators Bauer, Bender, Conner, Gaspard, Hansen, Kreidler, Madsen, Moore, Murray, Niemi, Owen, Rinehart, Smitherman, Stratton, Sutherland, Talmadge, Vognild, von Reichbauer, Warnke, Wojahn - 20.

Excused: Senators DeJarnatt, Fleming, McMullen, Rasmussen, Williams - 5.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1442, having failed to receive the constitutional majority, was declared lost.

MOTION FOR RECONSIDERATION

On motion of Senator von Reichbauer, the Senate immediately reconsidered the vote by which Engrossed Substitute House Bill No. 1442 failed to pass the Senate. Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1442, on reconsideration.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1442, on reconsideration, and the bill failed to pass the Senate by the following vote: Yeas, 24; nays, 20; excused, 5.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Hayner, Johnson, Lee, Matson, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Patterson, Pullen, Saling, Sellar, Smith, Thorsness, West - 24.

Voting nay: Senators Bauer, Bender, Conner, Gaspard, Hansen, Kreidler, Madsen, Moore, Murray, Niemi, Owen, Rinehart, Smitherman, Stratton, Sutherland, Talmadge, Vognild, von Reichbauer, Warnke, Wojahn - 20.

Excused: Senators DeJarnatt, Fleming, McMullen, Rasmussen, Williams - 5.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1442, on reconsideration, having failed to receive the constitutional majority, was declared lost.

PARLIAMENTARY INQUIRY

Senator Vognild: "A parliamentary inquiry, Mr. President. We are in the fifteenth day of the special session of thirty days. We have not passed a cut-off resolution, therefore, I believe that a new bill can be introduced at any time. Am I correct?"

REPLY BY THE PRESIDENT

President Pritchard: "You are correct, Senator."

Senator Vognild: "Thank you, Mr. President."

MOTION

At 3:42 p.m., on motion of Senator Newhouse, the Senate was declared to be at ease.

The Senate was called to order at 4:31 p.m. by President Pritchard.

MOTION

At 4:31 p.m., on motion of Senator Hayner, the Senate adjourned until 9:30 a.m., Tuesday, May 9, 1989.

JOEL PRITCHARD, President of the Senate.

GORDON A. GOLOB, Secretary of the Senate.

SIXTEENTH DAY

MORNING SESSION

Senate Chamber, Olympia, Tuesday, May 9, 1989

The Senate was called to order at 9:30 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators DeJarnatt, Fleming, McCaslin, McMullen, Newhouse and Williams. There being no objection, the President excused Senators DeJarnatt, Fleming, McCaslin, McMullen, Newhouse and Williams.

The Sergeant at Arms Color Guard, consisting of Pages Suzanne Forbes and Tye Tobbe, presented the Colors. The Reverend Hilton Jarvis, pastor of the Baptist Church of Lacey, offered the prayer.

MOTION

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

MESSAGE FROM THE GOVERNOR

May 8, 1989

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to advise you that on May 8, 1989, Governor Gardner approved the following Senate Bills entitled:

Senate Bill No. 5167

Relating to campaign finance reporting.

Substitute Senate Bill No. 5173

Relating to disclosure of improper governmental action.

Substitute Senate Bill No. 5184

Relating to commercial limousine operators.

Substitute Senate Bill No. 5265

Relating to the regulation of charter boats.

Substitute Senate Bill No. 5305

Relating to liability for injuries or death while engaged in equine activities.

Substitute Senate Bill No. 5369

Relating to mobile homes.

Substitute Senate Bill No. 5418

Relating to actuarial funding of state pension systems.

Substitute Senate Bill No. 5543

Relating to nonprofit corporation annual reports.

Substitute Senate Bill No. 5561

Relating to upland fin fish rearing facilities.

Senate Bill No. 6150

Relating to actuarial funding of state pension systems.

Sincerely,

TERRY SEBRING, Legal Counsel to the Governor

MESSAGE FROM THE HOUSE

May 8, 1989

Mr. President:

The Speaker has signed SUBSTITUTE SENATE BILL NO. 5897, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

INTRODUCTION AND FIRST READING

SB 6153 by Senators Sutherland and Warnke

AN ACT Relating to equalization of assessments; and amending RCW 84.48.075.

Referred to Committee on Ways and Means.

MOTION

At 9:39 a.m., on motion of Senator Nelson, the Senate was declared to be at ease.

The Senate was called to order at 12:14 p.m. by President Pro Tempore Bluechel.

MOTION

At 12:14 p.m., on motion of Senator Nelson, the Senate recessed until 1:30 p.m.

The Senate was called to order at 1:49 p.m. by President Pro Tempore Bluechel.

There being no objection, at 1:49 p.m., the President Pro Tempore declared the Senate to be at ease.

The Senate was called to order at 2:42 p.m. by President Pritchard.

MOTION

At 2:43 p.m., on motion of Senator Nelson, the Senate was declared to be at ease.

The Senate was called to order at 5:14 p.m. by President Pro Tempore Bluechel.

There being no objection, the President Pro Tempore returned the Senate to the fourth order of business.

MESSAGE FROM THE HOUSE

May 8, 1989

Mr. President:

The House has passed SECOND SUBSTITUTE SENATE BILL NO. 5065, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SECOND SUBSTITUTE SENATE BILL NO. 5065.

MOTION

At 5:15 p.m., on motion of Senator Anderson, the Senate adjourned until 9:30 a.m., Wednesday, May 10, 1989.

JOEL PRITCHARD, President of the Senate.

GORDON A. GOLOB, Secretary of the Senate.

SEVENTEENTH DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, May 10, 1989

The Senate was called to order at 9:30 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Amondson, Bender, DeJarnatt, Fleming, McMullen, Pullen and Williams. On motion of Senator Anderson, Senators Amondson and Pullen were excused. On motion of Senator Warnke, Senators Bender, DeJarnatt, Fleming, McMullen and Williams were excused.

The Sergeant at Arms Color Guard, consisting of Pages Randy Castro and Matt Mulka, presented the Colors. The Reverend Hilton Jarvis, pastor of the Baptist Church of Lacey, offered the prayer.

MOTION

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

MOTION

At 9:37 a.m., on motion of Senator Newhouse, the Senate was declared to be at ease.

The Senate was called to order at 12:02 p.m. by President Pritchard.

MESSAGE FROM THE HOUSE

May 7, 1989

Mr. President:

The House has passed HOUSE BILL NO. 2244, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

INTRODUCTION AND FIRST READING OF HOUSE BILL

HB 2244 by Representatives Vekich, Anderson, Braddock, Hine, Dellwo, Jones, Fraser, K. Wilson, Nelson, Jacobsen, Sayan, R. King, Rust, Prentice, Wang, Cole, P. King, Zellinsky, R. Fisher, Appelwick, Pruitt, Cooper, H. Myers, Valle, Leonard, Nutley, Spanel, Raiter, G. Fisher, Sprenkle, Morris and Rector

Providing for maternity care for low-income families.

MOTION

On motion of Senator Newhouse, the rules were suspended and House Bill No. 2244 was advanced to second reading and placed on the second reading calendar.

SECOND READING

HOUSE BILL NO. 2244, by Representatives Vekich, Anderson, Braddock, Hine, Dellwo, Jones, Fraser, K. Wilson, Nelson, Jacobsen, Sayan, R. King, Rust, Prentice, Wang, Cole, P. King, Zellinsky, R. Fisher, Appelwick, Pruitt, Cooper, H. Myers, Valle, Leonard, Nutley, Spanel, Raiter, G. Fisher, Sprenkle, Morris and Rector

Providing for maternity care for low-income families.

The bill was read the second time.

MOTION

Senator Smith moved that the following amendment by Senators Smith and Niemi be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. This act may be known and cited as the "maternity care access act of 1989."

NEW SECTION. Sec. 2. (1) The legislature finds that Washington state and the nation as a whole have a high rate of infant illness and death compared with other industrialized nations. This is especially true for minority and low-income populations. Premature and low weight births have been directly linked to infant illness and death. The availability of adequate maternity care throughout the course of pregnancy has been identified as a major factor in reducing infant illness and death. Further, the investment in preventive health care programs, such as maternity care, contributes to the growth of a healthy and productive society and is a sound approach to health care cost containment. The legislature further finds that access to maternity care for low-income women in the state of Washington has declined significantly in recent years and has reached a crisis level.

(2) It is the purpose of this chapter to provide, consistent with appropriated funds, maternity care necessary to ensure healthy birth outcomes for low-income families. To this end, a maternity care access system is established based on the following principles:

(a) The family is the fundamental unit in our society and should be supported through public policy.

(b) Access to maternity care for eligible persons to ensure healthy birth outcomes should be made readily available in an expeditious manner through a single service entry point.

(c) Unnecessary barriers to maternity care for eligible persons should be removed.

(d) Access to preventive and other health care services should be available for low-income children.

(e) Each woman should be encouraged to and assisted in making her own informed decisions about her maternity care.

(f) Unnecessary barriers to the provision of maternity care by qualified health professionals should be removed.

(g) The system should be sensitive to cultural differences among eligible persons.

(h) To the extent possible, decisions about the scope, content, and delivery of services should be made at the local level involving a broad representation of community interests.

(i) The maternity care access system should be evaluated at appropriate intervals to determine effectiveness and need for modification.

(j) Maternity care services should be delivered in a cost-effective manner.

NEW SECTION. Sec. 3. The legislature reserves the right to amend or repeal all or any part of this chapter at any time and there shall be no vested private right of any kind against such amendment or repeal. All rights, privileges, or immunities conferred by this chapter or any acts done pursuant thereto shall exist subject to the power of the legislature to amend or repeal this chapter at any time.

NEW SECTION. Sec. 4. Unless the context clearly requires otherwise, the definitions in this section apply throughout sections 1 through 8 of this act:

(1) "At-risk eligible person" means an eligible person determined by the department to need special assistance in applying for and obtaining maternity care, including pregnant women who are substance abusers, pregnant and parenting adolescents, pregnant minority women, and other eligible persons who need special assistance in gaining access to the maternity care system.

(2) "County authority" means the board of county commissioners, county council, or county executive having the authority to participate in the maternity care access program or its designee. Two or more county authorities may enter into joint agreements to fulfill the requirements of this chapter.

(3) "Department" means the department of social and health services.

(4) "Eligible person" means a woman in need of maternity care or a child, who is eligible for medical assistance pursuant to chapter 74.09 RCW or the prenatal care program administered by the department.

(5) "Maternity care services" means inpatient and outpatient medical care, case management, and support services necessary during prenatal, delivery, and postpartum periods.

(6) "Support services" means, at least, public health nursing assessment and follow-up, health and childbirth education, psychological assessment and counseling, outreach services, nutritional assessment and counseling, needed vitamin and nonprescriptive drugs, transportation, and child care. Support services may include alcohol and substance abuse treatment for pregnant women who are addicted or at risk of being addicted to alcohol or drugs to the extent funds are made available for that purpose by Engrossed Second Substitute House Bill No. 1793, if enacted.

NEW SECTION. Sec. 5. The department shall, consistent with the state budget act, develop a maternity care access program designed to ensure healthy birth outcomes as follows:

(1) Provide maternity care services to low-income pregnant women and health care services to children in poverty to the maximum extent allowable under the medical assistance program, Title XIX of the federal social security act;

(2) Provide maternity care services to low-income women who are not eligible to receive such services under the medical assistance program, Title XIX of the federal social security act;

(3) By January 1, 1990, have the following procedures in place to improve access to maternity care services and eligibility determinations for pregnant women applying for maternity care services under the medical assistance program, Title XIX of the federal social security act:

- (a) Use of a shortened and simplified application form;
- (b) Outstationing department staff to make eligibility determinations;
- (c) Establishing local plans at the county and regional level, coordinated by the department; and
- (d) Conducting an interview for the purpose of determining medical assistance eligibility within five working days of the date of an application by a pregnant woman and making an eligibility determination within fifteen working days of the date of application by a pregnant woman;
- (4) Establish a maternity care case management system that shall assist at-risk eligible persons with obtaining medical assistance benefits and receiving maternity care services, including transportation and child care services;
- (5) Within available resources, establish appropriate reimbursement levels for maternity care providers;
- (6) Implement a broad-based public education program that stresses the importance of obtaining maternity care early during pregnancy;
- (7) Study the desirability and feasibility of implementing the presumptive eligibility provisions set forth in section 9407 of the federal omnibus budget reconciliation act of 1986 and report to the appropriate committees of the legislature by December 1, 1989; and
- (8) Refer persons eligible for maternity care services under the program established by this section to persons, agencies, or organizations with maternity care service practices that primarily emphasize healthy birth outcomes.

NEW SECTION, Sec. 6. (1) The department shall establish an alternative maternity care service delivery system, if it determines that a county or a group of counties is a maternity care distressed area. A maternity care distressed area shall be defined by the department, in rule, as a county or a group of counties where eligible women are unable to obtain adequate maternity care. The department shall include the following factors in its determination:

- (a) Higher than average percentage of eligible persons in the distressed area who receive late or no prenatal care;
 - (b) Higher than average percentage of eligible persons in the distressed area who go out of the area to receive maternity care;
 - (c) Lower than average percentage of obstetrical care providers in the distressed area who provide care to eligible persons;
 - (d) Higher than average percentage of infants born to eligible persons per obstetrical care provider in the distressed area; and
 - (e) Higher than average percentage of infants that are of low birth weight, five and one-half pounds or two thousand five hundred grams, born to eligible persons in the distressed area.
- (2) If the department determines that a maternity care distressed area exists, it shall notify the relevant county authority. The county authority shall, within one hundred twenty days, submit a brief report to the department recommending remedial action. The report shall be prepared in consultation with the department and its local community service offices, the local public health officer, community health clinics, health care providers, hospitals, the business community, labor representatives, and low-income advocates in the distressed area. A county authority may contract with a local nonprofit entity to develop the report. If the county authority is unwilling or unable to develop the report, it shall notify the department within thirty days, and the department shall develop the report for the distressed area.

(3) The department shall review the report and use it, to the extent possible, in developing strategies to improve maternity care access in the distressed area. The department may contract with or directly employ qualified maternity care health providers to provide maternity care services, if access to such providers in the distressed area is not possible by other means. In such cases, the department is authorized to pay that portion of the health care providers' malpractice liability insurance that represents the percentage of maternity care provided to eligible persons by that provider through increased medical assistance payments.

NEW SECTION, Sec. 7. To the extent that federal matching funds are available, the department or the department of health if one is created shall establish, in consultation with the health science programs of the state's colleges and universities, and community health clinics, a loan repayment program that will encourage maternity care providers to practice in medically underserved areas in exchange for repayment of part or all of their health education loans.

Sec. 8, Section 4, chapter 30, Laws of 1967 ex. sess. as last amended by section 2, chapter 87, Laws of 1989 and RCW 74.09.510 are each amended to read as follows:

Medical assistance may be provided in accordance with eligibility requirements established by the department of social and health services, as defined in the social security Title XIX state plan for mandatory categorically needy persons and: (1) Individuals who would be eligible for cash assistance except for their institutional status; (2) individuals who are under

twenty-one years of age, who would be eligible for aid to families with dependent children, but do not qualify as dependent children and who are in (a) foster care, (b) subsidized adoption, (c) an intermediate care facility or an intermediate care facility for the mentally retarded, or (d) inpatient psychiatric facilities; (3) the aged, blind, and disabled who: (a) Receive only a state supplement, or (b) would not be eligible for cash assistance if they were not institutionalized; (4) individuals who would be eligible for but choose not to receive cash assistance; (5) ~~((pregnant women who would be eligible for aid to families with dependent children if the child had been born and was living with the mother during the month of the payment, and the pregnancy has been medically verified; (6)))~~ individuals who are enrolled in managed health care systems, who have otherwise lost eligibility for medical assistance, but who have not completed a current six-month enrollment in a managed health care system, and who are eligible for federal financial participation under Title XIX of the social security act; (6) children and pregnant women allowed by federal statute for whom funding is appropriated; and (7) other individuals eligible for medical services under RCW 74.09.035 and 74.09.700 for whom federal financial participation is available under Title XIX of the social security act.

NEW SECTION, Sec. 9. The department shall contract with an independent nonprofit entity to evaluate the effectiveness of the maternity care access program set forth in sections 1 through 7 of this act based on the principles set forth in section 2 of this act. The evaluation shall also address:

- (1) Characteristics of women receiving services, including health risk factors;
- (2) Services utilized by eligible women;
- (3) Birth outcomes of women receiving services;
- (4) Birth outcomes of women receiving services, by type of practitioner;
- (5) Services utilized by eligible infants; and
- (6) Referrals to other programs for services.

The department shall submit an evaluation report to the appropriate committees of the legislature by December 1, 1990.

NEW SECTION, Sec. 10. The sum of forty-seven million five hundred thirty-one thousand dollars, or as much thereof as may be necessary, of which twenty-five million five hundred seventy thousand dollars shall be from federal funds, is appropriated from the state general fund for the biennium ending June 30, 1991, to the department of social and health services, medical assistance program, for medical assistance for categorically needy pregnant women and children under one year of age whose household income does not exceed one hundred eighty-five percent of the federal poverty level, and whose coverage qualifies for federal financial participation under Title XIX of the federal social security act.

NEW SECTION, Sec. 11. The sum of nine million five hundred thirty thousand dollars, or as much thereof as may be necessary, of which five million one hundred ten thousand dollars shall be from federal funds, is appropriated from the state general fund for the biennium ending June 30, 1991, to the department of social and health services, medical assistance program, for medical assistance for children under eight years of age whose family income does not exceed one hundred percent of the federal poverty level, and whose coverage qualifies for federal financial participation under Title XIX of the federal social security act.

NEW SECTION, Sec. 12. The sum of fourteen million three hundred ten thousand dollars, or as much thereof as may be necessary, of which seven million seven hundred ten thousand dollars shall be from federal funds, is appropriated from the state general fund for the biennium ending June 30, 1991, to the department of social and health services, medical assistance program, to increase reimbursement levels to health care providers for the delivery of maternity services.

NEW SECTION, Sec. 13. The sum of eight million eight hundred forty-one thousand dollars, or as much thereof as may be necessary, of which four million seven hundred forty-one thousand dollars shall be from federal funds, is appropriated from the state general fund for the biennium ending June 30, 1991, to the department of social and health services, medical assistance program, for the purpose of establishing a maternity care case management system as prescribed in this act.

NEW SECTION, Sec. 14. The sum of ten million one hundred fifty-three thousand dollars, or as much thereof as may be necessary, of which five million three hundred thirty-six thousand dollars shall be from federal funds, is appropriated from the state general fund for the biennium ending June 30, 1991, to the department of social and health services, children and family services program, for the purpose of establishing a maternity care support service system as prescribed in this act.

NEW SECTION, Sec. 15. The sum of one million eight hundred five thousand dollars, or as much thereof as may be necessary, of which nine hundred twenty-six thousand dollars shall be from federal funds, is appropriated from the state general fund for the biennium ending June 30, 1991, to the department of social and health services, community services administration program, for administration and claims processing activities associated with the medical assistance eligibility expansions prescribed in this act, and for prenatal case management and support services claims processing.

NEW SECTION. Sec. 16. Sections 1 through 7 of this act shall be added to chapter 74.09 RCW and codified with the subchapter heading of "maternity care access program."

Debate ensued.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Smith and Niemi to House Bill No. 2244.

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

MOTIONS

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

On page 1, line 1 of the title, after "care;" strike the remainder of the title and insert "adding new sections to chapter 74.09 RCW; creating a new section; and making appropriations."

On motion of Senator Newhouse, the rules were suspended, House Bill No. 2244, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2244, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2244, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 41; nays, 1; excused, 7.

Voting yea: Senators Anderson, Bailey, Barr, Brauer, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Rasmussen, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Wojahn - 41.

Voting nay: Senator Rinehart - 1.

Excused: Senators Amondson, Bender, DeJarnatt, Fleming, McMullen, Pullen, Williams - 7.

HOUSE BILL NO. 2244, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTIONS

On motion of Senator Newhouse, the Committee on Rules was relieved of further consideration of Engrossed Substitute House Bill No. 1581.

On motion of Senator Newhouse, the rules were suspended and Engrossed Substitute House Bill No. 1581 was advanced to second reading and placed on the second reading calendar.

MOTION

At 12:11 p.m., on motion of Senator Newhouse, the Senate recessed until 1:30 p.m.

The Senate was called to order at 1:34 p.m. by President Pritchard.

MOTION

At 1:34 p.m., on motion of Senator Newhouse, the Senate was declared to be at ease.

The Senate was called to order at 2:24 p.m. by President Pritchard.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1581, by Committee on Commerce and Labor (originally sponsored by Representatives Wang, Brough, Cole, Miller, Vekich, Anderson, R. King, Winsley, Hankins, Rector, Brekke, Appelwick, Jacobsen, Leonard, Dellwo, Nutley, Locke, Belcher, H. Sommers, R. Fisher, Wineberry, Sayan, Prentice, Valle, Crane, Nelson, Ebersole, Fraser, Phillips, Rust and Basich)

Providing for family and medical leave.

The bill was read the second time.

MOTION

Senator Lee moved that the following amendment by Senators Lee and Anderson be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds that the demands of the workplace and of families need to be balanced to promote family stability and economic security. Changes in workplace leave policies are desirable to accommodate changes in the work force such as rising numbers of dual-career couples and working single parents. In addition, given the mobility of American society, many people no longer have available community or family support networks and therefore need additional flexibility in the workplace. The legislature declares it to be in the public interest to provide reasonable family leave upon the birth or adoption of a child and to care for a child under eighteen years old with a terminal health condition.

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

- (1) "Child" means a biological or adopted child, or a stepchild, living with the employee.
- (2) "Department" means the department of labor and industries.
- (3) "Employee" means a person other than an independent contractor employed by an employer on a continuous basis for the previous fifty-two weeks for at least thirty-five hours per week.
- (4) "Employer" means: (a) Any person, firm, corporation, partnership, business trust, legal representative, or other business entity which engages in any business, industry, profession, or activity in this state and includes any unit of local government including, but not limited to, a county, city, town, municipal corporation, quasi-municipal corporation, or political subdivision, which (i) employed a daily average of one hundred or more employees during the last calendar quarter at the place where the employee requesting leave reports for work, or (ii) employed a daily average of one hundred or more employees during the last calendar quarter within a twenty mile radius of the place where the employee requesting leave reports for work, where the employer maintains a central hiring location and customarily transfers employees among workplaces; and (b) the state, state institutions, and state agencies.

(5) "Family leave" means leave from employment to care for a newborn or newly adopted child under the age of six or a child under eighteen years old with a terminal health condition, as provided in section 3 of this act.

(6) "Health care provider" means a person licensed as a physician under chapter 18.71 RCW or an osteopath under chapter 18.57 RCW.

(7) "Parent" means a biological or adoptive parent, or a stepparent.

(8) "Reduced leave schedule" means leave scheduled for fewer than an employee's usual number of hours or days per workweek.

NEW SECTION. Sec. 3. (1) An employee is entitled to twelve workweeks of family leave during any twenty-four month period to: (a) Care for a newborn child or adopted child of the employee who is under the age of six at the time of placement for adoption, or, (b) care for a child under eighteen years old of the employee who has a terminal health condition and is expected to die within the period of the requested leave to which the employee is entitled. Leave under subsection (1)(a) of this section shall be completed within twelve months after the birth or placement for adoption, as applicable. An employee is entitled to leave under subsection (1)(b) of this section only once for any given child.

(2) Family leave may be taken on a reduced leave schedule subject to the approval of the employer.

(3) The leave required by this section may be unpaid. If an employer provides paid family leave for fewer than twelve workweeks, the additional workweeks of leave added to attain the twelve-workweek total may be unpaid. An employer may require an employee to first use up the employee's total accumulation of leave to which the employee is otherwise entitled before going on family leave; however, except as provided in subsection (4) of this section, nothing in this section requires more than twelve total workweeks of leave. An employer is not required to allow an employee to use the employee's other leave in place of the leave provided under this chapter.

(4) The leave required by this section is in addition to any leave for sickness or temporary disability because of pregnancy or childbirth.

(5) An employer may limit or deny family leave to either: (a) Up to ten percent of the employer's workforce in the state designated as key personnel by the employer. Any designation made under this section shall take effect thirty days after it is issued and may be changed no more than once in any twelve-month period. An employer shall not designate key personnel on the basis of age or gender or for the purpose of evading the requirements of this chapter. No employee may be designated as key personnel after giving notice of intent to take leave pursuant to section 4 of this act. The designation shall be in writing and shall be displayed in a conspicuous place; or (b) if the employer does not designate key personnel, the highest paid ten percent of the employer's employees in the state.

NEW SECTION. Sec. 4. (1) An employee planning to take family leave under section 3(1)(a) of this act shall provide the employer with written notice at least thirty days in advance of the anticipated date of delivery or placement for adoption, stating the dates during which the employee intends to take family leave. The employee shall adhere to the dates stated in the notice unless:

- (a) The birth is premature;
- (b) The mother is incapacitated due to birth such that she is unable to care for the child;
- (c) The employee takes physical custody of the newly adopted child at an unanticipated time and is unable to give notice thirty days in advance; or
- (d) The employer and employee agree to alter the dates of family leave stated in the notice.

(2) In cases of premature birth, incapacity, or unanticipated placement for adoption referred to in subsection (1) of this section, the employee must give notice of revised dates of family leave as soon as possible but at least within one working day of the birth or placement for adoption or incapacitation of the mother.

(3) If family leave under section 3(1)(b) of this act is foreseeable, the employee shall provide the employer with written notice at least fourteen days in advance of the expected leave and shall make a reasonable effort to schedule the leave so as not to unduly disrupt the operations of the employer. If family leave under section 3(1)(b) of this act is not foreseeable fourteen or more days before the leave is to take place, the employee shall notify the employer of the expected leave as soon as possible, but at least within one working day of the beginning of the leave.

(4) If the employee fails to give the notice required by this section, the employer may reduce or increase the family leave required by this chapter by three weeks.

NEW SECTION. Sec. 5. (1) In the event of any dispute under this chapter regarding premature birth, incapacitation of the mother, maternity disability, or terminal condition of a child, an employer may require confirmation by a health care provider of: (a) The date of the birth; (b) the date on which incapacity because of childbirth or disability because of pregnancy or childbirth commenced or will probably commence, and its probable duration; or (c) for family leave under section 3(1)(b) of this act, the fact that the child has a terminal health condition and is expected to die within the period of the requested leave.

(2) An employer may require, at the employer's expense, that the employee obtain the opinion of a second health care provider selected by the employer concerning any information required under subsection (1) of this section. If the health care providers disagree on any factor which is determinative of the employee's eligibility for family leave, the two health care providers shall select a third health care provider, whose opinion, obtained at the employer's expense, shall be conclusive.

NEW SECTION. Sec. 6. If both parents of a child are employed by the same employer, they shall together be entitled to a total of twelve workweeks of family leave during any twenty-four month period, and leave need be granted to only one parent at a time.

NEW SECTION. Sec. 7. (1) Subject to subsection (2) of this section, an employee who exercises any right provided under section 3 of this act shall be entitled, upon return from leave or during any reduced leave schedule:

- (a) To the same position held by the employee when the leave commenced; or
- (b) To a position with equivalent benefits and pay at a workplace within twenty miles of the employee's workplace when leave commenced; or
- (c) If the employer's circumstances have so changed that the employee cannot be reinstated to the same position, or a position of equivalent pay and benefits, the employee shall be reinstated in any other position which is vacant and for which the employee is qualified.

(2) The entitlement under subsection (1) of this section is subject to bona fide changes in compensation or work duties, and does not apply if:

- (a) The employee's position is eliminated by a bona fide restructuring, or reduction-in-force;
- (b) The employee's workplace is permanently or temporarily shut down for at least thirty days;
- (c) The employee's workplace is moved to a location at least sixty miles from the location of the workplace when leave commenced;
- (d) An employee on family leave takes another job; or
- (e) The employee fails to provide timely notice of family leave as required under section 4 of this act, or fails to return on the established ending date of leave.

NEW SECTION. Sec. 8. (1) The taking of leave under this chapter shall not result in the loss of any benefit, including seniority or pension rights, accrued before the date on which the leave commenced.

(2) Nothing in this chapter shall be construed to require the employer to grant benefits, including seniority or pension rights, during any period of leave.

(3) All policies applied during the period of leave to the classification of employees to which the employee on leave belongs shall apply to the employee on leave.

(4) During any period of leave taken under section 3 of this act, if the employee is not eligible for any employer contribution to medical or dental benefits under an applicable collective bargaining agreement or employer policy during any period of leave, an employer shall allow the employee to continue, at his or her own expense, medical or dental insurance coverage, including any spouse and dependent coverage, in accordance with state or federal law. The premium to be paid by the employee shall not exceed one hundred two percent of the applicable premium for the leave period.

NEW SECTION. Sec. 9. The department of labor and industries shall administer the provisions of this chapter.

NEW SECTION. Sec. 10. (1) Except as provided in this chapter, the rights under this chapter are in addition to any other rights provided by law. The remedies under this chapter shall be exclusive.

(2) Nothing in this chapter shall be construed to discourage employers from adopting policies which provide greater leave rights to employees than those required by this chapter.

NEW SECTION. Sec. 11. (1) Nothing in this chapter shall be construed to diminish an employer's obligation to comply with any collective bargaining agreement or any employment benefit program or plan which provides greater leave rights to employees than the rights provided under this chapter.

(2) The rights provided to employees under this chapter may not be diminished by any collective bargaining agreement or any employment benefit program or plan entered into or renewed after the effective date of this section.

NEW SECTION. Sec. 12. (1) In the case of employees covered by an unexpired collective bargaining agreement that expires on or after September 1, 1989, or by an employee benefit program or plan with a stated year ending on or after September 1, 1989, the effective date of this chapter shall be the later of: (a) The first day following expiration of the collective bargaining agreement; or (b) the first day of the next plan year.

(2) Notwithstanding the provisions of sections 14 through 21 of this act, where this chapter has been incorporated into a collective bargaining agreement, the grievance procedures contained in the respective collective bargaining agreement shall be used to resolve complaints related to this chapter.

NEW SECTION. Sec. 13. No employer, employment agency, labor union, or other person shall discharge, expel, or otherwise discriminate against any person because he or she has opposed any practices forbidden by this chapter, or because he or she has filed a complaint, testified, or assisted in any proceeding under this chapter.

NEW SECTION. Sec. 14. (1) An employee who believes that his or her employer has violated any provision of this chapter may file a complaint with the department within ninety days of the alleged violation. The complaint shall contain the following:

(a) The name and address of the employee making the complaint;

(b) The name, address, and telephone number of the employer against whom the complaint is made;

(c) A statement of the specific facts which constitute the alleged violation, including the date(s) on which the alleged violation occurred.

(2) Upon receipt of a complaint, the department shall forward written notice of the complaint to the employer.

(3) The department may investigate any complaint it deems appropriate. If the department determines that a violation of this chapter has occurred, it may issue a notice of infraction.

NEW SECTION. Sec. 15. The department may issue a notice of infraction to an employer who violates this chapter. The employment standards supervisor shall direct that notices of infraction contain the following when issued:

(1) A statement that the notice represents a determination that the infraction has been committed by the employer named in the notice and that the determination shall be final unless contested;

(2) A statement that the infraction is a noncriminal offense for which imprisonment shall not be imposed as a sanction;

(3) A statement of the specific violation which necessitated issuance of the infraction;

(4) A statement of the penalty involved if the infraction is established;

(5) A statement informing the employer of the right to a hearing conducted pursuant to chapter 34.05 RCW if requested within twenty days of issuance of the infraction;

(6) A statement that at any hearing to contest the notice of infraction the state has the burden of proving, by a preponderance of the evidence, that the infraction was committed, and that the employer may subpoena witnesses including the agent that issued the notice of infraction;

(7) If a notice of infraction is personally served upon a supervisory or managerial employee of a firm or corporation, the department shall within seventy-two hours of service send a copy of the notice by certified mail to the employer;

(8) Constructive service may be made by certified mail directed to the employer named in the notice of infraction.

NEW SECTION. Sec. 16. (1) If an employer is a corporation or a partnership, the department need not serve the employer personally. In such a case, if no officer or partner of a violating employer is present, the department may issue a notice of infraction to any managerial employee.

(2) If the department serves a notice of infraction on a managerial employee, and not on an officer, or partner of the employer, the department shall mail by certified mail a copy of the notice of infraction to the employer. The department shall mail a second copy by ordinary mail.

NEW SECTION. Sec. 17. In any case in which the department shall issue an order against any political or civil subdivision of the state, or any agency, or instrumentality of the state or of the foregoing, or any officer or employee thereof, the department shall transmit a copy of such order to the governor of the state. The governor shall take such action to secure compliance with such order as the governor deems necessary.

NEW SECTION. Sec. 18. (1) If an employer desires to contest the notice of infraction issued, the employer shall file two copies of a notice of appeal with the department at the office designated on the notice of infraction, within twenty days of issuance of the infraction.

(2) The department shall conduct a hearing in accordance with chapter 34.05 RCW.

(3) Employers may appear before the administrative law judge through counsel, or may represent themselves. The department shall be represented by the attorney general.

(4) Admission of evidence is subject to RCW 34.05.452 and 34.05.446.

(5) The administrative law judge shall issue a proposed decision that includes findings of fact, conclusions of law, and if appropriate, any legal penalty. The proposed decision shall be served by certified mail or personally on the employer and the department. The employer or department may appeal to the director within thirty days after the date of issuance of the proposed decision. If none of the parties appeals within thirty days, the proposed decision may not be appealed either to the director or the courts.

(6) An appellant must file with the director an original and four copies of its notice of appeal. The notice of appeal must specify which findings and conclusions are erroneous. The appellant must attach to the notice the written arguments supporting its appeal.

The appellant must serve a copy of the notice of appeal and the arguments on the other parties. The respondent parties must file with the director their written arguments within thirty days after the date the notice of appeal and the arguments were served upon them.

(7) The director shall review the proposed decision in accordance with the administrative procedure act, chapter 34.05 RCW. The director may: Allow the parties to present oral arguments as well as the written arguments; require the parties to specify the portions of the record on which the parties rely; require the parties to submit additional information by affidavit or certificate; remand the matter to the administrative law judge for further proceedings; and require a departmental employee to prepare a summary of the record for the director to review. The director shall issue a final decision that can affirm, modify, or reverse the proposed decision.

(8) The director shall serve the final decision on all parties. Any aggrieved party may appeal the final decision to superior court pursuant to RCW 34.05.570 unless the final decision affirms an unappealed proposed decision. If no party appeals within the period set by RCW 34.05.570, the director's decision is conclusive and binding on all parties.

NEW SECTION. Sec. 19. An employer found to have committed an infraction under this chapter may be subject to a fine of up to two hundred dollars for the first infraction. An employer that continues to violate the statute may be subject to a fine of up to one thousand dollars for each infraction. An employer found to have failed to reinstate an employee as required under section 8 of this act may also be ordered to reinstate the employee, with or without back pay.

NEW SECTION. Sec. 20. The department shall develop and furnish to each employer a poster which describes an employer's obligations and an employee's rights under this chapter. The poster must include notice about any state law, rule, or regulation governing maternity disability leave and indicate that federal or local ordinances, laws, rules or regulations may also apply. The poster must also include a telephone number and an address of the department to enable employees to obtain more information regarding this chapter. Each employer must display this poster in a conspicuous place. Nothing in this section shall be construed to create a right to continued employment.

NEW SECTION. Sec. 21. (1) The department will cease to administer and enforce this act upon the effective date of any federal act it determines, with the consent of the legislative budget committee, to be substantially similar, in substance and enforcement, to this act. A federal act shall be considered substantially similar even where the duration of leave required or size of employer covered is different than that under this chapter.

(2) No employee shall have a private right of action for any alleged violation of this chapter.

NEW SECTION. Sec. 22. The legislature finds that employers often distinguish between biological parents, and adoptive parents and stepparents in their employee leave policies. Many employers who grant leave to their employees to care for a newborn child either have no

policy or establish a more restrictive policy regarding whether an adoptive parent or stepparent can take similar leave. The legislature further finds that many employers establish different leave policies for men and women regarding the care of a newborn or newly placed child. The legislature recognizes that the bonding that occurs between a parent and child is important to the nurturing of that child, regardless of whether the parent is the child's biological parent and regardless of the gender of the parent. For these reasons, the legislature declares that it is the public policy of this state to require that employers who grant leave to their employees to care for a newborn child make the same leave available upon the same terms for adoptive parents and stepparents, men and women.

NEW SECTION. Sec. 23. A new section is added to chapter 49.12 RCW to read as follows:

(1) An employer must grant an adoptive parent or a stepparent, at the time of birth or initial placement for adoption of a child under the age of six, the same leave under the same terms as the employer grants to biological parents. As a term of leave, an employer may restrict leave to those living with the child at the time of birth or initial placement.

(2) An employer must grant the same leave upon the same terms for men as it does for women.

(3) The department shall administer and investigate violations of this section. Notices of infraction, penalties, and appeals shall be administered in the same manner as violations under RCW 49.12.285.

(4) For purposes of this section, "employer" includes all private and public employers listed in RCW 49.12.005(3).

(5) For purposes of this section, "leave" means any leave from employment granted to care for a newborn or a newly adopted child at the time of placement for adoption.

(6) Nothing in this section requires an employer to:

(a) Grant leave equivalent to maternity disability leave; or

(b) Establish a leave policy to care for a newborn or newly placed child if no such leave policy is in place for any of its employees.

NEW SECTION. Sec. 24. A new section is added to chapter 49.12 RCW to read as follows:

In the case of employees covered by an unexpired collective bargaining agreement that expires on or after September 1, 1989, or by an employee benefit program or plan with a stated year ending on or after September 1, 1989, the effective date of section 23 of this act shall be the later of: (1) The first day following expiration of the collective bargaining agreement; or (2) the first day of the next plan year.

NEW SECTION. Sec. 25. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 26. Sections 1 through 21 of this act shall constitute a new chapter in Title 49 RCW.

NEW SECTION. Sec. 27. This act shall take effect September 1, 1989.*

MOTION

Senator Lee moved that the following amendments to the amendment by Senators Lee and Anderson be considered simultaneously and be adopted:

On page 3, after line 15 of the striking amendment, insert the following:

"(9) "Terminal health condition" means a condition caused by injury, disease, or illness, that, within reasonable medical judgment, is incurable and will produce death within the period of leave to which the employee is entitled."

On page 3, line 26 of the striking amendment, after "condition" strike all material through "entitled" on line 29

On page 4, line 18 of the striking amendment, after "leave" insert "during any twenty-four month period"

On page 7 line 11 of the striking amendment, after "condition" strike "and is expected to die within the period of the requested leave"

On page 12, line 18 of the striking amendment, after "complaint" strike "it deems appropriate" and insert "filed within the required time frame"

On page 17, line 9 of the striking amendment, after "section" strike "8" and insert "7"

POINT OF INQUIRY

Senator Vognild: "Thank you, Mr. President. I believe the motion was made that all of these amendments related to the same thing and they were all necessary to implement the amendment on page 3, line 15, to the striking amendment. I'm sorry, I don't read it that way. I read them as rather different amendments. The amendment on page 4, line 18, deals with restricting twelve months leave to a twenty-four month period. It has nothing, that I can see, to do with terminally ill conditions. Yes, Senator Lee, I guess I make that as a question."

Senator Lee: "Mr. President, to answer Senator Vognild's inquiry. The reason that that was done was when we changed to a terminal health condition definition,

we needed to go into that particular portion. When the bill was only for parental leave and didn't have any consideration for the terminal health conditions of a child, there wasn't any problem because a child is only born once or you only adopt a child once. We had, in other portions of the bill, wanted to be sure that the parent made the conscience decision as to when they were going to take this leave and took it once. We had missed this particular portion, so under that logic, it is one of the measures that is necessary to bring the entire bill so it's workable and including a terminal health condition portion within the bill."

POINT OF INQUIRY

Senator Niemi: "Senator Lee, I am reading the last phrase in the amendment on page 3, line 15, which is a definition of terminal health conditions. The way I read it, if this child doesn't happen to die within the leave period, then there's no deal--that there's no guarantee that the job will be there. I know that this is a difficult thing to define, but I think there are a lot of problems with this language. Perhaps you would explain what will happen if that child doesn't die within this twelve week period."

Senator Lee: "I don't think I can explain that, because there are no two situations that are exactly alike. However, what I would say is that this measure is intended as an overall measure of minimum state law requirements between employers and employees and that the twelve week period--the ability for an employee to come and ask for such leave for that length of time--is going now to be guaranteed by state law."

"Any additional employment, whether or not the employment is paid are all things that can be in addition, either through a collective bargaining agreement or through a direct employee-employer agreement. We're going a long way, to guarantee by state law, that at least this period of time is available. Now, as to when, the uncertainty of knowing precisely what the human mechanism is going to do, is something we cannot solve with this particular measure. I think that we are saying, if we adopt this, that it is important that at least the amount of leave that is specified by state law shall be granted by every employer of a hundred or more employees."

MOTION

Senator Talmadge moved that the question be divided and the first amendment by Senator Lee on page 3, after line 15, to the striking amendment by Senators Lee and Anderson be considered separately.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Talmadge that the question be divided and the amendment on page 3, line 15, to the amendment be considered separately.

The motion by Senator Talmadge carried and the Senate commenced consideration of the amendment by Senator Lee on page 3, line 15, to the amendment by Senators Lee and Anderson.

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

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senator Lee on page 3, after line 15, to the striking amendment by Senators Lee and Anderson to Engrossed Substitute House Bill No. 1581.

ROLL CALL

The Secretary called the roll and the amendment to the striking amendment was adopted by the following vote: Yeas, 25; nays, 20; excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Hayner, Johnson, Lee, Matson, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Patterson, Pullen, Saling, Sellar, Smith, Thorsness, von Reichbauer, West - 25.

Voting nay: Senators Bauer, Bender, Conner, Gaspard, Hansen, Kreidler, Madsen, Moore, Murray, Niemi, Owen, Rasmussen, Rinehart, Smitherman, Stratton, Sutherland, Talmadge, Vognild, Warnke, Wojahn - 20.

Excused: Senators DeJarnatt, Fleming, McMullen, Williams - 4.

The President declared the question before the Senate to be the adoption of the amendments by Senator Lee on page 3, line 26; page 4, line 18; page 7, line 11;

page 12, line 18; and page 17, line 9; to the striking amendment by Senators Lee and Anderson to Engrossed Substitute House Bill No. 1581.

The motion by Senator Lee carried and the amendments to the striking amendment were adopted.

MOTION

Senator Rinehart moved that the following amendment by Senator Vognild to the striking amendment by Senators Lee and Anderson be adopted:

On page 8, line 14 of the striking amendment, after "commenced" strike everything through "qualified"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Vognild on page 8, line 14, to the striking amendment by Senators Lee and Anderson to Engrossed Substitute House Bill No. 1581.

The motion by Senator Rinehart failed and the amendment by Senator Vognild to the striking amendment was not adopted.

MOTION

Senator Rinehart moved that the following amendment to the striking amendment by Senators Lee and Anderson be adopted:

On page 17, line 32 of the amendment, after "(1)" strike everything through "(2)" on page 18, line 9

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment on page 17, line 32, to the striking amendment by Senators Lee and Anderson to Engrossed Substitute House Bill No. 1581.

The motion by Senator Rinehart failed and the amendment to the striking amendment was not adopted.

MOTION

Senator Rinehart moved that the following amendment to the striking amendment by Senators Lee and Anderson be adopted:

On page 18, line 9 of the striking amendment, after "(2)" strike "No" and insert "An"

Debate ensued.

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

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senator Rinehart on page 18, line 9, to the striking amendment by Senators Lee and Anderson to Engrossed Substitute House Bill No. 1581.

ROLL CALL

The Secretary called the roll and the amendment to the striking amendment was not adopted by the following vote: Yeas, 19; nays, 26; excused, 4.

Voting yea: Senators Bauer, Bender, Conner, Gaspard, Hansen, Kreidler, Madsen, Moore, Murray, Niemi, Rasmussen, Rinehart, Smitherman, Stratton, Sutherland, Talmadge, Vognild, Warnke, Wojahn - 19.

Voting nay: Senators Amondson, Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Hayner, Johnson, Lee, Matson, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Owen, Patterson, Pullen, Saling, Sellar, Smith, Thorsness, von Reichbauer, West - 26.

Excused: Senators DeJarnatt, Fleming, McMullen, Williams - 4.

MOTION

Senator Rasmussen moved that the following amendment to the striking amendment by Senators Lee and Anderson be adopted:

On page 3, after line 15 of the striking amendment, insert the following:

"(a) "Terminal health condition" means a condition caused by injury, disease or illness, that, within reasonable medical judgment, is incurable."

POINT OF ORDER

Senator Newhouse: "Mr. President, I would rise to the point of order, that the amendment to the amendment does not fit the bill as presently perfected by the adoption of the amendment on page 3, line 15, which already defines under sub

(9), the terminal health condition. This amendment pretends to adopt another definition of terminal health condition under sub (a) and I don't think it fits."

Further debate ensued.

MOTION

At 3:10 p.m., on motion of Senator Newhouse, the Senate was declared to be at ease.

The Senate was called to order at 3:13 p.m. by President Pritchard.

There being no objection, the Senate resumed consideration of the amendment by Senator Rasmussen on page 3, line 5, to the striking amendment by Senators Lee and Anderson to Engrossed Substitute House Bill No. 1581.

RULING BY THE PRESIDENT

President Pritchard: "Senator Rasmussen, the Chair is ruling that your amendment to the amendment is really an amendment to the third degree and, therefore, it is out of order."

The amendment by Senator Rasmussen to the striking amendment by Senators Lee and Anderson was ruled out of order.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Lee and Anderson, as amended, to Engrossed Substitute House Bill No. 1581.

The motion by Senator Lee carried and the striking amendment, as amended, was adopted.

MOTIONS

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

On page 1, line 1 of the title, after "family" strike the remainder of the title and insert "leave; adding new sections to chapter 49.12 RCW; adding a new chapter to Title 49 RCW; creating new sections; prescribing penalties; and providing effective dates."

On motion of Senator Lee, the rules were suspended, Engrossed Substitute House Bill No. 1581, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Gaspard: "Senator Lee, I believe some clarification of the definition of terminal health condition as adopted through the amendment on page 3, line 15, needs some further clarification. Therefore, I'd like to ask you this question. Does the 'medical judgment' language in the definition relate to both the determination that one, the illness is incurable, and second that it will produce death within a certain time?"

Senator Lee: "Yes, Senator Gaspard. There's a two-step qualification. A terminal health condition can only be found if the medical judgment is such that the disease is incurable and that it will result in death during the time leave is taken. Now, under Section 5, this judgment is made by a health care provider in the case of a dispute. In all other cases, if the child's doctor says that the child has an incurable disease, which will result in death within the time of leave, the leave is available for the responsible adult. I cannot foresee a situation where, if the death does not result during the predicted time period, that the employee would be penalized."

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1581, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1581, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 27; nays, 18; excused, 4.

Voting yeas: Senators Anderson, Bailey, Barr, Bauer, Bender, Conner, Gaspard, Hansen, Kreidler, Lee, Matson, Moore, Murray, Niemi, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Talmadge, Thorsness, Vognilid, von Reichbauer, Warnke, West, Wojahn - 27.

Voting nay: Senators Amondson, Benitz, Bluechel, Cantu, Craswell, Hayner, Johnson, Madsen, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Owen, Pullen, Smith, Stratton, Sutherland - 18.

Excused: Senators DeJarnatt, Fleming, McMullen, Williams - 4.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1581, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the President returned the Senate to the fourth order of business.

MESSAGES FROM THE HOUSE

May 8, 1989

Mr. President:

The Speaker has signed:

SUBSTITUTE HOUSE BILL NO. 1737,

SUBSTITUTE HOUSE BILL NO. 1788, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

May 10, 1989

Mr. President:

The House has passed SENATE BILL NO. 6152, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

May 10, 1989

Mr. President:

The House concurred in the Senate amendments to HOUSE BILL NO. 2244 and passed the bill as amended by the Senate.

ALAN THOMPSON, Chief Clerk

May 10, 1989

Mr. President:

The Speaker has signed SECOND SUBSTITUTE SENATE BILL NO. 5065, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE HOUSE BILL NO. 1737,

SUBSTITUTE HOUSE BILL NO. 1788.

MESSAGE FROM THE HOUSE

May 10, 1989

Mr. President:

The House has adopted the Report of the Free Conference Committee on SUBSTITUTE SENATE BILL NO. 5521 and has passed the bill as amended by the Free Conference Committee, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

REPORT OF FREE CONFERENCE COMMITTEE

RE: SSB 5521

Relating to Capital Budget

May 7, 1989

Mr. President:

Mr. Speaker:

We of your Free Conference Committee, have had the above under consideration and we recommend that the bill be amended as proposed in the request for Free Conference and the bill do pass as amended by the Free Conference Committee.

(See Report of Conference Committee and request for powers of Free Conference on Substitute Senate Bill No. 5521 read in May 8, 1989.)

Signed by Senators Cantu, Vognil, Sellar: Representatives H. Sommers, Braddock, Prince.

MOTION

Senator Newhouse moved that the Report of the Free Conference Committee on Substitute Senate Bill No. 5521 be adopted.

Debate ensued.

The President declared the question before the Senate to be the adoption of the Report of the Free Conference Committee on Substitute Senate Bill No. 5521.

The motion by Senator Newhouse carried and the Report of the Free Conference Committee on Substitute Senate Bill No. 5521 was adopted.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5521, as amended by the Free Conference Committee.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5521, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 40; nays, 5; excused, 4.

Voting yea: Senators Anderson, Bailey, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McDonald, Metcalf, Moore, Murray, Nelson, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Wojahn - 40.

Voting nay: Senators Amondson, Barr, Hansen, McCaslin, Newhouse - 5.

Excused: Senators DeJarnatt, Fleming, McMullen, Williams - 4.

SUBSTITUTE SENATE BILL NO. 5521, as amended by the Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

THIRD READING

ENGROSSED SENATE BILL NO. 6095, by Senators Benitz, Saling, Bluechel, Cantu, Smitherman, Stratton, Gaspard, Patterson, Bauer, von Reichbauer, Hayner, Smith, Rasmussen, West, Thorsness, Bailey, Johnson and Nelson

Providing for branch campuses.

MOTION

On motion of Senator Saling, the rules were suspended and Senate Bill No. 6095 was returned to second reading and read the second time.

MOTIONS

On motion of Senator Saling, the following amendment by Senators Saling and Bauer was adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds that the benefits of higher education should be more widely available to the citizens of the state of Washington. The legislature also finds that a citizen's place of residence can restrict that citizen's access to educational opportunity at the upper division and graduate level.

Because most of the state-supported baccalaureate universities are located in areas removed from major metropolitan areas, the legislature finds that many of the state's citizens, especially those citizens residing in the central Puget Sound area, the Tri-Cities, Spokane, Vancouver, and Yakima, have insufficient and inequitable access to upper-division baccalaureate and graduate education.

This lack of sufficient educational opportunities in urban areas makes it difficult or impossible for place-bound individuals, who are unable to relocate, to complete a baccalaureate or graduate degree. It also exacerbates the difficulty financially needy students have in attending school, since many of those students need to work, and work is not always readily available in some communities where the baccalaureate institutions of higher education are located.

The lack of sufficient educational opportunities in metropolitan areas also affects the economy of the underserved communities. Businesses benefit from access to the research and teaching capabilities of institutions of higher education. The absence of these institutions from some of the state's major urban centers prevents beneficial interaction between businesses in these communities and the state's universities.

The Washington state master plan for higher education, adopted by the higher education coordinating board, recognizes the need to expand upper-division and graduate educational opportunities in the state's large urban centers. The board has also attempted to provide a means for helping to meet future educational demand through a system of branch campuses in the state's major urban areas.

The legislature endorses the assignment of responsibility to serve these urban centers that the board has made to various institutions of higher education. The legislature also endorses the creation of branch campuses for the University of Washington and Washington State University.

The legislature recognizes that, among their other responsibilities, the state's comprehensive community colleges share with the four-year universities and colleges the responsibility of providing the first two years of a baccalaureate education. It is the intent of the legislature that the four-year institutions and the community colleges work as cooperative partners to ensure the successful and efficient operation of the state's system of higher education. The legislature further intends that the four-year institutions work cooperatively with the community colleges to ensure that branch campuses are operated as models of a two plus two educational system.

NEW SECTION, Sec. 2. A new section is added to chapter 28B.80 RCW to read as follows:

It is the intent of the legislature that, at the same time additional capital or operating funds are approved for the purposes of sections 3 through 7 of this act, enrollment lids at existing baccalaureate institutions of higher education should be raised at the upper-division level insofar as doing so would increase participation rates in underserved areas.

NEW SECTION, Sec. 3. The University of Washington is responsible for ensuring the expansion of upper-division and graduate educational programs in the central Puget Sound area under rules or guidelines adopted by the higher education coordinating board. The University of Washington shall meet that responsibility through the operation of at least two branch campuses. One branch campus shall be located in the Tacoma area. Another branch campus shall be located in the Bothell-Woodinville area.

NEW SECTION, Sec. 4. Washington State University is responsible for providing upper-division and graduate level higher education programs to the citizens of the Tri-Cities area, under rules or guidelines adopted by the higher education coordinating board. Washington State University shall meet that responsibility through the operation of a branch campus in the Tri-Cities area. The branch campus shall replace and supersede the Tri-cities university center. All land, facilities, equipment, and personnel of the Tri-cities university center shall be transferred from the University of Washington to Washington State University.

NEW SECTION, Sec. 5. Washington State University is responsible for providing upper-division and graduate level higher education programs to the citizens of the southwest Washington area, under rules or guidelines adopted by the higher education coordinating board. Washington State University shall meet that responsibility through the operation of a branch campus in the southwest Washington area.

NEW SECTION, Sec. 6. Washington State University and Eastern Washington University are responsible for providing upper-division and graduate level programs to the citizens of the Spokane area, under rules or guidelines adopted by the higher education coordinating board. Washington State University shall meet its responsibility through the operation of a branch campus in the Spokane area. Eastern Washington University shall meet its responsibility through the operation of co-located programs and facilities in Spokane.

NEW SECTION, Sec. 7. Central Washington University is responsible for providing upper-division and graduate level higher education programs to the citizens of the Yakima area, under rules or guidelines adopted by the higher education coordinating board.

NEW SECTION, Sec. 8. A new section is added to chapter 28B.80 RCW to read as follows:

In rules and guidelines adopted for purposes of this act, the higher education coordinating board shall ensure a collaborative partnership between the community colleges and the four-year institutions. The partnership shall be one in which the community colleges prepare students for transfer to the upper-division programs of the branch campuses.

NEW SECTION, Sec. 9. A new section is added to chapter 28B.80 RCW to read as follows:

Before approving any institutional request to acquire facilities in an area assigned in sections 3 through 7 of this act, the higher education coordinating board shall ensure that creative and cost-effective methods of serving the needs of each assigned area are considered, including but not limited to:

(1) Exploring the possibility of time-sharing existing college or university facilities for instructional and administrative purposes;

(2) Using rented facilities; and

(3) Utilizing telecommunication technology.

NEW SECTION, Sec. 10. A new section is added to chapter 28B.10 RCW to read as follows:

(1) The Spokane intercollegiate research and technology institute is hereby created.

(2) The institute shall be operated and administered as a multi-institutional education and research center, housing appropriate programs conducted in Spokane under the authority of Washington State University, Eastern Washington University, and the community colleges of Spokane. Gonzaga University and Whitworth College may participate as full partners in any

academic and research activities of the institute. Washington State University shall act as administrative and fiscal agent for the institute.

(3) The institute shall be operated and administered through a cooperative arrangement of the institutions of higher education participating in the institute.

(4) The institute shall house education and research programs specifically designed to meet the needs of the greater Spokane area.

(5) The coordination of programs and activities at the institute shall be subject to the authority of the Spokane joint center for higher education under RCW 28B.25.020.

(6) The establishment of any education or research programs at the institute and the lease, purchase, or construction of any site or facility for the institute shall be subject to the approval of the higher education coordinating board pursuant to RCW 28B.80.340.

Sec. 11. Section 98, chapter 370, Laws of 1985 and RCW 28B.25.020 are each amended to read as follows:

(1) The joint center for higher education shall coordinate all undergraduate and graduate degree programs, and all other seminars, courses, and programs of any type offered in the Spokane area by Washington State University and by Eastern Washington University outside of its Cheney campus. The joint center for higher education shall not coordinate the intercollegiate center for nursing.

(2) The joint center for higher education shall coordinate the following higher education activities in the Spokane area outside of the Eastern Washington University Cheney campus:

(a) Articulation between lower division and upper division programs;

(b) The participation of Washington State University in its joint engineering program with Gonzaga University and in its joint engineering management program with Eastern Washington University and Gonzaga University; ~~((and))~~

(c) All contractual negotiations between public and independent colleges and universities; and

(d) Programs offered through the intercollegiate research and technology institute created by section 10 of this act.

(3) The participating institutions in the joint center for higher education shall maintain jurisdiction over the content of the course offerings and the entitlement to degrees.

(4) Disputes regarding which programs are to be coordinated by the joint center for higher education shall be arbitrated by the ~~((council for postsecondary education))~~ higher education coordinating board or its successor agency. The decision of the arbitrating agency shall be binding.

NEW SECTION. Sec. 12. A new section is added to chapter 28B.80 RCW to read as follows:

Eligible students residing in the areas to be served by the branch campuses created by sections 3 through 7 of this act may participate in a demonstration project administered by the higher education coordinating board. The educational opportunity grant project will be designed to permit the students to complete their upper division coursework at any eligible accredited baccalaureate institution of higher education, as defined in RCW 28B.10.802(1) and as further identified by the board. Each participating student may receive up to two thousand five hundred dollars per academic year, not to exceed the student's demonstrated financial need, for that coursework.

NEW SECTION. Sec. 13. A new section is added to chapter 28B.80 RCW to read as follows:

In order to be eligible for the demonstration project outlined in section 12 of this act, students must be placebound residents of the state of Washington who are needy as defined in RCW 28B.10.802(3), and have completed the associate of arts degree or its equivalent.

NEW SECTION. Sec. 14. Authorization for the programs, increases, and facilities described in this act is subject to legislative appropriation.

NEW SECTION. Sec. 15. Sections 3 through 7 and 14 of this act are each added to Title 28B RCW.

NEW SECTION. Sec. 16. Section 13, chapter 72, Laws of 1983 1st ex. sess., section 1, chapter 408, Laws of 1985 and RCW 28B.30.510 are each repealed."

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

On page 1, line 1 of the title, after "campuses;" strike the remainder of the title and insert "amending RCW 28B.25.020; adding new sections to Title 28B RCW; adding a new section to chapter 28B.10 RCW; adding new sections to chapter 28B.80 RCW; creating a new section; and repealing RCW 28B.30.510."

MOTION

On motion of Senator Saling, the rules were suspended, Engrossed Senate Bill No. 6095 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6095.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6095, and the bill passed the Senate by the following vote: Yeas, 33; nays, 12; excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Gaspard, Hayner, Johnson, Lee, Madsen, McCaslin, McDonald, Metcalf, Murray, Nelson, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Thorsness, Vognilid, von Reichbauer, West, Wojahn - 33.

Voting nay: Senators Barr, Craswell, Hansen, Kreidler, Matson, Moore, Newhouse, Niemi, Owen, Pullen, Talmadge, Warnke - 12.

Excused: Senators DeJarnatt, Fleming, McMullen, Williams - 4.

ENGROSSED SENATE BILL NO. 6095, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

STATEMENT FOR THE JOURNAL

May 10, 1989

Mary Wiley
Journal Clerk

I would like to clarify my position on a vote taken today, May 10, 1989. I inadvertently voted 'yea' on Engrossed Senate Bill No. 6095 (Branch Campus Bill), when I intended to vote 'nay' on the measure.

I am opposed to Engrossed Senate Bill No. 6095 primarily because I feel we should be investing in improvements to our established community colleges that currently serve towns and cities around the state instead of adding new facilities like the proposed branch campuses.

Community Colleges have proven to be a great resource to the students who attend them and should be the foundation for any new community-based higher education programs.

SENATOR NEIL AMONDSO, N.
20th District

MOTION

At 3:48 p.m., on motion of Senator Newhouse, the Senate was declared to be at ease.

The Senate was called to order at 4:36 p.m. by President Pritchard.

SIGNED BY THE PRESIDENT

The President signed:
SUBSTITUTE SENATE BILL NO. 5521.

SIGNED BY THE PRESIDENT

The President signed:
SENATE BILL NO. 6152.

THIRD READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 5373, by Committee on Transportation (originally sponsored by Senators Patterson, Bender, Nelson and Conner) (by request of Governor Gardner)

Making transportation appropriations for the 1989-91 biennium.

MOTION

On motion of Senator Nelson, the rules were suspended and Senate Bill No. 5373 was returned to second reading and read the second time.

MOTION

Senator Nelson moved that the following amendment be adopted:

Strike everything after the enacting clause and insert the following:

*NEW SECTION. Sec. 1. The transportation budget of the state is hereby adopted and, subject to the provisions hereinafter set forth, the several amounts hereinafter specified, or as much thereof as may be necessary to accomplish the purposes designated, are hereby appropriated

from the several accounts and funds hereinafter named to the designated state agencies and offices for salaries, wages, and other expenses, for capital projects, and for other specified purposes, including the payment of any final judgments arising out of such activities, for the period ending June 30, 1991. The appropriations contained in sections 69 through 74 of this act are for the period ending June 30, 1989.

NEW SECTION, Sec. 2. FOR THE TRAFFIC SAFETY COMMISSION

General Fund—Public Safety and Education Account Appropriation	\$	1,200,000
Highway Safety Fund Appropriation—State	\$	351,750
Highway Safety Fund Appropriation—Federal	\$	4,532,200
Total Appropriation	\$	6,083,950

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

- (1) \$1,200,000 of the general fund—public safety and education account appropriation is provided solely for continuation of the DWI community task force program.
- (2) It is the intent of the legislature that no state dollars be appropriated for continuation of the DWI community task force program beyond the 1989-91 biennium.

NEW SECTION, Sec. 3. FOR THE BOARD OF PILOTAGE COMMISSIONERS

General Fund—Pilotage Account Appropriation	\$	174,956
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The appropriation in this section is subject to the following conditions and limitations: No more than \$66,000 may be expended for attorney general fees.

NEW SECTION, Sec. 4. FOR THE COUNTY ROAD ADMINISTRATION BOARD

Motor Vehicle Fund—Rural Arterial Trust Account Appropriation	\$	24,155,072
Motor Vehicle Fund Appropriation	\$	999,551
Total Appropriation	\$	25,154,623

NEW SECTION, Sec. 5. FOR THE TRANSPORTATION IMPROVEMENT BOARD

Motor Vehicle Fund—Urban Arterial Trust Account Appropriation	\$	50,976,600
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The urban arterial trust account appropriation includes \$28,000,000 from the proceeds of the sale of Series III Urban Arterial bonds provided for by RCW 47.26.420 through 47.26.427.

NEW SECTION, Sec. 6. FOR THE STATE PATROL—FIELD OPERATIONS BUREAU

General Fund Appropriation	\$	300,000
Motor Vehicle Fund—State Patrol Highway Account Appropriation—State	\$	110,690,369
Motor Vehicle Fund—State Patrol Highway Account Appropriation—Federal	\$	2,965,228
Motor Vehicle Fund Appropriation	\$	392,989
Total Appropriation	\$	114,348,586

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

- (1) The motor vehicle fund—state patrol highway account—state appropriation in this section includes \$1,969,889 for twenty-eight additional traffic troopers. The twenty-eight officers shall begin training on February 1, 1990.
- (2) \$297,973 is appropriated from the state patrol highway account—state solely for the replacement of trooper weapons. The weapons being replaced will be disposed of at fair market value in accordance with department of general administration's surplus property procedures and in compliance with office of financial management regulations. Officers may purchase their service revolvers at the fair market value.
- (3) \$464,300 is appropriated from the state patrol highway account—state solely for aircraft repair. Any user of Washington state patrol aircraft shall pay its pro rata share of all operating and maintenance costs including capitalization.
- (4) \$300,000 from the state patrol highway account—state appropriation and \$300,000 from the general fund appropriation is appropriated solely for the investigation of vehicle license fraud. The Washington state patrol, department of revenue, and the office of financial management shall report semiannually beginning December 15, 1989, to the legislative transportation committee on the number of fraud cases investigated and their outcome.
- (5) The motor vehicle fund—state patrol highway account—state appropriation in this section includes \$1,571,000 for the safety education program.
- (6) The motor vehicle fund—state patrol highway account—state appropriation in this section includes \$591,630 for five tow truck inspectors.
- (7) The motor vehicle fund—state patrol highway account—state appropriation includes \$591,120 for the Vehicle Identification Number Program and \$1,303,700 for 15 additional commercial vehicle officers.

NEW SECTION, Sec. 7. FOR THE STATE PATROL—SUPPORT SERVICES BUREAU

Motor Vehicle Fund—State Patrol Highway Account Appropriation	\$	48,210,204
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The appropriation in this section is subject to the following conditions and limitations:

- (1) \$2,205,285 is provided solely for development of the third and final phase of the patrol information collection system. Authority to expend these funds is conditioned upon compliance with the requirements set forth in section 63 of this act.
- (2) \$2,463,000 is provided solely for the purchase of mobile radios for troopers' vehicles.

NEW SECTION. Sec. 8. FOR THE GOVERNOR—COMPENSATION—SALARY AND INSURANCE BENEFITS**Special Fund Salary and Insurance Contribution Increase Revolving**

Fund Appropriation	\$ 2,345,453
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The appropriation in this section is provided for a 3.0 percent salary increase effective January 1, 1990, and an additional 3.0 percent salary increase effective January 1, 1991, for commissioned officers of the Washington state patrol. The increase provided for in this section is in addition to any salary increases provided for in Senate Bill No. 5352 or any other omnibus appropriations act for the 1989-91 biennium enacted by the 1989 legislature.

NEW SECTION. Sec. 9. FOR THE DEPARTMENT OF LICENSING—VEHICLE SERVICES

Motor Vehicle Fund Appropriation	\$ 32,607,339
General Fund—Wildlife Account Appropriation	\$ 421,186
Total Appropriation	\$ 33,028,525

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

(1) \$1,538,900 of the motor vehicle fund appropriation is provided solely for the completion of the county auditor automation project. Authority to expend these funds is conditioned upon compliance with the requirements set forth in section 63 of this act.

(2) The department shall create an advisory committee to examine the current processes and costs for issuing vehicle titles, registrations, and other vehicle documentation. Membership on the committee shall include the director as chairperson and appropriate departmental personnel and representatives of county auditors, subagents, county executives, and county council members/commissioners. By June 30, 1990, the advisory committee shall report to the legislative transportation committee as follows: (a) An analysis of the costs and benefits accruing annually to county auditors and subagents as a result of vehicle licensing activities; (b) analysis and recommendations of an appropriate allocation of on-going operating and maintenance county auditor automation project costs among the department, county auditors, and subagents; (c) the committee, in consultation with the information systems division of the department, the office of financial management, and the department of information services shall address the issue of future system requirements and how the costs associated with such requirements should be shared between the department, county auditors, and subagents; and (d) an analysis of the costs and benefits associated with the alternative of having all vehicle licensing activities conducted solely within the department, and an analysis of other alternatives recommended by the advisory committee.

(3) \$100,000 of this appropriation is provided solely for a budget/policy analyst for the vehicle services division.

(4) \$374,656 of the motor vehicle fund appropriation is provided solely for the front license tab program.

(5) \$46,609 of the motor vehicle fund appropriation is provided solely for the implementation of Engrossed House Bill No. 1645, regulating the relationship between motor vehicle dealers and manufacturers.

NEW SECTION. Sec. 10. FOR THE DEPARTMENT OF LICENSING—DRIVER SERVICES

General Fund—Public Safety and Education Account Appropriation	\$ 3,412,942
Highway Safety Fund Appropriation	\$ 35,321,479
Highway Safety Fund—Motorcycle Safety Education Account Appropriation	\$ 1,037,499
Total Appropriation	\$ 39,771,920

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

(1) \$557,870 of the highway safety fund appropriation is provided for establishing two new driver license examining offices.

(2) \$207,000 of the highway safety fund—motorcycle safety education account appropriation is provided solely for implementing the motorcycle public awareness program provided for in Engrossed Senate Bill No. 6076.

(3) \$432,888, or as much thereof as may be necessary, is provided solely for: (a) Providing a budget/policy analyst for the driver services division; and (b) establishing additional security procedures related to driver's license issuance.

(4) Moneys accruing to the public safety and education account in excess of the 1989-91 appropriation authority in this act, in Senate Bill No. 5352 or any other omnibus appropriation act, or in any other act enacted by the 1989 legislature, shall be transferred to the highway safety fund appropriation to reimburse the fund for the appropriation in this section.

NEW SECTION. Sec. 11. FOR THE DEPARTMENT OF LICENSING—MANAGEMENT OPERATIONS

General Fund—Wildlife Account Appropriation	\$ 7,238
Highway Safety Fund Appropriation	\$ 7,027,608
Motor Vehicle Fund Appropriation	\$ 3,378,999
General Fund—Public Safety and Education Account Appropriation	\$ 611,678
Total Appropriation	\$ 11,025,523

NEW SECTION, Sec. 12. FOR THE DEPARTMENT OF LICENSING—INFORMATION SYSTEMS

General Fund—Wildlife Account Appropriation	\$	4,041
Highway Safety Fund Appropriation	\$	4,815,059
Motor Vehicle Fund Appropriation	\$	15,191,175
General Fund—Public Safety and Education Account Appropria- tion	\$	390,162
Total Appropriation	\$	20,400,437

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

(1) \$200,000, of which \$100,000 is from the motor vehicle fund appropriation and \$100,000 is from the highway safety fund appropriation, is provided solely for the development of a project management plan exclusively for integration of driver and motor vehicle systems. The plan shall be submitted to the legislative transportation committee by December 15, 1989. Authority to expend these moneys is conditioned upon compliance with the requirements set forth in section 63 of this act.

(2) \$275,136 is provided solely for additional data processing storage capacity and for preparing to implement the federal odometer act.

NEW SECTION, Sec. 13. FOR THE LEGISLATIVE TRANSPORTATION COMMITTEE

Motor Vehicle Fund Appropriation	\$	2,525,000
Motor Vehicle Fund—State Patrol Highway Account Appropriation	\$	100,000
Total Appropriation	\$	2,625,000

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

(1) \$50,000 of the motor vehicle fund appropriation, or as much thereof as is needed, is provided for a study of gasoline pricing and supply practices to be conducted in conjunction with the Washington state energy office.

(2) \$75,000 of the motor vehicle fund appropriation is provided solely for the study mandated in section 14 of this act.

(3) The motor vehicle fund—state patrol highway account appropriation provided for in this section is for a survey of local law enforcement compensation.

NEW SECTION, Sec. 14. A new section is added to chapter 44.40 RCW to read as follows:

(1) The legislative transportation committee shall undertake a study and develop recommendations for legislative and executive consideration that will:

(a) Increase the efficiency and effectiveness of state transportation programs and reduce costs;

(b) Enhance the accountability and organizational soundness of all transportation modes;

(c) Encourage better communication between local jurisdictions and the department of transportation in developing engineering plans and subsequent construction projects;

(d) Encourage private sector support and financial participation in project development and construction of transportation projects;

(e) Develop long-range goals that reflect changing technology and state-of-the-art advancements in transportation;

(f) Explore alternatives for the establishment of an integrated and balanced multimodal state-wide transportation system to meet the needs of the 21st century; and

(g) Explore ways to reduce the demand on the transportation system and more effectively use the existing system.

The committee may study other transportation needs and problems and make further recommendations.

(2) The office of financial management and the department of transportation shall provide staff support as required by the legislative transportation committee in developing the recommendations. To the extent permitted by law, all agencies of the state shall cooperate fully with the legislative transportation committee in carrying out its duties under this section.

(3) The legislative transportation committee may receive and expend gifts, grants, and endowments from private sector sources to carry out the purpose of this section.

(4) By December 1991 the legislative transportation committee shall submit its preliminary findings and recommendations to the governor, transportation commission, and legislature. A final report shall be submitted by December 1993.

NEW SECTION, Sec. 15. FOR THE MARINE EMPLOYEES COMMISSION

Motor Vehicle Fund—Puget Sound Ferry Operations Account Appropriation	\$	306,997
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The appropriation in this section is subject to the following conditions and limitations: \$20,000 of this appropriation is provided solely to fund an expanded salary survey, as provided for in House Bill No. 1520. If House Bill No. 1520 is not enacted by June 30, 1989, the Puget Sound Ferry Operations Account appropriation shall be reduced by \$20,000.

NEW SECTION, Sec. 16. FOR THE TRANSPORTATION COMMISSION

General Fund—Aeronautics Account Appropriation	\$	1,184
General Fund Appropriation	\$	2,269
Motor Vehicle Fund—Puget Sound Capital Construction Account Appropriation	\$	31,349

Motor Vehicle Fund—Puget Sound Ferry Operations Account		
Appropriation	\$	53,160
Motor Vehicle Fund Appropriation	\$	425,024
Total Appropriation	\$	512,986
NEW SECTION, Sec. 17. FOR THE DEPARTMENT OF TRANSPORTATION—HIGHWAY CONSTRUCTION—PROGRAM A		
Motor Vehicle Fund Appropriation—State	\$	124,000,000
Motor Vehicle Fund Appropriation—Federal	\$	80,000,000
Motor Vehicle Fund Appropriation—Local	\$	2,000,000
Total Appropriation	\$	206,000,000

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

- (1) The appropriations in this section are provided for the location, design, right of way, and construction of state highway projects designated as category "A" under RCW 47.05.030.
- (2) \$80,000 of this appropriation is provided solely for studies to identify means of mitigating the environmental effects of SR 520 on neighboring communities.
- (3) Any study of east-west corridors across or in the vicinity of Lake Washington shall be conducted in a manner consistent with the regional high occupancy vehicle strategic plan.
- (4) \$300,000 of this appropriation is provided solely for safety improvements to the first avenue south bridge.

NEW SECTION, Sec. 18. FOR THE DEPARTMENT OF TRANSPORTATION—HIGHWAY CONSTRUCTION—PROGRAM B

Motor Vehicle Fund Appropriation—State	\$	52,000,000
Motor Vehicle Fund Appropriation—Federal	\$	473,000,000
Motor Vehicle Fund Appropriation—Local	\$	5,000,000
Total Appropriation	\$	530,000,000

The appropriations in this section are provided for the location, design, right of way, and construction of state highway projects on the interstate system designated as category "B" under RCW 47.05.030. The appropriations in this section are subject to the following conditions and limitations:

- (1) \$46,000,000 of the motor vehicle fund—state appropriation includes a maximum of \$20,000,000 in proceeds from the sale of bonds authorized by RCW 47.10.790, for state matching funds for the construction of SR 90 from SR 5 to SR 405, and the balance in proceeds from the sale of bonds as authorized by RCW 47.10.801: PROVIDED, That the transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.
- (2) If federal discretionary funds are made available to the state, the motor vehicle fund—state appropriation is increased proportionally to provide matching state funds from the sale of bonds authorized by RCW 47.10.801 and 47.10.790 not to exceed \$10,000,000 and it is understood that the department shall seek authority to expend unanticipated receipts for the federal portion.
- (3) It is further recognized that the department may make use of federal cash flow obligations on interstate construction contracts in order to complete the interstate highway system as expeditiously as possible.

NEW SECTION, Sec. 19. FOR THE DEPARTMENT OF TRANSPORTATION—HIGHWAY CONSTRUCTION—PROGRAM C

Motor Vehicle Fund Appropriation—State	\$	34,750,000
Motor Vehicle Fund Appropriation—Local	\$	1,000,000
Total Appropriation	\$	35,750,000

- (1) \$35,000,000 of the appropriations in this section are provided solely for the completion of category C projects currently under construction.
- (2) The motor vehicle fund—state appropriation includes up to \$1,000,000 of bond proceeds carried forward from the 1987-89 biennium and \$33,000,000 of bond proceeds authorized in RCW 47.10.801: PROVIDED, That the transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.
- (3) The department of transportation shall, by December 31, 1989, provide the legislative transportation committee with a report identifying the impact of the reduced category C funding contained in this act on all other departmental 1989-91 appropriations by program. The report shall contain, but not be limited to, personnel reductions actually implemented as of the date of this report and also projected reductions for the 1989-91 and 1991-93 biennia.
- (4) Up to \$750,000 of this appropriation is provided to the department of transportation solely to fund the state's fifty percent share of the cost of a study, led by the city of Seattle, including a conceptual layout plan through the design report processes on Seattle's first avenue south bridge. The department of transportation shall report the findings of the current study underway by the city of Seattle, King county, and the port of Seattle, and the findings of the draft environmental impact study, to the legislative transportation committee before proceeding with design work for the first avenue south bridge other than that necessary for the environmental impact statement.

(5) Nothing in this section precludes the department from completing engineering on projects when such engineering costs are being provided by local government or private sources.

NEW SECTION. Sec. 20. FOR THE DEPARTMENT OF TRANSPORTATION—HIGHWAY MANAGEMENT AND FACILITIES—PROGRAM D

Motor Vehicle Fund Appropriation	\$	58,608,867
Motor Vehicle Fund—Transportation Capital Facilities Account		
Appropriation	\$	1,000,000
Total Appropriation	\$	59,608,867

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

(1) \$200,000 of the motor vehicle fund appropriation is provided solely for a capital facilities management system.

(2) If House Bill No. 1467 is not enacted by June 30, 1989, the motor vehicle fund—transportation capital facilities account appropriation shall lapse, and the motor vehicle fund appropriation shall increase by \$1,000,000.

NEW SECTION. Sec. 21. FOR THE DEPARTMENT OF TRANSPORTATION—AERONAUTICS—PROGRAM F

General Fund—Aeronautics Account Appropriation—State	\$	3,030,407
General Fund—Aeronautics Account Appropriation—Local	\$	75,000
General Fund—Aeronautics Account Appropriation—Federal	\$	661,451
Total Appropriation	\$	3,766,858

The appropriations in this section are provided for management and support of the aeronautics division, state fund grants to local airports, development and maintenance of a state-wide airport system plan, maintenance of state-owned emergency airports, federal inspections, and the search and rescue program.

(1) The general fund—aeronautics account—state appropriation contains \$100,000 for transfer to the motor vehicle fund as partial repayment of the \$407,430 advanced to pay the tort settlement in the case of Osibov vs. the state of Washington, Spokane county superior court, Cause No. 239168.

(2) \$75,000 of the general fund—aeronautics account—local appropriation, or as much as is necessary, is provided for design of a study of the state-wide economic, environmental and social effects of alternatives for providing passenger and cargo capacity that may be required due to increases in commercial air carrier operations. This appropriation is contingent upon receipt of funds for this purpose from private sources, deposited in the state treasury under RCW 47.68.160.

NEW SECTION. Sec. 22. FOR THE DEPARTMENT OF TRANSPORTATION—SEARCH AND RESCUE—PROGRAM F

General Fund—Search and Rescue Account Appropriation	\$	116,633
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The appropriation in this section is provided for directing and conducting searches for missing, downed, overdue, or presumed downed general aviation aircraft; for safety and education activities necessary to insure safety of persons operating or using aircraft; and for the Washington wing civil air patrol in accordance with RCW 47.68.370.

NEW SECTION. Sec. 23. FOR THE DEPARTMENT OF TRANSPORTATION—COMMUNITY ECONOMIC REVITALIZATION—PROGRAM G

Motor Vehicle Fund—Economic Development Account Appropriation	\$	7,000,000
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The appropriation in this section is funded with the proceeds from the sale of bonds authorized by RCW 47.10.801 and is provided for improvements to the state highway system necessitated by planned economic development.

NEW SECTION. Sec. 24. FOR THE DEPARTMENT OF TRANSPORTATION—NONINTERSTATE BRIDGES—PROGRAM H

Motor Vehicle Fund Appropriation—State	\$	26,000,000
Motor Vehicle Fund Appropriation—Federal	\$	33,000,000
Motor Vehicle Fund Appropriation—Local	\$	1,000,000
Total Appropriation	\$	60,000,000

The appropriations in this section are provided to preserve the structural and operating integrity of existing bridges. The appropriations in this section are subject to the following conditions and limitations: \$220,000 of the appropriation provided for in this section shall be used exclusively for the first avenue south bridge.

NEW SECTION. Sec. 25. FOR THE DEPARTMENT OF TRANSPORTATION—HIGHWAY MAINTENANCE AND OPERATIONS—PROGRAM M

Motor Vehicle Fund Appropriation—State	\$	191,946,680
Motor Vehicle Fund Appropriation—Local	\$	69,161
Total Appropriation	\$	192,015,841

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

(1) \$1,500,000 of the motor vehicle fund—state appropriation is provided solely for snow and ice removal activities in excess of \$33,800,000. The excess moneys are to be matched with reappropriated maintenance funds of twenty-five percent of the total needed over \$33,800,000

until the \$1,500,000 is matched. The legislative transportation committee must be notified if the resulting total of \$35,800,000 is exceeded.

(2) If actual and projected expenditures for public damage repair exceed amounts presumed in the maintenance work plan as submitted in the budget request to the house of representatives and senate transportation committees, supplemental relief will be sought.

(3) If Engrossed House Bill No. 1502, adjusting vehicle permit fees, is enacted by June 30, 1989, the motor vehicle fund—state appropriation is reduced by \$164,000.

NEW SECTION, Sec. 26. FOR THE DEPARTMENT OF TRANSPORTATION—SALES AND SERVICES TO OTHERS—PROGRAM R

Motor Vehicle Fund Appropriation—State	\$	2,273,000
Motor Vehicle Fund Appropriation—Federal	\$	68,000,000
Motor Vehicle Fund Appropriation—Local	\$	6,869,000
Total Appropriation	\$	77,142,000

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

(1) The appropriations contain \$350,000 of state funds for expenditure in accordance with RCW 47.56.720 (Puget Island—Westport Ferry—Payments for operation and maintenance to Wahkiakum county).

(2) The appropriations contain \$900,000 of state funds for the guarantee, pursuant to RCW 47.56.712, of the payment of principal and interest on the Spokane River toll bridge revenue refunding bonds as the bonds become due, but only to the extent that net revenues from the operation of the bridge are insufficient.

(3) The appropriations contain \$400,000 of local funds to guarantee bond payments on the Astoria—Megler bridge pursuant to RCW 47.56.646.

NEW SECTION, Sec. 27. FOR THE DEPARTMENT OF TRANSPORTATION—TRANSPORTATION MANAGEMENT AND SUPPORT—PROGRAM S

General Fund—Aeronautics Account Appropriation	\$	14,391
General Fund Appropriation	\$	26,152
Motor Vehicle Fund—Puget Sound Capital Construction Account Appropriation	\$	383,510
Motor Vehicle Fund—Puget Sound Ferry Operations Account Appropriation	\$	784,107
Motor Vehicle Fund Appropriation	\$	30,044,558
Total Appropriation	\$	31,252,718

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

(1) \$2,300,000 of the motor vehicle fund appropriation is provided solely for the acquisition or development of a financial management system. Authority to expend these funds is conditioned upon compliance with the requirements set forth in section 63 of this act.

(2) \$802,700 of the motor vehicle fund appropriation is provided solely for the transportation executive information system.

NEW SECTION, Sec. 28. FOR THE DEPARTMENT OF TRANSPORTATION—PLANNING, RESEARCH, AND PUBLIC TRANSPORTATION—PROGRAM T

For public transportation and rail programs:

General Fund Appropriation—State	\$	629,800
General Fund Appropriation—Federal/Local	\$	5,466,819
High Capacity Transportation Account Appropriation	\$	8,561,139

For planning and research:

Motor Vehicle Fund Appropriation—State	\$	8,637,774
Motor Vehicle Fund Appropriation—Federal	\$	10,463,549
Total Appropriation	\$	33,759,081

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

(1) The motor vehicle fund—state appropriation may be increased by up to \$1,500,000 in the event federal funds are not available to fully fund the motor vehicle fund—federal appropriation in this section, subject to legislative transportation committee notification. If additional federal funds become available to more than fully fund the motor vehicle fund—federal appropriation in this section, the department may transfer up to \$600,000 from the motor vehicle fund—state appropriation to the motor vehicle fund—federal appropriation.

(2) \$892,852 of the motor vehicle fund—state appropriation is provided for interstate 4-R and route planning studies.

(3) \$115,126 of the motor vehicle fund—state appropriation is provided for traffic analysis studies.

(4) \$50,000 of the motor vehicle fund—state appropriation and \$50,000 of the general fund—state appropriation is provided solely for one additional full-time employee to implement the requirements set forth in Engrossed House Bill No. 1438.

(5) The high capacity transportation account appropriation is subject to the following conditions and limitations:

(a) \$6,801,793 or as much thereof as may be necessary may be expended to provide up to eighty percent matching assistance for regional passenger rail planning efforts:

(b) \$500,000 or as much thereof as may be necessary may be expended to determine ways of improving Amtrak service including coordination and planning efforts within the state;

(c) \$833,346 or as much thereof as may be necessary may be expended for passenger rail program administration and for independent review of passenger rail plans; and

(d) \$426,000 or as much thereof as may be necessary may be expended for freight rail program administration.

(6) If Substitute House Bill No. 1825 is not enacted by June 30, 1989, the high capacity transportation account appropriation shall be eliminated.

NEW SECTION. Sec. 29. FOR THE DEPARTMENT OF TRANSPORTATION—CHARGES FROM OTHER AGENCIES—PROGRAM U

Motor Vehicle Fund Appropriation \$ 10,607,946

The appropriation in this section is to provide for costs billed to the department for the services of other state agencies as follows:

- (1) Archives and records management, \$216,000;
- (2) Attorney general tort claims support, \$5,141,946;
- (3) Office of the state auditor audit services, \$731,000;
- (4) Department of general administration facilities and services charges, \$1,946,000; and
- (5) Department of personnel services, \$2,573,000.

NEW SECTION. Sec. 30. FOR THE DEPARTMENT OF TRANSPORTATION—MARINE CONSTRUCTION—PROGRAM W

Motor Vehicle Fund—Puget Sound Capital Construction Account
Appropriation—State \$ 98,930,400

Motor Vehicle Fund—Puget Sound Capital Construction Account
Appropriation—Federal \$ 14,200,000

Total Appropriation \$ 113,130,400

The appropriations in this section are provided for improving the Washington state ferry system, including, but not limited to, vessel acquisition, vessel construction, major and minor vessel improvements, and terminal construction and improvements. The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations in this section are provided to carry out only the projects presented to the governor and the house of representatives and senate transportation committees in the department of transportation's 1989-91 biennial budget request dated March, 1989. The department of transportation shall revise these projects to reconcile them with the 1987-89 actual expenditures within sixty days of the beginning of the biennium.

(2) The Puget Sound capital construction account—state appropriation in this section contains \$15,000,000 of state funds transferred as a loan from the Puget Sound ferry operations account. Repayment to the Puget Sound ferry operations account from the Puget Sound capital construction account shall begin in the 1993-95 biennium.

(3) The Puget Sound capital construction account—state appropriation of \$100,300,000 includes \$20,000,000 in proceeds from the sale of bonds authorized by RCW 47.60.560: PROVIDED, That the department of transportation may use current revenues available to the Puget Sound capital construction account in lieu of bond proceeds for any part of the state appropriation.

(4) The Puget Sound capital construction account—state appropriation contains up to \$100,000 which shall be used in conjunction with funds provided by the legislative transportation committee to study and recommend a means for financing the future purchases of any required auto ferry vessel(s): PROVIDED, That the results of this joint study shall be presented to the governor and the house of representatives and senate transportation committees prior to December 31, 1989.

(5) The department of transportation shall provide the legislative transportation committee with a monthly report concerning the status of the capital program authorized in this section.

NEW SECTION. Sec. 31. FOR THE DEPARTMENT OF TRANSPORTATION—MARINE—PROGRAM X

Ferry System Fund Appropriation \$ 167,808,589

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

(1) The appropriation is based on the budgeted expenditure of \$19,643,704 for vessel operating fuel in the 1989-91 biennium. If the actual cost of fuel is less than this budgeted amount, the excess amount shall not be expended. If the actual cost exceeds this amount, the department shall request a supplemental appropriation.

(2) In the event that revenues available to the ferry system fund are not sufficient to support the expenditures necessary for the operation and maintenance of the state ferry system as authorized in this section, the department may transfer funds from the Puget Sound ferry operations account to the ferry system fund.

(3) The appropriation contained in this section provides for the compensation of ferry employees, including increases. The expenditures for compensation paid to ferry employees during the 1989-91 biennium shall not exceed \$110,842,958 plus a dollar amount, as prescribed by the office of financial management, which is equal to any insurance benefit increase granted general government employees in excess of \$224.75 a month annualized per eligible

marine employee multiplied by the number of eligible marine employees for the respective fiscal year, a dollar amount as prescribed by the office of financial management for salary increases during the 1989-91 biennium, and a dollar amount as prescribed by the office of financial management for costs associated with pension amortization charges and cost of living allowances. For the purposes of this section, the expenditures for compensation paid to ferry employees shall be limited to salaries and wages and employee benefits as defined in the office of financial management's policies, regulations, and procedures named under objects of expenditure "A" and "B" (7.2.6.2). Of the \$110,842,958 provided for compensation, plus the prescribed insurance benefit, pension, and salary increase dollar amount:

(a) The maximum dollar amount which shall be allocated from the governor's compensation salary appropriation is in addition to the appropriation contained in this section and may be used to increase compensation costs, effective January 1, 1990;

(b) The prescribed insurance benefit increase dollar amount which shall be allocated from the governor's compensation insurance benefits appropriation is in addition to the appropriation contained in this section and may be used to increase compensation costs, effective July 1, 1989;

(c) The maximum dollar amount which shall be allocated from the governor's compensation salary appropriation is in addition to the appropriation contained in this section and shall be used to maintain any 1989-90 compensation increase and may be used to increase compensation costs, effective January 1, 1991.

In no event may the June 30, 1990, hourly salary rate increase exceed any average hourly salary rate increase granted during the 1989-90 fiscal year.

In no event may the June 30, 1991, hourly salary rate increase exceed any salary rate increase granted during the 1990-91 fiscal year.

(4) The department of transportation shall provide the legislative transportation committee with a monthly report concerning the status of the operating program authorized in this section.

(5) The appropriation in this section contains \$1,000,000 which shall be expended only to complete the marine division payroll/personnel integration project.

(6) The transportation commission shall propose to the legislative transportation committee a reporting structure that reflects the respective operating expenditures and revenues supporting each of the vessel routes by December 31, 1989. The proposed reporting structure should be tied to existing accounting data and should provide the legislature adequate information to examine the tax subsidy required to support the operation of the various routes.

NEW SECTION, Sec. 32. FOR THE DEPARTMENT OF TRANSPORTATION—STATE AID—PROGRAM Z

Motor Vehicle Fund Appropriation—State	\$	6,456,591
Motor Vehicle Fund Appropriation—Federal	\$	106,615,693
Motor Vehicle Fund Appropriation—Local	\$	18,557,000
Total Appropriation	\$	131,629,284

(1) The appropriations in this section include \$7,000,000 from the motor vehicle fund—federal for transportation expenditures related to the United States navy home port in Everett.

(2) The appropriations contain \$309,000 of state funds from the proceeds of bonds for Columbia Basin county roads authorized in chapter 121, Laws of 1951; chapter 311, Laws of 1955; and chapter 121, Laws of 1965 for reimbursable expenditures on cooperative projects authorized by state or federal laws.

(3) \$3,000,000 of the motor vehicle fund—state appropriation, or as much thereof as may be required, is provided for studies that are mutually beneficial to cities, counties and the state department of transportation, including the continuation of the road jurisdiction study and the project cost evaluation methodology study.

NEW SECTION, Sec. 33. FOR THE DEPARTMENT OF TRANSPORTATION—SUPPORTIVE SERVICES—PROGRAM 090

General Fund Appropriation—Federal	\$	400,000
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The appropriation in this section is provided for supportive services to on-the-job training programs for minority construction workers and for minority contractors' training programs.

NEW SECTION, Sec. 34. SPECIAL APPROPRIATIONS TO THE GOVERNOR

Motor Vehicle Fund Appropriation	\$	9,858,000
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(1) The appropriation in this section includes \$3,200,000 for transportation projects relating to the Everett homeport.

(2) The appropriation in this section includes \$6,658,000 for expenditures relating to transportation improvements on the Blair waterway as negotiated in the Puyallup Tribal Claim settlement.

NEW SECTION, Sec. 35. FOR THE DEPARTMENT OF TRANSPORTATION

Motor Vehicle Fund—RV Account Appropriation Transfer:

For transfer to the Motor Vehicle Fund	\$	400,000
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The appropriation transfer in this section is provided for the construction and maintenance of recreation vehicle sanitary disposal systems at rest areas on the state highway system.

NEW SECTION, Sec. 36. FOR THE DEPARTMENT OF TRANSPORTATION—FOR PAYMENT OF BELATED CLAIMS

Motor Vehicle Fund Appropriation	\$	5,000,000
Puget Sound Ferry Operations Account Appropriation	\$	100,000
Total Appropriation	\$	5,100,000

NEW SECTION. Sec. 37. FOR THE LEGISLATIVE TRANSPORTATION COMMITTEE—FOR PAYMENT OF BELATED CLAIMS

Motor Vehicle Fund Appropriation	\$	100,000
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NEW SECTION. Sec. 38. It is the intent of the legislature that the amounts assumed in this act for all revolving funds for services provided to the Washington state patrol and department of licensing by other agencies, including the department of personnel service fund for personnel services, the legal services revolving fund for tort claim administration costs and other legal costs, the audit services revolving fund for audits, and the archives and records management account for archiving, storage, and records management services, shall not be exceeded without prior approval of the legislative transportation committee.

NEW SECTION. Sec. 39. No moneys from the motor vehicle fund or highway safety fund may be expended under this act for major relocation of the Washington state patrol or the department of licensing.

NEW SECTION. Sec. 40. The department of transportation and the county road administration board shall, by December 31, 1989, jointly provide the legislative transportation committee a report describing the current financial status of county-operated ferry systems. The report shall include but not be limited to recommendations regarding the appropriate level of state support for these transportation services and whether there is sufficient justification to consider transferring responsibilities for operating these systems to the Washington state department of transportation.

Sec. 41. Section 46.68.110, chapter 12, Laws of 1961 as last amended by section 37, chapter 10, Laws of 1987 1st ex. sess. and RCW 46.68.110 are each amended to read as follows:

Funds credited to the incorporated cities and towns of the state as set forth in subdivision

(1) of RCW 46.68.100 shall be subject to deduction and distribution as follows:

(1) One and one-half percent of such sums shall be deducted monthly as such sums are credited and set aside for the use of the department of transportation for the supervision of work and expenditures of such incorporated cities and towns on the city and town streets thereof, including the supervision and administration of federal-aid programs for which the department of transportation has responsibility: PROVIDED, That any moneys so retained and not expended shall be credited in the succeeding biennium to the incorporated cities and towns in proportion to deductions herein made;

~~(2) ((From July 1, 1985, through June 30, 1987, twenty-four one-hundredths of one percent of such funds shall be deducted monthly, as such funds accrue, and set aside for the use of the department of transportation for the purpose of funding the cities' share of the costs of highway jurisdiction studies and other studies. Any funds so retained and not expended shall be credited in the succeeding biennium to the cities in proportion to the deductions made;~~

~~(3)) From July 1, 1987, through June 30, 1989, thirty-three one-hundredths of one percent of such funds shall be deducted monthly, as such funds accrue, and set aside for the use of the department of transportation for the purpose of funding the cities' share of the costs of highway jurisdiction studies and other studies. Any funds so retained and not expended shall be credited in the succeeding biennium to the cities in proportion to the deductions made;~~

(3) From July 1, 1989, through June 30, 1991, thirty-three one-hundredths of one percent of such funds shall be deducted monthly, as such funds accrue, and set aside for the use of the department of transportation for the purpose of funding the cities' share of the costs of highway jurisdiction studies and other studies. Any funds so retained and not expended shall be credited in the succeeding biennium to the cities in proportion to the deductions made;

(4) The balance remaining to the credit of incorporated cities and towns after such deduction shall be apportioned monthly as such funds accrue among the several cities and towns within the state ratably on the basis of the population last determined by the office of financial management.

Sec. 42. Section 46.68.120, chapter 12, Laws of 1961 as last amended by section 38, chapter 10, Laws of 1988 1st ex. sess. and RCW 46.68.120 are each amended to read as follows:

Funds to be paid to the counties of the state shall be subject to deduction and distribution as follows:

(1) One and one-half percent of such funds shall be deducted monthly as such funds accrue and set aside for the use of the department of transportation and the county road administration board for the supervision of work and expenditures of such counties on the county roads thereof, including the supervision and administration of federal-aid programs for which the department of transportation has responsibility: PROVIDED, That any funds so retained and not expended shall be credited in the succeeding biennium to the counties in proportion to deductions herein made;

(2) All sums required to be repaid to counties composed entirely of islands shall be deducted;

~~(3) ((From July 1, 1985, through June 30, 1987, twenty-four one-hundredths of one percent of such funds shall be deducted monthly, as such funds accrue, and set aside for the use of the~~

department of transportation for the purpose of funding the counties' share of the costs of high-way jurisdiction studies and other studies. Any funds so retained and not expended shall be credited in the succeeding biennium to the counties in proportion to the deductions made:

(4)) From July 1, 1987, through June 30, 1989, thirty-three one-hundredths of one percent of such funds shall be deducted monthly, as such funds accrue, and set aside for the use of the department of transportation for the purpose of funding the counties' share of the costs of high-way jurisdiction studies and other studies. Any funds so retained and not expended shall be credited in the succeeding biennium to the counties in proportion to the deductions made:

(4) From July 1, 1989, through June 30, 1991, thirty-three one-hundredths of one percent of such funds shall be deducted monthly, as such funds accrue, and set aside for the use of the department of transportation for the purpose of funding the counties' share of the costs of high-way jurisdiction studies and other studies. Any funds so retained and not expended shall be credited in the succeeding biennium to the counties in proportion to the deductions made:

(5) The balance of such funds remaining to the credit of counties after such deductions shall be paid to the several counties monthly, as such funds accrue, in accordance with RCW 46.68.122 and 46.68.124.

NEW SECTION, Sec. 43. The motor vehicle fund revenues are received at a relatively even flow throughout the year. Expenditures exceed the revenue during the accelerated summer and fall highway construction season, creating a negative cash balance during the heavy construction season. Negative cash balances also may result from the use of state funds to finance federal advance construction projects prior to conversion to federal funding. The legislature recognizes that the department of transportation may require interfund loans or other short-term financing to meet temporary seasonal cash requirements and additional cash requirements to fund federal advance construction projects.

NEW SECTION, Sec. 44. The legislature recognizes the economic importance to the state of attracting new industrial development, and that the availability of transportation services is a significant factor in attracting such industries. The transportation commission and the department of transportation may consider these unique circumstances in determining priorities for capital expenditures.

NEW SECTION, Sec. 45. In addition to such other appropriations as are made by this act, there is hereby appropriated to the department of transportation from legally available bond proceeds in the respective construction or building accounts such amounts as are necessary to pay the expenses incurred by the state finance committee in the issuance and sale of the subject bonds.

NEW SECTION, Sec. 46. As used in this act, "St Patrol Hiwy Acct" means the State Patrol Highway Account.

NEW SECTION, Sec. 47. FOR THE WASHINGTON STATE PATROL
Spokane district headquarters (88-2-009)

	Reappropriation	Appropriation
St Patrol Hiwy Acct	100,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/91 and	Costs
6/30/89	Thereafter	
2,291,000		2,391,000

NEW SECTION, Sec. 48. FOR THE WASHINGTON STATE PATROL
Construct detachment office: Mount Vernon (88-1-018)

	Reappropriation	Appropriation
St Patrol Hiwy Acct	100,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/91 and	Costs
6/30/89	Thereafter	
539,000		639,000

NEW SECTION, Sec. 49. FOR THE WASHINGTON STATE PATROL
Asbestos abatement: Academy (90-1-001)

	Reappropriation	Appropriation
St Patrol Hiwy Acct		256,800
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/91 and	Costs
6/30/89	Thereafter	
3,000		259,800

NEW SECTION, Sec. 50. FOR THE WASHINGTON STATE PATROL
Construct communications tower: Bremerton (90-2-002)

	Reappropriation	Appropriation
St Patrol Hiwy Acct		241,900
Project	Estimated	Estimated

Costs Through 6/30/89	Costs 7/1/91 and Thereafter	Total Costs
<u>NEW SECTION, Sec. 51. FOR THE WASHINGTON STATE PATROL</u> Small repairs and improvements: State-wide (90-2-004)		241,900
Reappropriation		Appropriation
St Patrol Hiwy Acct		140,600
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/91 and	Costs
6/30/89	Thereafter	140,600
<u>NEW SECTION, Sec. 52. FOR THE WASHINGTON STATE PATROL</u> Minor works: State-wide (90-2-006)		
Reappropriation		Appropriation
St Patrol Hiwy Acct		1,600,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/91 and	Costs
6/30/89	Thereafter	1,600,000
<u>NEW SECTION, Sec. 53. FOR THE WASHINGTON STATE PATROL</u> Communications center expansion: Vancouver (90-2-007)		
Reappropriation		Appropriation
St Patrol Hiwy Acct		239,700
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/91 and	Costs
6/30/89	Thereafter	243,700
4,000		
<u>NEW SECTION, Sec. 54. FOR THE WASHINGTON STATE PATROL</u> Property acquisition district headquarters: Tacoma (90-2-013)		
Reappropriation		Appropriation
St Patrol Hiwy Acct		750,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/91 and	Costs
6/30/89	Thereafter	803,000
53,000		
<u>NEW SECTION, Sec. 55. FOR THE WASHINGTON STATE PATROL</u> Construct district headquarters: Everett (90-2-018)		
Reappropriation		Appropriation
St Patrol Hiwy Acct		3,500,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/91 and	Costs
6/30/89	Thereafter	3,553,000
53,000		
<u>NEW SECTION, Sec. 56. FOR THE WASHINGTON STATE PATROL</u> Program through design development: Washington State Patrol headquarters (90-2-040)		
Reappropriation		Appropriation
St Patrol Hiway Acct		100,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/91 and	Costs
6/30/89	Thereafter	24,000,000
	24,000,000	
<u>NEW SECTION, Sec. 57. FOR THE WASHINGTON STATE PATROL</u> Emergency vehicle operation course: Phase II (91-3-011)		
Reappropriation		Appropriation
Public Safety and Education Acct		500,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/91 and	Costs
6/30/89	Thereafter	1,107,000
607,000		
<u>NEW SECTION, Sec. 58. FOR THE STATE TREASURER—TRANSFER</u>		

Motor Vehicle Fund Appropriation \$ 38,000,000

The appropriation in this section is for transfer to the Puget Sound ferry operations account on August 1, 1989; PROVIDED, That the amount appropriated for transfer shall not exceed the amount of the unexpended balance in the Puget Sound ferry operations account on June 30, 1989, which is subject to transfer from the account pursuant to RCW 47.60.540(2). The amount transferred shall be reported to the legislative transportation committee.

NEW SECTION, Sec. 59. FOR THE DEPARTMENT OF TRANSPORTATION—TRANSFER

Motor Vehicle Fund—Highway Construction Stabilization Account
Transfer: For transfer to the Motor Vehicle Fund \$ 120,000,000

The appropriation transfer in this section is provided for expenditures pursuant to RCW 46.68.200.

NEW SECTION, Sec. 60. To the extent that the employer contributions for retirement, industrial insurance, and medical aid granted to state general government employees through enactment of the omnibus state appropriations act are less than amounts assumed in the operating programs in this appropriations act, such portion of the appropriations shall be withheld and assigned to a reserve status pursuant to RCW 43.88.110(2). Specific amounts shall be assigned to a reserve status with the concurrence of the office of financial management and the legislative transportation committee.

NEW SECTION, Sec. 61. The department of transportation is authorized to undertake federal advance construction projects under the provisions of 23 U.S.C. Sec. 115 in order to maintain progress in meeting approved highway construction and preservation objectives. The legislature recognizes that the use of state funds may be required to temporarily fund expenditures of the federal appropriations for the highway construction and preservation programs for federal advance construction projects prior to conversion to federal funding.

NEW SECTION, Sec. 62. To maximize the use of motor vehicle fund revenues, it is the intent of the legislature to encourage sharing of technology, information, and systems where appropriate between transportation agencies.

To facilitate this exchange, the Washington state department of transportation assistant secretary for finance and budget management; Washington state department of transportation chief, management information systems; the Washington state patrol support services bureau deputy chief; Washington state patrol manager of the computer services division; the department of licensing deputy director and department of licensing assistant director for information systems will meet quarterly to share plans, discuss progress of key projects and to coordinate activities for the common good. Minutes of these meetings will be distributed to the respective agency heads and the legislative transportation committee. Washington state department of transportation will provide staff support and meeting coordination.

NEW SECTION, Sec. 63. Agencies shall comply with the following requirements regarding information systems projects when directed to do so by specific appropriation proviso.

(1) The agency shall produce a feasibility study for each information systems project in accordance with published department of information services instructions. In addition to department of information services requirements such studies shall examine and evaluate the costs and benefits of maintaining status quo.

(2) The agency shall produce a project management plan for each project. The plan or plans shall address all factors critical to successful completion of each project. These plans shall include, but not be limited to, the following elements: A description of the problem or opportunity which the information systems project is intended to address; a statement of project objectives and assumptions; definition of phases, tasks, and activities to be accomplished and the estimated cost of each phase; a description of how the agency will facilitate responsibilities of oversight agencies; a description of key decision points in the project life cycle; a description of variance control measures; a definitive schedule that shows the elapsed time estimated to complete the project and when each task is to be started and completed; and a description of resource requirements to accomplish the activities within specified time, cost, and functionality constraints.

(3) A copy of each feasibility study and project management plan shall be provided to the department of information services, the office of financial management, and the legislative transportation committee. Authority to expend any funds for individual information systems projects shall be conditioned upon approval of the relevant feasibility study and project management plan by the department of information services and the office of financial management or the legislative transportation committee as appropriate.

(4) A project status report shall be submitted to the department of information services, the office of financial management, and the legislative transportation committee for each project prior to reaching key decision points identified in the relevant project management plan. Project status reports shall examine and evaluate project management, accomplishments, budget, action to address variances, risk management, cost and benefits analysis, and other aspects critical to completion of a project.

Work shall not commence on any task in a subsequent phase of a project until the status report for the preceding key decision point has been approved by the department of information services, the office of financial management, and the legislative transportation committee as appropriate.

(5) In those instances when a project review is requested in accordance with department of information services policies, the reviews shall examine and evaluate: System requirements specifications; scope; system architecture; change controls; documentation; user involvement; training; availability and capability of resources; programming languages and techniques; system inputs and outputs; plans for testing, conversion, implementation, and post-implementation; and other aspects critical to successful construction, integration, and implementation of automated systems. Copies of project review written reports shall be forwarded to the office of financial management and the legislative transportation committee by the agency.

(6) A written post-implementation review report shall be prepared by the agency for each information systems project in accordance with published department of information services instructions. In addition to the information requested pursuant to the department of information services instructions, post-implementation reports shall evaluate the degree to which a project accomplished its major objectives including, but not limited to, a comparison of original cost and benefit estimates to actual costs and benefits achieved. Copies of post-implementation review reports shall be provided to the department of information services, the office of financial management, and the legislative transportation committee.

NEW SECTION. Sec. 64. By July 1, 1990 the department of transportation shall take actions necessary to ensure that the safety requirements for work places in the state ferry system, whether within the navigable waters subject to the jurisdiction of the state of Washington or the United States, conform, at a minimum, with the employee safety and health regulations adopted by the department of labor and industries pursuant to chapter 49.17 RCW.

NEW SECTION. Sec. 65. Counties with a population of 50,000 or more and cities with a population of 8,000 or more receiving moneys provided in this act shall have adopted a local comprehensive plan prior to the receipt of such funds. The plan shall include a coordinated system of growth planning and strategies and shall take into consideration any state and regional planning efforts, including but not limited to, the rail development commission report, road jurisdiction study, department of transportation policy plan, and the Washington state economic development board. Cities and towns must adopt a comprehensive plan under chapter 35.63 or 35A.63 RCW or under the authority of its charter where applicable. Counties must adopt a comprehensive plan under chapter 35.63 or 36.70 RCW or under the authority of its own charter where applicable. The plans adopted by cities, towns, and counties shall be submitted, upon adoption, to the office of financial management and the department of transportation.

NEW SECTION. Sec. 66. In addition to the appropriation authority contained in section 31 of this act for program X, the marine division may expend up to \$500,000 from the Puget Sound ferry operations account for unprogrammed expenditures with prior approval of the legislative transportation committee.

NEW SECTION. Sec. 67. The attorney general shall prepare annually a report to the legislative transportation committee comprising a comprehensive summary of all cases involving tort claims against the department of transportation involving highways which were concluded and closed in the previous calendar year. The report shall include for each case closed:

- (1) A summary of the factual background of the case;
- (2) Identification of the attorneys representing the state and the opposing parties;
- (3) A synopsis of the legal theories asserted and the defenses presented;
- (4) Whether the case was tried, settled, or dismissed, and in whose favor;
- (5) The amount of any settlement or verdict reached, and the terms for payment;
- (6) A summary of all settlement offers made by the parties where a verdict was returned against the state;
- (7) The approximate number of attorney hours expended by the state on the case, together with the corresponding dollar amount billed therefore; and
- (8) Such other matters relating to the case as the attorney general deems relevant or appropriate, especially including any comments or recommendations for changes in statute law or agency practice that might effectively reduce the exposure of the state to such tort claims.

NEW SECTION. Sec. 68. The attorney general shall, by July 1, 1989, begin an investigation into the causes behind the substantial increase in the price of gasoline and other petroleum products since March 24, 1989, to determine whether any state laws have been violated by manufacturers, distributors, or sellers of gasoline or other petroleum products. The attorney general shall consult with the utilities and transportation commission, the state energy office, and other state agencies for any technical assistance the attorney general may need.

The attorney general shall have concurrent authority and power with the prosecuting attorneys to conduct such investigation and to initiate and conduct on behalf of the citizens of the state of Washington the prosecution of any offense relating to the price of gasoline or other petroleum products.

The attorney general shall report by December 1, 1989, to the senate and house of representatives energy and utilities committees and the legislative transportation committee on the findings of the investigation and the status of any prosecutions.

Sec. 69, Section 2, chapter 10, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE TRAFFIC SAFETY COMMISSION

Highway Safety Fund Appropriation—State	\$	(310,449)
		410,449
Highway Safety Fund Appropriation—Federal	\$	(4,190,574)
		4,440,574
Total Appropriation	\$	(4,501,023)
		4,851,023

The appropriations in this section are subject to the following conditions and limitations: \$100,000 of the highway safety fund—state appropriation is provided solely for the relocation, repair, and replacement costs resulting from the traffic safety commission office fire.

Sec. 70, Section 18, chapter 10, Laws of 1987 1st ex. sess. as amended by section 5, chapter 283, Laws of 1988 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—HIGHWAY CONSTRUCTION—PROGRAM C

Motor Vehicle Fund Appropriation—State	\$	93,455,000
Motor Vehicle Fund Appropriation—Local	\$	2,000,000
Total Appropriation	\$	95,455,000

The appropriations in this section are provided for the location, design, right of way, and construction of state highway projects designated as category "C" under RCW 47.05.030. ~~((If Senate Bill No. 6464 is enacted, the motor vehicle fund—state appropriation shall be increased by \$13,660,000.))~~

(1) The motor vehicle fund—state appropriation will be funded with the proceeds from the sale of bonds authorized in RCW 47.10.801 in the amount of \$93,455,000: PROVIDED, That the transportation commission in consultation with the legislative transportation committee may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

The transportation commission shall adjust its list of category "C" projects to include only those projects that can be accomplished within the moneys provided in this appropriation.

It is the intent of the legislature that no moneys shall be expended on projects that are not included on the transportation commission's priority list for the 1987-89 biennium. It is further the intent of the legislature that the category "A" and "H" programs take precedence over category "C" projects and that the category "A" and "H" programs be fully funded in the 1989-91 biennium to the exclusion of category "C" projects as required under chapter 47.05 RCW.

~~((It is the intent of the legislature that the department's category C preliminary engineering and right of way expenditures for unfunded list 4 projects shall not exceed \$12,660,000.))~~

It is the intent of the legislature that the maximum amount of state motor vehicle funds not required for other purposes be made available for category "C" program expenditures. If additional moneys become available, deferred funded list 4 category "C" project contracts shall not be awarded by the department without prior consultation with the legislative transportation committee.

~~((No moneys may be expended on list 5 category "C" projects in the 1987-89 biennium.))~~

(2) Notwithstanding subsection (1) of this section and to the extent that the motor vehicle fund—state receives additional revenues from the sale of department of transportation parcel number 32704447, \$455,000 of the motor vehicle fund appropriation—state is provided solely for the construction of a loop ramp as described under program item number 351216A in the transportation commission category "C" program file.

Sec. 71, Section 20, chapter 10, Laws of 1987 1st ex. sess. as amended by section 7, chapter 283, Laws of 1988 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—AERONAUTICS—PROGRAM F

General Fund—Aeronautics Account Appropriation—State	\$	2,377,803
General Fund—Aeronautics Account Appropriation—Federal	\$	902,460
Total Appropriation	\$	3,280,263

The appropriations in this section are provided for management and support of the aeronautics division, state fund grants to local airports, development and maintenance of a state-wide airport system plan, maintenance of state-owned emergency airports, federal inspections, and the search and rescue program. ~~((The aeronautics account—state appropriation contains \$100,000 for transfer to the motor vehicle fund as the second of four installments in repayment of the \$407,430 advanced to pay the tort settlement in the case of Osibov vs. the state of Washington, Spokane county superior court, Cause No. 239168.))~~

If aeronautics account—state revenue is insufficient to fund the appropriation authority, the aeronautics account may receive an interfund loan from the motor vehicle fund. Any interfund loan received shall be repaid in the 1989-91 biennium.

Sec. 72. Section 26, chapter 10, Laws of 1987 1st ex. sess. as amended by section 12, chapter 283, Laws of 1988 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—COUNTY-CITY PROGRAM—PROGRAM R

Motor Vehicle Fund Appropriation—State	\$	(1,450,000)
		<u>1,539,000</u>
Motor Vehicle Fund Appropriation—Federal	\$	151,612,528
Motor Vehicle Fund Appropriation—Local	\$	19,977,219
Total Appropriation	\$	((173,039,747))
		<u>173,128,747</u>

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

(1) The appropriations contain \$~~(241,000)~~ 330,000 of state funds for expenditure in accordance with RCW 47.56.720 (Puget Island-Westport Ferry—Payments for operation and maintenance to Wahkiakum county). ~~((If Senate Bill No. 5159 is enacted, the department may request a supplemental appropriation.))~~

(2) ~~((The appropriations contain \$900,000 of state funds for the guarantee, pursuant to RCW 47.56.712, of the payment of principal of and interest on the Spokane River toll bridge revenue refunding bonds as the bonds become due, but only to the extent that net revenues from the operation of the bridge are insufficient therefor.~~

(3)) The appropriations contain \$309,000 of state funds from the proceeds of bonds for Columbia Basin county roads authorized in chapter 121, Laws of 1951; chapter 311, Laws of 1955; and chapter 121, Laws of 1965 for reimbursable expenditures on cooperative projects authorized by state or federal laws.

~~((4))~~ (3) The appropriations contain \$91,612,528 of federal funds and \$15,227,923 of local funds for reimbursable expenditures for location, design, right-of-way, construction, and maintenance on the north metro operating base interchange, city streets, county roads, and other nonstate highways.

~~((5))~~ (4) The appropriations contain \$61,000,000 of federal funds and \$1,000,000 of local funds for location, design, right-of-way, and construction on state highways which is fully reimbursable.

~~((6))~~ (5) The appropriations contain \$400,000 of local funds to guarantee bond payments on the Astoria-Megler bridge pursuant to RCW 47.56.646.

~~((7))~~ (6) The appropriations contain \$3,437,811 of local funds for miscellaneous sales and services.

~~((8))~~ (7) The appropriations contain \$6,000,000 of federal funds for construction of defense access roads related to the Everett home port.

Sec. 73. Section 27, chapter 10, Laws of 1987 1st ex. sess. as amended by section 13, chapter 283, Laws of 1988 (uncodified) are each amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—EXECUTIVE MANAGEMENT AND MANAGEMENT SERVICES—PROGRAM S

General Fund—Aeronautics Account Appropriation	\$	9,371
General Fund Appropriation	\$	15,194
Motor Vehicle Fund—Puget Sound Capital Construction Account Appropriation	\$	217,442
Motor Vehicle Fund—Puget Sound Ferry Operations Account Appropriation	\$	459,076
Motor Vehicle Fund Appropriation	\$	((31,611,410))
		<u>32,211,418</u>
Ferry System Fund Appropriation	\$	1,071,178
Total Appropriation	\$	((33,383,679))
		<u>33,983,679</u>

The appropriations in this section include \$100,000 for the implementation of the joint financial information systems to be utilized by the office of financial management, legislative evaluation and accountability committee, department of transportation, department of information systems, the committees on ways and means of the senate and house of representatives, and the legislative transportation committee.

Sec. 74. Section 30, chapter 10, Laws of 1987 1st ex. sess. as amended by section 16, chapter 283, Laws of 1988 (uncodified) are each amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—MARINE—PROGRAM X

((Motor Vehicle Fund—Puget Sound Ferry Operations Account Appropriation .....	))	((45,155,127))
Ferry System Fund Appropriation	\$	((105,361,963))
		<u>150,517,090</u>
((Total Appropriation .....	))	((150,512,090))

The appropriation~~(s)~~ in this section ~~((are))~~ is provided for management and support of the marine transportation division of the department of transportation and for the operation and maintenance of the state ferry system.

The appropriation(s) in this section ((are)) is subject to the following conditions and limitations:

(1) The appropriation((s are)) is based on the budgeted expenditure of \$15,525,251 for vessel operating fuel in the 1987-89 biennium. If the actual cost of fuel is less than this budgeted amount, the excess amount shall not be expended. If the actual cost exceeds this amount, it is the intent of the legislature that the department will request a supplemental appropriation.

(2) Prior to the expenditure of any funds budgeted for additional passenger-only service, the department of transportation shall obtain approval from the legislative transportation committee. If the additional passenger-only service is not approved, the funds appropriated in this section for that purpose shall not be expended for any other purpose.

(3) For the period from July 1, 1987, up to the actual implementation date of the 1987-89 biennial salary increase for employees under the jurisdiction of the state personnel board, no increases in the hourly wage rates of ferry employees, as ferry employee is defined in RCW 47.64.011(5), shall be included in the base hourly wage rates used for future salary increase calculations.

(4) The appropriation contained in this section provides for the compensation of ferry employees, including increases. The expenditures for compensation paid to ferry employees during the 1987-89 biennium shall not exceed \$105,210,000 plus a dollar amount, as prescribed by the office of financial management, which is equal to any insurance benefit increase granted general government employees in excess of \$167 a month annualized per eligible marine employee multiplied by the number of eligible marine employees for fiscal year 1989. For the purposes of this section, the expenditures for compensation paid to ferry employees shall be limited to salaries and wages and employee benefits as defined in the office of financial management's policies, regulations, and procedures named under objects of expenditure "A" and "L" (7.2.6.2). Of the \$105,210,000 provided for compensation, plus the prescribed insurance benefit increase dollar amount:

(a) A maximum of \$678,000 may be used to increase compensation costs, effective January 1, 1988;

(b) The prescribed insurance benefit increase dollar amount may be used to increase compensation costs, effective July 1, 1988;

(c) A maximum of \$2,145,000 shall be used to maintain any 1987-88 compensation increase and may be used to increase compensation costs, effective January 1, 1989.

In no event may the June 30, 1988, hourly salary rate increase exceed any salary rate increase granted during the 1987-88 fiscal year.

In no event may the June 30, 1989, hourly salary rate increase exceed any salary rate increase granted during the 1988-89 fiscal year.

(5) To the extent that ferry employees by bargaining unit have absorbed the required offset of wage increases by the amount that the employer's contribution for employees' and dependents' insurance and health care plans exceeds that of other state general government employees in the 1985-87 biennium, employees will not be required to absorb a further offset except to the extent the differential between employer contributions for those employees and all other state general government employees increases during the 1987-89 biennium. If the differential increases or the 1985-87 offset by bargaining unit is insufficient to meet the required deduction, the amount available for compensation shall be reduced by bargaining unit by the amount of such increase or the 1985-87 shortage in the required offset.

(6) The department of transportation shall provide the legislative transportation committee with a monthly report concerning the status of this program.

(7) In the event that revenues available to the ferry system fund are not sufficient to support the expenditures necessary for the operation and maintenance of the state ferry system, the department may transfer funds from the Puget Sound ferry operations account to the ferry system fund.

NEW SECTION. Sec. 75. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 76. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Nelson to Engrossed Substitute Senate Bill No. 5373.

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

MOTIONS

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

On page 1, line 1 of the title, after "appropriations;" strike the remainder of the title and insert "amending RCW 46.68.110 and 46.68.120; amending section 2, chapter 10, Laws of 1987 1st ex. sess. (uncodified); amending section 18, chapter 10, Laws of 1987 1st ex. sess. as

amended by section 5, chapter 283, Laws of 1988 (uncodified); amending section 20, chapter 10, Laws of 1987 1st ex. sess. as amended by section 7, chapter 283, Laws of 1988 (uncodified); amending section 26, chapter 10, Laws of 1987 1st ex. sess. as amended by section 12, chapter 283, Laws of 1988 (uncodified); amending section 27, chapter 10, Laws of 1987 1st ex. sess. as amended by section 13, chapter 283, Laws of 1988 (uncodified); and amending section 30, chapter 10, Laws of 1987 1st ex. sess. as amended by section 16, chapter 283, Laws of 1988 (uncodified); adding a new section to chapter 44.40 RCW; creating new sections; and declaring an emergency.*

On motion of Senator Nelson, the rules were suspended, Reengrossed Substitute Senate Bill No. 5373 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Reengrossed Substitute Senate Bill No. 5373.

ROLL CALL

The Secretary called the roll on the final passage of Reengrossed Substitute Senate Bill No. 5373, and the bill passed the Senate by the following vote: Yeas, 26; nays, 19; excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Hayner, Johnson, Lee, Matson, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Patterson, Pullen, Rasmussen, Saling, Sellar, Smith, Stratton, Thorsness, West - 26.

Voting nay: Senators Bauer, Bender, Conner, Gaspard, Hansen, Kreidler, Madsen, Moore, Murray, Niemi, Owen, Rinehart, Smitherman, Sutherland, Talmadge, Vognild, von Reichbauer, Warnke, Wojahn - 19.

Excused: Senators DeJarnatt, Fleming, McMullen, Williams - 4.

REENGROSSED SUBSTITUTE SENATE BILL NO. 5373, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 5:06 p.m., on motion of Senator Newhouse, the Senate was declared to be at ease.

The Senate was called to order at 8:37 p.m. by President Pritchard.

There being no objection, the President returned the Senate to the fourth order of business.

MESSAGES FROM THE HOUSE

May 10, 1989

Mr. President:

The Speaker has signed:

SUBSTITUTE SENATE BILL NO. 5521,

SENATE BILL NO. 6152, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

May 10, 1989

Mr. President:

The House concurred in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 1581 and passed the bill as amended by the Senate.

ALAN THOMPSON, Chief Clerk

May 10, 1989

Mr. President:

The Speaker has signed SUBSTITUTE HOUSE BILL NO. 1581, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

May 10, 1989

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 5373, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

May 10, 1989

Mr. President:

The House has adopted SENATE CONCURRENT RESOLUTION NO. 8425, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

May 10, 1989

Mr. President:

The House has passed SENATE BILL NO. 6095, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

May 10, 1989

Mr. President:

The Speaker has signed HOUSE BILL NO. 2244, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SENATE BILL NO. 6095,

SENATE CONCURRENT RESOLUTION NO. 8425.

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE HOUSE BILL NO. 1581.

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE SENATE BILL NO. 5373.

SIGNED BY THE PRESIDENT

The President signed:

HOUSE BILL NO. 2244.

MESSAGE FROM THE HOUSE

May 10, 1989

Mr. President:

The House has adopted the Report of the Free Conference Committee on ENGROSSED SUBSTITUTE SENATE BILL NO. 5352 and has passed the bill as amended by the Free Conference Committee.

ALAN THOMPSON, Chief Clerk

REPORT OF FREE CONFERENCE COMMITTEE

RE: ESSB 5352

Relating to 1989-91 appropriations

May 7, 1989

Mr. President:

Mr. Speaker:

We of your Free Conference Committee have had the above same under consideration and we recommend that the bill be amended as proposed in the request for Free Conference and that the bill do pass as amended by the Free Conference Committee.

(See Report of Conference Committee and the request for powers of Free Conference on Engrossed Substitute Senate Bill No. 5352 read in on May 8, 1989.)

Signed by Senators McDonald, Hayner, Gaspard: Representatives Locke, Ebersole, Silver.

MOTION

On motion of Senator Newhouse, the Report of the Free Conference Committee on Engrossed Substitute Senate Bill No. 5352 was adopted.

POINT OF INQUIRY

Senator Amondson: "Senator McDonald, Section 316 of the budget refers to the purchase of lands from the Common School Trust. Is it the budget conferees' intent, as embodied in Section 316, that the state will purchase property that is of unique recreational benefit to the people of Washington, such as Mt. Si, Cypress Island, and certain lands in the Yakima Canyon?"

Senator McDonald: "Yes, Senator Amondson, and your examples are good ones. The intent of Section 316 is to allow the state to purchase property that is of unique recreational benefit to the people of Washington. Section 316 is not specifically designed to take certain commercially harvestable timberlands previously set aside as wildlife habitats out of the stream of commerce. This language is not primarily intended to provide for the permanent set aside of land for the benefit of the spotted owl."

POINT OF INQUIRY

Senator Lee: "Senator McDonald, the operating budget provides three hundred thousand dollars to the Department of Labor and Industries to implement Engrossed Substitute House Bill No. 1581 that the President has just signed--the Family Leave Bill. Is this entire amount necessary to fund this bill?"

Senator McDonald: "No, Senator Lee, given the significant changes made to this bill in the Senate, there has been a significant reduction in the enforcement responsibilities of the department. Therefore, the cost of implementing this act would be considerably less than three hundred thousand dollars. We will work with the Department of Labor and Industries to determine the true cost of enforcement."

POINT OF INQUIRY

Senator Barr: "Senator McDonald, subsection (3), of Section 225, of this bill provides funds to the Department of Labor and Industries to implement House Bill No. 2222, regarding the regulation of agricultural chemicals. Since the budget also provides one point six million dollars to the Department of Agriculture for this purpose, is it necessary to expend these funds?"

Senator McDonald: "No, Senator Barr, thanks to your work, significant funds are provided to the Department of Agriculture to implement House Bill No. 2222. The section of House Bill No. 2222 that would have required these funds was removed, thus the funds appropriated to the Department of Labor and Industries for this purpose should not be expended."

Senator Barr: "Thank you, Senator McDonald."

POINT OF INQUIRY

Senator Patterson: "Senator Rinehart, sorry we had to by-pass you Senator McDonald. In Section 16, page 110, dealing with financial aid for students, could you identify any problems that might exist with that appropriation?"

Senator Rinehart: "Thank you, Senator Patterson. The appropriation that's reflected in the Free Conference Committee Report for financial aid represents a twenty-eight percent figure for financial aid out of the increase in tuition. Current law requires that we identify twenty-four percent. Members will recall that in arguments opposing your legislation to take that percentage to thirty-five percent, and arguments which prevailed on this floor put us in the posture of not accepting the thirty-five percent language and, therefore, this budget reflects less than if we had adopted your language. It's a difference of two million dollars. This budget reflects twenty-eight percent which is nine point one million dollars. Had your legislation been approved and we had accepted that language on the floor of the Senate, it would have been eleven point six million dollars, rather than the nine point one million."

POINT OF INQUIRY

Senator Talmadge: "Senator Murray, as a person who worked so very hard on the issue of family leave policy for the state of Washington, would it be your judgment that we will need the full three hundred thousand dollars to implement that

particular program and engage in appropriate enforcement actions under House Bill No. 1581?"

Senator Murray: "Senator Talmadge, it may very well be that we do need that full amount. We haven't had this kind of policy in place before and I think that it could very well be needed."

POINT OF INQUIRY

Senator Gaspard: "Senator McDonald, on the question-answer regarding House Bill No. 2222--the Pesticides Bill--I would like a further clarification, if I may. It's my understanding through that bill there was an increase in license fees that would raise approximately one point three million dollars. The answer that you gave to Senator Barr's question, I'd like you to expand upon that, whether those fees will still be collected and be deposited with the Department of Agriculture?"

Senator McDonald: "It is my understanding, Senator Gaspard, that they would indeed and this has no effect--the question and answer between myself and Senator Barr."

POINT OF INQUIRY

Senator Moore: "Mr. President, I'm not sure whether I should address this question to Senator McDonald or Cantu, but it revolves around Section 218, on page 41. Subsection (6) speaks to the matter of two hundred and seventy-three thousand of the general fund to be appropriated solely for increased foster care support collections. However, in subsection (a), it says, 'A financial participation schedule for use in assessing natural or adoptive parents of minor children receiving out-of-home residential care that is provided or funded by the department as follows:' I have no particular problem with the rest of it. I just want it made clear if this entire section that we're addressing applies only to foster care?"

Senator McDonald: "It only does apply to foster care. There was a question as to the aggressiveness with which the department was asking for payment from parents who could clearly pay and who did have children in foster care and I think that this section does address that, but only that program."

Further debate ensued.

MOTION

On motion of Senator Moore, the remarks by him and Senator McDonald will be forwarded to the Secretary of the Department of Social and Health Services.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5352, as amended by the Free Conference Committee.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5352, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 41; nays, 4; excused, 4.

Voting yeas: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hayner, Johnson, Kreidler, Lee, Matson, McDonald, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Thorsness, Vogndild, von Reichbauer, Warnke, West, Wojahn - 41.

Voting nays: Senators Hansen, Madsen, McCaslin, Sutherland - 4.

Excused: Senators DeJarnatt, Fleming, McMullen, Williams - 4.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5352, as amended by the Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the President returned the Senate to the fifth order of business.

INTRODUCTION AND FIRST READING

SCR 8423 by Senators Hayner, Sellar, Vognild and Warnke

Providing for transmittal of bills, resolutions, and memorials upon adjournment of legislature.

MOTIONS

On motion of Senator Newhouse, the rules were suspended, Senate Concurrent Resolution No. 8423 was advanced to second reading and read the second time.

On motion of Senator Newhouse, the rules were suspended, Senate Concurrent Resolution No. 8423 was advanced to third reading, the second reading considered the third and the concurrent resolution was adopted.

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

MOTION

On motion of Senator Newhouse, the following resolution was adopted:

SENATE RESOLUTION 1989-8703

by Senators Hayner, Sellar, Vognild and Warnke

BE IT RESOLVED, By the Senate, That a committee consisting of three members of the Senate be appointed to notify the House that the Legislature is about to adjourn SINE DIE.

APPOINTMENT OF SPECIAL COMMITTEE TO NOTIFY
HOUSE OF ADJOURNMENT SINE DIE

Under the provisions of Senate Resolution 1989-8703, the President appointed Senators Anderson, Rinehart and Thorsness to notify the House of Representatives that the Senate is about to adjourn SINE DIE.

MOTION

On motion of Senator Newhouse, the appointees were confirmed.
The committee retired to the House of Representatives.

There being no objection, the President returned the Senate to the fifth order of business.

INTRODUCTION AND FIRST READING

SCR 8424 by Senators Hayner, Sellar, Vognild and Warnke

Notifying the Governor that the legislature is about to adjourn sine die.

MOTIONS

On motion of Senator Newhouse, the rules were suspended, Senate Concurrent Resolution No. 8424 was advanced to second reading and read the second time.

On motion of Senator Newhouse, the rules were suspended, Senate Concurrent Resolution No. 8424 was advanced to third reading, the second reading considered the third and the concurrent resolution was adopted.

APPOINTMENT OF SPECIAL COMMITTEE TO NOTIFY
GOVERNOR OF ADJOURNMENT SINE DIE

Under the provisions of Senate Concurrent Resolution No. 8424, the President appointed Senators Bailey, Murray and Bluechel to join with a like committee from the House of Representatives to notify the Governor that the Legislature is about to adjourn SINE DIE.

MOTION

On motion of Senator Newhouse, the appointees were confirmed.

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

MOTION

On motion of Senator Pullen, the following resolution was adopted:

SENATE RESOLUTION 1989-8712

by Senators Anderson, Pullen, von Reichbauer, Smitherman and Stratton

WHEREAS, Criminal activity on college and university campuses is increasing at a rate higher than that in society at large; and

WHEREAS, The state has an obligation to safeguard the lives and property of students, faculty, and staff from preventable crime on state higher education campuses; and

WHEREAS, Issues related to crime on campuses include drug and alcohol abuse, campus lighting, building security, and the adequacy of campus police forces; and

WHEREAS, The state lacks a consistent, statewide policy on campus safety and law enforcement;

NOW, THEREFORE, BE IT RESOLVED, That the Senate law and justice committee shall conduct an interim study and recommend legislation, if deemed appropriate, on issues relating to crime and law enforcement on higher education campuses; and

BE IT FURTHER RESOLVED, That the committee shall report its findings and recommendations to the Legislature by January, 1990, and among the topics to be addressed shall be the advisability of implementing a uniform state policy regarding campus safety and crime reporting; and

BE IT FURTHER RESOLVED, That in conducting the study required by this legislation, the committee shall hold hearings and solicit input from institutions of higher education, both public and private, the Higher Education Coordinating Board, the State Patrol, and local law enforcement agencies.

MOTION

On motion of Senator Patterson, the following resolution was adopted:

SENATE RESOLUTION 1989-8688

by Senators Patterson, Johnson, Sellar, Benitz, Hansen, Sutherland, Kreidler and Owen

WHEREAS, The federal and state regulation of the state's common carriers and contract carriers is of great importance to the state's economy; and

WHEREAS, Increased efficiency, productivity, and safety will contribute toward that goal; and

WHEREAS, Both federal and state regulation impact upon those goals;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the state of Washington, That the Utilities and Transportation Commission is requested to conduct and complete a study of the consequences of the regulation of motor freight carriers, both common carriers and contract carriers, by comparing the impact of federal regulation on interstate carriers, under the Motor Carrier Act of 1980, with that of state regulation on intrastate carriers, under the provisions of chapter 81.80 RCW. The study shall include, but need not be limited to:

(1) The cost of the transportation of commodities, on a volume and distance basis;

(2) The maintenance of vehicle equipment related to safety, and the observation of safe operating procedures;

(3) The availability of motor freight services to shippers and consignees in the smaller population centers of the state; and

(4) The wage and benefit levels of carrier employees; and

BE IT FURTHER RESOLVED, That the Utilities and Transportation Commission is requested to review its study and to formulate recommendations for such changes as it may find to be appropriate to increase the efficiency and productivity of motor freight carriers, improve vehicle operating safety, reduce the impact of motor freight operations on the environment, and control the deterioration of roads and highways; and

BE IT FURTHER RESOLVED, That the Commission shall report the results of its study, and any recommendations for revision of the intrastate regulatory structure it may develop based on its findings, to the Senate Committee on Transportation prior to October 15, 1989; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the President of the Senate of the state of Washington to the Utilities and Transportation Commission.

MOTION

On motion of Senator Rasmussen, the following resolution was adopted:

SENATE RESOLUTION 1989-8710

by Senators Rasmussen, Johnson, Gaspard, Conner, Bauer, Warnke, Wojahn, Rinehart, Moore, Kreidler, Owen, Talmadge, Murray, Hansen, Madsen, Smitherman, Sutherland, Stratton, Niemi, Bluechel, Nelson, Sellar, McDonald, Saling, Craswell, Smith, Lee, Patterson, Hayner, von Reichbauer, Cantu, Anderson, Newhouse, Metcalf, Thorsness, Barr, Benitz, Matson, McCaslin, Bailey, Pullen, West and Amondson

WHEREAS, Sheryl Wilson, Assistant Director of the State Department of Retirement Systems, has a record of outstanding achievement and service to the citizens of Washington State; and

WHEREAS, Sheryl Wilson first received her training in the retirement field as a research analyst for the Senate Committee on Ways and Means and the State Public Pension Commission; and

WHEREAS, This highly competent public servant subsequently was named retirement and insurance officer at the University of Washington, prior to her appointment as an Assistant Director of the State Department of Retirement Systems in November, 1983; and

WHEREAS, Sheryl Wilson received a bachelor of arts degree from The Evergreen State College in 1985, with emphasis in public administration, finance and economics; and

WHEREAS, Sheryl Wilson also attended Washington State University, 1954-57, majoring in business administration, and has completed a number of specialized courses at the University of Washington Graduate School of Public Administration; and

WHEREAS, As a representative of our retirement systems, Sheryl Wilson has achieved national prominence in the field of preretirement education, serving at this time as President of the National Preretirement Education Association; and

WHEREAS, Sheryl Wilson also has served as chair of the Interagency Committee on the Status of Women and as a member of the Seattle Chapter of the Western Pension Conference, the Evergreen Chapter of the American Society of Public Administration and has participated in the National Alliance of Governmental Relations Specialists, State Retirement Systems; and

WHEREAS, After distinguished public service in the state of Washington, Sheryl Wilson has been named Director of the Oregon State retirement program; and

WHEREAS, Oregon's gain is Washington's loss, and the Senate deeply regrets losing such a dedicated public servant;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the state of Washington, that all best wishes hereby are extended to Sheryl Wilson in her future professional career; and

BE IT FURTHER RESOLVED, That a copy of this resolution be transmitted to Sheryl Wilson by the Secretary of the Senate.

REPORT OF SPECIAL COMMITTEE APPOINTED TO NOTIFY THE GOVERNOR OF ADJOURNMENT SINE DIE

The Sergeant at Arms announced the return of the special committee composed of Senators Bailey, Murray and Bluechel who were appointed under the provisions of Senate Concurrent Resolution No. 8424. The committee reported they joined with a like committee from the House of Representatives and notified the Governor that the Legislature is about to adjourn SINE DIE.

The report was received and the committee was discharged.

COMMITTEE FROM THE HOUSE NOTIFYING
THE SENATE OF ADJOURNMENT SINE DIE

The Sergeant at Arms announced the arrival of the committee from the House of Representatives composed of Representatives Morris, Inslee and Sim Wilson. The committee appeared before the bar of the Senate to notify the Senate that the House is about to adjourn SINE DIE.

The report was received and the committee returned to the House of Representatives.

REPORT OF SPECIAL COMMITTEE APPOINTED TO NOTIFY
THE HOUSE OF ADJOURNMENT SINE DIE

The Sergeant at Arms announced the return of the special committee composed of Senators Anderson, Rinehart and Thorsness who were appointed under the provisions of Senate Resolution 1989-8703. The committee reported they had notified the House that the Senate is about to adjourn SINE DIE.

The report was received and the committee was discharged.

There being no objection, the President returned the Senate to the fourth order of business.

MESSAGE FROM THE HOUSE

May 10, 1989

Mr. President:

The Speaker has signed:

SUBSTITUTE SENATE BILL NO. 5373,

SENATE BILL NO. 6095,

SENATE CONCURRENT RESOLUTION NO. 8425, and the same are herewith transmitted.

DENNIS KARRAS, Deputy Chief Clerk

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

MOTION

On motion of Senator Rasmussen, the following resolution was adopted:

SENATE RESOLUTION 1989-8706

by Senators Wojahn, McDonald and Rasmussen

WHEREAS, State policy on compensatory time and overtime pay for department directors and certain other exempt personnel has not been established by the Legislature; and

WHEREAS, A number of instances have come to the attention of the Senate in which dismissed department directors have been retained on the state payroll for extended time periods; and

WHEREAS, It is imperative that a clear legislative policy be established; and

WHEREAS, Senate Bill No. 6079 addressed this issue, but was not enacted before adjournment of the Fifty-first Legislature;

NOW, THEREFORE, BE IT RESOLVED, That the Senate Committee on Ways and Means is hereby directed to investigate the policy of all state agencies with regard to overtime and compensatory payments for department directors and other exempt personnel; and

BE IT FURTHER RESOLVED, That the committee is instructed to furnish a report with its recommendations for necessary legislation in this area to the members of the Senate on or before December 31, 1989.

There being no objection, the President returned the Senate to the fourth order of business.

MESSAGES FROM THE HOUSE

May 10, 1989

Mr. President:

The House has adopted SENATE CONCURRENT RESOLUTION NO. 8423, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

May 10, 1989

Mr. President:

The House has adopted SENATE CONCURRENT RESOLUTION NO. 8424, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

May 10, 1989

Mr. President:

The House has adopted HOUSE CONCURRENT RESOLUTION NO. 4421, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

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

INTRODUCTION AND FIRST READING OF HOUSE BILL

HCR 4421 by Representatives Ebersole and Ballard

Providing for adjournment of 1989 first special session.

MOTIONS

On motion of Senator Newhouse, the rules were suspended, House Concurrent Resolution No. 4421 was advanced to second reading and read the second time.

On motion of Senator Newhouse, the rules were suspended, House Concurrent Resolution No. 4421 was advanced to third reading, the second reading considered the third and the resolution was adopted.

SIGNED BY THE PRESIDENT

The President signed:

SENATE CONCURRENT RESOLUTION NO. 8423.

SIGNED BY THE PRESIDENT

The President signed:

SENATE CONCURRENT RESOLUTION NO. 8424.

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE SENATE BILL NO. 5352.

MESSAGES FROM THE HOUSE

May 10, 1989

Mr. President:

The Speaker has signed HOUSE CONCURRENT RESOLUTION NO. 4421, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

May 10, 1989

Mr. President:

The Speaker has signed SUBSTITUTE SENATE BILL NO. 5352, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

May 10, 1989

Mr. President:

The Speaker has signed SENATE CONCURRENT RESOLUTION NO. 8423, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

May 10, 1989

Mr. President:

The Speaker has signed SENATE CONCURRENT RESOLUTION NO. 8424, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

HOUSE CONCURRENT RESOLUTION NO. 4421.

MESSAGE FROM THE HOUSE

May 10, 1989

Mr. President:

Under the provisions of SENATE CONCURRENT RESOLUTION NO. 8423, the House returns herewith the following Senate Bill:

REENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5624.

ALAN THOMPSON, Chief Clerk

RETURN OF BILLS TO HOUSE OF REPRESENTATIVES

Under the provisions of SENATE CONCURRENT RESOLUTION NO. 8423, the Senate returned the following bills to the House of Representatives:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1294,

ENGROSSED HOUSE BILL NO. 1360,

REENGROSSED HOUSE BILL NO. 1648,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1825,

SUBSTITUTE HOUSE BILL NO. 1963,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2198,

HOUSE JOINT MEMORIAL NO. 4023,

HOUSE CONCURRENT RESOLUTION NO. 4418.

MOTION

On motion of Senator Newhouse, the Senate Journal for the seventeenth day of the 1989 First Special Session of the Fifty-first Legislature was approved.

MOTION

At 9:38 p.m., on motion of Senator Newhouse, the 1989 First Special Session of the Fifty-first Legislature adjourned SINE DIE.

JOEL PRITCHARD, President of the Senate.

GORDON A. GOLOB, Secretary of the Senate.

SENATE JOURNAL

— 1989 —

SECOND SPECIAL SESSION

FIFTY-FIRST LEGISLATURE

STATE OF WASHINGTON

AT

OLYMPIA, the State Capitol

Convened May 17, 1989
Adjourned Sine Die May, 20, 1989

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

JOEL PRITCHARD, *President of the Senate*
ALAN BLUECHEL, *President Pro Tempore*
ELLEN CRASWELL, *Vice President Pro Tempore*

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**JOURNAL OF THE SENATE
STATE OF WASHINGTON
1989 SECOND SPECIAL SESSION
FIFTY-FIRST LEGISLATURE**

FIRST DAY

AFTERNOON SESSION

Senate Chamber, Olympia, Wednesday, May 17, 1989

The Senate was called to order at 1:00 p.m. by Lieutenant Governor Joel Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Anderson, Bailey, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Hayner, Kreidler, McDonald, Metcalf, Newhouse, Niemi, Owen, Rinehart, Saling, Sellar, Sutherland, Talmadge, Thorsness, West, Williams and Wojahn. On motion of Senator Nelson, Senators Anderson, Bailey, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Hayner, Kreidler, McDonald, Metcalf, Newhouse, Niemi, Owen, Rinehart, Saling, Sellar, Sutherland, Talmadge, Thorsness, West, Williams and Wojahn were excused.

The Sergeant at Arms Color Guard, composed of members of the Senate staff, Penny Drost and Jeanne Lawrence, presented the Colors. The Reverend Robert Samuelson, pastor of the Peace Lutheran Brethren Church of Olympia, offered the prayer.

MESSAGE FROM THE SECRETARY OF STATE

The Honorable
President of the Senate
The Legislature of the State of Washington
Olympia, Washington
Mr. President:

I have attached a full, true and correct copy of Proclamation No. 89-04 of the Governor calling a special session of the Washington State Legislature to be convened at 1:00 p.m. on May 17, 1989.

IN WITNESS WHEREOF, I have hereunto
set my hand and affixed the seal of the state
of Washington, this fifteenth day of May, 1989.

(Seal)

RALPH MUNRO, Secretary of State

PROCLAMATION BY THE GOVERNOR

WHEREAS, in accordance with Article II, Section 12 (Amendment 68), the 1989 First Special Session adjourned May 10, 1989, without finishing its essential tasks; and

WHEREAS, it is therefore necessary for me to convene a Second Special Session for the purposes of adequately addressing matters related to the 1989-91 Transportation Budget with adequate funding, Washington Futures, Model Conservation Standards, and any other matters the Legislature may wish to address;

NOW, THEREFORE, I, Booth Gardner, Governor of the state of Washington, by virtue of the authority vested in me by Article II, Section 12 (Amendment 68), and Article III, Section 7 of the State Constitution, do hereby convene the Legislature of the state of Washington on Wednesday, the 17th day of May, 1989, at 1:00 p.m. in Special Session in the Capitol at Olympia for the purposes stated herein.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington, to be affixed at Olympia this 13th day of May, A.D., Nineteen Hundred and Eighty-Nine.

BOOTH GARDNER, Governor

(Seal)

By the Governor:

RALPH MUNRO, Secretary of State

MOTION

On motion of Senator Nelson, the following resolution was adopted:

SENATE RESOLUTION 1989-8714

by Senators Hayner, Sellar, Vognild and Warnke

BE IT RESOLVED, That a committee of three be appointed to notify the House that the Senate is now organized and ready to transact business.

APPOINTMENT OF SPECIAL COMMITTEE

Under the provisions of Senate Resolution 1989-8714, the President appointed Senators Johnson, Smitherman and Lee to notify the House of Representatives that the Senate is organized and ready to transact business.

MOTION

On motion of Senator Nelson, the appointees were confirmed.
The committee retired to the House of Representatives.

There being no objection, the President returned the Senate to the third order of business.

MESSAGES FROM THE GOVERNOR

May 11, 1989

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to advise you that on May 11, 1989, Governor Gardner approved the following Senate Bills entitled:

Substitute Senate Bill No. 5018

Relating to cooperative associations.

Substitute Senate Bill No. 5048

Relating to prevention of child abuse and neglect.

Substitute Senate Bill No. 5107

Relating to vulnerable adults.

Substitute Senate Bill No. 5108

Relating to visitation between an abused child and the abuser.

Substitute Senate Bill No. 5147

Relating to credit service organizations.

Senate Bill No. 5185

Relating to child care zoning.

Substitute Senate Bill No. 5241

Relating to local development.

Substitute Senate Bill No. 5288

Relating to aquaculturists and the production of salmon.

Substitute Senate Bill No. 5314

Relating to persons working at public schools.

Substitute Senate Bill No. 5357

Relating to insurance education providers.

Senate Bill No. 5536

Relating to state employees' benefits board.

Substitute Senate Bill No. 5560

Relating to health insurance.

Senate Bill No. 5736

Relating to local funding requirements for school construction projects.

Substitute Senate Bill No. 5819

Relating to the seizure and forfeiture of personal property for wildlife offenses.

Substitute Senate Bill No. 5859

Relating to the Washington school directors' association.

Senate Bill No. 5950

Relating to childhood sexual abuse.

Substitute Senate Bill No. 6009

Relating to parents' compliance with residential provisions for a child.

Substitute Senate Bill No. 6033

Relating to radioactive affairs.

Sincerely,

TERRY SEBRING, Legal Counsel to the Governor

May 12, 1989

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to advise you that on May 12, 1989, Governor Gardner approved the following Senate Bills entitled:

Second Substitute Senate Bill No. 5073

Relating to crimes motivated by bigotry and bias.

Substitute Senate Bill No. 5186

Relating to the commission on judicial conduct.

Senate Bill No. 5246

Relating to deeds of trust.

Senate Bill No. 5492

Relating to parenting.

Substitute Senate Bill No. 5499

Relating to uninsured motorists.

Substitute Senate Bill No. 5686

Relating to agriculture.

Substitute Senate Bill No. 5827

Providing pet identification and certification procedures to minimize theft.

Substitute Senate Bill No. 5866

Relating to revenue and taxation.

Sincerely,

TERRY SEBRING, Legal Counsel to the Governor

May 13, 1989

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to advise you that on May 13, 1989, Governor Gardner approved the following Senate Bills entitled:

Substitute Senate Bill No. 5035

Relating to foster-family homes.

Substitute Senate Bill No. 5071

Relating to surrogate parenting.

Substitute Senate Bill No. 5085

Relating to financial planners.

Second Substitute Senate Bill No. 5372

Relating to recreational boating.

Senate Bill No. 5381

Relating to vehicular homicide.

Substitute Senate Bill No. 5713

Relating to medical test site licensure.

Substitute Senate Bill No. 5810

Relating to hazardous materials clean up.

Senate Bill No. 5833

Relating to the disposition and sentencing of juvenile offenders.

Substitute Senate Bill No. 5850

Relating to funeral establishments.

Substitute Senate Bill No. 5947

Relating to establishing a procedure for considering abuse suffered by a defendant as a mitigating circumstance for an exceptional sentence.

Second Substitute Senate Bill No. 5960

Relating to indigent defense.

Senate Bill No. 5991

Relating to juvenile offenders.

Senate Bill No. 6005

Relating to the protection of victims of domestic violence.

Substitute Senate Bill No. 6013

Relating to water and sewer connection or capacity charges.

Substitute Senate Bill No. 6048

Relating to HIV testing for coverage under Title 48 RCW.

Sincerely,

TERRY SEBRING, Legal Counsel to the Governor

May 14, 1989

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to advise you that on May 14, 1989, Governor Gardner approved the following Senate Bill entitled:

Substitute Senate Bill No. 5984

Relating to use of the waters of the Yakima river basin.

Sincerely,

TERRY SEBRING, Legal Counsel to the Governor

May 15, 1989

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to advise you that on May 15, 1989, Governor Gardner approved the following Senate Bill entitled:

Second Substitute Senate Bill No. 6051

Relating to encouraging employer involvement in child care facilities development and services.

Sincerely,

TERRY SEBRING, Legal Counsel to the Governor

MESSAGE FROM THE SECRETARY OF STATE

The Honorable
President of the Senate
The Legislature of the State of Washington
Olympia, Washington
Mr. President:

We respectfully transmit for your consideration the following bill which has been partially vetoed by the Governor, together with the official veto message of the Governor setting forth his objections to the sections or items of the bill as required by Article III, section 12, of the Washington State Constitution.

Sections 1 and 5, of Substitute Senate Bill No. 5293, the remainder of which has been designated Chapter 306, Laws of 1989.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of the state of Washington at Olympia, this twelfth day of May, 1989.

(Seal)

RALPH MUNRO, Secretary of State

PARTIAL VETO MESSAGE ON SUBSTITUTE SENATE BILL NO. 5293

May 11, 1989

To the Honorable, the Senate
of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 1 and 5, Substitute Senate Bill No. 5293 entitled:

"AN ACT Relating to higher education."

Section 1 reenacts RCW 28B.80.330, which requires the Higher Education Coordinating Board to perform planning duties including the preparation of a comprehensive master plan. The plan includes but is not limited to assessments of the state's higher education needs. These assessments may include "the needs of recent high school graduates and place-bound adults. The board should consider the needs of residents of all geographic areas, but its initial priorities should be applied to heavily populated areas underserved by public institutions." The board has already completed its assessment of upper division and graduate level courses and programs needed in heavily populated areas. It can now begin assessing the needs of place-bound students in those areas that are less populated, including Clallam and Jefferson counties.

Section 5 of this bill requires that the Superintendent of Public Instruction: (1) contract with the University of Washington's Early Entrance Program or Transition School; and, (2) allocate state and federal funds generated by the student directly to the University of Washington. Similar language achieving the same result is included in section 9 of Substitute House Bill No. 1444, which I have signed into law. To avoid confusion, I have vetoed section 5 of this bill.

With the exception of sections 1 and 5, Substitute Senate Bill No. 5293 is approved.

Respectfully submitted,
Booth Gardner, Governor

MESSAGE FROM THE SECRETARY OF STATE

The Honorable
President of the Senate
The Legislature of the State of Washington
Olympia, Washington
Mr. President:

We respectfully transmit for your consideration the following bills which has been partially vetoed by the Governor, together with the official veto messages of the Governor setting forth his objections to the sections or items of the bill as required by Article III, section 12, of the Washington State Constitution.

Sections 5, 14, and 21, of Substitute Senate Bill No. 5443, the remainder of which has been designated Chapter 337, Laws of 1989.

Section 3, of Second Substitute Senate Bill No. 5375, the remainder of which has been designated Chapter 350, Laws of 1989.

Section 9, of Substitute Senate Bill No. 5474, the remainder of which has been designated Chapter 358, Laws of 1989.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of the state of Washington at Olympia, this seventeenth day of May, 1989.

(Seal)

RALPH MUNRO, Secretary of State
By DONALD F. WHITING, Assistant
Secretary of State

PARTIAL VETO MESSAGE ON SUBSTITUTE SENATE BILL NO. 5443

May 12, 1989

To the Honorable, the Senate
of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 5, 14, and 21, Substitute Senate Bill No. 5443 entitled:

"AN ACT Relating to programs administered by the department of licensing."

This bill makes various policy changes in vehicle and driver laws. Section 5 grants the Department of Licensing the authority to furnish lists of registered and legal owners of motor vehicles to "business enterprises for commercial purposes...".

Under the general policy set forth in the Public Disclosure Act, Initiative Measure No. 276, codified in RCW 42.17.260 (5), in order to protect the public's right to privacy and freedom from commercial intrusion, lists should not be provided for commercial purposes. This change in policy is not appropriate.

Section 14 grants the Director of the Department of Licensing, or the director's designee, the authority to issue criminal citations solely related to RCW 46.70.021 which requires dealers or manufacturers of vehicles to be licensed. Such specialized authority is inappropriate and unnecessary since criminal charges can be brought currently by taking the factual circumstances to a prosecutor. If the Legislature believes the grant of criminal citation authority is good policy for the Department of Licensing, it should consider a broad grant of authority for all its regulatory functions where criminal misdemeanor charges can be filed.

Section 21 establishes a study committee to develop recommendations regarding a system of driver's license issuance that provides increased security against fraud. It is not appropriate to delegate control over an executive department's contract decisions to a committee of the Legislature contingent on the committee's review of a study. I will direct the listed executive departments to cooperate in any legislative review of this issue.

With the exception of sections 5, 14, and 21, Substitute Senate Bill No. 5443 is approved.

Respectfully submitted,
Booth Gardner, Governor

PARTIAL VETO MESSAGE ON SECOND SUBSTITUTE SENATE BILL NO. 5375

May 12, 1989

To the Honorable, the Senate
of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to section 3, Second Substitute Senate Bill No. 5375 entitled:

"AN ACT Relating to DNA identification."

Subsection 1 of section 3 creates an oversight committee to recommend specific rules and procedures for the collection, analysis, storage, expungement, and use of DNA identification data. The committee of twelve persons would be comprised of the Chief of the Washington State Patrol, three experts (forensic evidence, biomedical ethics, and civil liberties) and eight legislators appointed by the Legislature. I strongly support the purpose of this committee; however, the makeup of the committee is unbalanced.

I will appoint a committee to perform the functions set forth in section 3, including the report to the Legislature due November 1, 1989. Membership of the committee will include a more balanced group, from the fields of forensic evidence, biomedical ethics, civil liberties, medicine, the criminal justice system, and the Legislature.

Subsection 2 of section 3 requires the Washington State Patrol, in cooperation with the University of Washington School of Medicine, to develop a program for the proper administration and collection of blood samples. Although I am forced to veto this entire section, I will ask the Washington State Patrol to include this program within their plan for establishing a DNA identification system, as required by section 2.

I should bring to your attention that with the exception of section 6, the Washington State Patrol does not have specific authority to adopt rules for the DNA Identification System. I suggest the Legislature pass legislation giving the Washington State Patrol rule-making authority before the bill takes effect on July 1, 1990.

With the exception of section 3, Second Substitute Senate Bill No. 5375 is approved.

Respectfully submitted,
Booth Gardner, Governor

PARTIAL VETO MESSAGE ON SUBSTITUTE SENATE BILL NO. 5474

May 12, 1989

To the Honorable, the Senate
of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to section 9, Substitute Senate Bill No. 5474 entitled:

"AN ACT Relating to interpreters in legal proceedings."

Section 9 requires the Office of the Administrator for the Courts to create a new statutory advisory committee for certification of interpreters. The committee would advise the office regarding procedures and standards for certification of foreign language interpreters in legal proceedings. The recommendations of this committee would affect the use and availability of interpreters for state agencies, boards and commissions, courts, counties, cities, towns, and other political subdivisions covered by the act.

Section 9 limits the membership of the committee to representatives of county prosecutors, public defenders, the Bar Association, judges, and groups representing non-English-speaking persons. By precluding state agency and city and town participation on the advisory committee, the procedures and standards adopted for this new program may not adequately address the special needs of these entities.

I have asked the Administrator for the Courts to administratively create an advisory group to perform these tasks and to have representatives of all affected groups included. I believe it to be in the best interests of the program to veto section 9 and thereby allow creation of such a group under the authority of the Administrator for the Courts.

With the exception of section 9, Substitute Senate Bill No. 5474 is approved.

Respectfully submitted,
Booth Gardner, Governor

MESSAGE FROM THE SECRETARY OF STATE

The Honorable
President of the Senate
The Legislature of the State of Washington
Olympia, Washington
Mr. President:

We respectfully transmit for your consideration the following bills which has been partially vetoed by the Governor, together with the official veto messages of the Governor setting forth his objections to the sections or items of the bill as required by Article III, section 12, of the Washington State Constitution.

Section 3, of Senate Bill No. 5233, the remainder of which has been designated Chapter 412, Laws of 1989.

Sections 2, 3, 5, 6, 7 and 8, of Substitute Senate Bill No. 5289, the remainder of which has been designated Chapter 426, Laws of 1989.

Sections 7, 9, 10 and 11, of Substitute Senate Bill No. 5566, the remainder of which has been designated Chapter 422, Laws of 1989.

Section 10, of Substitute Senate Bill No. 5648, the remainder of which has been designated Chapter 425, Laws of 1989.

Section 17, of Second Substitute Senate Bill No. 5658, the remainder of which has been designated Chapter 419, Laws of 1989.

Section 2, of Substitute Senate Bill No. 5889, the remainder of which has been designated Chapter 421, Laws of 1989.

Sections 10 and 11, of Substitute Senate Bill No. 5911, the remainder of which has been designated Chapter 424, Laws of 1989.

Sections 1 and 3, of Senate Bill No. 5926, the remainder of which has been designated Chapter 418, Laws of 1989.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of the state of Washington at Olympia, this seventeenth day of May, 1989.

(Seal)

RALPH MUNRO, Secretary of State

By DONALD F. WHITING, Assistant
Secretary of State

*PARTIAL VETO MESSAGE ON SENATE BILL NO. 5233

May 13, 1989

To the Honorable, the Senate
of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to section 3, Senate Bill No. 5233 entitled:

"AN ACT Relating to burglary."

This legislation creates a new crime of residential burglary for those incidents in which an individual enters a dwelling for the purposes of committing "a crime against persons or property therein". The existing crime of burglary in the second degree is retained for cases involving buildings other than dwellings.

Section 3 of this measure increases the seriousness level of second degree burglary from range II to range III and ranks the new crime of residential burglary at an even higher level, range IV. These rankings have significant fiscal impacts on both state and local governments that are not fully addressed. Although the Legislature included funds in the Omnibus Budget for the purposes of this act, they fall far short of meeting the Department of Correction's needs. In addition, no funds were provided to address the impacts on local jails.

I support the intent of this bill. Residential burglary is a particularly offensive crime that not only results in material loss, but shatters the sense of privacy people enjoy within their homes. Persons who invade homes in this manner must be punished.

However, attempting to address this issue has highlighted some of the inflexibility of the state's Sentencing Reform Act. Because of the sentencing structure created by the Act, little can be done in response to the problem of burglary other than to raise the seriousness level, as accomplished by section 3.

I am retaining the new definition of residential burglary created by this bill, and the instructions in section 1 requiring the Sentencing Guidelines Commission to consider residential burglary as a more serious offense than burglary in the second degree. Because the provisions of the bill do not take effect until July 1990, I believe this veto allows us to more fully consider the ramifications of this sentencing change.

The long-term financial impact on the state adult and juvenile systems will mandate significant additional commitment of both capital and operating funds. I am concerned that the full financial reality of passing this bill has not settled upon the Legislature. The Legislature should also consider the consistency of punishment level in this bill related to punishment for other criminal offenses.

Particular attention must also be paid to the effect these changes have on our local jail system. We can no longer continue to ignore the overcrowding and potentially dangerous conditions facing these facilities. At the same time the Legislature was enacting a measure extending eligibility for home detention programs to burglars, it was removing over fifty percent of the eligible inmates by the definition change included in this bill. The Sentencing Guidelines Commission is the proper place to consider these system-wide impacts.

I am asking the Sentencing Guidelines Commission to take up this issue for the purpose of recommending a resolution to the 1990 Legislature. The commission will review the relative rankings of these crimes, and will explore the possibility of reordering the sentencing grid in such a way as to allow courts greater flexibility in determining appropriate sanctions. In addition, the Commission will review the

potential for changing sentencing practices associated with rank changes, and the relationship of deadly weapons enhancements to these two offenses.

With the exception of section 3, Senate Bill No. 5233 is approved.

Respectfully submitted,
Booth Gardner, Governor

*EDITOR'S NOTE: See further action of Senate Bill No. 5233 on May 19, 1989.

PARTIAL VETO MESSAGE ON SUBSTITUTE SENATE BILL NO. 5289

May 14, 1989

To the Honorable, the Senate
of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 2, 3, 5, 6, 7, and 8, Substitute Senate Bill No. 5289 entitled:

"AN ACT Relating to fisheries enhancement."

Our commitment to enhance salmon resources is an empty promise unless we are all willing to provide the financial resources necessary to fulfill it. I believe that the funding mechanism envisioned in this bill can work to supplement other state and federal funds if properly structured.

I am supportive of approaching fisheries enhancement by way of regional and volunteer cooperative groups. I believe, however, that the portions of this bill relating to the formation of these regional groups are so poorly drafted that they could lead to excessive administrative work and lack of accountability for the use of state funds.

As an alternative to sections 2 and 3, I am directing the Department of Fisheries to use its general rule-making authority to implement the intent of the bill in a manner that is workable and, more importantly, accountable. Criteria must be in place requiring recipients of funds to be incorporated as non-profit groups with the Secretary of State. Additionally, requirements for audits must be included.

Sections 5 and 6 fail to establish a clear relationship between the authority of the department and the regional groups. These sections could imply control by the groups. This interference with the decision-making prerogatives of the department is unacceptable to me.

Section 7 is vetoed because it requires legislative approval of each loan application. Decisions on applications for funding should be made by the Department of Fisheries without legislative approval. This veto does not mean that I am not supportive of loans for funding fisheries enhancement. In fact, the opposite is true. Because I am unable to partially veto this language, I must veto the entire section.

I am vetoing section 8 because it will require the department to tag smolt and compile data at great expense in order to document specific fish catch related to enhancement projects.

With the exception of sections 2, 3, 5, 6, 7, and 8, Substitute Senate Bill No. 5289 is approved.

Respectfully submitted,
Booth Gardner, Governor

PARTIAL VETO MESSAGE ON SUBSTITUTE SENATE BILL NO. 5566

May 14, 1989

To the Honorable, the Senate
of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to section 7, 9, 10, and 11, Substitute Senate Bill No. 5566 entitled:

"AN ACT Relating to safe drinking water."

Section 7 amends RCW 70.119A.040, which was also amended by House Bill 1358, the Administrative Procedure Act revision bill. The amendment in this bill has the same intent as the amendment in House Bill 1358, but the language is conflicting. Since I have already signed House Bill 1358 into law, I am vetoing Section 7.

Section 9 amends RCW 43.20.050, which was also amended by House Bill 1857. Both bills amend the rule-making authority of the Board of Health with respect to

drinking water systems. The only difference between the two amendments is that House Bill 1857 gives additional authority to the Board for regulating the sizing of pipes and storage facilities. This language is more explicit than the language in section 9 of Reengrossed Substitute Senate Bill 5566. Since I have already signed House Bill 1857 into law, I am vetoing section 9.

Sections 10 and 11 amend the Public Water Supply Systems - Certification and Regulation of Operators Act, and the Public Water System Coordination Act of 1977, respectively. Both sections amend the definition of a public water supply system to exclude water systems serving fewer than five single-family residences. The current language, and the definition of public water supply system in the Safe Drinking Water Act, exclude only water systems that serve a single-family residence.

The exclusions in sections 10 and 11 would exempt over 4,000 small water systems from regulation, leaving these households without protection of their drinking water. People whose homes connect with small water systems deserve, and expect, the same quality of water as people whose homes are connected to larger systems. It is appropriate for the state, in its role of protecting public health, to assist small water systems in complying with safe drinking water regulations.

With the exception of sections 7, 9, 10, and 11, Substitute Senate Bill No. 5566 is approved.

Respectfully submitted,
Booth Gardner, Governor

PARTIAL VETO MESSAGE ON SUBSTITUTE SENATE BILL NO. 5648

May 14, 1989

To the Honorable, the Senate
of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to section 10, Substitute Senate Bill No. 5648 entitled:

"AN ACT Relating to creation of a federation of Washington ports."

Substitute Senate Bill No. 5648 amends existing port district enabling legislation to authorize the creation of a federation of Washington ports by the Washington Public Ports Association. The legislation establishes a temporary task force to examine options for cooperation between port districts and local associate development organizations. The legislation also directs the temporary task force to identify international air cargo trends and state air cargo capabilities and facilities, and to identify alternative policies to ensure state competitiveness in air cargo facilities.

Our ports have been and remain critically important to the state's role in the international economy. Efforts to increase cooperation among the port districts and between port districts and associate development organizations to enhance state and local economic development activities are necessary and important. New air cargo transport technologies and increased volumes of international air cargo traffic may require the development of new types of facilities, which would have major implications to the state economy.

I am in agreement with the Legislature's identification of this latter issue as one deserving state involvement to identify problems and opportunities affecting the state's economy. However, the Legislature has not funded the study of air cargo trends provided for in section 10 of this bill. If the state is to anticipate the problems and opportunities we face in the international economy, the Legislature must adequately fund the associated state agency activities. I am also concerned about the practicability of examining air cargo trends through a temporary task force intended to examine cooperation between port districts and associate development organizations.

For these reasons, I am vetoing section 10 of Substitute Senate Bill No. 5648.

However, an examination of the issues identified is valuable and timely. I will explore methods of conducting such an examination on the part of the state and with the cooperation of local government and the private sector.

With the exception of section 10, Substitute Senate Bill No. 5648 is approved.

Respectfully submitted,
Booth Gardner, Governor

PARTIAL VETO MESSAGE ON SECOND SUBSTITUTE SENATE BILL NO. 5658

May 13, 1989

To the Honorable, the Senate
of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to section 17, Second Substitute Senate Bill No. 5658 entitled:

"AN ACT Relating to risk management and the state liability account."

Second Substitute Senate Bill No. 5658 represents a significant advance in the way in which the state handles its risk management program. I am pleased to see this legislation pass the Legislature and I anticipate that it will result in a more modern and efficient risk management program, as well as an improvement in safety for state employees and the general public. One subsection of this bill, however, is not acceptable.

Section 17 would require the Attorney General to submit a yearly report to the Legislature with information on each tort claim against the state. Much of the information that would be required would be useful to have on an annual basis, and I have no objection to most of this section. One of the subsections, however, is problematic, and in order to remove it from the bill I must veto the entire section.

Subsection 6 of section 17 would require the Attorney General to provide information on each and every settlement offer made on a tort claim. This would provide a road map to the state's negotiating strategy to claimant's attorneys and be a serious disadvantage to the state. While those who have legitimate tort claims against the state are entitled to reasonable compensation, the state also has an obligation to settle claims without unnecessary and unjustified costs to the taxpayers of the state.

Tort claimants deserve straightforward and honest action from the state and its representatives. They do not deserve an opportunity to be privy to the state's confidential negotiating strategy relative to litigation. The confidentiality of this information is emphasized elsewhere in the bill, and appropriately so. Subsection 6 of section 17 clearly conflicts with those provisions, and the legislative intent.

The Attorney General has expressed willingness to provide much of the information requested in section 17, so most of the desired data will be available to the Legislature despite the removal of this section.

With the exception of section 17, Second Substitute Senate Bill No. 5658 is approved.

Respectfully submitted,
Booth Gardner, Governor

PARTIAL VETO MESSAGE ON SUBSTITUTE SENATE BILL NO. 5889

May 13, 1989

To the Honorable, the Senate
of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to section 2, Substitute Senate Bill No. 5889 entitled:

"AN ACT Relating to conservation of water."

This is an excellent program, modeled on successes in the area of energy conservation. I am not, however, convinced of the propriety of delegating a legislative function entirely to a committee. I am vetoing section 2 and recommending that the Joint Select Committee develop definitions of these terms for deliberation by the full Legislature. In the event the Legislature is unable to agree on definitions prior to the approval of the accompanying constitutional amendment, the common usage of these terms will be applied.

With the exception of section 2, Substitute Senate Bill No. 5889 is approved.

Respectfully submitted,
Booth Gardner, Governor

PARTIAL VETO MESSAGE ON SUBSTITUTE SENATE BILL NO. 5911

May 14, 1989

To the Honorable, the Senate
of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 10 and 11, Substitute Senate Bill No. 5911 entitled:

"AN ACT Relating to public lands."

Sections 2 and 3 of the bill provide for a set aside of timber on State Forest Board Lands for timber firms which meet certain criteria. The proposal is intended to increase the amount of timber which is processed within the state and to create additional jobs. Criticism has been brought to my attention regarding the implementation of this set-aside program. I am inclined to sign this into law in spite of misgivings about its ability to address the problem. The success of this program relies on the Department of Natural Resources and counties to faithfully pursue implementation.

This bill creates a Joint Select Committee on Domestic Timber Processing. I urge that Committee to with my office over the interim to monitor implementation. I would also urge the Committee to review the possibility of providing compensation to school trusts and counties for setting aside land for jobs as well as for conservation. If I am not satisfied with the program, then I believe we will be forced to go to Congress and work toward a federal solution.

Section 10 of the bill requires the Governor and the Commissioner of Public Lands to jointly report to legislative committees on responses to federal or judicial decisions which affect timber supply. This section is redundant and needless, since we have always made any responses available to the Legislature on a timely basis in the past. When requested, we have always testified before committees to report on our activities.

Section 11 requires the Governor and the Commissioner of Public Lands to jointly develop an official state response to Forest Service plans by August 1, 1989. Such a response must supersede any previous state response. The intent of this section is unclear and redundant. The state has already officially responded to the individual forest service management plans and these responses were made within the official public comment periods for each of the forests. We have already agreed to work with the Department of Natural Resources as well as relevant federal agencies during the next few months on this issue.

While I am vetoing these sections, I want to assure you that my office will continue to work closely with all state and federal agencies to address the problems of timber supply and we will continue to be available to report on those activities at your request.

I applaud the Legislature for the other sections of this bill, as well as other items in the budget which will enhance our state's ability to respond to the problems of timber firms, communities and employees. I think we are going in the right direction and am looking forward to continuing to work with you during the next few months.

With the exception of sections 10 and 11, Substitute Senate Bill No. 5911 is approved.

Respectfully submitted,
Booth Gardner, Governor

PARTIAL VETO MESSAGE ON SENATE BILL NO. 5926

May 13, 1989

To the Honorable, the Senate
of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 1 and 3, Senate Bill No. 5926 entitled:

"AN ACT Relating to low-level radioactive waste."

Section 1 would send a confusing message regarding State policy on the disposal of low-level radioactive waste. State policy on this issue, which is the same as the policy stated in the federal Low-Level Radioactive Waste Amendments Act

of 1985, states that the responsibility for disposal of radioactive waste is a national obligation, to be shared by all states across the nation. I am committed to the time frame established in the federal act, providing that all states must belong to a regional compact by December 31, 1992, which relieves the three states which now have sites from having to accommodate all of the nation's low-level radioactive wastes. I also want to make it clear that Washington State is not dependent on the revenue generated from fees for the disposal of radioactive waste.

Section 3 is inappropriate because Washington is a partner in the Northwest Interstate Compact. While I do not condone unnecessary or extravagant travel, the imposition of travel restrictions on the members would be contrary to establishing mutual cooperation and respect with other states.

With the exception of sections 1 and 3, Senate Bill No. 5926 is approved.

Respectfully submitted,
Booth Gardner, Governor

MESSAGE FROM THE SECRETARY OF STATE

The Honorable
President of the Senate
The Legislature of the State of Washington
Olympia, Washington
Mr. President:

We respectfully transmit for your consideration the following bill which has been partially vetoed by the Governor, together with the official veto message of the Governor setting forth his objections to the sections or items of the bill as required by Article III, section 12, of the Washington State Constitution.

Section 1, of Substitute Senate Bill No. 5776, the remainder of which has been designated Chapter 299, Laws of 1989.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of the state of Washington at Olympia, this ninth day of May, 1989.

(Seal)

RALPH MUNRO, Secretary of State

PARTIAL VETO MESSAGE ON SUBSTITUTE SENATE BILL NO. 5776

May 8, 1989

To the Honorable, the Senate
of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to section 1, Substitute Senate Bill No. 5776 entitled:

"AN ACT Relating to law enforcement training."

Section 1 of this measure requires the Department of Community Development (DCD) to establish an advisory committee to study the issue of untrained and uncertified city and town law enforcement personnel. The advisory committee would be chaired by the director of DCD, while technical assistance and staff support would be provided by the Criminal Justice Training Commission (CJTC).

I believe it is important that we ensure our citizens that their law enforcement officers are properly trained. However, evidence has not been provided that this issue is of such compelling public interest that a study, conducted by a new advisory committee, should be statutorily authorized. Furthermore, it is inappropriate to have the resources of one executive agency subject to the authority of another agency director.

Section 2 of this measure requires law enforcement personnel hired after January 1, 1990, to commence training within six months of employment. Current law allows a much greater time before training must be completed. I support this change and believe it will serve to enhance the professionalism of our public safety officers.

With the exception of section 1, Substitute Senate Bill No. 5776 is approved.

Respectfully submitted,
Booth Gardner, Governor

MESSAGE FROM THE SECRETARY OF STATE

The Honorable
 President of the Senate
 The Legislature of the State of Washington
 Olympia, Washington
 Mr. President:

We respectfully transmit for your consideration the following bills which have been vetoed by the Governor, together with the official veto messages of the Governor setting forth his objections to the bills as required by Article III, section 12, of the Washington State Constitution:

Senate Bill No. 5916,
 Senate Bill No. 5121,
 Substitute Senate Bill No. 5221.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of the state of Washington at Olympia, this seventeen day of May, 1989.

(Seal)

RALPH MUNRO, Secretary of State

By DONALD F. WHITING, Assistant
 Secretary of State

VETO MESSAGE ON SENATE BILL NO. 5916

May 11, 1989

To the Honorable, the Senate
 of the State of Washington
 Ladies and Gentlemen:

I am returning herewith, without my approval, Senate Bill No. 5916, entitled:
 "AN ACT Relating to the labeling of meat."

This bill allows retail meat dealers who repackaging and/or regrind meat into smaller units from previously USDA inspected packages to use the label of the larger unit of meat.

At least one county has exercised its discretion to adopt a program which prohibits repackaging or regrinding where the label still shows the original cut of meat. The county policy was adopted because there is the possibility of consumer deception and no practical way to inspect the reground product to verify from which part of the animal it was originally ground or whether it was reground from a mixture of various cuts of meat.

I see no compelling reason to pre-empt the ability of local jurisdictions to regulate reground meat to protect the labeling of consumer's interest.

For the reasons stated above, I am vetoing Senate Bill No. 5916 in its entirety.

Respectfully submitted,
 Booth Gardner, Governor

VETO MESSAGE ON SENATE BILL NO. 5121

May 12, 1989

To the Honorable, the Senate
 of the State of Washington
 Ladies and Gentlemen:

I am returning herewith, without my approval, Senate Bill No. 5121 entitled:
 "AN ACT Relating to drug awareness education."

This bill establishes a mobile substance abuse awareness program to be developed and staffed through the Office of the Superintendent of Public Instruction as a required component of its substance abuse initiatives.

Substance abuse in our schools represents an enormous threat to our children's welfare and safety. Effective substance abuse education programs in our schools are essential. These are most effectively designed and implemented by local communities familiar with the unique needs of their youth.

Rather than facilitating local problem solving, this bill would centralize the substance abuse awareness program at the state level. Further, no appropriations were included in the budget recently passed by the Legislature.

Last week, I signed into law Second Substitute House Bill No. 1793, an omnibus bill addressing many components of our society's substance abuse problem. The focus of the omnibus bill is to coordinate the response of law enforcement officials, human service providers, school officials and others involved in grappling with the effects of this problem. Second Substitute House Bill No. 1793 funds programs and establishes a framework for an integrated plan in this important area.

Although I support the bill's objective to deliver a substance abuse awareness program to rural communities, these communities are best able to design and coordinate programs specific to their needs.

For the reasons stated above, I am vetoing Senate Bill No. 5121 in its entirety.

Respectfully submitted,
Booth Gardner, Governor

VETO MESSAGE ON SUBSTITUTE SENATE BILL NO. 5221

May 13, 1989

To the Honorable, the Senate
of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval, Substitute Senate Bill No. 5221 entitled:

"AN ACT Relating to the advance college payment program."

Substitute Senate Bill No. 5221 requires the Higher Education Coordinating Board to study the feasibility of instituting an advance college payment program in Washington state. The board was appropriated thirty thousand dollars to conduct the study and was to submit a report, including recommendations, to the Legislature by January 1, 1990.

It is clear that some of the elements to be considered in the study are very complex and go beyond the scope of higher education. In order for the critical elements of the study to be examined thoroughly and completely, the board would have to contract for the required expertise. Among the most significant questions to be answered are those that relate to the potential federal income tax consequences for investors and the state's potential liability in the event that the program is not actuarially sound. It is estimated that the cost of expertise would far exceed the thirty-thousand dollar appropriation and the study would require more time than allotted.

Although I am not opposed to studying the feasibility of such a program, I am certain that the Higher Education Coordinating Board cannot complete a complex study of this kind without sufficient time and resources. The potential risks for investors and the state in such programs need to be examined thoroughly. This legislation fails to provide the time and resources needed for the completion of a quality feasibility study.

For the reasons stated above, I have vetoed Substitute Senate Bill No. 5221 in its entirety.

Respectfully submitted,
Booth Gardner, Governor

COMMITTEE FROM THE HOUSE

A committee from the House of Representatives composed of Representatives Kremen, Nutley and Schmidt appeared before the bar of the Senate and notified the Senate that the House is organized and ready to transact business.

The report was received and the committee returned to the House of Representatives.

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

INTRODUCTION AND FIRST READING

SCR 8426 by Senators Hayner, Sellar, Vognild and Warnke

Reintroducing legislation from 1989 Regular and First Special Sessions.

MOTIONS

On motion of Senator Nelson, the rules were suspended, Senate Concurrent Resolution No. 8426 was advanced to second reading and read the second time.

On motion of Senator Nelson, the rules were suspended, Senate Concurrent Resolution No. 8426 was advanced to third reading, the second reading considered the third and the concurrent resolution was adopted.

REPORT OF SPECIAL COMMITTEE

The special committee composed of Senators Johnson, Smitherman and Lee appeared before the bar of the Senate to report that the House of Representatives had been notified, under the provisions of Senate Resolution 1989-8714, that the Senate is organized and ready to transact business.

The report was received and the committee was discharged.

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

MESSAGES FROM THE HOUSE

May 17, 1989

Mr. President:

The House has adopted HOUSE CONCURRENT RESOLUTION NO. 4422, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

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

INTRODUCTION AND FIRST READING OF HOUSE BILL

HCR 4422 by Representatives Ebersole and Ballard

Notifying the governor that the legislature is organized and ready to conduct business.

MOTIONS

On motion of Senator Nelson, the rules were suspended, House Concurrent Resolution No. 4422 was advanced to second reading and read the second time.

On motion of Senator Nelson, the rules were suspended, House Concurrent Resolution No. 4422 was advanced to third reading, the second reading considered the third and the concurrent resolution was adopted.

APPOINTMENT OF SPECIAL COMMITTEE

In accordance with House Concurrent Resolution No. 4422, the President appointed Senators Amondson, Murray and Smith to join with a like committee from the House of Representatives to notify the Governor that the Legislature is organized and ready to transact business.

MOTION

On motion of Senator Nelson, the appointees were confirmed.

There being no objection, the President returned the Senate to the fourth order of business.

MESSAGE FROM THE HOUSE

May 17, 1989

Mr. President:

The House has adopted SENATE CONCURRENT RESOLUTION NO. 8426, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SENATE CONCURRENT RESOLUTION NO. 8426.

REPORT OF SPECIAL COMMITTEE

The special committee composed of Senators Amondson, Murray and Smith appeared before the bar of the Senate to report that the Governor had been notified, under the provisions of House Concurrent Resolution No. 4422, that the Legislature is organized and ready to transact business.

The report was received and the committee was discharged.

MOTION

At 1:52 p.m., Senator Nelson moved that the Senate adjourn until 1:00 p.m., Friday, May 19, 1989.

OBJECTION TO MOTION TO ADJOURN UNTIL FRIDAY, MAY 19, 1989

Senator Vognild, on behalf of the Senate Democratic Caucus, objected to the motion to adjourn until Friday, May 19, 1989, and requested that his objection to not working on Thursday, May 18, 1989, be noted.

At 1:52 p.m., the Senate adjourned until 1:00 p.m., Friday, May 19, 1989.

JOEL PRITCHARD, President of the Senate.

GORDON A. GOLOB, Secretary of the Senate.

THIRD DAY

AFTERNOON SESSION

Senate Chamber, Olympia, Friday, May 19, 1989

The Senate was called to order at 1:00 p.m. by President Pro Tempore Bluechel. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present except Senators Cantu and Metcalf. On motion of Senator Anderson, Senators Cantu and Metcalf were excused.

The Sergeant at Arms Color Guard, composed of members of the Senate staff, Myrna Beebe and Nina Weld, presented the Colors. The Reverend Robert Samuelson, pastor of the Peace Lutheran Brethren Church of Olympia, offered the prayer.

MOTION

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

WELCOME TO SENATOR DEJARNATT

Senator Vognild welcomed Senator DeJarnatt back to the Senate after many weeks of illness.

The Senate gave Senator DeJarnatt a standing welcome back to the Senate.

MOTION

At 1:07 p.m., on motion of Senator Newhouse, the Senate was declared to be at ease.

The Senate was called to order at 3:15 p.m. by President Pro Tempore Bluechel.

MESSAGES FROM THE HOUSE

May 17, 1989

Mr. President:

The Speaker has signed SENATE CONCURRENT RESOLUTION NO. 8426, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

May 18, 1989

Mr. President:

The House has passed:

ENGROSSED HOUSE BILL NO. 1360,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2198,

HOUSE BILL NO. 2247, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

May 17, 1989

Mr. President:

The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1294,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1825, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

May 17, 1989

Mr. President:

The Speaker has signed:

HOUSE CONCURRENT RESOLUTION NO. 4422, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

INTRODUCTION AND FIRST READING

SB 6154 by Senators Rasmussen, Amondson, Smith, Hansen, Vognild and Madsen

AN ACT Relating to capital punishment; and amending RCW 10.95.060.

Referred to Committee on Law and Justice.

SB 6155 by Senator Anderson

AN ACT Relating to the child care facility fund; amending section 235, chapter --, Laws of 1989 1st ex. sess. (ESSB 5352) (uncodified); providing an effective date; and declaring an emergency.

HOLD.

SB 6156 by Senators Moore, Gaspard, Talmadge and Murray

AN ACT Relating to disposition of forfeited firearms; amending RCW 9.41.098; making an appropriation; and declaring an emergency.

HOLD.

SB 6157 by Senators Talmadge, Murray, Rasmussen, Kreidler, Smitherman, Wojahn and Williams

AN ACT Relating to destruction of forfeited firearms; and amending RCW 9.41.098.

Referred to Committee on Law and Justice.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

ESHB 1294 by Committee on Trade and Economic Development (originally sponsored by Representatives Rector, Cantwell, Doty, Schoon, Rasmussen, Moyer, Raiter, Day, Peery, Wineberry, Winsley, Dorn, Morris, Dellwo, Heavey, Prentice, Leonard, Valle, Wang, G. Fisher, Basich, Kremen, Jones, Cooper, Walk, R. King, Phillips, Hine, Todd, Pruitt, Brekke, H. Myers, Ebersole, Jacobsen, Inslee, Crane, Sprengle and P. King)

Establishing the Washington employment futures program.

HOLD.

EHB 1360 by Representatives R. Fisher, Ballard and Betrozoff (by request of Governor Gardner)

Revising personnel administration.

Referred to Committee on Ways and Means.

ESHB 1825 by Committee on Transportation (originally sponsored by Representatives R. Fisher, Wood, Walk, Nelson, G. Fisher, Day, Hankins, Walker, Cantwell, Todd, Heavey, Winsley, Pruitt, Wang, Prentice, R. King, Scott, Crane and Fraser)

Changing provisions relating to high capacity transportation systems.

HOLD.

ESHB 2198 by Committee on Energy and Utilities (originally sponsored by Representatives Nelson, Hankins, Cooper, Miller, May, Jacobsen, Brooks, Todd and H. Myers)

Pertaining to energy efficiency and conservation.

HOLD.

HB 2247 by Representatives Appelwick, Padden and Wineberry

Making a technical correction to the parenting act.

HOLD.

MOTION

On motion of Senator Newhouse, the rules were suspended and Engrossed Substitute House Bill No. 1825 and House Bill No. 2247 were advanced to second reading and placed on the second reading calendar.

SECOND READING

HOUSE BILL NO. 2247, by Representatives Appelwick, Padden and Wineberry

Making a technical correction to the parenting act.

The bill was read the second time.

MOTION

On motion of Senator Newhouse, the rules were suspended, House Bill No. 2247 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

MOTION

On motion of Senator Newhouse, further consideration of House Bill No. 2247 was deferred.

There being no objection, the President Pro Tempore reverted the Senate to the third order of business.

MESSAGE FROM THE GOVERNOR

*PARTIAL VETO MESSAGE ON SENATE BILL NO. 5233

May 13, 1989

To the Honorable, the Senate
of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to section 3, Senate Bill No. 5233 entitled:

"AN ACT Relating to burglary."

This legislation creates a new crime of residential burglary for those incidents in which an individual enters a dwelling for the purposes of committing "a crime against persons or property therein". The existing crime of burglary in the second degree is retained for cases involving buildings other than dwellings.

Section 3 of this measure increases the seriousness level of second degree burglary from range II to range III and ranks the new crime of residential burglary at an even higher level, range IV. These rankings have significant fiscal impacts on both state and local governments that are not fully addressed. Although the Legislature included funds in the Omnibus Budget for the purposes of this act, they fall far short of meeting the Department of Correction's needs. In addition, no funds were provided to address the impacts on local jails.

I support the intent of this bill. Residential burglary is a particularly offensive crime that not only results in material loss, but shatters the sense of privacy people enjoy within their homes. Persons who invade homes in this manner must be punished.

However, attempting to address this issue has highlighted some of the inflexibility of the state's Sentencing Reform Act. Because of the sentencing structure created by the Act, little can be done in response to the problem of burglary other than to raise the seriousness level, as accomplished by section 3.

I am retaining the new definition of residential burglary created by this bill, and the instructions in section 1 requiring the Sentencing Guidelines Commission to consider residential burglary as a more serious offense than burglary in the second degree. Because the provisions of the bill do not take effect until July 1990, I believe this veto allows us to more fully consider the ramifications of this sentencing change.

The long-term financial impact on the state adult and juvenile systems will mandate significant additional commitment of both capital and operating funds. I am concerned that the full financial reality of passing this bill has not settled upon

the Legislature. The Legislature should also consider the consistency of punishment level in this bill related to punishment for other criminal offenses.

Particular attention must also be paid to the effect these changes have on our local jail system. We can no longer continue to ignore the overcrowding and potentially dangerous conditions facing these facilities. At the same time the Legislature was enacting a measure extending eligibility for home detention programs to burglars, it was removing over fifty percent of the eligible inmates by the definition change included in this bill. The Sentencing Guidelines Commission is the proper place to consider these system-wide impacts.

I am asking the Sentencing Guidelines Commission to take up this issue for the purpose of recommending a resolution to the 1990 Legislature. The commission will review the relative rankings of these crimes, and will explore the possibility of reordering the sentencing grid in such a way as to allow courts greater flexibility in determining appropriate sanctions. In addition, the Commission will review the potential for changing sentencing practices associated with rank changes, and the relationship of deadly weapons enhancements to these two offenses.

With the exception of section 3, Senate Bill No. 5233 is approved.

Respectfully submitted,
Booth Gardner, Governor

*EDITOR'S NOTE: See Secretary of State transmittal and Governor's partial veto message on Senate Bill No. 5233 read in May 17, 1989.

MOTION

Senator Pullen moved that the Senate pass Senate Bill No. 5233 notwithstanding the Governor's veto of Section 3.

MOTION

Senator Vognild moved that the Senate defer further consideration of Senate Bill No. 5233 and the Governor's veto thereto.

Debate ensued.

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

The President Pro Tempore declared the question before the Senate to be the roll call on the motion by Senator Vognild to defer further consideration of Senate Bill No. 5233 notwithstanding the Governor's veto.

ROLL CALL

The Secretary called the roll and the motion by Senator Vognild to defer further consideration of Senate Bill No. 5233 notwithstanding the Governor's veto failed by the following vote: Yeas, 21; nays, 26; excused, 2.

Voting yea: Senators Bauer, Bender, Conner, DeJarnatt, Fleming, Gaspard, Hansen, Kreidler, Madsen, McMullen, Moore, Murray, Niemi, Rinehart, Smitherman, Sutherland, Talmadge, Vognild, Warnke, Williams, Wojahn - 21.

Voting nay: Senators Amondson, Anderson, Bailey, Barr, Benitz, Bluechel, Craswell, Hayner, Johnson, Lee, Matson, McCaslin, McDonald, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Saling, Sellar, Smith, Stratton, Thorsness, von Reichbauer, West - 26.

Excused: Senators Cantu, Metcalf - 2.

The President Pro Tempore declared the question before the Senate to be the motion by Senator Pullen that Senate Bill No. 5233 pass the Senate notwithstanding the Governor's veto of Section 3. The President Pro Tempore declared a vote 'yea' will override the Governor's veto and a vote 'nay' will sustain the veto. The President Pro Tempore declared that a two-thirds majority of those present is required to override the veto.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5233 notwithstanding the Governor's veto of Section 3, and the vote was as follows: Yeas, 38; nays, 9; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Craswell, Fleming, Gaspard, Hayner, Johnson, Lee, Matson, McCaslin, McDonald, McMullen, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, West, Williams, Wojahn - 38.

Voting nay: Senators Conner, DeJarnatt, Hansen, Kreidler, Madsen, Moore, Murray, Vognild, Warnke - 9.

Excused: Senators Cantu, Metcalf - 2.

SENATE BILL NO. 5233, having received the constitutional two-thirds majority, notwithstanding the Governor's veto of Section 3, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

EDITOR'S NOTE: See May 20, 1989, letter of transmittal to the Secretary of State by Secretary of the Senate, Gordon Golob, on Enrolled Senate Bill No. 5233 in the Index under Governor's Veto Messages.

There being no objection, the President Pro Tempore advanced the Senate to the seventh order of business.

There being no objection, the Senate resumed consideration of House Bill No. 2247, deferred on third reading earlier today.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Bill No. 2247.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2247, and the bill passed the Senate by the following vote: Yeas, 44; nays, 3; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Moore, Murray, Nelson, Newhouse, Owen, Patterson, Pullen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams - 44.

Voting nay: Senators Niemi, Rasmussen, Wojahn - 3.

Excused: Senators Cantu, Metcalf - 2.

HOUSE BILL NO. 2247, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SIGNED BY THE PRESIDENT

The President signed:

HOUSE CONCURRENT RESOLUTION NO. 4422.

There being no objection, the President Pro Tempore advanced the Senate to the eighth order of business.

MOTION

On motion of Senator Lee, the following resolution was adopted:

SENATE RESOLUTION 1989-8715

by Senators Lee, von Reichbauer, Amondson, McDonald, Sutherland, Anderson, McCaslin, Murray, Benitz, Nelson, Smith, Hansen, Barr, Craswell, Pullen, McMullen, Bailey, Warnke, Bender, Johnson, Saling, Moore, Williams, Smitherman, Hayner, Sellar, Talmadge, DeJarnatt, Patterson

WHEREAS, The noble American Elm trees that line the Des Moines Memorial Drive are of unique historical significance to the state and nation, each tree commemorating a Washington citizen who gave his or her life in World War I; and

WHEREAS, Of the original one thousand four hundred American Elms that were planted along both sides of the eleven miles of Des Moines Way in 1922, fewer than six hundred of the trees remain, due to trimming, disease, and other events; and

WHEREAS, The planting, believed to be the only "Memorial Lane" of trees honoring the war dead of World War I, was initiated by garden clubs and Parent-Teacher Associations; and

WHEREAS, In recent years the Sea Tac Task Force has organized the Memorial Elm Restoration Project in order to replenish the number of trees and restore the Memorial Drive to its uniquely original splendor; and

WHEREAS, The Seattle City Light, Puget Sound Power and Light, King County, and the Center for Urban Horticulture at the University of Washington have greatly assisted the Task Force by undertaking an inventory of the condition of the

remaining six hundred trees, which is the initial phase of the eventual restoration of trees that line the Memorial Drive; and

WHEREAS, This restoration project is an important part of the state's centennial celebration;

NOW, THEREFORE, BE IT RESOLVED, That the Sea Tac Task Force is to be commended on the Memorial Elm Restoration Project; and

BE IT FURTHER RESOLVED, That all state and local government agencies, along with private citizens, are encouraged to assist in this historically significant event; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the Sea Tac Task Force to be presented at the May 29th celebration at the Sunnydale Community Center.

MOTION

On motion of Senator Newhouse, all bills passed by the Senate today were ordered immediately transmitted to the House of Representatives.

PERSONAL PRIVILEGE

Senator DeJarnatt: "Thank you, Mr President. I wish to speak on a point of personal privilege. I want to tell the members of the Senate how great it is to be back. I really appreciated your generous welcome today.

"I want to thank the President and the members on both sides of the aisle for your plants, your flowers and your many messages of encouragement. I particularly want to thank Chairman Patterson and Chairman McCaslin and Chairman Metcalf for their kindness in moving my bills out of committee. I think I passed more bills this session than I ever have before--and there may be a message there somewhere. I do appreciate the one committee that adopted the resolution that I would get well and it passed four to three. I think that was really very gratifying.

"I want to thank the members of the staff, the Secretary of the Senate and the Sergeant at Arms for their assistance to my wife during some difficult times. I want to thank Representative Charles Wolfe who is one of four physicians in the House. Those House doctors even make house calls for Senators and I appreciate that. I want to thank my staff for their carrying on in my absence. They probably did a better job than I could have. I particularly want to thank my wife, who has been a real angel of mercy through some very difficult times. We've been married almost forty-three years. You get married for better or for worse and she's had more than her share of worse, I tell you.

"When you go through something like this, you realize how precious life can be and I would like to say to all of you, if there is something you plan to do in your life, don't put it off. If there's something you wanted to say to an estranged son or daughter or parent or relative, say it, because as the bard said, 'We play our role upon this stage a very brief time and then the candle goes out,' so you have to take advantage of it.

"But this experience today and your welcome, it has been very, very gratifying and appreciated very much. Thank you very much."

MOTION

At 4:08 p.m., on motion of Senator Newhouse, the Senate adjourned until 10:00 a.m., Saturday, May 20, 1989.

JOEL PRITCHARD, President of the Senate.

GORDON A. GOLOB, Secretary of the Senate.

FOURTH DAY

MORNING SESSION

Senate Chamber, Olympia, Saturday, May 20, 1989

The Senate was called to order at 10:00 a.m. by President Pro Tempore Bluechel. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present except Senators Cantu, Conner, DeJarnatt, Metcalf, Niemi, Talmadge and West. On motion of Senator Anderson, Senators Cantu, Metcalf and West were excused. On motion of Senator Bender, Senators DeJarnatt and Talmadge were excused.

The Sergeant at Arms Color Guard, composed of members of the Senate staff, Margy Senna and Ellen Luttrell-Palmer, presented the Colors. The Reverend Robert Samuelson, pastor of the Peace Lutheran Brethren Church of Olympia, offered the prayer.

MOTION

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

MOTION

On motion of Senator Newhouse, the rules were suspended and Senate Bill No. 6155, which was introduced May 19, 1989, and held on the desk, was advanced to second reading and placed on the second reading calendar.

MOTION

At 10:09 a.m., on motion of Senator Newhouse, the Senate was declared to be at ease.

The Senate was called to order at 11:33 a.m. by President Pro Tempore Bluechel.

At 11:33 a.m., there being no objection, the President Pro Tempore recessed the Senate until 1:30 p.m.

The Senate was called to order at 1:38 p.m. by President Pritchard.

MOTION

At 1:38 p.m., on motion of Senator Newhouse, the Senate recessed until 3:00 p.m.

The Senate was called to order at 3:06 p.m. by President Pritchard.

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

SECOND READING

SENATE BILL NO. 6155, by Senator Anderson

Clarifying that an appropriation is to be deposited in the child care facility fund.

The bill was read the second time.

MOTION

On motion of Senator Lee, the rules were suspended, Senate Bill No. 6155 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6155.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6155, and the bill passed the Senate by the following vote: Yeas, 29; nays, 8; absent, 7; excused, 5.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Craswell, Fleming, Hayner, Johnson, Kreidler, Lee, Matson, McDonald, Moore, Murray, Nelson, Newhouse, Owen, Patterson, Pullen, Rinehart, Sellar, Smith, Smitherman, Stratton, Sutherland, Thorsness, von Reichbauer - 29.

Voting nay: Senators Gaspard, Hansen, Madsen, Rasmussen, Vognild, Warnke, Williams, Wojahn - 8.

Absent: Senators Amondson, Anderson, Conner, McCaslin, McMullen, Niemi, Saling - 7.

Excused: Senators Cantu, DeJarnatt, Metcalf, Talmadge, West - 5.

SENATE BILL NO. 6155, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

STATEMENT FOR THE JOURNAL

May 20, 1989

Mary Wiley
Journal Clerk

Due to a meeting in Chelan on health care issues, I missed the vote on Senate Bill No. 6155. I would have voted 'aye' on the bill.

SENATOR PHIL TALMADGE,
34th District

There being no objection, the President returned the Senate to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 6158 by Senators Kreidler, Talmadge, Madsen, Moore, McMullen and Bender

AN ACT Relating to unemployment compensation during labor disputes; and amending RCW 50.20.090.

Referred to Committee on Economic Development and Labor.

SB 6159 by Senators Warnke, Pullen and Vognild

AN ACT Relating to burglary; reenacting and amending RCW 9.94A.320; making appropriations; providing effective dates; and declaring an emergency.

Referred to Committee on Law and Justice.

SB 6160 by Senators Bluechel, Sutherland, Owen and Pullen

AN ACT Relating to ham radio operator sites; amending section 315, chapter -- (ESSB 5352), Laws of 1989 1st ex. sess. (uncodified); and declaring an emergency.

Referred to Committee on Ways and Means.

SB 6161 by Senators Sellar and Vognild (by request of Governor Gardner)

AN ACT Relating to transportation taxes; amending RCW 82.36.025, 46.68.090, 82.36.030, 82.38.150, 36.79.140, 82.36.440, 82.38.280, 46.16.070, 46.16.090, 46.44.0941, 46.44.095, 46.68.030, 46.08.010, 82.44.010, 82.44.020, 82.44.060, 82.44.110, 82.44.120, 82.44.150, 82.44.160, 82.44.170, 82.14.200, 82.14.210, 35.58.2721, 35.58.273, 35.58.279, 35.58.2791, 35.58.2792, 36.56.040, 43.62.010, 46.16.220, 82.50.400, 82.50.410, 82.50.510, 46.12.360, 47.56.711, 47.60.160, 47.60.326, 47.60.420, and 47.60.440; reenacting and amending RCW 82.14.045, 82.02.030, 46.68.124, and 47.60.150; adding a new section to chapter 46.68 RCW; adding a new section to chapter 47.60 RCW; adding new sections to chapter 82.44 RCW; adding new sections to chapter 82.50 RCW; adding a new chapter to Title 82 RCW; creating new sections; repealing RCW 35.58.274, 35.58.275, 35.58.276, 35.58.277, 35.58.278, 82.44.013, 82.44.040, 82.44.045, 82.44.050, 82.50.420, 82.50.430, 47.56.712, 47.56.713, 47.56.714, 47.56.715, 47.56.716, 47.56.365, and 47.60.543; providing effective dates; and declaring an emergency.

HOLD.

SB 6162 by Senators Sutherland and Owen

AN ACT Relating to timber management for the future in Washington state; adding a new chapter to Title 43 RCW; making appropriations; and declaring an emergency.

Referred to Committee on Environment and Natural Resources.

MOTIONS

On motion of Senator Newhouse, the rules were suspended and Senate Bill No. 6161 was advanced to second reading and placed on the second reading calendar.

On motion of Senator Newhouse, Senate Bill No. 6156, which was introduced May 19, 1989, and held on the desk, was referred to the Committee on Law and Justice.

On motion of Senator Newhouse, Engrossed Substitute House Bill No. 1294, which was introduced May 19, 1989, and held on the desk, was referred to the Committee on Economic Development and Labor.

On motion of Senator Newhouse, Engrossed Substitute House Bill No. 2198, which was introduced May 19, 1989, and held on the desk, was referred to the Committee on Energy and Utilities.

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

MOTION

On motion of Senator Vognild, the following resolution was adopted:

SENATE RESOLUTION 1989-8717

by Senators Vognild, Warnke, Hayner, Sellar, Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, West, Williams and Wojahn

WHEREAS, Warren Grant Magnuson, our own "Maggie," who served the people of Washington and the United States for over forty-four years, died Saturday, May 20, 1989, at the age of eighty-four; and

WHEREAS, Senator Magnuson is survived by his lovely wife, Jermaine, his daughter, Juanita Garrison, and two grandchildren; and

WHEREAS, Two common threads run through Senator Magnuson's illustrious career of public service: protecting the national heritage and compassion for those in need of a helping hand; and

WHEREAS, Warren G. Magnuson was the preeminent leader in Congress in the fields of consumer protection, health care and environmental quality; and

WHEREAS, Maggie did more to promote economic development, reopen trade and commerce with the People's Republic of China, and bring water to millions of acres of desert in Eastern Washington than any person in history; and

WHEREAS, Warren G. Magnuson was always known as a workhorse and not a show horse, but he also counted the famous and successful from all professions as his friends and confidants; and

WHEREAS, Senator Magnuson truly cared about each individual person, great and small, and his dedication to the best interests of all people are an inspiration to us all;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate expresses its deepest sympathy to the family and friends of Senator Warren Grant Magnuson, in remembrance of his unparalleled career and truly remarkable life; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate immediately transmit a copy of this resolution to Senator Magnuson's family.

President Pritchard gave a tribute to Senator Magnuson.

MOMENT OF SILENCE

At the request of Senator Rasmussen, the Senate stood in silence in memory of Senator Warren G. Magnuson.

MOTION

On motion of Senator Anderson, Senators Amondson, McCaslin and Saling were excused.

There being no objection, the President reverted the Senate to the third order of business.

DEPARTMENT OF WILDLIFE
600 North Capitol Way
Olympia, Washington

April 6, 1989

Booth Gardner
Governor
State of Washington
Legislative Building
Olympia, Washington 98504

Dear Governor Gardner:

Please accept my resignation from the office of Director of the Department of Wildlife to which I was appointed on June 10, 1988. I request that this resignation be effective at the close of business, April 6, 1989.

Sincerely,
CURTIS G. SMITCH, Director

MESSAGE FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENT

April 7, 1989

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Dr. Curtis G. Smitch, appointed April 7, 1989, for a term ending at the Governor's pleasure, as the Director of the Department of Wildlife.

Pertinent information regarding Dr. Smitch was forwarded to you following his previous appointment to the office of Director of the Department of Wildlife on June 10, 1988. A copy of the completed Senate standard questionnaire is enclosed.

When I first appointed Dr. Smitch as Director of the Department of Wildlife, I intended that his, like the chief officers of other executive departments, would continue to serve at the Governor's pleasure unless rejected by the Senate. Because Dr. Smitch was appointed as a permanent director, I transmitted notice of the appointment to the Secretary of the Senate. Some asserted that, because Dr. Smitch was appointed while the Senate was not in session, he served as a "temporary" director. A temporary director of Wildlife may not serve more than one year.

On April 6, 1989, Dr. Smitch submitted his resignation from the position to which he was appointed on June 10, 1988. I have consulted and been advised by the Wildlife Commission regarding the appointment of a Director of Wildlife which would follow if Dr. Smitch submitted his resignation. The Commission was unanimous in its support for the appointment of Dr. Smitch. On April 7, 1989, I appointed Dr. Smitch as the permanent Director of the Department of Wildlife. This appointment is made at a time when the Senate is in session. Accordingly, Dr. Smitch shall continue to serve at the pleasure of the Governor unless rejected by a majority vote of the full Senate.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Environment and Natural Resources.

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

SECOND READING

SENATE BILL NO. 6161, by Senators Sellar and Vognild (by request of Governor Gardner)

Modifying transportation tax rates and distributions.

The bill was read the second time.

MOTION

On motion of Senator Nelson, the rules were suspended, Senate Bill No. 6161 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Moore: "I have a couple questions and I'm not sure to whom to address them, but Senator Patterson or maybe Senator Bender could answer them. You know, the highway between Seattle and Tacoma, unless you have one of those ten thousand pound vehicles, is getting pretty rough for those of us that drive back and forth on it. I'm wondering what's going to happen in the next couple of years to restructuring, maybe resurfacing? Is there anything going on in this budget? Since I'm not a member of the committee, I'm really not privy to a lot of these things, but can somebody give me an idea of whether we're going to get some resurfacing done or not?"

Senator Patterson: "Senator Moore, that's interstate. There are dollars that are made available for the maintenance of the interstate system throughout the state of Washington and throughout the nation. Many times the federal government, in releasing the trust fund monies for interstate, hold it back for purposes other than transportation. I would hope that there might be some dollars, however, that would be a matter of money that the department does receive from the federal government, and if that is one of the projects that they have on line for maintenance or repair, there may be something, but I'm not aware of it right now."

Senator Moore: "Thank you, Senator. Thank you, Mr. President."

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6161.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6161, and the bill failed to pass the Senate by the following vote: Yeas, 15; nays, 26; absent, 2; excused, 6.

Voting yea: Senators Bender, Fleming, Johnson, Kreidler, Lee, Moore, Murray, Nelson, Owen, Pullen, Smitherman, Stratton, Talmadge, Vognild, Wojahn - 15.

Voting nay: Senators Anderson, Bailey, Barr, Bauer, Benitz, Bluechel, Craswell, Gaspard, Hansen, Hayner, Madsen, Matson, McDonald, McMullen, Newhouse, Patterson, Rasmussen, Rinehart, Sellar, Smith, Sutherland, Thorsness, von Reichbauer, Warnke, West, Williams - 26.

Absent: Senators Conner, Niemi - 2.

Excused: Senators Amondson, Cantu, DeJarnatt, McCaslin, Metcalf, Saling - 6.

SENATE BILL NO. 6161, having failed to receive the constitutional majority, was declared lost.

MOTION

At 4:11 p.m., on motion of Senator Newhouse, the Senate was declared to be at ease.

The Senate was called to order at 4:46 p.m. by President Pritchard.

There being no objection, the President returned the Senate to the fourth order of business.

MESSAGES FROM THE HOUSE

May 20, 1989

Mr. President:

The Speaker has signed HOUSE BILL NO. 2247, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

May 20, 1989

Mr. President:

The House has passed SENATE BILL NO. 6155, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

May 20, 1989

Mr. President:

The House has passed SENATE BILL NO. 5233 with the constitutional two-thirds majority vote, 71 yeas and 9 nays, notwithstanding the Governor's veto, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:
HOUSE BILL NO. 2247.

SIGNED BY THE PRESIDENT

The President signed:
SENATE BILL NO. 6155.

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

MOTION

On motion of Senator Newhouse, the following resolution was adopted:

SENATE RESOLUTION 1989-8716

by Senators Hayner, Sellar, Vognild and Warnke

BE IT RESOLVED, By the Senate, That a committee consisting of three members of the Senate be appointed to notify the House that the Legislature is about to adjourn SINE DIE.

APPOINTMENT OF SPECIAL COMMITTEE TO NOTIFY
HOUSE OF ADJOURNMENT SINE DIE

Under the provisions of Senate Resolution 1989-8716, the President appointed Senators Anderson and Smitherman to notify the House of Representatives that the Senate is about to adjourn SINE DIE.

MOTION

On motion of Senator Newhouse, the appointees were confirmed.
The committee retired to the House of Representatives.

There being no objection, the President returned the Senate to the fifth order of business.

INTRODUCTION AND FIRST READING

SCR 8427 by Senators Hayner, Sellar, Vognild and Warnke

Adjourning the Legislature.

MOTIONS

On motion of Senator Newhouse, the rules were suspended, Senate Concurrent Resolution No. 8427 was advanced to second reading and read the second time.

On motion of Senator Newhouse, the rules were suspended, Senate Concurrent Resolution No. 8427 was advanced to third reading, the second reading considered the third and the concurrent resolution was adopted.

INTERIM COMMITTEE APPOINTMENTS

President Pritchard appointed the following Senators to interim committees:

EMERGENCY COMMITTEE ON ENERGY AND UTILITIES: Senators Sutherland, Williams, Benitz and Newhouse.

LEAP COMMITTEE: Senators McDonald, Gaspard, Madsen and Cantu.

LEGISLATIVE BUDGET COMMITTEE: Senators Wojahn, Barr, Warnke, Saling, Bauer, Lee, Gaspard and Smith.

LEGISLATIVE TRANSPORTATION COMMITTEE: Senators Patterson, Bender, Sellar, Connor, Nelson, Hansen, von Reichbauer, Madsen, Thorsness, McMullen and West.

JOINT SELECT SUNSET COMMITTEE: Senators Lee, Sutherland, Craswell, Rinehart and Amondson.

MOTION

On motion of Senator Newhouse, the appointees were confirmed.

MOTION

At 5:18 p.m., on motion of Senator Newhouse, the Senate was declared to be at ease.

The Senate was called to order at 5:27 p.m. by President Pritchard.

COMMITTEE FROM THE HOUSE NOTIFYING
THE SENATE OF ADJOURNMENT SINE DIE

The Sergeant at Arms announced the arrival of the committee from the House of Representatives composed of Representatives Fuhrman, Myers and Raiter. The committee appeared before the bar of the Senate to notify the Senate that the House is about to adjourn SINE DIE.

The report was received and the committee returned to the House of Representatives.

REPORT OF SPECIAL COMMITTEE APPOINTED TO NOTIFY
THE HOUSE OF ADJOURNMENT SINE DIE

The Sergeant at Arms announced the return of the special committee composed of Senators Anderson and Smitherman who were appointed under the provisions of Senate Resolution 1989-8716. The committee reported they had notified the House of Representatives that the Senate is about to adjourn SINE DIE.

The report was received and the committee was discharged.

MOTION

At 5:31 p.m., on motion of Senator Newhouse, the Senate was declared to be at ease.

The Senate was called to order at 5:40 p.m. by President Pritchard.

There being no objection, the President returned the Senate to the fourth order of business.

MESSAGES FROM THE HOUSE

May 20, 1989

Mr. President:

The House has adopted HOUSE CONCURRENT RESOLUTION NO. 4423, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

May 20, 1989

Mr. President:

The House has adopted HOUSE CONCURRENT RESOLUTION NO. 4424, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

INTRODUCTION AND FIRST READING OF HOUSE BILL

HCR 4424 by Representatives Ebersole and Ballard

Appointing a committee to notify the Governor that the Legislature is about to adjourn sine die.

MOTIONS

On motion of Senator Newhouse, the rules were suspended, House Concurrent Resolution No. 4424 was advanced to second reading and read the second time.

On motion of Senator Newhouse, the rules were suspended, House Concurrent Resolution No. 4424 was advanced to third reading, the second reading considered the third and the concurrent resolution was adopted.

APPOINTMENT OF SPECIAL COMMITTEE TO NOTIFY
GOVERNOR OF ADJOURNMENT SINE DIE

Under the provisions of House Concurrent Resolution No. 4424, the President appointed Senators Anderson, Smitherman and Barr to join with a like committee from the House of Representatives to notify the Governor that the Legislature is about to adjourn SINE DIE.

MOTION

On motion of Senator Newhouse, the appointees were confirmed.

INTRODUCTION AND FIRST READING OF HOUSE BILL

HCR 4423 by Representatives Ebersole and Ballard

Providing for transmittal of bills, resolutions, and memorials upon adjournment of legislature.

MOTIONS

On motion of Senator Newhouse, the rules were suspended, House Concurrent Resolution No. 4423 was advanced to second reading and read the second time.

On motion of Senator Newhouse, the rules were suspended, House Concurrent Resolution No. 4423 was advanced to third reading, the second reading considered the third and the concurrent resolution was adopted.

There being no objection, the President returned the Senate to the fourth order of business.

MESSAGES FROM THE HOUSE

May 20, 1989

Mr. President:

The House has adopted SENATE CONCURRENT RESOLUTION NO. 8427, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

May 20, 1989

Mr. President:

The Speaker has signed SENATE BILL NO. 6155, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SENATE CONCURRENT RESOLUTION NO. 8427.

REPORT OF SPECIAL COMMITTEE APPOINTED TO NOTIFY
THE GOVERNOR OF ADJOURNMENT SINE DIE

The Sergeant at Arms announced the return of the special committee composed of Senators Anderson, Smitherman and Barr who were appointed under the provisions of House Concurrent Resolution No. 4424. The committee reported they joined with a like committee from the House of Representatives and notified the Governor that the Legislature is about to adjourn SINE DIE.

The report was received and the committee was discharged.

MESSAGES FROM THE HOUSE

May 20, 1989

Mr. President:

The Speaker has signed SENATE CONCURRENT RESOLUTION NO. 8427, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

May 20, 1989

Mr. President:

The Speaker has signed HOUSE CONCURRENT RESOLUTION NO. 4423, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

May 20, 1989

Mr. President:

The Speaker has signed HOUSE CONCURRENT RESOLUTION NO. 4424, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

HOUSE CONCURRENT RESOLUTION NO. 4423.

SIGNED BY THE PRESIDENT

The President signed:

HOUSE CONCURRENT RESOLUTION NO. 4424.

RETURN OF BILLS TO HOUSE OF REPRESENTATIVES

Under the provisions of HOUSE CONCURRENT RESOLUTION NO. 4423, the Senate returned the following bills to the House of Representatives:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1294,

ENGROSSED HOUSE BILL NO. 1360,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1825,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2198.

MOTION

On motion of Senator Newhouse, the Senate Journal for the fourth day of the 1989 Second Special Session of the Fifty-first Legislature was approved.

MOTION

At 5:53 p.m., on motion of Senator Newhouse, the 1989 Second Special Session of the Fifty-first Legislature adjourned SINE DIE.

JOEL PRITCHARD, President of the Senate.

GORDON A. GOLOB, Secretary of the Senate.

APPENDIX A
COMMENTS

WASHINGTON BUSINESS
CORPORATION ACT

Prepared by

Corporate Act Revision Committee
of the Washington State Bar Association

(See Senate Bill No. 5583, page 379)

APPENDIX A: BUSINESS CORPORATION ACT COMMENTS

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APPENDIX A: BUSINESS CORPORATION ACT COMMENTS

COMMENTS**CHAPTER 1. GENERAL PROVISIONS****Section 1.01 Short Title.**

The short title provided by Proposed section 1.01 creates a convenient name for Washington's business corporation act.

See the Introduction for a general description of the development of the Proposed Act, including its substantial reliance on the provisions in the Revised Model Business Corporation Act, the purposes it is intended to serve, the principles under which the Revised Model Act was prepared, and the roles of Cross References and Comments.

Section 1.02 Reservation of Power to Amend or Repeal.

Provisions similar to Wash. Const. art. XII, section 1, and Proposed section 1.02 have their genesis in Trustees of Dartmouth College v. Woodward, 17 U.S. (4 Wheat) 518 (1819), which held that the United States Constitution prohibited the application of newly enacted statutes to existing corporations while suggesting the efficacy of a reservation of power similar to Proposed section 1.02. The purpose of Wash. Const. art. XII, section 1, and Proposed section 1.02 is to avoid any possible argument that a corporation has contractual or vested rights in any specific statutory provision and to ensure that the state may in the future modify its corporation statutes as it deems appropriate and require existing corporations to comply with the statutes as modified. See generally Seattle Trust & Savings Bank v. McCarthy, 94 Wash. 2d 605 (1980).

All articles of incorporation or certificates of authority granted under the Proposed Act are subject to the reservation of power set forth in Proposed section 1.02. Further, corporations "governed" by this Act--which include all corporations formed or qualified under earlier, general incorporation statutes that contain a reservation of power--are also subject to the reservation of power of Proposed section 1.02 and bound by subsequent amendments to the Act.

Section 1.20 Filing Requirements.

Proposed section 1.20 standardizes the filing requirements for all documents required or permitted by the Proposed Act to be filed with the secretary of state. In a few instances, other sections of the Act impose additional requirements which must also be complied with if the document in question is to be filed. Proposed section 1.20 relates only to documents which the Proposed Act expressly requires or permits to be filed with the secretary of state; it does not authorize or direct the secretary of state to accept or reject for filing other documents relating to corporations and does not treat documents required or permitted to be filed under other statutes.

The purposes of the filing requirements of chapter 1 are: (1) to simplify the filing requirements by the elimination of formal or technical requirements that serve little purpose, (2) to minimize the number of pieces of paper to be processed by the secretary of state, and (3) to eliminate all possible disputes between persons seeking to file documents and the secretary of state as to the legal efficacy of documents.

The requirements of Proposed section 1.20 may be summarized as follows: (1) To be eligible for filing, a document must be typed or printed and in the English language (except to the limited extent permitted by Proposed subsection 1.20(e)).

(2) To be filed a document must simply be executed by a corporate officer. Proposed subsection 1.21(f). No specific corporate officer is designated as the appropriate officer to sign though the signing officer must designate the office or the capacity in which the officer signs the document. Among the officers who are expressly authorized to sign a document is the chairperson of the board of directors, a choice that may be appropriate if the corporation has a board of directors but has not appointed officers. If a corporation has not been formed or has neither officers nor a board of directors, an incorporator may execute the document. Many organizations, like lenders or title companies, may desire that specific documents

include acknowledgements, verifications, or seals; Proposed subsection 1.21(g) therefore provides that the addition of these forms of execution does not affect the eligibility of the document for filing.

(3) A document must be filed by the secretary of state if it contains the information required by the Proposed Act. The document may contain additional information or statements and their presence is not ground for the secretary of state to reject the document for filing. These documents must be accepted for filing even though the secretary of state believes that the language is illegal or unenforceable. In view of this very limited discretion granted to the secretary of state under this section, Proposed subsection 1.25(d) defines the secretary of state's role as "ministerial" and provides that no inference or presumption arises from the fact that the secretary of state accepted a document for filing. See the Comments to Proposed sections 1.25 and 1.30.

(4) Proposed subsection 1.20(i) requires that a document filed with the secretary of state must be accompanied by "one exact or conformed copy." The requirement in the old law and in many state statutes that "duplicate originals" (each being executed as an original document) be submitted has been eliminated. Under Proposed subsection 1.20(i) an "exact" copy is a reproduction of the executed original document by photographic or xerographic process; a "conformed" copy is a copy on which the existence of signatures is entered or noted on the copy. The substitution of exact or conformed copies for duplicate originals reflects advances in the art of office copying machines that permit the routine reproduction of exact copies of executed documents. However, a person submitting "duplicate originals" meets the requirement of this section since the secretary of state may treat the duplicate original as a "conformed copy." The reasons for requiring an exact or conformed copy of a filed document to accompany the signed original, and the processing of these documents by the secretary of state, are discussed in the Comment to Proposed section 1.25.

Section 1.21 Forms.

As described in the Comment to Proposed section 1.20, documents are entitled to filing under the Proposed Act if they meet the substantive and formal requirements of the Act; they may also contain additional information if the person submitting the document so elects. See the Comments to Proposed sections 1.20 and 1.25. Certain types of reports and requests for documents may be processed efficiently only if uniform forms are prescribed by the secretary of state. Certificates of existence, for example, should require specific information located at specific places on the form; similarly, processing of large-volume, largely routine filings is expedited if standardized forms are required. Also, the disclosure requirements of the annual report may be administered on a systematic basis if a standardized form is mandated.

Section 1.22 Filing, Service and Copying Fees.

Proposed section 1.22 establishes in a single section the filing fees for all documents that may be filed under the Proposed Act.

The catch-all in Proposed subsection 1.22(b)(3) will apply to any document for which a statute does not establish a specific filing fee plus any document that later amendments to the statute may authorize or direct be filed with the secretary of state without establishing a specific filing fee.

Proposed subsection 1.22(b)(4) states that no fee is applicable to filing the resignation of a registered agent if appointed without consent. This provision permits a person who is named as a registered agent without consent to eliminate any reference to the person in the records of the secretary of state without expense.

Proposed sections 5.04, 11.07, 15.07, 15.20, and 15.31 require the secretary of state to serve as agent for service of process on domestic and foreign corporations under the circumstances there specified. The fee for this service is set forth in Proposed subsection 1.22(c).

Proposed subsection 1.22(d) establishes standard fees for copying filed documents and certifying that copies are true copies.

Section 1.23 Effective Time and Date of Document.

Proposed subsection 1.23(a) provides that documents accepted for filing become effective at the close of business on the date of filing, or at another specified time on that date, unless a delayed effective date is selected under Proposed subsection 1.23(b). Proposed subsection 1.23(c) continues the rule stated in the old law: it treats a document as effective as of the date it is submitted for filing even though it may not be reviewed and accepted for filing until several days later.

The effective time provisions set forth in Proposed subsection 1.23(a) should provide counsel with sufficient flexibility to plan same-day transactions in which documents (e.g., articles of merger) are filed on the morning of the day the transaction is to become effective.

Proposed subsection 1.23(b) provides an alternative method of establishing the effective date of a document. The document itself may fix as its effective date any date within 90 days after the date it is filed; it may also fix the time it becomes effective on that date. If no time is specified, the document becomes effective as of the close of business on the specified date. The Proposed Act also allows the effective date fixed in a document to be corrected to a limited extent. See the Comment to Proposed section 1.24.

Proposed subsection 1.23(b) does not authorize the retroactive establishment of an effective date before the date of filing.

Section 1.24 Correcting Filed Document.

Proposed section 1.24 permits making corrections in filed documents without refiling the entire document or submitting formal articles of amendment. This correction procedure has two advantages: (1) filing articles of correction may be less expensive than refiling the document or filing articles of amendment, and (2) articles of correction do not alter the effective date of the underlying document being corrected. Indeed, under Proposed subsection 1.24(c), even the correction relates back to the original effective date of the document except as to persons relying on the original document and adversely affected by the correction. As to these persons, the effective date of articles of correction is the date such articles are filed.

A document may be corrected either because it contains an "incorrect statement" or because it was defectively executed (including defects in optional forms of execution that do not affect the eligibility of the original document for filing).

A provision in a document setting an effective date (Proposed section 1.23) may be corrected under this section, but the corrected effective date must comply with Proposed section 1.23 measured from the date of the original filing of the document being corrected, i.e., it cannot be before the date of filing of the document or more than 90 days thereafter.

Section 1.25 Filing Duty of Secretary of State.

Under Proposed section 1.25 the secretary of state is required to file a document if it "satisfies the requirements of section 1.20." This language should be contrasted with the old law (and many state statutes) that required the secretary of state to ascertain whether the document "conformed with law" before filing it. The purpose of this change is to limit the discretion of the secretary of state to a ministerial role in reviewing the contents of documents. If the document submitted is in the form prescribed and contains the information required by Proposed section 1.20 and the applicable provision of the Proposed Act, the secretary of state under Proposed section 1.25 must file it even though it contains additional provisions the secretary of state may feel are irrelevant or not authorized by the Proposed Act or by general principles. Consistently with this approach, Proposed subsection 1.25(d) states that the filing duty of the secretary of state is ministerial and provides that filing a document with the secretary of state does not affect the validity or invalidity of any provision contained in the document and does not create any presumption with respect to any provision. Persons adversely affected by provisions in a document may test their validity in a proceeding appropriate for that purpose. Similarly, the attorney general of the state may also question the validity of provisions of documents filed with the secretary of state in an independent suit brought for that purpose; in neither case should any presumption or inference be drawn about the validity of the provision from the fact that the secretary of state accepted the document for filing.

Proposed subsection 1.25(b) provides that when the secretary of state files a document, the secretary of state stamps or endorses it as filed, retains the signed original document for the secretary of state's records, and returns the exact or conformed copy (which must accompany the document under Proposed subsection 1.20(i)) to the corporation or its representative. This will establish that a document has been filed in the form of the copy. Consideration was given to dispensing with the document copy entirely and providing only for the return of a fee receipt or equivalent document. Several states currently follow this practice with respect to articles of incorporation and other documents. It was felt to be important, however, to continue a practice by which each corporation receives back from the secretary of state for its records a document that on its face shows that it is an exact or conformed copy of the document that was filed with the secretary of state. This copy is usually placed in the minute book and is available for informal inspection without requiring a person to examine the records of the secretary of state. Of course, a person desiring a certified copy of any filed document may obtain it from the office of the secretary of state by paying the fee prescribed in Proposed subsection 1.22(d).

Proposed subsection 1.25(b) provides that acceptance of articles of incorporation or other documents is evidenced merely by return of a copy endorsed as filed. The old law and the statutes of many states provided that acceptance by the secretary of state is evidenced by a "certificate" (e.g., of incorporation, of merger, or of amendment). This older practice was not retained in the Proposed Act because it was felt desirable to reduce the number of pieces of paper issued by the secretary of state.

Because of the simplification of formal filing requirements and the limited discretion granted to the secretary of state by the Proposed Act, it is probable that rejection of documents for filing will occur only rarely. Proposed subsection 1.25(c) provides that if the secretary of state does reject a document for filing the secretary of state must return it to the corporation or its representative together with a brief written explanation of the secretary of state's reason for rejection. This rejection may be the basis of judicial review under Proposed section 1.26.

Section 1.26 Judicial Review of Secretary of State's Refusal To File Document.

The Committee rejected the RMA approach, which would have defined the court to hear appeals from actions of the secretary of state, described the petition, and make some very general statements regarding the proceeding and appeal therefrom. The Committee believed that the only comprehensive way to deal with such judicial review was to invoke the Administrative Procedure Act and authorities thereunder. Hence, it substituted Proposed section 1.26 for RMA 1.26.

Section 1.27 Evidentiary Effect of Copy of Filed Document.

The secretary of state may be requested to certify that a specific document has been filed with the secretary of state upon payment of the fees specified in Proposed section 1.22. Proposed section 1.27 provides that the certificate is conclusive evidence only that the original document is on file. The limited effect of the certificate is consistent with the ministerial filing obligation imposed on the secretary of state under the Proposed Act.

Section 1.28 Certificate of Existence or Authorization.

Proposed section 1.28 establishes a procedure by which any person may obtain a conclusive certificate from the secretary of state that a particular domestic or foreign corporation is in existence or is authorized to transact business in the state. The secretary of state is to make the judgment whether or not the corporation is in existence or is authorized to transact business from public records only and is not expected to make a more extensive investigation. In appropriate cases, the secretary of state may issue a certificate subject to specified qualifications.

Proposed subsection 1.28(b)(5) refers only to fees or penalties imposed by the Proposed Act and collected by the secretary of state or collected by other agencies and reported to the secretary of state. Proposed subsection 1.28(b)(5) relates only to fees or penalties to the extent their nonpayment affects the existence or authorization to transact business of the corporation.

A certificate of existence or authorization that may be relied on as binding and conclusive is of material assistance to attorneys who may be required to give formal legal opinions in connection with corporate transactions.

Section 1.29 Penalty for Signing False Document.

Proposed section 1.29 makes it a criminal offense for any person to sign a document knowing it is false in any material respect with intent that the document be submitted for filing to the secretary of state.

Section 1.30 Powers.

Proposed section 1.30 is intended to grant the secretary of state the authority necessary for efficient performance of the filing and other duties imposed on the secretary of state by the title but is not intended to give the secretary of state general authority to establish public policy. The most important aspects of a modern corporation statute relate to the creation and maintenance of relationships among persons interested in or involved with a corporation; these relationships basically should be a matter of concern to the parties involved and not subject to regulation or interpretation by the secretary of state. Further, even in situations where it is claimed that the corporation has been formed or is being operated for purposes that may violate the public policies of the state, the secretary of state generally should not be the governmental official that determines the scope of public policy through administration of filing responsibilities under the title. Rather, the attorney general may seek to enjoin the illegal conduct or to dissolve involuntarily the offending corporation.

Section 1.40 Title Definitions.

Proposed section 1.40 collects in a single section definitions of terms used throughout the Proposed Act. Sections of the Act in a few instances contain specialized definitions applicable only to those sections.

Some of the definitions of Proposed section 1.40 are drawn directly from the old law and are reasonably self-explanatory. A number of definitions, however, are new or deserve further explanation.

"Conspicuous" is defined in Proposed subsection 1.40(3) basically as defined in section 1-201(10) of the UNIFORM COMMERCIAL CODE. Even though the definition indicates some of the methods by which a provision may be made attention-calling, the test is whether attention can reasonably be expected to be called to it.

"Corporation," "domestic corporation," and "foreign corporation" are defined in Proposed subsections 1.40(4) and (10). The word "corporation," when used alone, refers only to domestic corporations. In a few instances, the phrase "domestic corporation" has been used in order to contrast it with a foreign corporation.

The term "distribution" defined in Proposed subsection 1.40(6) is a fundamental element of the financial provisions of the old law as amended in 1984. Proposed section 6.40 sets forth a single, unitary test for the validity of any "distribution." Proposed subsection 1.40(6) in turn defines "distribution" to include all transfers of money or other property made by a corporation to any shareholder in respect of the corporation's shares, except mere changes in the unit of interest such as share dividends and share splits. Thus, a "distribution" includes the declaration or payment of a dividend, a purchase by a corporation of its own shares, a distribution of evidences of indebtedness or promissory notes of the corporation, and a distribution in voluntary or involuntary liquidation.

The term "indirect" in the definition of "distribution" is intended to include transactions like the repurchase of parent company shares by a subsidiary whose actions are controlled by the parent. It also is intended to include any other transaction in which the substance is clearly the same as a typical dividend or share repurchase, no matter how structured or labeled.

The term "entity," defined in Proposed subsection 1.40(9), appears in the definition of "person" in Proposed subsection 1.40(16) and is included to cover all types of artificial persons. See also the definitions of "governmental subdivision," in Proposed subsection 1.40(11), "state," in Proposed subsection 1.40(23), and "United States," in Proposed subsection 1.40(25).

Proposed subsection 1.40(17) defines the principal office of a corporation to be the office, within or without the state, where the principal executive office of the corporation is located. Many corporations maintain numerous offices, but there is usually one office, sometimes colloquially referred to as the home office, headquarters, or executive suite, where the principal corporate officers are located. The corporation must designate its principal office address in the annual report required by Proposed section 16.22. In case of doubt as to which corporate office is the principal office, the designation by the corporation in its annual report should be accepted as establishing the principal office of the corporation.

The definition of "shareholder" in Proposed subsection 1.40(22) includes a beneficial owner of shares named in a nominee certificate under Proposed section 7.23, but only to the extent of the rights granted the beneficial owner in the certificate—for example, the right to receive notice of, and vote at, a shareholders' meeting. Various substantive sections of the Proposed Act also permit holders of voting trust certificates or beneficial owners of shares (not subject to a nominee certificate under Proposed section 7.23) to exercise some of the rights of a "shareholder." See, for example, Proposed section 7.40 (derivative proceedings).

The term "secretary" is defined in Proposed subsection 1.40(20) since the Proposed Act does not require the corporation to maintain any specific or titled officers. See Proposed section 8.40. However, some corporate officer, however titled, must perform the functions described in this definition, and that officer is referred to as the "secretary" in various sections of the Act that impose a duty on that person.

The term "person" is defined in Proposed subsection 1.40(16) to include an individual or an entity. In the case of an individual the Proposed Act assumes that the person is competent to act in the matter under general state law independent of the corporation statute.

Proposed subsection 1.40(27) defines "voting group" for purposes of the Act as a matter of convenient reference. A "voting group" consists of all shares of one or more classes or series that under the articles of incorporation or the title are entitled to vote and be counted together collectively on a matter. Shares entitled to vote "generally" on a matter under the articles of incorporation or this title are for that purpose a single voting group. The word "generally" signifies all shares entitled to vote on the matter by the articles of incorporation or this title that do not expressly have the right to be counted or tabulated separately. "Voting groups" are thus the basic units of collective voting at a shareholders' meeting, and voting by voting groups may provide essential protection to one or more classes or series of shares against actions that are detrimental to the rights or interests of that class or series.

The determination of which shares form part of a single voting group must be made from the provisions of the articles of incorporation and of this title. In a few instances under the Proposed Act, the board of directors may establish the right to vote by voting groups. On most matters coming before shareholders' meetings, only a single voting group, consisting of a class of voting or common shares, will be involved, and action on such a matter is effective when approved by that voting group pursuant to Proposed section 7.25. See Proposed subsection 7.26(a). If a second class of shares is also entitled to vote on the matter, then a further determination must be made as to whether that class is to vote as a separate voting group or whether it is to vote along with the other voting shares as part of a single voting group.

Members of the board of directors are usually elected by the single voting group of shares entitled to vote generally; in some circumstances, however, some members of the board may be selected by one voting group and other members by one or more different voting groups. See Proposed section 8.03.

The definition of a voting group permits the establishment by statute of quorum and voting requirements for a variety of matters considered at shareholders' meetings in corporations with multiple classes of shares. See Proposed sections 7.25 and 7.26. Depending on the circumstances, two classes or series of shares may vote together collectively on a matter as a single voting group, they may be entitled to vote on the matter separately as two voting groups, or one or both of them may not be entitled to vote on the matter at all.

Proposed section 1.41 establishes rules for determining how notice may be given and when notice is effective for a variety of purposes under the Proposed Act.

Proposed subsection 1.41(c) provides that notice by a corporation to its shareholders is effective when mailed if correctly addressed with sufficient first-class postage. The correct address for this purpose is the address shown in the corporation's records. The effect of this section is to permit the corporation to compute the statutory time periods for notice of shareholders' meetings and other actions from the date the notice is mailed without regard to where its shareholders are located or the time it takes for the mail to reach them.

Written notice to shareholders by persons other than the corporation is effective as provided in Proposed subsection 1.41(e). Notice by the corporation to its shareholders that is not addressed to the record address of the shareholder, is effective when received under Proposed subsection 1.41(e).

Proposed subsection 1.41(d) provides that notice to a corporation may be addressed to the registered agent of the corporation at its registered office or to the corporation or its secretary at the principal office of the corporation as shown in its most recent public filing. An officer, director, or shareholder of a corporation will normally give written notice to the corporation by delivering or mailing a copy of that notice to the corporation or to the secretary of the corporation at its principal office. Such a notice is effective when it is received. Such notice may be given for a variety of purposes under this Act, e.g., giving notice of intent to dissent (Proposed section 13.21), notice of a demand to inspect books and records (Proposed section 16.02), and notices of resignation (Proposed sections 8.07 and 8.43). This method of giving notice to the corporation, however, is not exclusive, and an officer, director, or shareholder may give notice in other ways as well.

Persons who have no prior relationship with the corporation may give notice either to the registered agent of the corporation, or if they wish, to the corporation or its secretary at its principal office.

Proposed section 1.41 also contains a variety of general provisions dealing with notice. It recognizes, for example, that notice of a board of directors' meeting may be given orally if that is specifically authorized by the articles of incorporation or bylaws. It also deals with situations where notice may be sought to be given to persons for who no current address is available, or where personal notice is impractical. Notice delivered to the person's last known address is effective as described in Proposed subsection 1.41(e) even though never actually received by the person. Proposed subsection 1.41(b) also authorizes notice by publication in some circumstances, including radio, television, or other form of public wire or wireless communication.

Proposed subsection 1.41(g) recognizes that other sections of the Act prescribe specific notice requirements for particular situations—e.g., service of process on a corporation's registered agent under Proposed section 5.04—and that these specific requirements, rather than the general requirements of Proposed section 1.41, control. Finally, the second sentence of Proposed subsection 1.41(g) permits a corporation's articles of incorporation or bylaws to prescribe the corporation's own notice requirements, if they are not inconsistent with the general requirements of this section or specific requirements of other sections of the Act.

The rules set forth in Proposed section 1.41 permit many other sections of the Proposed Act to be phrased simply in terms of giving or delivering notice without repeating details with respect to how notice should be given and when it is effective in various circumstances.

Section 1.50 Domestic Corporations: Notice of due date for payment of annual license fee and filing annual report.

Section 1.51 Foreign Corporations: Notice of due date for payment of annual license fee and filing annual report.

Section 1.52 Domestic Corporations: Fee for filing articles of incorporation and for first year's license.

Section 1.53 Domestic Corporations: Annual License Fee.

Section 1.54 Foreign Corporations: Filing and License Fees on Qualification.

Section 1.55 Foreign Corporations: Annual License Fees.**Section 1.56 License Fees for Reinstated Corporations.****Section 1.57 Penalty for nonpayment of annual license fees and failure to complete annual report—Payment of delinquent fees.****Section 1.58 Waiver of Penalty Fees.****Section 1.59 Public service companies entitled to deductions.****CHAPTER 2. INCORPORATION****Section 2.01 Incorporators.**

Incorporators under the Proposed Act have only five functions: (1) to sign the articles of incorporation; (2) to deliver the articles of incorporation for filing to the secretary of state; (3) pursuant to Proposed section 2.05, to call an organizational meeting if initial directors are not named in the articles of incorporation; (4) pursuant to Proposed section 10.05, to adopt amendments to the corporation's articles of incorporation if no shares have been issued and if initial directors were not named in the articles of incorporation and have not been elected; and (5) pursuant to Proposed section 14.01, to dissolve the corporation if no shares have been issued or no business commenced and if initial directors were not named in the articles of incorporation and have not been elected.

Section 2.02 Articles of Incorporation.

Proposed subsection 2.02(a) sets forth the minimum mandatory requirements for all articles of incorporation. If the corporation is to have a board of directors (an option it need not accept, under Proposed section 8.01), either the articles of incorporation or the bylaws must state the number of directors or specify how the number is to be determined Proposed subsection 2.02(b). A corporation formed with articles of incorporation that only state these minimum requirements will have the broadest powers and least restrictions on activities permitted by the Proposed Act. The Proposed Act thus permits the creation of a "standard" corporation by a simple, one-page document.

Proposed subsections 2.02(c) and (d) list numerous situations in which the statute prescribes rules that will govern the corporation unless the articles of incorporation, or either the articles of incorporation or the bylaws, provide otherwise. The Committee felt that these provisions would provide counsel with ready check-lists for planning incorporations, and thereby would facilitate practice in the state. Such provisions derive their significance only to the extent of the rules prescribed by the statute elsewhere. They are not intended to add to or detract from the substance of the basic rules cited therein.

Section 2.03 Effect of Filing of Articles of Incorporation.

The proposed provision makes no change of substance in the current law apart from extending a possible later effective date from a maximum of 30 days to a maximum of 90 days.

2.04 Liability for Preincorporation Transactions.

The combined effect of Proposed sections 2.03 and 2.04 is to abolish in Washington the de facto corporation doctrine and the corporation-by-estoppel (or "loose" estoppel) doctrine. The ABA Committee Comment (REVISED MODEL BUSINESS CORPORATION ACT, Official Text 44-46 (1984)) concludes from a review of recent cases that the principal equitable consideration running through recent applications of de facto and estoppel doctrines relates to the desire to protect persons who acted with the good faith belief that a corporation existed. Once the equity of that ground is acknowledged, as it is expressly in Proposed section 2.04, there is no reason not to impose liability on parties who fail to take advantage of the simple and inexpensive process of incorporation.

The last clause of Proposed section 2.04 has the effect of preserving in Washington the common law promoter doctrine only in situations in which both the

party acting on behalf of the "corporation" and the third party know that the corporation is not in existence. Thus, situations involving a contract on behalf of a corporation to be formed (where both parties know of that fact) will continue to be governed by the principles discussed in Goodman v. Darden, Doman & Stafford Assoc., 100 Wash.2d 476 (1983). On the other hand, situations like that in Heintze Corp. v. Northwest Tech-Manuals, Inc., 7 Wash. App. 759 (1972) (a contract made by a person acting on behalf of the "corporation" with knowledge of no incorporation, where the other party had no such knowledge) will be governed only by the statute. The promoter doctrine will no longer apply to such situations. As previously noted, the de facto and loose estoppel (i.e., estoppel arising only because the claimant dealt with the "corporation" as a corporation) also will not apply to such situations.

Section 2.05 Organization of Corporation.

The additions to Revised Model Act section 2.05 are designed to provide the secretary of state with a date certain by which a corporation's initial annual report will be filed. Thus, under Proposed section 16.22(c), the first annual report must be delivered to the secretary of state within 120 days of the date on which the articles of incorporation were filed.

The Revised Model Act (and the Proposed Act) does not contain notice provisions for an incorporators' meeting. The Committee believes that Proposed sections 8.22(b), and 1.41 should be applied by analogy to establish such requirements.

Section 2.06 Bylaws.

The responsibility for adopting initial bylaws of a corporation has been placed on the persons completing the organization of the corporation under Proposed section 2.05.

The power to amend or repeal bylaws, or adopt new bylaws after the formation of the corporation is completed, is addressed in Proposed sections 10.20, 10.21.

Section 2.07 Emergency Bylaws.

Proposed section 2.07 separates the subject of emergency bylaws from that of emergency powers. The latter is dealt with under Proposed section 3.03.

The adoption of emergency bylaws in advance of an emergency not only clarifies lines of command and responsibility but also tends to ensure continuity of responsibility. The board of directors may be authorized by the emergency bylaws, for example, to designate the officers or other person, in order of seniority and subject to various conditions, who may be deemed to be directors during the emergency.

The definition of "emergency" adopted by subsection (d) is broader than a nuclear disaster or attack on the United States. It includes any catastrophic event, such as an airplane crash or fire, that makes it difficult or impossible for a quorum of the corporation's board of directors to be assembled. While there apparently has been no recent illustration of a public corporation facing such a catastrophic event, its possibility should not be ignored. In order to encourage corporations to adopt emergency bylaws, Proposed subsection 2.07(c) broadly validates all corporate actions taken "in good faith" pursuant to emergency bylaws and immunizes all corporate directors, officers, employees, and agents from liability as a result of these actions. The phrase "action taken in good faith in accordance with the emergency bylaws" has been substituted for "wilful misconduct," the language of the old law. This change is designed to conform to the standard for immunity within the Proposed Act and represents no substantive change.

A corporation that does not adopt emergency bylaws under this section may nevertheless exercise the powers described in Proposed section 3.03 in the event of an emergency.

CHAPTER 3. PURPOSES AND POWERS

Section 3.01 Purposes.

Proposed subsection 3.01(a) provides that every corporation automatically has the purpose of engaging in any lawful business unless a narrower purpose is

described in the articles of incorporation. The specification of an "any lawful business" clause has become so nearly universal in states that permit the clause that no reason exists for treating it otherwise than as the norm for the "standard" corporation.

The option of a narrower purpose clause is most likely to be elected only in situations where one or more participants in the corporation desire to limit or retain a check on the business operations of the corporation. The articles of incorporation may limit lines of business in which the corporation may engage. It should be recognized, however, that the limited scope of the ultra vires concept in litigation between the corporation and outsiders means that a third person entering into a transaction that violates the restriction in the purpose clause may be able to enforce the transaction in accordance with its terms if the third person was unaware of the narrow purpose clause when the third person entered the transaction. See the Comment to section 3.04.

Many corporations may also find it desirable to supplement a general purpose clause with an additional statement of business purposes. This may be necessary for licensing or for qualification purposes in other states.

The Committee rejected RMA section 3.01(b) because of concern over the ambiguity related to when a business is subject to regulation under another statute of the state. It thus inserted the limitation in the old law which prohibited corporations engaged in banking or insurance from incorporating under this title.

Section 3.02 General Powers.

Proposed section 3.02 lists numerous powers which corporations possess in order to accomplish their purposes. The articles of incorporation need not recite these powers in order for a corporation to be able to exercise them. The powers exist as a matter of statutory grant. The section provides a list of powers that is not inclusive. The articles of incorporation may specifically provide that a corporation shall not have some of these powers. Such power was implicit in the old law. The articles of incorporation may also confer other powers on the corporation.

The powers enumerated in Proposed subsection 3.02(b) are broader than those provided in the old law in several significant respects:

1. A corporation is empowered to make loans to directors. Old RCW 23A.08.020 only authorized a corporation to lend money to its employees, despite authorization in old RCW 23A.08.445 of loans to directors in certain circumstances. Under the Proposed Act, the wisdom and propriety of such loans should be valued on the basis of general fiduciary standards and the benefits to the corporation. See Proposed sections 8.30 (duty of care), and 8.70-8.73 (conflicting interest transactions).

2. It is clear under Proposed subsection 3.02(b)(14) that former as well as present directors, officers, employees and agents may participate in pension, option and similar benefit plans. The old law did not so specify.

3. Proposed section 3.02(b)(17) permits payments or donations or other acts "that further the business and affairs of the corporation." This clause, independent of and added to the power to make charitable and similar donations under Proposed subsection 3.02(b)(15), permits contributions for purposes that may not be charitable, such as for political purposes. This power is explicitly limited to actions consistent with other law than the Proposed Act. Thus, it is the purpose of this subsection to authorize all corporate actions that are lawful and not against public policy.

Section 3.03 Emergency Powers.

Proposed section 3.03 should be read in conjunction with Proposed section 2.07 which authorizes a corporation to adopt emergency bylaws. Proposed section 3.03 grants every corporation limited powers to act in an emergency even though it has failed to enact emergency bylaws.

The Committee concluded that limiting exoneration of officers, directors, or employees acting in good faith in an emergency to actions in furtherance of the ordinary business affairs of the corporation was counterproductive to the purpose of the section. An emergency might well require an officer to take extraordinary steps simply to preserve the corporation's assets. Thus, the committee deleted the

RMA limitation of ordinary business affairs in favor of judging actions taken by whether they further the corporation's business affairs.

Section 3.04 Ultra Vires.

The basic purpose of Proposed section 3.04—as has been the purpose of all similar statutes during the 20th century—is to eliminate all vestiges of the doctrine of inherent incapacity of corporations. See Campbell, "The Model Business Corporation Act," 11-4 BUS. LAW. 98, 102 (1956). Under this section it is unnecessary for persons dealing with a corporation to inquire into limitations on its purposes or powers that may appear in its articles of incorporation. A person who is unaware of these limitations when dealing with the corporation is not bound by them. The phrase in Proposed section 3.04(a) that "corporate action may not be challenged on the ground that the corporation lacks or lacked power to act" applies equally to the use of the doctrine as a sword or as a shield: a third person may no more avoid an undesired contract with a corporation on the ground the corporation was without authority to make the contract than a corporation may defend a suit on a contract on the ground that the contract is ultra vires.

The language of Proposed section 3.04 extends beyond contracts and conveyances of property; "corporate action" of any kind cannot be challenged on the ground of ultra vires. For this reason it makes no difference whether a limitation in articles of incorporation is considered to be a limitation on a purpose or a limitation on a power; both are equally subject to Proposed section 3.04. Corporate action also includes inaction or refusal to act. The common law of ultra vires distinguished between executory contracts, partially executed contracts, and fully executed ones; Proposed section 3.04 treats all corporate action the same—except to the extent described in Proposed subsection 3.04(b)—and the same rules apply to all contracts no matter at what stage of performance.

Proposed section 3.04, however, does not validate corporate conduct that is made illegal or unlawful by statute or common law decision. This conduct is subject to whatever sanction, criminal or civil, that is provided by the statute or decision. Whether or not illegal corporate conduct is voidable or rescindable depends on the applicable statute or substantive law and is not affected by Proposed section 3.04.

Proposed section 3.04 also does not address the validity of essentially intra vires conduct that is not approved by appropriate corporate action. It does not deal, for example, with the enforceability of an executory contract to sell substantially all the assets of a corporation not in the ordinary course of business that was not approved by the shareholders as required by Proposed section 12.02. This type of transaction is not beyond the purposes or powers of the corporation; it simply has not been approved by the corporate authorities as required by law. Similarly, Proposed section 3.04 does not deal with whether a corporation is bound by the action of a corporate agent if the action requires, but has not received, approval by the board of directors. Whether or not the corporation is bound by this action depends on the law of agency, particularly the scope of apparent authority and whether the third person knew or should have known of the defect in the corporate approval process. These actions may be ultra vires with respect to the agent's authority but they are not ultra vires with respect to the corporation and are not controlled by Proposed section 3.04.

Similarly, corporate action is not ultra vires under Proposed section 3.04 merely because it constitutes a breach of fiduciary duty. For example, a misuse of corporate assets for personal purposes by an officer or director is a breach of fiduciary duty and may be enjoined. Similarly, in some circumstances a lien on corporate assets and a contract entered into by the corporation may be cancelled or enjoined if they constitute breaches of fiduciary duty and the third person is charged with knowledge that they were improper. These transactions, however, are not ultra vires with respect to the corporation, and cannot be attacked under Proposed section 3.04. They may be enjoined because of breach of the fiduciary duty, not because the transaction exceeds the powers or purposes of the corporation.

Proposed subsection 3.04(b), like the old law, permits challenges to the corporation's lack of power in three limited classes of cases:

1. In suits by the attorney general under Proposed section 14.30. This provision does not answer the question whether or not a corporation may be dissolved or enjoined by the attorney general for committing an ultra vires act; it simply preserves the power of the state to assert that certain corporate action was ultra vires.

2. In a suit by the corporation, either direct or through a legal representative, against incumbent or former officers, directors, employees or agents, for authorizing or causing the corporation to engage in an ultra vires act. Again, this section does not address whether or not there is liability for causing the corporation to enter into an ultra vires act; it simply preserves the power of the corporation to assert that certain corporate action was ultra vires.

3. In a suit by a shareholder against the corporation to enjoin an ultra vires act. The Committee deleted the requirement in the old act and in the RMA that the court's ability to set aside or enjoin the contract depended on all affected persons being parties to the proceeding. It felt that principles of jurisdiction resolved this problem. It also deleted the limitation that the court only grant relief "if equitable." The remedies being sought are, of course, equitable, and thus the statement seems superfluous. More importantly, the ABA Committee Comment ascribes to equitable a meaning "that only third persons dealing with a corporation while specifically aware that the corporation's action was ultra vires will be enjoined." MODEL BUSINESS CORPORATION ACT, Official Text 63 (1984). The Committee endorses that situation as the primary one in which a contract should be enjoined, but did not feel that the statutory language captured the concept. Finally, the Committee deleted the limitation on the court's ability to grant damages (i.e., not to include anticipated profits). It felt that courts should have complete freedom to determine damages in the circumstances.

CHAPTER 4. NAME

Section 4.01 Corporate Name.

Proposed section 4.01 imposes two basic name requirements: (1) the name must indicate "corporateness," and (2) the name must be distinguishable upon the records of the secretary of state.

The Committee deleted RMA language that would have recognized words or abbreviations of corporate status in another language. It felt that the meaning of many foreign designations is not generally known in the United States, and therefore that confusion would arise as to whether the foreign words import corporateness.

Proposed section 4.01 is based on the fundamental premise that its name provisions should only ensure that each corporation has a sufficiently distinctive name so that it may be distinguished from other corporations upon the records of the secretary of state. A general business corporation statute should not be a partial substitute for a general assumed name, trademark, unfair competition, or antifraud statute. As a result, the Proposed Act does not restrict the power of a corporation to adopt or use an assumed or fictitious name with the same freedom as an individual or impose a requirement that an "official" name not be "deceptively similar" to another corporate name (a requirement of the old law.). Principles of unfair competition, not the business corporation act, provide the more effective limits on the competitive use of similar names.

The phrase "distinguishable upon the records of the secretary of state" is drawn from section 102(a)(1) of the Delaware General Corporation Law. Delaware authorities construing that subsection are reviewed in *Trans-Americas Airlines, Inc. v. Kenton*, 491 A.2d 1139 (Del. 1985) ("*Transamerica Airlines Inc.*" is distinguishable from "*Trans-Americas Airlines, Inc.*"). The principal justifications for requiring a distinguishable official name are (1) to prevent confusion within the secretary of state's office and (2) to permit accuracy in naming and serving corporate defendants in litigation. Thus, confusion in an absolute or linguistic sense is the appropriate test under the Proposed Act, not the competitive relationship between the corporations, which is the test for fraud or unfair competition. The precise scope of "distinguishable upon the records of the secretary of state" is an appropriate subject of regulation by the office of secretary of state in order to ensure uniformity of administration. Corporate names that differ only in the words used to indicate corporateness are generally not distinguishable. Thus, if ABC Corporation is in

existence, the names "ABC Inc.," "ABC Co.," or "ABC Corp." should not be viewed as distinguishable. Similarly, minor variations between names that are unlikely to be noticed, such as the substitution of a "." for a "," or the substitution of an arabic numeral for a word, such as "2" for "Two", or the substitution of a lower case letter for a capital, such as "d" for "D," should not be viewed as being distinguishable.

The elimination of the "deceptively similar" requirement that appeared in the old law and the specific recognition appearing in Proposed section 4.01(d), that corporations may use assumed business or trade names to the same extent an individual can, are based on the fact that the secretary of state does not generally police the unfair competitive use of names and, indeed, has no resources to do so.

Proposed section 4.01 contains, as old RCW 23A.08.050 did, a list of prohibited words that cannot be used in corporate names. Counsel should note that the source of the prohibitions regarding the words listed in both the old law and Proposed subsection 4.01(a)(3) are other statutes in RCW. Thus, for example, a corporation (that is not a bank) may not use as part of its name "bank," "banking," "banker," or "trust." RCW 30.04.020. A corporation (that is not a savings and loan association) may not use as part of its name words that connote operation as a savings and loan association. RCW 33.08.010. A corporation (that is not an industrial loan company) may not use any combination of the words "industrial" and "loan." RCW 31.04.010. A corporation (that is not a cooperative) may not use the word "cooperative" in its name. RCW 23.86.030. Finally, broad and general prohibitions upon certain names exist. E.g., RCW 48.30.060 prohibits any person who is not an insurer to use any name which deceptively infers or suggests that it is an insurer.

Section 4.02 Reserved Name.

The secretary of state is not equipped to determine the intent that a person has for making a reservation. Thus, Proposed section 4.02 deletes the old list of five acceptable purposes in favor of permitting "any person" to reserve a corporation name, irrespective of purpose.

The committee elected to continue the period of reservation (180 days) found in the old law, rather than to adopt the RMA period of 120 days. It felt that long-standing familiarity with the old period justified the change. It did adopt, however, the RMA approach of no renewal of the reservation on grounds that incorporation under the Proposed Act (or qualification of a foreign corporation) is a simple enough process that it is unlikely more than 180 days will be necessary for formation or qualification. In the event it is not, the original reserver can reapply for reservation of the name immediately after the name becomes available.

Section 4.03 Registered Name.

The "registration" of a corporate name is basically a device by which a foreign corporation, not qualified to transact business in the state, can preserve the right to use its unique "real" name if it decides later to qualify in the state. In effect, registration ensures "real" name availability in areas of potential future expansion.

The committee believes it desirable to limit Proposed section 4.03 to this purpose and not allow it to become an indirect device for the preservation of trademarks, trade names, or possible assumed names. For this reason, generally only "real" names of foreign corporations may be registered (with exceptions described below). A broader approach would create issues better resolved under a trademark or similar statute, or by litigation under unfair competition principles, and might impose duties on the secretary of state that that office is generally not equipped to handle, or could handle only at increased cost.

Registration of a name other than the "real" name is permitted in only one situation: if the "real" name of a foreign corporation is not available solely because it does not comply with Proposed section 15.06, requiring the words "incorporated," "company," or "limited," or an abbreviation of one of these words, the corporation may add one of these words or abbreviations and register its "real" name as so modified under Proposed subsection 4.03(a).

Confusion sometimes exists between "reservation" of names under Proposed section 4.02 and registration of names under Proposed section 4.03. A foreign corporation that is planning to qualify as a foreign corporation and finds that its name is available in the state may either register or reserve the name. Often a foreign

corporation will have to decide whether to qualify or to create a domestic subsidiary; this well may be decided after the exclusive right to use the corporate name in the state is obtained either by reservation or by registration. If the corporation registers its name, it will be kept indefinitely; if it reserves, it will be kept for 180 days. That is the foreign corporation's choice. If a foreign corporation registers its name and then elects to form a domestic or foreign subsidiary, the written consent procedure of Proposed section 4.03(e) allows the secretary of state to ascertain that the domestic subsidiary is related to the foreign corporation and that use of the registered name by that subsidiary is acceptable to the foreign parent.

If a foreign corporation's "real" name is unavailable, a foreign corporation may reserve any name—including one that is assumed or fictitious when compared with the corporation's "real" name—for 180 days. But it may not register this type of name in light of the policy against allowing the name provision of the Proposed Act to be used for purposes broader than the "unique name" issue. Nevertheless, a foreign corporation that wishes to be certain that a particular fictitious or assumed name will be available in the future may create an inactive domestic subsidiary with the desired name to preserve its future availability.

Proposed subsection 4.03(e) provides that the protection of the name provided by this section terminates when the name is used pursuant to this section by the foreign corporation, its domestic or foreign subsidiary, or a domestic or foreign limited partnership.

CHAPTER 5. OFFICE AND AGENT

Section 5.01 Registered Office and Registered Agent.

The Proposed Act assumes that formal communications to the corporation will normally be addressed to the registered agent at the registered office. If the communication itself deals with the registered office or registered agent, however, copies must be sent to the principal office of the corporation. Moreover, the Act authorizes corporations to retain records at, or to provide information to shareholders through, offices other than the registered office. The Proposed Act consistently recognizes that the registered office may be a "legal" rather than a "business" office.

Many corporations designate their registered office to be a business office of the corporation and a corporate officer at that office to be the registered agent. Since most of the communication to the registered agent at the registered office deals with legal matters, however, corporations often designate their regular legal counsel or counsel's nominee as their registered agent and the counsel's (or nominee's) office as the registered office of the corporation.

The registered agent need not be an individual. Corporation service companies often provide, as a commercial service, registered offices and registered agents at the office of the corporation service company.

The voluntary dissolution of the corporation does not of itself terminate the authority of the registered agent to accept service of process or other communications on behalf of the dissolved corporation. See section 14.05.

Section 5.02 Change of Registered Office or Registered Agent.

Changes of registered office or registered agent are usually routine matters which do not affect the rights of shareholders. The purpose of Proposed section 5.02 is to permit these changes without a formal amendment of the articles of incorporation, without approval of the shareholders, and, indeed, even without formal approval of the board of directors.

Changes of registered office or registered agent are often of particular concern to corporation service companies which routinely serve as registered agent and routinely provide a registered office for literally thousands of corporations within many states.

Experience with the change of registered agent and registered office provisions in old law and the statutes of other states revealed several minor problems with these largely formal provisions that are addressed in the Proposed Act:

(1) Changes of registered office or registered agent need not be authorized by the board of directors. Many changes (such as the name of a specific registered

agent at a registered office) are so routine that they should not require action by the board of directors, particularly in publicly held corporations.

(2) The procedure by which a registered agent may change the street address of the registered office applies to any location within the state and the agent is expressly required to notify the corporation of the change. But a facsimile signature of the agent is acceptable since a corporation service company changing its street address may be required to file a form for each of the thousands of corporations for which it serves as registered agent and to notify each corporation of the change.

Section 5.03 Resignation of Registered Agent.

Proposed section 5.03, by requiring the secretary of state to mail one copy of the resignation after it is filed to the corporation at its principal office, eliminates possible ambiguity under the old law as to where such statement is to be mailed.

The Proposed section also permits the discontinuance of the registered office as well as the resignation of the agent. Corporation service companies desiring to resign their agency for nonpayment of fees will normally wish to discontinue the registered office as well as the registered agent.

Section 5.04. Service on Corporation.

The Committee rejected the RMA approach regarding default service on the secretary of the corporation on the ground that courts and counsel had become accustomed to easy, objective proof regarding service in such situations. It felt that the RMA approach would lead to additional, unnecessary complications regarding proof, with no real advantages over the old law.

CHAPTER 6. SHARES AND DISTRIBUTIONS

Section 6.01 Authorized Shares.

The Proposed Act follows the approach of the Revised Model Business Corporation Act by abolishing the distinction between "common" and "preferred or special" shares. Those words are no longer used in the Proposed Act, in favor of more general language which better reflects the actual flexibility in the creation of classes of shares that exists in modern practice.

Proposed subsection 6.01(a) requires that the articles of incorporation prescribe the classes of shares and the number of shares of each class that the corporation is authorized to issue. If the articles authorize the issue of only one class of shares, no designation or description of the shares is required, it being understood that these shares have both the power to vote and the power to receive the net assets of the corporation upon dissolution. See Proposed subsection 6.01(b). Shares with both of these characteristics are usually referred to as "common shares" or "common stock," but no specific designation is required by the Proposed Act.

If more than one class of shares is authorized, the preferences, limitations, and relative rights of each class of shares must be described in the articles of incorporation before any shares of that class are issued, or the board of directors may be given authority to establish them under Proposed section 6.02. These descriptions constitute the "contract" of the holders of those classes of shares with respect to their interest in the corporation and must be set forth in sufficient detail reasonably to define their interest. The designations, preferences, limitations, and relative rights of shares with one or more special or preferential rights which may be authorized are further described in Proposed subsection 6.01(c).

If more than one class is authorized (or if only one class is originally authorized but at some future time one or more other classes of shares are added by amendment), the preferences, limitations, and relative rights of each class or classes of shares, including the class or classes that possess the fundamental characteristics of voting and residual equity financial interests, must be described before shares of those classes are issued. If both fundamental characteristics are placed exclusively in a single class of shares, that class may be described simply as "common shares" or by statements such as the "shares have general distribution and voting rights," the "shares have all the rights of common shares," or the "shares have all rights not granted to the class A shares."

If the articles of incorporation create classes of shares that divide these fundamental rights among two or more classes of shares, it is necessary that the rights be

clearly allocated among the classes. Specificity is required only to the extent necessary to differentiate the relative rights of the respective classes. For example, where one class has a liquidation preference over another, it is necessary to specify only the preferential liquidation right of that class; in the absence of a contrary provision in the articles, the remaining class would be entitled to receive the net assets remaining after the liquidation preference has been satisfied.

More than one class of shares may be designated as "common shares;" however, each must have a "distinguishing designation" under Proposed subsection 6.01(a), e.g., "nonvoting common shares" or "class A common shares," and the rights of the classes must be described. For example, if a corporation authorizes two classes of shares with equal rights to share in all distributions and with identical voting rights except that one class is entitled exclusively to elect one director and the second class is entitled exclusively to elect a second director, the two classes may be designated, e.g., as "Class A common" and "Class B common," and described, e.g., as "a class of common shares with the right to elect one director." What is required is language that makes the location of these rights clear.

Rather than describing the terms of each class of shares in the articles of incorporation, the corporation may delegate to the board of directors under Proposed section 6.02 the power to establish the terms of a class of shares (or of a series within a class of shares) if no shares of that class (or series) have previously been issued. Those terms, however, must be set forth in an amendment to the articles of incorporation before the shares are issued.

Proposed subsection 6.01(b) requires that every corporation authorize one or more classes of shares that have the two fundamental characteristics of having unlimited voting rights and the right to receive the net assets of the corporation upon its dissolution. These two fundamental characteristics need not be placed in a single class of shares but may be divided as desired. It is nevertheless essential that the corporation always have authorized shares with these two characteristics, and Proposed section 6.03 requires that shares having in the aggregate these characteristics always be outstanding.

Proposed subsection 6.01(b) ensures that there is always in existence one or more classes of shareholders who share in the ultimate residual interest in the corporation and who are entitled to elect a board of directors and make other fundamental decisions with respect to the corporation.

Proposed subsection 6.01(c) lists the principal features that are customarily incorporated into classes of shares. Proposed subsection 6.01(d) makes clear that this listing is not exhaustive.

Any class of shares may be granted multiple or fractional votes per share without limitation. See Proposed section 7.21. Shares of any class may also be made nonvoting "except to the extent prohibited by this title." This "except" clause refers to the provisions in the Proposed Act that permit shares that are designated to be nonvoting to vote as separate voting groups on amendments to articles of incorporation and other organic changes in the corporation that directly affect that class (Proposed sections 7.26 and 10.04). In addition, shares may be given voting rights that are limited or conditional (e.g., on the passing of a specified number of dividends). Proposed subsection 6.01(b), however, requires that there always be one or more classes of shares that together have unlimited voting rights.

Proposed subsection 6.01(c)(2) permits classes of shares to be made redeemable on the terms set forth in the articles of incorporation. Under this subsection, shares may be made "redeemable" at the option of the holder, the corporation, or another person; shares redeemable at the option of the corporation are sometimes called "callable shares," while shares redeemable at the option of the shareholder are sometimes described as involving a "put." The Proposed Act permits either type of redemption for any class of shares and thereby permits the creation of redeemable or callable shares without limitation (subject only to the provisos that the class or classes of shares described in Proposed subsection 6.01(b) must always exist and that at least one share of each class with those rights or powers must be outstanding under Proposed section 6.03).

Statutes of many states contain a direct or indirect prohibition against callable voting shares or callable common shares. Even where such a prohibition exists, however, the same effect can be obtained by the use of consensual share transfer

restrictions (see Proposed section 6.27). If it is possible to create what is essentially a callable voting share by agreement, there is no reason why such provisions should not be built directly and publicly into the capital structure of the corporation if that is desired.

The recognition of a redemption that is a "put" exercisable by the holders of the shares (or a third person such as holders of other classes of shares) is also new to the Proposed Act and is not permitted in many states. However, consensual share transfer restrictions may create a right that is indistinguishable from such a right of redemption, and a right of redemption is expressly recognized by many states in connection with certain specialized classes of corporations such as open-end investment companies. As described below, if a right of redemption is recognized, prohibitions in the old law against "upstream" conversions served no purpose.

The amount to be paid upon the redemption of shares under Proposed subsection 6.01(c)(2) may be fixed in the articles of incorporation or "determined in accordance with a designated formula or by reference to extrinsic data or events." The reference to "extrinsic data or events" is intended to permit the redemption price to be established on the basis of matters external to the corporation, such as the purchase price of other shares, the level of the prime rate, the effective interest rate at which the corporation may obtain short- or long-term financing, the consumer price index or a designated currency ratio. While a designated price formula or references must be set out in the articles of incorporation, the board of directors may be given limited authority to implement the provisions.

All redemptions of shares are subject to the restrictions on distributions set forth in Proposed section 6.40. See Proposed subsection 6.03(b).

Proposed subsection 6.01(c)(2) also permits shares of any class to be made convertible into shares of any other class or into cash, indebtedness, securities, or other property of the corporation or another person.

The old law and the statutes of many states prohibit so-called "upstream" conversions, that is, shares convertible into debt securities or into a class of shares having prior or superior preference rights. This restriction was eliminated from the Proposed Act since it was recognized that the power to make shares redeemable at the option of the shareholder for cash (see Proposed subsection 6.01(c)(2)(ii)) should logically permit the shares to be redeemable or convertible at the option of the shareholder into other shares with senior preferential rights. Creditors of the corporation and holders of shares with preferential rights are less seriously affected by a conversion of shares into debt or into shares with preferential rights than they would be by the redemption of the shares for money, which is permitted by the Proposed Act, subject to the limitations of Proposed section 6.40. Shares made "redeemable" for debt under Proposed subsection 6.01(c)(2)(ii), achieve the same effect as a right to "convert" shares into debt securities.

Section 6.02 Terms of Class or Series Determined By Board of Directors.

Proposed section 6.02 permits the board of directors, if authority to do so is contained in the articles, to fix the terms of a class of shares to meet corporate needs, including current requirements of the securities market or the exigencies of negotiations for acquisition of other corporations or properties, without the necessity of holding a shareholders' meeting to amend the articles. This section therefore permits prompt action and gives desirable flexibility. The articles of incorporation may also create "series" of shares within a class (rather than designating that "series" as a separate class) if that is deemed desirable.

The board of directors may create new series within a class or set the terms of a class or series only if there are no outstanding shares of that class or series. This section recognizes that in some contexts there is no substantive difference between a "class" and a "series within a class," and that the labels are often a matter of convenience. In appropriate circumstances, a series may be treated as a class of shares that has one or both of the fundamental characteristics described in Proposed subsection 6.01(b).

Shares of stock to be issued in different classes or series that vary in terms to be set by the board of directors are sometimes referred to as "blank stock." The granting of the power to vary the terms gives the board of directors broad power to

affect the capital structure of the corporation. Exercise of this power may in some circumstances dilute the interest of existing shareholders. But on balance it is desirable to permit this flexibility.

Proposed subsection 6.02(e) gives directors (unless the articles of incorporation provide otherwise) the power to reduce the number of shares of an outstanding series, but not below the number of shares of that series then outstanding. Such power in accord with old law.

Section 6.03 Issued and Outstanding Shares.

Proposed section 6.03 permits the corporation to issue shares up to the number of shares authorized in the articles of incorporation and provides that shares that are issued are outstanding shares for purposes of this title until they are reacquired, redeemed, converted, or cancelled. The determination of the number of shares to be issued is usually made by the board of directors but may be reserved by the articles of incorporation to the shareholders. The only requirements are that no class of shares be over issued and that one or more shares of a class or classes that together have unlimited voting power and one or more shares of a class or classes that together are entitled to the net assets of the corporation upon dissolution at all times must be outstanding.

Shares of any class that are outstanding may be made subject to share transfer restrictions that may result in contractual obligations by the corporation to reacquire shares. The validity of such share transfer restriction is today not open to serious question. See Proposed section 6.27. The corporation may also acquire outstanding shares of any class pursuant to a voluntary transaction between the shareholder and the corporation. All contractual or voluntary reacquisitions are subject to the restrictions set forth in subsection (d) of this section and to Proposed section 6.40. The corporation may also reacquire shares pursuant to a right of redemption (or an obligation to redeem) established in the articles of incorporation. See Proposed subsection 6.01(c)(2). All such redemptions of shares are also subject to the restrictions of subsection (d) of this section and to Proposed section 6.40. Shares of the class or classes described in Proposed subsection 6.01(b) may be reacquired or redeemed by the corporation in any of the foregoing ways to the same extent as shares of any other class, subject, however, to the overriding requirement of Proposed subsection 6.03(d) that at all times at least shares that meet the requirements of Proposed subsection 6.01(b) be outstanding.

Redeemable shares are often redeemed in connection with a transaction such as a merger or the issuance of a new senior class of shares that requires shareholder approval. Proposed subsection 6.03(c) avoids subjecting a transaction to approval by a class of redeemable shares that will be redeemed as a result of the transaction if adequate provision has been made to ensure that the holders of the redeemable shares will in fact receive the amount payable to them on redemption.

Section 6.04 Fractional Shares.

Fractional shares may arise from a share dividend that, as applied to a particular holder, does not produce an even multiple of shares; they may also result from fractional stock splits, from reverse splits, and from reclassifications and mergers. Although corporations are authorized to issue fractional shares, which are vested proportionately with the same rights as full shares, the creation of fractional shares often creates administrative difficulties, particularly for voting and dividend purposes.

Proposed section 6.04 authorizes handling fractional shares in various ways, including:

(1) The corporation may issue scrip instead of fractional shares. Scrip confers none of the substantive rights of shareholders, but only authorizes holders to combine scrip certificates in amounts aggregating a full share and then to exchange them for a full share. This aggregation must occur within the time and subject to the conditions set initially by the board of directors and stated in the scrip certificate. Scrip that is not combined and exchanged becomes void. To protect shareholders against forfeiture of their interest, however, it is usually provided that the shares represented by scrip certificates not exchanged by the expiration date are to be

sold and the proceeds held, either indefinitely or for a stated period, for the benefit of the scripholders and paid to them on surrender of their scrip certificate.

Scrip has been widely used in lieu of fractional shares. The New York Stock Exchange, while not requiring the use of any particular method for the settlement of fractional share interests, has established a policy relating to the minimum rights and privileges that scrip issued by registered companies must provide. N.Y.S.E. LISTED COMPANY MANUAL section 703.02(B).

(2) The corporation may authorize the immediate sale of all fractional share interests, thereby avoiding the expense and delay of scrip and the inconvenience of recognizing fractional shares. While this procedure denies shareholders the benefit of any subsequent rise in the market, it protects them against any subsequent decline and ensures them of recognition based on market values contemporaneous with the transaction. Since these transactions necessarily involve less than one full share for each shareholder, the amount involved in subsequent price changes is usually modest.

Under this section fractional shares may be certificated or uncertificated. There is no difference in treatment of certificated or uncertificated shares for this purpose. See Proposed sections 6.25 and 6.26.

Section 6.20 Subscription For Shares Before Incorporation.

Proposed subsection 6.20(a) provides that written preincorporation subscriptions are irrevocable for six months unless the subscription agreement provides that they are revocable or that they are irrevocable for some other period. Nevertheless, all the subscribers to shares may agree at any time that a subscriber may withdraw in part from the subscriber's commitment to subscribe for shares, that a subscriber may revoke the subscription entirely, or that the period of irrevocability may continue for an additional stated period. If the corporation accepts the subscription during the period of irrevocability, the subscription becomes a contract binding on both the subscribers and the corporation. The terms of this contract are set forth in Proposed subsections 6.20(b) and (d).

Proposed subsection 6.20(b) provides that after incorporation the board of directors may determine the payment terms of subscriptions but these calls must be uniform so far as practicable as to all shares of the same class or series unless the subscriptions provide otherwise. Proposed subsection 6.20(d) provides alternative methods of enforcement of preincorporation subscriptions by the corporation. If the consideration for the subscription involves the payment of money or conveyance of property, the corporation may, in the event of nonpayment, collect the amount due as any other debt. Alternatively, unless the subscription agreement provides otherwise, the corporation may rescind the agreement and may resell the shares after 20 days' notice to the subscriber.

Proposed subsection 6.20(c) provides that shares issued pursuant to preincorporation subscriptions are fully paid and nonassessable when the corporation receives the subscription price. The liability of the subscriber to pay the purchase price is addressed in Proposed section 6.22. Proposed Section 6.20 does not address the liability of transferees of shares which may be issued before the subscription price is paid or the power of the corporation to cancel for nonpayment shares that have been issued before payment of the full subscription price. Issued shares represented by unpaid subscriptions are subject to cancellation for nonpayment to the same extent as shares issued for promissory notes or shares issued before the consideration therefor is paid.

Postincorporation subscriptions are contracts between the corporation and the investor by which the corporation agrees to issue shares for a stated consideration and the investor agrees to purchase the shares for that consideration. Postincorporation subscriptions are simple contracts subject to the power of the board of directors and they may contain any mutually acceptable provisions subject to Proposed section 6.21. Proposed subsection 6.20(e) states, for completeness, that postincorporation subscriptions are contracts between the corporation and the subscriber subject to Proposed section 6.21.

Section 6.21 Issuance of Shares.

Proposed section 6.21 continues the thrust of the 1984 and 1985 amendments: it does not recognize the concepts of par value and stated capital which were eliminated from the old law in 1984; and it endorses the 1985 elimination of the old rules declaring certain kinds of property ineligible as consideration for shares.

Since shares need not have a par value, under Proposed section 6.21 there is no minimum price at which specific shares must be issued and therefore there can be no "watered stock" liability for issuing shares below an arbitrarily fixed price. The price at which shares are issued is primarily a matter of concern to other shareholders whose interests may be diluted if shares are issued at unreasonably low prices or for overvalued property. This problem of equality of treatment essentially involves honest and fair judgments by directors and cannot be effectively addressed by an arbitrary doctrine establishing a minimum price for shares such as "par value" provided under older statutes.

Proposed subsection 6.21(b) specifically validates contracts for future services (including promoters' services), promissory notes, or "any tangible or intangible property or benefit to the corporation," as consideration for the present issue of shares. The term "benefit" should be broadly construed to include, for example, a reduction of a liability, a release of a claim, or benefits obtained by a corporation by contribution of its shares to a charitable organization or as a prize in a promotion. In the realities of commercial life, there is sometimes a need for the issuance of shares for contract rights or such intangible property or benefits. And, as a matter of business economics, contracts for future services, promissory notes, and intangible property or benefits often have value that is as real as the value of tangible property or past services, the only types of property that many older statutes permit as consideration for shares. Thus, only business judgment should determine what kind of property should be obtained for shares, and a determination by the directors (meeting the requirements of Proposed section 8.30) to accept a specific kind of valuable property for shares should be accepted and not circumscribed by artificial or arbitrary rules.

The issuance of some shares for cash and other shares for promissory notes, contracts for past or future services, or for tangible or intangible property or benefits, like the issuance of shares for an inadequate consideration, opens the possibility of dilution of the interests of other shareholders. For example, persons acquiring shares for cash may be unfairly treated if optimistic values are placed on past or future services or intangible benefits being provided by other persons. The problem is particularly acute if the persons providing services, promissory notes, or property or benefits of debatable value are themselves connected with the promoters of the corporation or with its directors. Protection of shareholders against abuse of the power granted to the board of directors to determine that shares may be issued for intangible property or benefits is provided in part by the requirement that the board must act in accordance with the requirements of Proposed section 8.30, and, if applicable, Proposed sections 8.70-8.73, in determining that the consideration received for shares is adequate.

Accounting principles are not specified in the Proposed Act, and the board of directors is not required by the statute to determine the "value" of noncash consideration received by the corporation (as was the case in old law.) In many instances, property or benefit received by the corporation will be of uncertain value; if the board of directors determines that the issuance of shares for the property or benefit is an appropriate transaction that protects the shareholders from dilution, that is sufficient under Proposed section 6.21. The board of directors does not have to make an explicit "adequacy" determination by formal resolution; that determination may be inferred from a determination to authorize the issuance of shares for a specified consideration.

Proposed section 6.21 also does not require that the board of directors determine the value of the consideration to be entered on the books of the corporation, though the board of directors may do so if it wishes. Of course, a specific value must be placed on the consideration received for the shares for bookkeeping purposes, but bookkeeping details are not the statutory responsibility of the board of directors. The statute also does not require the board of directors to determine the corresponding entry on the right-hand side of the balance sheet under owner's equity to be designated as "stated capital" or be allocated among "stated capital"

and other surplus accounts. The corporation, however, may determine that its shareholders' equity accounts should be divided into these traditional categories if it wishes.

The first sentence of Proposed subsection 6.21(c) describes the effect of a good faith determination by the board of directors that consideration is adequate for the issuance of shares. That determination, without more, is conclusive to the extent that adequacy is relevant to the question whether the shares are validly issued, fully paid, and nonassessable. Proposed subsection 6.21(c) provides that shares are fully paid and nonassessable when the board of directors has made such determination, and the corporation has received the consideration. Whether shares are validly issued may depend on compliance with corporate procedural requirements, such as issuance within the amount authorized in the articles of incorporation or holding a directors' meeting upon proper notice and with a quorum present. The Proposed Act does not address the remedies that may be available for issuances that are subject to challenge.

Shares issued pursuant to preincorporation subscriptions are governed by Proposed section 6.20 and not by this section.

The Proposed Act does not address the question whether validly issued shares may thereafter be cancelled on the grounds of fraud or bad faith if the shares are in the hands of the original shareholder or other persons who were aware of the circumstances under which they were issued when they acquired the shares. It also leaves to the Uniform Commercial Code other questions relating to the rights of persons other than the person acquiring the shares from the corporation.

Proposed subsection 6.21(d) permits the board of directors to determine that shares issued for promissory notes or for contracts for future services or benefits be placed in escrow or their transfer otherwise restricted until the services are performed, the benefits received, or the notes are paid. The section also defines the rights of the corporation with respect to these shares. If the shares are issued without being restricted as provided in this subsection, they are validly issued insofar as the adequacy of consideration is concerned.

Proposed subsection 6.21(a) provides that the powers granted to the board of directors by this section may be reserved to the shareholders by the articles of incorporation. No negative inference should be drawn from Proposed subsection 6.21(a) with respect to the efficacy of similar provisions under other sections of the Proposed Act.

Proposed subsection 6.21(e) is designed to provide a mechanism for determining that shares issued in prior years are fully paid and unassessable even if those facts cannot currently be verified.

Section 6.22 Liability of Shareholders.

With the elimination of the concepts of par value and watered stock in 1984, the sole obligation of a purchaser of shares from the corporation, as set forth in Proposed section 6.22, is to pay the consideration established by the board of directors (or the consideration specified in the subscription, in the case of preincorporation subscriptions). The consideration for the shares may consist of promissory notes, contracts for future services, or tangible or intangible property or benefits, and, if the board of directors so decides, the delivery of the notes, contracts, or accrual of the benefits constitute full payment for the shares. See Proposed section 6.21. Upon the transfer to the corporation of the consideration so determined or specified, the shareholder has no further responsibility to the corporation or its creditors "with respect to the shares," though the shareholder may have continuing obligations under a contract or promissory note entered into in connection with the acquisition of shares.

Proposed section 6.22 deals only with the responsibility for payment by the purchaser of shares from the corporation. The Proposed Act leaves to the Uniform Commercial Code questions with respect to the rights of subsequent purchasers of shares and the power of the corporation to cancel shares if the consideration is not paid when due. See sections 8-202 and 8-301 of the UNIFORM COMMERCIAL CODE.

The Proposed Act does not include a subsection in the RMA that states that unless the articles of incorporation provide otherwise, a shareholder is not liable for the debts of the corporation "except by reason of his own acts or conduct." The

committee concluded that the RMA language might well confuse development within the state of such well-known doctrines as disregard of the corporate entity. It therefore omitted the provision.

Section 6.23 Share Dividends.

A share dividend is solely a paper transaction: no assets are received by the corporation for the shares and any "dividend" paid in shares does not involve the distribution of property by the corporation to its shareholders. Proposed section 6.23 therefore recognizes that such a transaction involves the issuance of shares "without consideration," and Proposed section 1.40 excludes it from the definition of a "distribution." Such transactions were treated in a fictional way under the old "par value" and "stated capital" statutes, which treated a share dividend as involving transfers from a surplus account to stated capital and assumed that par value shares could be issued without receiving any consideration by reason of that transfer of surplus.

The par value statutory treatment of share dividend transactions distinguished a share "split" from a share dividend. In a share "split" the par value of the former shares was divided among the new shares and there was no transfer of surplus into the stated capital account as in the case of a share "dividend." Since Washington law has eliminated the concept of par value, the distinction between a "split" and a "dividend" has not been retained; both types of transactions are referred to simply as "share dividends." A distinction between "share dividends" and "share splits," however, continues to exist in other contexts--for example, in connection with transactions by publicly held corporations, see N.Y.S.E. LISTED COMPANY MANUAL section 703.02(a), or corporations that have optionally retained par value for their shares. The change made in the Proposed Act is not intended to affect the manner in which transactions by these corporations are handled or described but simply reflects the elimination of artificial legal distinctions based on the par value statutes.

A "reverse stock split" is not a share dividend under this section of the Proposed Act. A reverse split involves an amendment to the articles of incorporation reducing the number of authorized shares, not the issuance of additional shares.

Share dividends may create problems when a corporation has more than a single class of shares. The requirement that a share dividend be "pro rata" only applies to shares of the same class or series; if there are two or more classes entitled to receive a share dividend in different proportions, the dividend will have to be allocated appropriately.

The distribution of shares of one class to holders of another class may dilute the equity of the holders of the first class. Therefore, Proposed subsection 6.23(b) permits the distribution of shares of one class to the holders of another class only if one or more of the following conditions are met: (1) the articles of incorporation expressly authorize the transaction, (2) the holders of the class being distributed consent to the distribution, or (3) there are no holders of the class being distributed.

Section 6.24 Share Options.

A specific provision authorizing the creation of share options and share rights appears in most state statutes. Even though corporations doubtless have the inherent power to issue share options and share rights, specific authorization is desirable because of the economic importance of options and rights, and because of the need to establish the primacy of the board of directors in determining the consideration received by the corporation for rights and options. The creation of incentive compensation plans for directors, officers, agents, and employees is basically a matter of business judgment and the good faith determination by the board of directors should therefore be conclusive. This is as true for incentive plans that involve the issuance of share options or rights as for those that involve the payment of cash. In appropriate cases incentive plans may involve the granting of options at prices below the current market prices of the shares.

Proposed section 6.24 does not require shareholder approval of share options or rights as incentive plans. Of course, prior shareholder approval may be required in order to comply with the requirements of national security exchanges for the listing of securities, see N.Y.S.E. LISTED COMPANY MANUAL section 309.00, or

to acquire the benefits of federal law conditioned upon shareholder approval of such plans, see S.E.C. Rule 16b-3(a), 17 C.F.R. section 240.16b-3(a).

The reference to the "form" of a right, option, or warrant in Proposed section 6.24 permits the board of directors to designate the interests issued under Proposed section 6.24 as options, warrants, rights, or by some other name, and to evidence these interests by certificates, contracts, letter agreements, or in other forms that are appropriate under the circumstances. Rights, options, or warrants may be issued together with or independently of the corporation's issue and sale of its shares or other securities.

Section 6.25 Form and Content of Certificates.

This section sets forth the minimum requirements for share certificates. A corporation whose shares are not publicly traded will normally issue certificates that meet these minimum requirements and little more. Securities that are publicly traded, on the other hand, must contain reasonable safeguards against fraudulent duplication; for this reason, regulations by exchanges contain technical requirements relating to design, quality, engraving, and printing. Also, exchange requirements may require signatures of a transfer agent and registrar as well as designated corporate officers. All these requirements are in addition to the minimum requirements of the Proposed Act.

Certificateless shares are permitted under Proposed subsection 6.25(a) upon compliance with Proposed section 6.26. Proposed subsection 6.25(a) makes it clear that there are no differences in the rights and obligations of shareholders, whether or not their shares are represented by certificates, other than mechanical differences (such as the means by which instructions for transfer are communicated to the issuer) necessitated by the use or nonuse of certificates. If share transfer restrictions are imposed, conspicuous references must appear on the certificate if they are to be binding on third persons without knowledge of the restrictions. See Proposed section 6.27.

Under Proposed section 6.25 all signatures on a share certificate may be facsimiles. This change, which has been adopted recently in several states, gives recognition to the fact that a purchaser of publicly traded shares will hardly ever be in a position to determine whether a manual signature on a stock certificate is in fact the authorized signature of an officer of the transfer agent or registrar. From the standpoint of the issuing corporation of publicly traded securities, if a share certificate requiring a manual signature is stolen and the signature thereafter forged, the corporation may defend on lack of genuineness under section 8-202(3) of the UNIFORM COMMERCIAL CODE. But this defense is not effective against a bona fide purchaser when the forged signature has been placed on the certificate by an employee of the issuer or registrar or transfer agent entrusted with handling the certificates (UCC 8-205). It is likely that a corporation would therefore follow the same security precautions for blank certificates requiring manual signatures as for those not requiring them. At the same time, the time and expense required for manual signatures has been eliminated.

Section 6.26 Shares Without Certificates.

Proposed section 6.26(a) authorizes the creation of uncertificated shares either by original issue or in substitution for shares previously represented by certificates. This subsection gives the board of directors the widest discretion so that a particular class and series of shares might be entirely represented by certificates, entirely uncertificated, or represented partly by each. The second sentence ensures that a corporation may not treat as uncertificated, and accordingly transferable on its books without due presentation of a certificate, any shares for which a certificate is outstanding.

The statement required by Proposed subsection 6.26(b) ensures that holders of uncertificated shares will receive from the corporation the same information that the holders of certificates receive when certificates are issued. There is no requirement that this information be delivered to purchasers of uncertificated shares before purchase.

Detailed rules with respect to the issuance, transfer, and registration of both certificated and uncertificated shares appear in article 8 of the UNIFORM COMMERCIAL CODE. In general terms there are no differences between certificated and uncertificated securities except in matters such as their manner of transfer.

Section 6.27 Restriction on Transfer of Shares and Other Securities.

Share transfer restrictions are widely used by both publicly held and closely held corporations for a variety of appropriate purposes. Washington case law on the subject is relatively limited and somewhat inconsistent. See (in order of decision) *State ex rel. Howland v. Olympia Veneer Co.*, 138 Wash. 144 (1926) (bylaw requiring directors' consent for transfer of shares held invalid as unlawful restraint on alienation); *In re West Waterway Lumber Co.*, 59 Wash. 2d 310 (1962) (restriction giving corporation right to repurchase shares if a shareholder voluntarily ceased to manufacture lumber upheld; reasonable restraints on alienation of corporate shares are not objectionable); *Jones v. Harris*, 63 Wash. 2d 559 (1964) (restriction giving corporation right to repurchase shares at book value upheld; contract could not be said to have been unfair or inequitable when it was made); *Rogers Walla Walla Inc. v. Ballard*, 16 Wash. App. 81 (1976) (restriction giving corporation power to repurchase shares upheld; fairness of restriction to be determined at time agreement signed); and *Fine v. Laband*, 35 Wash. App. 368 (1983) (restriction giving corporation right to repurchase shares on breach of contract upheld; question was whether agreement was fair and equitable at time entered into). By prescribing reasonable rules to govern the use of transfer restrictions, Proposed section 6.27 should guide practitioners in their use and encourage a more uniform and favorable judicial reception.

Proposed subsection 6.27(a) generally authorizes the imposition of transfer restrictions on "shares," although the caption of the section refers to "shares and other securities." Proposed subsection 6.27(e) defines "shares" for purposes of Proposed section 6.27 to include securities "convertible into or carrying a right to subscribe for or acquire shares;" the phrase "other securities" in the title of the Proposed section thus describes the broader scope of this section resulting from the definition in Proposed subsection 6.27(e).

Share transfer restrictions are usually created by provisions in the bylaws or articles of incorporation but may also be created by contract between the corporation and some or all the shareholders or between or among the shareholders themselves. However, if shares are originally issued free of restriction, they may not thereafter be subject to a transfer restriction without the consent of the holder, evidenced by a vote in favor of the amendment to the articles of incorporation or bylaws creating the restriction, or by being a party to the contract creating the restriction.

The terms of a restriction on transfer do not need to be set forth in full or summarized in detail on a certificate or information statement required by Proposed subsection 6.26(b) for uncertificated securities. Rather, Proposed subsection 6.27(b) provides that in the case of a certificated security, the existence of the restriction must be conspicuously set forth on the front or back of the certificate; in the case of an uncertificated security, the existence of the restriction must be noted in the information statement. There is no requirement that the notation on an information statement be conspicuous.

If a transferee knows of the restriction the transferee is bound by it even though the restriction is not noted on the certificate or information statement.

Proposed subsection 6.27(c) describes the purposes for which restrictions may be imposed while Proposed subsection 6.27(d) describes the types of restrictions that may be imposed.

Proposed subsection 6.27(c) enumerates certain purposes for which share transfer restrictions may be imposed, but does not limit the purposes since Proposed subsection 6.27(c)(3) permits restrictions "for any other reasonable purpose." Examples of the "status" referred to in Proposed subsection 6.27(c)(1) are the subchapter S election under the Internal Revenue Code, and entitlement to a program or eligibility for a privilege administered by governmental agencies or national securities exchanges. Specific references in Proposed section 6.27 to subchapter S

and other statutes were not made because of the possibility that the Internal Revenue Code or other statute may be amended or recodified after the adoption of the Proposed Act.

Proposed subsection 6.27(c)(2) permits restrictions on transfers of shares to ensure availability of exemptions under state or federal securities acts. Share transfer restrictions for other purposes are permitted by Proposed subsection 6.23(c)(3) so long as the purpose is reasonable. It is unnecessary to inquire into the reasonableness of the purposes specifically enumerated in Proposed subsections 6.27(c)(1) and (2).

The types of restrictions referred to in Proposed subsections 6.27(d)(1) (option agreements) and (2) (buy-sell agreements) are imposed as a matter of contractual negotiation and do not prohibit the outright transfer of shares. Rather, they designate to whom shares or other securities must be offered at a price established in the agreement or by a formula or method agreed to in advance. By contrast, the restrictions described in Proposed subsections 6.27(d)(3) and (4) may permanently limit the market for shares by disqualifying all or some potential purchasers. As a result the restrictions imposed by these two provisions must not be "manifestly unreasonable."

Use of the term "manifestly unreasonable" will at the very least change the parameters for inquiry announced in Washington cases for consent restrictions. See *State ex rel Howland v. Olympia Veneer Co.*, 138 Wash. 144 (1926); and the court's language in *In re West Waterway Lumber Co.*, 59 Wash. 2d 310 (1962). The term "manifestly unreasonable" is derived from Del. Gen. Corp. L. section 202(c)(4) (essentially equivalent to RMA section 6.27(d)(4)), where it has not received significant interpretation. Compare *Edelman v. Phillips Petroleum Co.*, 1985 WL 11534 (Del. Ch. 1985) (a standstill agreement was not manifestly unreasonable); *Joseph E. Seagram & Sons, Inc. v. Conoco, Inc.*, 519 F. Supp. 506 (D.C. Del. 1981) (issue of whether bylaw restriction on transfer of shares to aliens was manifestly unreasonable presented but not resolved). See also Pa. Bus. Corp. Act section 613.1 (same language). See generally *Colbert v. Hennessey*, 217 N.E.2d 914 (Mass. 1966) holding that a consent restriction was not "palpably unreasonable."

Section 6.28 Expense of Issue.

The original purpose of this section was to deal with the problems created by the concepts of "par value" and "stated capital;" it permitted the corporation to expend its capital for "the reasonable charges and expenses of" organization without fear of making the shares not fully paid or assessable because the assets ultimately received were less than the aggregate par value of the issued shares.

Under the modern capitalization principles set forth in the Proposed Act there is no basis for the fear that shares issued property under Proposed section 6.21 can be made assessable because of the subsequent use of the proceeds. While Proposed section 6.28 thus may be technically unnecessary, it was believed to be desirable to retain in the Proposed Act a general authorization to the corporation to pay its expenses of formation and raising capital out of its original capitalization. The reference to "reasonable" charges and expenses was deleted on the theory that the test for these expenses should be no different from the test for expenses of any other type.

The concluding language in the old law, "without rendering the shares not fully paid or assessable," was also deleted as unnecessary and confusing in the context of the earlier revisions to the financial provisions of the Washington statutes.

Section 6.30 Shareholders' Preemptive Rights.

Proposed section 6.30 follows the "opt out" approach of old RCW 23A.08.220, rather than the "opt in" approach of RMA section 6.30. Thus, unless preemptive rights are abolished or altered in the articles of incorporation, the rights set forth in this section exist. It is important to note that the right conferred by this section can be expanded if so provided in the articles of incorporation.

Proposed subsection 6.30(b) states rules with respect to the waiver of the right. Proposed subsection 6.30(c) lists the principal exceptions recognized by courts to preemptive rights. The Committee rejected the RMA subsection that would have

provided no preemptive right to shares issued (from the number originally authorized) within 6 months of incorporation. It chose instead language intended to capture the exception announced in *Yasik v. Wachtel*, 17 A.2d 309 (Del. Ch. 1941); an exception for shares issued pursuant to the corporation's initial plan of financing (which in *Yasik* lasted more than 5 years.)

Proposed subsection 6.30(a) is primarily designed to protect voting power within the corporation from dilution. For this reason, Proposed subsection 6.30(f) contains a special definition of "shares" to ensure that the preemptive rights of shareholders apply to all securities that are convertible into or carry a right to acquire voting shares.

On the other hand, preemptive rights also may serve in part to protect the equity participation of shareholders. This combination of functions creates no problem in a corporation that has authorized only a single class of shares but may occasionally create problems in corporations with more complex capital structures. In many multiple-class corporate financial structures, the issuance of additional shares of one class does not adversely affect other classes. For example, the issuance of additional general voting shares without preferential rights normally does not affect either the limited voting power or equity participation of holders of shares with preferential rights; holders of shares with preferential equity participation rights but without general voting rights should therefore have no preemptive rights with respect to general voting shares without preferential rights, unless the articles of incorporation so provide. See Proposed subsection 6.30(d)(i) and (ii). Classes of shares that may give rise to possible conflict between the protection of voting interests and equity participation when the board of directors desires to issue additional shares include classes of nonvoting shares without preferential rights and classes of shares with both preferential rights to distributions and general voting rights. Attorneys who draft articles of incorporation with classes of shares that may give rise to these conflicts should consider the precise application of Proposed subsection 6.30(d) with respect to preemptive rights for these classes and define more carefully the scope of the preemptive rights desired.

Section 6.31 Corporation's Acquisition of Its Own Shares.

Proposed subsection 6.31(a) restates the fundamental power of a corporation to reacquire its own shares. Such a transaction constitutes a "distribution" by the corporation (see the definition of that term in Proposed section 1.40) and is subject to the limitations of Proposed section 6.40.

Shares that are reacquired by the corporation become authorized but unissued shares under Proposed subsection 6.31(b) unless the articles prohibit reissue, in which event they are cancelled. Proposed subsection 6.31(c) requires a simplified official filing to reflect the reduction of authorized shares. This provision is included in order that there be a public record of the number of authorized shares that a corporation may issue. The amendment may be made without shareholder action.

Until the amendment referred to in Proposed subsection 6.31(c) is effective, the corporation has power to reissue the reacquired shares despite a prohibition in the articles of incorporation. In such a case, the action of the directors in issuing the shares may be challengeable but the shares so issued would be fully paid and nonassessable if issued in conformity with Proposed section 6.21.

Section 6.40 Distributions to Shareholders.

Proposed section 1.40 defines "distribution" to include virtually all transfers of money, indebtedness of the corporation or other property to a shareholder in respect of the corporation's shares. It thus includes cash or property dividends, payments by a corporation to purchase its own shares, distributions of promissory notes or indebtedness, and distributions in partial or complete liquidation or voluntary or involuntary dissolution. Proposed section 1.40 excludes from the definition of "distribution" transactions by the corporation in which only its own shares are distributed to its shareholders. These transactions are called "share dividends" in the Proposed Act. See Proposed section 6.23.

The old law prohibited payments of dividends if the corporation was, or as a result of the payment would be, insolvent in the equity sense. This test is retained, appearing in Proposed subsection 6.40(b)(1).

In most cases involving a corporation operating as a going concern in the normal course, information generally available will make it quite apparent that no particular inquiry concerning the equity insolvency test is needed. While neither a balance sheet nor an income statement can be conclusive as to this test, the existence of significant shareholders' equity and normal operating conditions are of themselves a strong indication that no issue should arise under that test. Indeed, in the case of a corporation having regularly audited financial statements, the absence of any qualification in the most recent auditor's opinion as to the corporation's status as a "going concern," coupled with a lack of subsequent adverse events, would normally be decisive.

It is only when circumstances indicate that the corporation is encountering difficulties or is in an uncertain position concerning its liquidity and operations that the board of directors or, more commonly, the officers or others upon whom they may place reliance under Proposed subsection 8.30(b), may need to address the issue. Because of the overall judgment required in evaluating the equity insolvency test, no "bright line" test can be employed. However, in determining whether the equity insolvency test has been met, certain judgments or assumptions as to the future course of the corporation's business are customarily justified, absent clear evidence to the contrary. These include the likelihood that (a) based on existing and contemplated demand for the corporation's products or services, it will be able to generate funds over a period of time sufficient to satisfy its existing and reasonably anticipated obligations as they mature, and (b) indebtedness which matures in the near-term will be refinanced where, on the basis of the corporation's financial condition and future prospects and the general availability of credit to businesses similarly situated, it is reasonable to assume that such refinancing may be accomplished. To the extent that the corporation may be subject to asserted or unasserted contingent liabilities, reasonable judgments as to the likelihood, amount, and time of any recovery against the corporation, after giving consideration to the extent to which the corporation is insured or otherwise protected against loss, may be utilized. There may be occasions when it would be useful to consider a cash flow analysis, based on a business forecast and budget, covering a sufficient period of time to permit a conclusion that known obligations of the corporation can reasonably be expected to be satisfied over the period of time that they will mature.

In exercising their judgment, the directors are entitled to rely, under Proposed subsection 8.30(b) as noted above, on information, opinions, reports, and statements prepared by others. Ordinarily, they should not be expected to become involved in the details of the various analyses or market or economic projections that may be relevant. Judgments must of necessity be made on the basis of information in the hands of the directors when a distribution is authorized. They should not, of course, be held responsible as a matter of hindsight for unforeseen developments. This is particularly true with respect to assumptions as to the ability of the corporation's business to repay long-term obligations which do not mature for several years, since the primary focus of the directors' decision to make a distribution should normally be on the corporation's prospects and obligations in the shorter term, unless special factors concerning the corporation's prospects require the taking of a longer term perspective.

The Proposed Act establishes the validity of distributions from the corporate law standpoint under Proposed section 6.40 and determines the potential liability of directors for improper distributions under Proposed sections 8.30 and 8.31. The federal Bankruptcy Act and state fraudulent conveyance statutes, on the other hand, are designed to enable the trustee or other representative to recapture for the benefit of creditors funds distributed to others in some circumstances. In light of these diverse purposes, and to minimize management difficulties in administering the statutes, Proposed subsection 6.40(f) provides that the provisions in this title supersede those of the state fraudulent conveyances act in determining the legality of a distribution.

Proposed subsection 6.40(b)(2) requires that, after giving effect to any distribution, the corporation's assets equal or exceed its liabilities plus (with some exceptions) the dissolution preferences of senior equity securities. Proposed subsection 6.40(c)(1) authorizes asset and liability determinations to be made for this purpose on the basis of either (1) financial statements prepared on the basis of accounting practices and principles that are reasonable in the circumstances or (2) a fair valuation or other method that is reasonable in the circumstances. The determination of a corporation's assets and liabilities and the choice of the permissible basis on which to do so are left to the judgment of its board of directors. In making a judgment under Proposed subsection 6.40(c)(1), the board may rely under Proposed subsection 8.30(b) upon opinions, reports, or statements, including financial statements and other financial data prepared or presented by public accountants or others.

Proposed section 6.40 does not utilize particular accounting terminology of a technical nature or specify particular accounting concepts. In making determinations under this section, the board of directors may make judgments about accounting matters, giving full effect to its right to rely upon professional or expert opinion.

In a corporation with subsidiaries, the board of directors may rely on unconsolidated statements prepared on the basis of the equity method of accounting (see American Institute of Certified Public Accountants, APB Opinion No. 18 (1971)) as to the corporation's investee corporations, including corporate joint ventures and subsidiaries, although other evidence would be relevant in the total determination.

The board of directors should in all circumstances be entitled to rely upon reasonably current financial statements prepared on the basis of generally accepted accounting principles in determining whether or not the balance sheet test of Proposed subsection 6.40(b)(2) has been met, unless the board is then aware that it would be unreasonable to rely on the financial statements because of newly-discovered or subsequently arising facts or circumstances. But Proposed section 6.40 does not mandate the use of generally accepted accounting principles; it only requires the use of accounting practices and principles that are reasonable in the circumstances. While publicly-owned corporations subject to registration under the Securities Exchange Act of 1934 must, and many other corporations in fact do, utilize financial statements prepared on the basis of generally accepted accounting principles, a great number of smaller or closely-held corporations do not. Some of these corporations maintain records solely on a tax accounting basis and their financial statements are of necessity prepared on that basis. Others prepare financial statements that substantially reflect generally accepted accounting principles but may depart from them in some respects (e.g., footnote disclosure). These facts of corporate life indicate that a statutory standard of reasonableness, rather than stipulating generally accepted accounting principles as the normative standard, is appropriate in order to achieve a reasonable degree of flexibility and to accommodate the needs of the many different types of business corporations which might be subject to these provisions, including in particular closely-held corporations. Accordingly, the Proposed Act contemplates that generally acceptable accounting principles are always "reasonable in the circumstances" and that other accounting principles may be perfectly acceptable, under a general standard of reasonableness, even if they do not involve the "fair value" or "current value" concepts that are also contemplated by Proposed subsection 6.40(c)(1).

Proposed subsection 6.40(c)(1) specifically permits determinations to be made under Proposed subsection 6.40(b)(2) on the basis of a fair valuation or other method that is reasonable in the circumstances. Thus the statute authorizes departures from historical cost accounting and sanctions the use of appraisal and current value methods to determine the amount available for distribution. No particular method of valuation is prescribed in the statute, since different methods may have validity depending upon the circumstances, including the type of enterprise and the purpose for which the determination is made. For example, it is inappropriate in most cases to apply a "quick-sale liquidation" method to value an enterprise, particularly with respect to the payment of normal dividends. On the other hand, a

"quick-sale liquidation" valuation method might be appropriate in certain circumstances for an enterprise in the course of reducing its asset or business base by a material degree. In most cases, a fair valuation method or a going-concern basis would be appropriate if it is believed that the enterprise will continue as a going concern.

Ordinarily a corporation should not selectively revalue assets. It should consider the value of all of its material assets, whether or not reflected in the financial statements (e.g., a valuable executory contract). Likewise, all of a corporation's material obligations should be considered and revalued to the extent appropriate and possible. In any event, Proposed subsection 6.40(c)(1) calls for the application under Proposed subsection 6.40(b)(2) of a method of determining the aggregate amount of assets and liabilities that is reasonable in the circumstances.

Proposed subsection 6.40(c)(1) also refers to some "other method that is reasonable in the circumstances." This phrase is intended to comprehend within Proposed subsection 6.40(b)(2) the wide variety of possibilities that might not be considered to fall under a "fair valuation" or "current value" method but might be reasonable in the circumstances of a particular case.

Proposed subsection 6.40(b)(2) provides that a distribution may not be made unless the total assets of the corporation exceed its liabilities plus the amount that would be needed to satisfy any shareholder's superior preferential rights upon dissolution if the corporation were to be dissolved at the time of the distribution. This requirement in effect treats preferential dissolution rights of shares for distribution purposes as if they were liabilities for the sole purpose of determining the amount available for distributions, and carries forward analogous treatment of shares having preferential dissolution rights from the old law. In making the calculation of the amount that must be added to the liabilities of the corporation to reflect the preferential dissolution rights, the assumption should be made that the preferential dissolution rights are to be established pursuant to the articles of incorporation, as of the date of the distribution or proposed distribution. The amount so determined must include arrearages in preferential dividends if the articles of incorporation require that they be paid upon the dissolution of the corporation. In the case of shares having both a preferential right upon dissolution and other nonpreferential rights, only the preferential right should be taken into account. The treatment of preferential dissolution rights of classes of shares set forth in Proposed subsection 6.40(b)(2) is applicable only to the balance sheet test and is not applicable to the equity insolvency test of Proposed subsection 6.40(b)(1). The treatment of preferential rights mandated by this section may always be eliminated by an appropriate provision in the articles of incorporation.

Proposed subsection 6.40(d)(2)(iii) provides that the time for measuring the effect of a distribution for compliance with the equity insolvency and balance sheet tests for all distributions not involving the reacquisition of shares or the distribution of indebtedness is the date of authorization, if the payment occurs within 120 days following the authorization; if the payment occurs more than 120 days after the authorization, however, the date of payment must be used. If the corporation elects to make a distribution in the form of its own indebtedness, under Proposed subsection 6.40(d)(2)(ii) the validity of that distribution must be measured as of the time of distribution, unless the indebtedness qualifies under Proposed subsection 6.40(d)(1).

Proposed subsection 6.40(d)(2)(i) provides a different rule for the time of measurement when the distribution involves a reacquisition of shares. The application of the equity insolvency and balance sheet tests to distributions that involve the purchase, redemption, or other acquisition of the corporation's shares creates unique problems; Proposed section 6.40 provides a specific rule for the resolution of these problems as described below.

Proposed subsection 6.40(d)(2)(i) provides that the time for measuring the effect of a distribution under Proposed section 6.40(b), if shares of the corporation are reacquired, is the earlier of (i) the payment date, or (ii) the date the shareholder ceased to be a shareholder with respect to the shares, except as provided in Proposed subsection 6.40(d)(1).

In an acquisition of its shares, a corporation may transfer property or incur debt to the former holder of the shares. The case law on the status of this debt is conflicting. However, share repurchase agreements involving payment for shares

over a period of time are of special importance in closely-held corporate enterprises. Proposed subsection 6.40(d)(2)(1) provides a clear rule for this situation: the legality of the distribution must be measured at the time of the issuance of incurrence of the debt, not at a later date when the debt is actually paid, except as provided in Proposed subsection 6.40(d)(1). Of course, this does not preclude later challenge of a payment on account of redemption-related debt by a bankruptcy trustee on the ground that it constitutes a preferential payment to a creditor.

Proposed subsection 6.40(e) provides that indebtedness created to acquire the corporation's shares or issued as a distribution is on a parity with the indebtedness of the corporation to its general, unsecured creditors, except to the extent otherwise provided by agreement. General creditors are better off in these situations than they would have been if cash or other property had been paid out for the shares or distributed (which is proper under the statute), and no worse off than if cash had been paid or distributed and then lent back to the corporation, making the shareholders (or former shareholders) creditors. The parity created by Proposed subsection 6.40(e) is logically consistent with the rule established by Proposed subsection 6.40(d)(2)(1) that these transactions should be judged at the time of the issuance of the debt.

Proposed subsection 6.40(c)(2) provides that indebtedness need not be taken into account as a liability in determining whether the tests of Proposed subsection 6.40(b) have been met: if the terms of the indebtedness provide that payments of principal or interest can be made only if and to the extent that payment of a distribution could then be made under Proposed section 6.40. This has the effect of making the holder of the indebtedness junior to all other creditors but senior to the holders of all classes of shares, not only during the time the corporation is operating but also upon dissolution and liquidation. It should be noted that the creation of such indebtedness, and the related limitations on payments of principal and interest, may create tax problems or raise other legal questions.

Although Proposed subsection 6.40(c)(2) is applicable to all indebtedness meeting its tests, regardless of the circumstances of its issuance, it is anticipated that it will be applicable most frequently to permit the reacquisition of shares of the corporation at a time when the deferred purchase price exceeds the net worth of the corporation. This type of reacquisition will often be necessary in the case of businesses in early stages of development or service businesses whose value derives principally from existing or prospective net income or cash flow rather than from net asset value. In such situations, it is anticipated that net worth will grow over time from operations so that when payments in respect of the indebtedness are to be made the two insolvency tests will be satisfied. In the meantime, the fact that the indebtedness is outstanding will not prevent distributions that could be made under subsection (b) if the indebtedness were not counted in making the determination.

CHAPTER 7. SHAREHOLDERS

Section 7.01 Annual Meeting.

Proposed subsection 7.01(a) requires every corporation to hold an annual meeting each year of shareholders entitled to participate in the election of directors and to consider other matters coming before the annual meeting of shareholders. The principal action to be taken at the annual meeting is the election of directors as required by Proposed section 8.03. But the purposes of an annual meeting are not generally limited and all matters appropriate for shareholder action (except removal of directors under Proposed subsection 8.08(d)) may also be considered at that meeting. An annual meeting may also be the appropriate forum (assuming the articles of incorporation or bylaws do not prohibit such action) for a shareholder to raise any relevant question about the corporation's operations.

The requirement of Proposed subsection 7.01(a) that an annual meeting be held is phrased in mandatory terms to ensure that every shareholder entitled to participate in the meeting has the unqualified rights (1) to demand that the annual meeting be held and (2) to compel the holding of the meeting under Proposed section 7.03 if the corporation does not promptly hold the meeting. Many corporations, such as non-public subsidiaries and closely held corporations, do not regularly hold annual meetings, and if no shareholder objects, that practice creates no

problem under Proposed section 7.01, since Proposed subsection 7.01(c) provides that failure to hold an annual meeting does not affect the validity of any corporate action. Rather than holding an annual meeting, the shareholders may elect directors and take other appropriate action by unanimous written consent under Proposed section 7.04. And, even if the shareholders fail to elect directors, the directors currently in office continue in office under Proposed section 8.05 beyond the expiration of their terms.

The time and place of the annual meeting may be "stated in or fixed in accordance with the bylaws." If the bylaws do not themselves fix a time and place for the annual meeting, authority to fix them may be delegated to the board of directors or to a specified corporate officer. This section thus gives corporations the flexibility to hold annual meetings in varying places at such times as convenience may dictate.

The annual meeting may be held either inside or outside the state or in a foreign country, but if the bylaws do not fix, or state the method of fixing, the place of the meeting, the meeting must be held at the "principal office" of the corporation. The principal office is defined in Proposed section 1.40 as the location of the principal executive office of the corporation and may or may not be its registered or official office under Proposed section 5.01. Proposed section 16.22 requires that the address of the principal office be specified in the corporation's annual report.

If the annual meeting is not held either within 6 months of the close of the corporation's fiscal year or within 15 months of the last annual meeting, a shareholder may compel an annual meeting to be held under Proposed section 7.03. In the absence of a demand for a meeting, a corporation can operate indefinitely without actually holding an annual meeting.

Authority granted to the board of directors or some individual to fix the time and place of the annual meeting must be exercised in good faith. See Schnell v. Chris-Craft Industries, Inc., 285 A.2d 437 (Del. 1971).

Section 7.02 Special Meeting.

Any meeting other than an annual meeting is a special meeting under Proposed section 7.02. The principal formal differences between an annual and a special meeting are that at an annual meeting directors are elected and, subject to the special notice requirements of Proposed subsection 7.05(b), any relevant issue pertaining to the corporation (except removal of directors under Proposed section 8.08) may be considered, while a special meeting must be called for specific purposes and may only consider matters within those purposes.

A special meeting may be called under Proposed subsection 7.02(a) by the board of directors or the person or persons authorized to do so by the articles of incorporation or bylaws. Typically, the person or persons holding certain designated offices within the corporation, e.g., the president, chairman of the board of directors, or chief executive officer, are given authority to call special meetings of the shareholders. In addition, generally the holders of at least 10 percent of the votes entitled to be cast on a proposed issue at the special meeting may require the corporation to hold a special meeting by signing, dating, and delivering one or more writings that demand a special meeting and set forth the purpose or purposes of the desired meeting. Shareholders demanding a special meeting do not have to sign a single piece of paper, but the writings signed must all describe essentially the same purpose or purposes. Upon receipt of writings evidencing a demand by holders of 10 percent of the votes, the corporation (through an appropriate officer) must call the special meeting at a reasonable time and at the place stated in or fixed in accordance with the bylaws, or if not so stated or fixed, at the corporation's principal office. The shareholders' demand may suggest a time and place but the final decision on such matters is the corporation's. If no meeting is held within the time periods specified in Proposed section 7.03, the shareholders may obtain a summary court order under that section requiring that the meeting be held. Proposed subsection 7.03(b) continues current law permitting public companies to limit or deny the right of shareholders to call a special meeting by article of incorporation provision. Proposed subsection 7.03(c) authorizes non-public companies to increase to 25 percent the percentage of votes required in the demand.

Proposed subsection 7.02(d) fixes a record date for determining the shareholders entitled to sign a demand for a special shareholders' meeting. Unless a record date is otherwise fixed for this purpose, the record date is the date the first shareholder signs the demand. If a shareholder initially signs a demand but later seeks to withdraw his demand, the corporation may permit the shareholder to do so.

Under Proposed subsection 7.02(a)(2) it is possible that more than one faction of shareholders may demand meetings at roughly the same time or that a single (or changing) faction of shareholders may request consecutive, overlapping, or repetitive meetings. The responsible corporate officers have some discretion as to the call and purposes of a meeting, and where demands are repetitious or overlapping, they may refuse to call a meeting for a purpose identical or similar to a purpose for which a previous special meeting was held in the recent past. Similarly, they may decline to call a special meeting when an annual meeting will be held in the near future. This limited discretion of the corporation to deny repetitive or overlapping demands may ultimately be tested under Proposed section 7.03, which itself gives the court discretion whether or not to compel the holding of a special meeting under these circumstances.

Proposed subsection 7.05(c) provides that a notice of a special meeting must include a "description of the purpose or purposes for which the meeting is called." Subsection 7.02(f) states that only business that is within that purpose or those purposes may be conducted at the special meeting. The word "within" was chosen, rather than a broader phrase like "reasonably related to," to describe the relationship between the notice and the authorized business to assure a shareholder who does not attend a special meeting that new or unexpected matters will not be considered in the shareholder's absence.

Section 7.03 Court-Ordered Meeting.

Proposed section 7.03 provides the remedy for shareholders if the corporation refuses or fails to hold a shareholders' meeting as required by Proposed section 7.01 or Proposed section 7.02. A shareholder entitled to vote for directors at a meeting may apply for a summary court order to command the holding of a meeting if (1) an annual meeting is not held within 6 months after the end of the corporation's fiscal year or 15 months after its last annual meeting, or (2) a special meeting is not properly noticed within 30 days after a valid demand is delivered to the secretary of the corporation or, if properly noticed, is not held in accordance with the notice. Since a meeting must be held within 60 days of the notice date under Proposed section 7.05, the maximum delay between the demand for a special meeting and the right to petition a court for a summary order is 90 days.

The court must provide notice to the corporation before it orders a meeting or fixes the details of the meeting. The Committee added this requirement to the RMA in order to give the corporation ample opportunity to take necessary action on its own initiative.

The court has discretion under Proposed section 7.03 since the language of the statute is that the court "may summarily order" that a meeting be held. A court, for example, may refuse to order a special meeting if the specified purpose is repetitive of the purpose of a special meeting held in the recent past. Similarly, even though a demand for an annual meeting is not a formal prerequisite for an application for a summary order under this section, the court may withhold setting a time and date for the annual meeting for a reasonably short period in order to permit the corporation to do so.

In any event, a shareholder applying for a summary order to hold a meeting has the burden of showing that the shareholder is entitled to the order and, in the case of a special meeting, the shareholder has the burden of showing that the demand was executed by the holders of at least 10 percent (or, in the case of a non-public corporation, such higher percentage not in excess of 25 percent as is stated in the articles of incorporation or bylaws) of the votes entitled to be cast on the record date and that the demand was duly delivered to the corporation's secretary.

If the court orders that a meeting be held, it may fix the time and place of the meeting, determine the voting groups entitled to participate in the meeting, set the

record date, order notice to be given, and enter such other orders as may be appropriate for the holding of the meeting.

The court may provide that a meeting it has ordered is to be the annual meeting. If so provided, the meeting should be viewed as compliance with Proposed section 7.01, precluding all other shareholder requests for an annual meeting for that year.

The Committee considered in connection with Proposed section 7.03 old RCW 23A.08.305 (missing shareholders). It concluded that most situations in which that provision might be invoked were covered by the Proposed section. It therefore omitted old RCW 23A.08.305 and made minor changes in RMA section 7.03(b) to authorize the court to determine the shareholders to participate in a meeting (thereby covering the main operative element in old RCW 23A.08.305) and to authorize the court to determine the manner (e.g., by publication) of providing notice.

Section 7.04 Action Without Meeting.

Proposed section 7.04 provides that all the shareholders entitled to vote on an issue may validly act by unanimous written consent without a meeting. Unanimous written consent is obtainable, as a practical matter, only on matters on which there are only a relatively few shareholders entitled to vote.

Proposed section 7.04 is based on the fundamental premise that if all the voting shareholders desire some action to be taken, no purpose is served by requiring the formality of holding a meeting of shareholders. Action by unanimous written consent has the same effect as a meeting vote and may be described as such in any document, including documents delivered to the secretary of state for filing. Proposed section 7.04 is applicable to any shareholder action, including, without limitation, election of directors, approval of mergers or sales of substantially all the corporate property not in the ordinary course of business, amendments of articles of incorporation, and dissolution.

To be effective, consents must be in writing, signed by all the shareholders entitled to vote, and delivered to the corporation for inclusion in the minutes or filing with the corporate records. The phrase "one or more written consents" is included in Proposed subsection 7.04(a) to make it clear that all shareholders do not need to sign the same piece of paper. The record date for determining who is entitled to vote, if not otherwise fixed by or in accordance with the bylaws, is the date the first shareholder signs the consent. Proposed subsection 7.04(b).

Proposed subsection 7.04(c), related to withdrawal, was designed to eliminate possible confusion and litigation as to revocability of consents. See *Calumet Industries, Inc. v. MacClure*, 464 F. Supp. 19 (N.D. Ill. 1978) (reaching a conclusion similar to that in Proposed subsection (c)).

Proposed section 7.04 is applicable to all shareholder actions, including the approval of fundamental corporate changes described in chapters 10, 11, 12, and 14. If these actions were taken at an annual or special meeting, shareholders who were not entitled to vote on the matter would nevertheless be entitled to receive notice of the meeting, including a description of the transaction proposed to be considered at the meeting. See, e.g., Proposed sections 10.03 (notice of proposed amendment), 11.03 (notice of proposed merger). In order to ensure that nonvoting shareholders have essentially the same right if action is taken by consent rather than at a meeting, Proposed subsection 7.04(d) provides that all nonvoting shareholders must be given at least 10 days' written notice of the fundamental corporate changes that are proposed for approval by consent.

Section 7.05 Notice of Meeting.

Shareholders entitled to notice must be given notice of annual and special meetings pursuant to Proposed section 7.05 unless the notice is waived pursuant to Proposed section 7.06. Notice must be given at least 10 (or 20, in the case of proposed actions described in Proposed subsection 7.05(a)), but not more than 60 days before the meeting date.

Generally, only shareholders who are entitled to vote at a meeting are entitled to notice. Thus, notice usually need be sent only to holders of shares entitled to vote in an election of directors or generally on other matters (in the case of an annual

meeting), and on matters within the specified purposes set forth in the notice (in the case of a special meeting), and only to holders of shares of those classes or series of shares on the record date. The last sentence of Proposed subsection 7.05(a), however, recognizes that other sections of the Act require that notice of meetings at which certain types of fundamental corporate changes are to be considered must be sent to all shareholders, including holders of shares who are not entitled to vote on any matter at the meeting. See Proposed sections 10.03, 11.03, 12.02, and 14.02. In addition, the articles of incorporation may require that notice of meetings be given to all or specified voting groups of shareholders who are not entitled to vote on the matters considered at those meetings.

Notice of all special meetings must include a description of the purpose or purposes for which the meeting is called and the matters acted upon at the meeting are limited to those within the notice of meeting. By contrast, the notice of an annual meeting usually need not refer to any specific purpose or purposes. As recognized in Proposed subsection 7.05(b), however, other provisions of the Proposed Act provide that certain types of fundamental corporate changes may be considered at an annual meeting only if specific reference to the proposed action appears in the notice of meeting. See Proposed sections 10.03, 11.03, 12.02, and 14.02. In addition, if the board of directors chooses, a notice of an annual meeting may contain references to purposes or proposals not required by statute. In either event, if a notice of an annual meeting refers specifically to one or more purposes, the meeting is not limited to those purposes.

Proposed subsection 7.05(d) provides rules for notice of adjourned meetings and determines when new notice must be given to shareholders. Under this subsection a meeting may be adjourned to a different date, time, or place without additional notice to the shareholders (unless the bylaws require otherwise) if the new date, time, or place is announced before adjournment. But new notice is required if a new record date is or must be fixed under Proposed subsection 7.07(c). If a new record date is or must be fixed, all requirements of Proposed section 7.05 must be complied with as notice is given to the persons who are shareholders as of the new record date. A new quorum for the adjourned meeting must also be established. See Proposed section 7.25.

Section 7.06 Waiver of Notice.

Proposed subsection 7.06(a) permits any shareholder to waive any notice required by Proposed section 7.05 by a written waiver, signed by the shareholder and delivered to the corporation. A waiver is effective even though it is signed before or after the date and time of the meeting that is the subject of the notice.

A notice of shareholder meetings serves two principal purposes: (1) it advises shareholders of the date, time, and place of the annual or special meeting, and (2) in the case of a special meeting (or an annual meeting at which fundamental changes may be made), it advises shareholders of the purposes of the meeting. If a shareholder attends a meeting, the shareholder has probably received some form of notice of the date, time, and place of the meeting whether from the corporation or from another source. As a result, Proposed subsection 7.06(b) provides that attendance at a meeting constitutes waiver of any failure to receive the notice or defects in the statement of the date, time, and place of any meeting. Defects waived by attendance for this purpose include a failure to send the notice altogether, delivery to the wrong address, a misstatement of the date, time, or place of the meeting, and a failure to notice the meeting within the time periods specified in Proposed subsection 7.05(a). If a shareholder believes that the defect in or failure of notice was in some way prejudicial, the shareholder may preserve that objection by stating at the beginning of the meeting that the shareholder objects to holding the meeting or transacting any business. If this objection is made, the corporation may correct the defect by sending proper notice to the shareholders for a subsequent meeting or by obtaining written waivers of notice from all shareholders who did not receive the notice required by Proposed section 7.05.

For purposes of this section, "attendance" at a meeting involves the presence of the shareholder in person or by proxy. A shareholder who attends a meeting

solely for the purpose of objecting to the notice may be counted as present for purposes of determining whether a quorum is present. See Proposed subsection 7.25(b).

In the case of special meetings, or annual meetings at which fundamental corporate changes are considered, a second purpose of the notice is to tell shareholders what is to be considered at the meeting. An objection that a particular matter is not within the stated purposes of the meeting obviously cannot be raised until the matter is presented. Thus Proposed subsection 7.06(c) provides that a shareholder waives this kind of objection if the shareholder fails to object promptly after the matter is first presented. If this objection is made, the corporation may correct the defect by sending proper notice to the shareholders for a subsequent meeting or obtaining written waivers of notice from all shareholders. Of course, whether or not a specific matter is within a stated purpose of a meeting is ultimately a matter for judicial determination, typically in a suit to invalidate action taken at the meeting brought by a shareholder who was not present at the meeting or who was present at the meeting and preserved the shareholder's objection under Proposed subsection 7.06(b).

The purpose of both waiver rules in Proposed subsections 7.06(b) and (c) is to require shareholders with objections to holding the meeting or considering a specific matter to raise them at the outset and not reserve them to be raised only if they are unhappy with the outcome of the meeting. The rules set forth in this section differ in some respects from the waiver rules for directors set forth in Proposed section 8.23 where a waiver is inferred if the director acquiesces in the action taken at a meeting even if the director raised an objection to the notice of a meeting at the outset.

Other sections of the Proposed Act require that shareholders who are not entitled to vote are entitled to notice of meetings at which certain fundamental corporate changes are to be considered. See Proposed sections 10.03, 11.03, 12.02, and 14.02. In order to obtain an effective waiver of notice for these meetings under this section, waivers must be obtained from the nonvoting shareholders who are entitled to notice as well as from the voting shareholders.

Section 7.07 Record Date.

Proposed subsection 7.07(a) authorizes the board of directors to fix record dates for any action by shareholders unless the bylaws themselves fix or provide for the fixing of a record date. A separate record date may be established for each voting group entitled to vote separately on a matter at a meeting, or a single record date may be established for all voting groups entitled to vote in the meeting. If neither the bylaws nor the board of directors fix a record date for a specific action, Proposed subsections (b), (c) and (d) provide record dates. Thus, subsection (b) provides that the record date for determining who is entitled to notice of a meeting (if not fixed by the directors or the bylaws) is the day before the date the corporation first gives notice to shareholders of the meeting. Subsection (c) fixes the record date (if the board of directors does not fix it) for share dividends as the date the directors authorize the share dividend. Subsection (d) fixes the record date (if the board of directors does not otherwise fix it) for distributions other than those involving a reacquisition of shares as the date the directors authorize the distribution. No record date is necessary for a reacquisition of shares from one or more specific shareholders. The board of directors may set a record date for a reacquisition if it is to be pro rata and offered to all shareholders.

A record date may not be fixed more than 70 days before the meeting or action in question and may not be fixed retroactively. Once set, the same record date may be utilized for an adjournment of the meeting that reconvenes within 120 days after the date fixed for the original meeting or the board of directors may fix a new record date. If the adjourned meeting takes place more than 120 days after the date fixed for the original meeting, Proposed subsection 7.07(f) requires that a new record date be fixed. But if an adjournment is ordered by a court, Proposed subsection 7.07(g) allows the court to provide that the original record date continues to be applicable or to fix a different date. In any event, if a different record date is or must be fixed under this section, Proposed section 7.05 requires that new notice be given to the persons who are shareholders as of the new record date.

and Proposed section 7.25 requires that a quorum be redetermined for an adjourned meeting as to which a new record date is set.

Section 7.08 Shareholder Participation By Means of Communication Equipment.

Old RCW 23A.08.255 was added to Washington law in 1980 to facilitate the holding of special shareholders' meetings of closely-held corporations when one or more important shareholders might be absent. The Proposed section omits the requirement in the old provision that all persons be able to hear each other "at the same time" on grounds that that limitation would eliminate many forms of communication equipment where the speaker cannot hear other persons speaking at the same time. As modified, the provision is in effect in California and a number of other states.

Section 7.20 Shareholders' List for Meeting.

Proposed section 7.20 requires the preparation of a list of shareholders entitled to notice of a meeting and requires that this list be made available on request to shareholders beginning 10 days prior to, and continuing during, the meeting.

The list of shareholders is often referred to as the "voting list" and usually the list will include only the names of those shareholders entitled to vote at the meeting. The list, however, must also include the names, shareholdings, and addresses of shareholders of nonvoting shares if they are entitled to notice of the meeting by reason of the nature of the actions proposed to be taken at the meeting.

The list must generally be available for inspection beginning 10 days prior to the meeting and continuously thereafter until the meeting occurs at the corporation's principal office or at a place identified in the meeting notice.

Proposed subsection 7.20(b) permits the list to be maintained prior to the meeting either at the corporation's principal office or at any location in the city in which the meeting is to be held, the precise location to be designated in the notice of meeting.

Proposed subsection 7.20(c) also requires a copy of the shareholders' list to be available at the meeting itself for inspection. This list may be used to determine the presence or absence of a quorum, and the right to vote.

Proposed section 7.20 does not require the list of shareholders to be in any particular form. It may be maintained, for example, in electronic form. If the list is maintained in other than written form, however, suitable equipment must be provided so that a comprehensible list may be inspected by a shareholder as permitted by this section.

Proposed section 7.20 creates a corporate obligation rather than an obligation imposed upon a corporate officer. If the corporation fails to prepare the list or refuses to permit a shareholder to inspect it, either before the meeting as required by Proposed subsection 7.20(b) or at the meeting itself as required by Proposed subsection 7.20(c), a shareholder may apply to the superior court under Proposed subsection 7.20(d) for a summary order permitting inspection of the list; the court may further order the meeting to be postponed for a reasonable time. If the court orders a copy of the list to be provided to the shareholders, the copying is at the corporation's expense.

The judicial remedy provided in Proposed subsection 7.20(d) is the only sanction for violation of Proposed section 7.20 since Proposed subsection 7.20(e) provides that the failure to prepare, maintain, or produce the list does not affect the validity of any action taken at the meeting.

Proposed subsection 7.20(b) permits shareholders to "inspect" the list without limitation during the 10 days prior to the meeting. But Proposed subsection 7.20(e) permits the shareholder to "copy" the list only if the shareholder complies with the requirements of Proposed subsection 16.02(c). The distinction between "inspection" and "copying" set forth in Proposed subsections 7.20(b) and 7.20(e) reflects an accommodation between competing considerations of permitting shareholders access to the list immediately prior to and at the meeting and possible misuse of a copied list.

As Proposed subsection 7.20(e) makes clear, Proposed section 7.20 creates a right of shareholders to inspect a list of shareholders in advance of and at a meeting that is independent of the rights of shareholders to inspect corporate records

under chapter 16. A shareholder may obtain the right to inspect the list of shareholders as provided in chapter 16 without regard to the provisions relating to the pendency of a meeting in Proposed section 7.20, and similarly the limitations of chapter 16 are not applicable to the right of inspection created by section 7.20.

The right to inspect under chapter 16 is also broader in the sense that in some circumstances the shareholder may be entitled to receive copies of the documents the shareholder desires to inspect. See section 16.03.

Section 7.21 Voting Entitlement of Shares.

Proposed section 7.21 deals with the entitlement of shareholders to vote, while Proposed section 7.22 deals with voting by proxy and Proposed section 7.24 establishes rules for the corporation's acceptance or rejection of proxy votes.

Proposed subsection 7.21(a) provides that each outstanding share, regardless of class, is entitled to one vote per share unless otherwise provided in the articles of incorporation. The articles of incorporation may provide for multiple or fractional votes per share, and may provide that some classes of shares are nonvoting on some or all matters, or that some classes have multiple or fractional votes per share while other classes have a single vote per share or different multiple or fractional votes per share, or that some classes constitute one or more separate voting groups and are entitled to vote separately on the matter. See Proposed subsection 6.01(c).

The articles of incorporation may also authorize the board of directors to determine, in whole or in part, the preferences, limitations and relative rights of classes or series of shares with preferential rights, which may be voting or nonvoting in whole or in part. See Proposed section 6.02.

Fractional or multiple votes per share, or nonvoting shares, are often used in the planning of business ventures, particularly closely held ventures, when the contributions of participants vary in kind or quality. It is possible through these devices, for example, to give persons with relatively small financial contributions a relatively large voting power within the corporation.

The power to vary or condition voting power is also often used to give increased protection to financial interests in the corporation. It is customary, for example, to make classes of shares with preferential rights nonvoting, but the power to vote may be granted to those classes if distributions are omitted for a specified period. This conditional right to vote may permit the class of shares with preferential rights to vote separately as a voting group to elect one or more directors or to vote with the shares having general voting rights in the election of the directors, when, for example, dividends on the class of shares are in arrears.

In order to reflect the possibility that shares may have multiple or fractional votes per share, all provisions relating to quorums, voting, and similar matters in the Proposed Act are phrased in terms of "votes" rather than "shares."

Under the last sentence of Proposed subsection 7.21(a), the power to vote cannot be granted directly to nonshareholders. The statutes of some states permit bondholders to be given the power to vote under certain specified circumstances; this option is not available under the Proposed Act. But creditors may in effect be given the power to vote, e.g., by creating a special class of redeemable voting shares for them, by creating a voting trust at the time the credit is extended with power in the creditors to name the voting trustees, by registering the shares in the name of the creditors as pledgees with power to vote, or by granting the creditors a revocable or irrevocable proxy to vote some or all of the outstanding shares.

Proposed subsection 7.21(b) prohibits the voting of shares held by a domestic or foreign corporation that is itself a majority-owned subsidiary of the corporation issuing the shares. The purpose of this prohibition is to prevent management from using a corporate investment to perpetuate itself in power. Similar public policy considerations may be present in situations where the issuing corporation owns a large but not a majority interest in the corporation voting the shares. The inclusion of Proposed subsection 7.21(b) is not intended to affect the possible application of common law principles that may invalidate circular holding situations not within its literal prohibition. As to the possible existence of these common law principles, see, e.g., *Cleveland Trust Co. v. Eaton*, 229 N.E.2d 850 (1967), rev'd on the basis of statutory amendment, 256 N.E.2d 198 (1970).

Proposed subsection 7.21(c) makes the prohibition against voting of circularly-owned shares of Proposed subsection 7.21(b) inapplicable to shares held in a fiduciary capacity. Compare DEL. GEN. CORP. LAW section 160(c). The Ohio statute involved in the Eaton case authorized a bank to vote its own shares that were held by it in a fiduciary capacity. A state may grant or prohibit such voting by another statute; Proposed subsection 7.21(c) provides only that such voting is not prohibited by the Proposed Act.

Section 7.22 Proxies.

Proposed section 7.22 provides that shareholders may vote in person or by proxy and establishes the basic rules for appointing a proxy. As business organizations have increased in size and complexity, the number of shareholders has also increased. As a result, proxy voting is an essential step in the governance of many corporations.

The word "proxy" is often used ambiguously, sometimes referring to the grant of authority to vote, sometimes to the document granting the authority, and sometimes to the person to whom the authority is granted. In the Proposed Act the word "proxy" is used only in the last sense; the term "appointment form" is used to describe the document appointing the proxy; and the word "appointment" is used to describe the grant of authority to vote.

A shareholder may appoint a proxy to vote for the shareholder simply by signing an appointment form, either personally or by the shareholder's attorney-in-fact. The appointment is effective when it is received by the secretary or other officer or agent authorized to receive and tabulate votes. The proxy has the same power to vote as that possessed by the shareholder, unless the appointment form contains an express limitation on the power to vote or direction as to how to vote the shares on a particular matter, in which event the corporation must tabulate the votes in a manner consistent with that limitation or direction. See Proposed subsection 7.22(h).

An appointment form that contains no expiration date is valid for 11 months. See Proposed subsection 7.22(c). This ensures that in the normal course a new appointment will be solicited at least once every 12 months. But an appointment form may validly specify a longer period if the parties agree.

The appointment of a proxy is essentially the appointment of an agent and is revocable in accordance with the principles of agency law unless it is "coupled with an interest." See Proposed subsection 7.22(d). Thus an appointment may generally be revoked either expressly or by implication, as when a shareholder later executes a second appointment form inconsistent with an earlier one, or attends the meeting in person and seeks to vote on his own behalf. The Proposed Act does not attempt to codify these common law principles of agency law.

While death or incapacity of the appointing shareholder revokes an agency appointment under common law principles, Proposed subsection 7.22(e) modifies the common law rule to provide that the corporation may accept the vote of the proxy until the appropriate corporate officer or agent receives notice of the shareholder's death or incapacity. In view of the widespread dispersal of shareholders in many corporations, it is not feasible for the corporation to learn of these events independently of notice. On the other hand, Proposed subsection 7.22(e) does not affect the validity of the proxy appointment or its manner of exercise as between the proxy and the personal representatives of the decedent or incompetent. That relationship is governed by the law of agency independent of the Proposed Act.

Proposed subsection 7.22(d) deals with the irrevocable appointment of a proxy. The general test adopted is the common law test that all appointments are revocable unless "coupled with an interest." But Proposed subsection 7.22(d) provides considerable certainty since it describes several accepted forms of relationship as examples of "proxies coupled with an interest." These examples are not exhaustive and other arrangements may be held to be "coupled with interest." See generally State ex rel. Everett Trust & Savings Bank v. Pacific Waxed Paper Co., 22 Wash. 2d 844 (1945); Comment, "The Irrevocable Proxy and Voting Control of Small Business Corporations," 98 U. PA. L. REV. 401, 405-7 (1950); 1 RESTATEMENT OF AGENCY (SECOND) section 138 (1958).

Proposed subsection 7.22(f) provides that an irrevocable proxy is revoked when the interest with which it was coupled is extinguished—for example, by repayment of the loan or release of the pledge.

A transferee for value of shares that are subject to an irrevocable appointment takes free of the appointment if (1) the transferee did not know of the existence of the appointment and (2) the existence of the irrevocable appointment was not noted conspicuously on the certificate or information statement. See Proposed subsection 7.22(g). Under this subsection, both the appointment and the irrevocable nature of the appointment must conspicuously appear on the certificate.

Section 7.23 Shares Held By Nominees.

Traditionally, a corporation recognizes only the registered owner as the owner of shares. Indeed, Proposed section 1.40 defines "shareholder" basically as the registered owner of shares. But it has become a common practice for persons purchasing shares to have them registered in the "street name" of a broker-dealer or other financial institution, principally to facilitate transfer by eliminating the need for the beneficial owner's signature and delivery. In addition, in order to avoid the burdens of processing securities transfers, which caused a crisis in the securities industry in the late 1960s, a system of securities depositories (defined as "clearing corporations" in section 8-102(3) of the UNIFORM COMMERCIAL CODE) has been developed. In this system, financial institutions deposit securities with the depository, which becomes the registered owner of the shares. Transfers between depositories are then accomplished by book entry of the depository. As a result, there may be at least two entities interposed between the corporation and the beneficial owner with the depository being the registered owner for the account of the brokerage firm that in turn holds the shares for the account of the beneficial owner.

The purpose of Proposed section 7.23 is to facilitate direct communication between the corporation and the beneficial owner by authorizing the corporation to create a procedure for bypassing both the registered owner and intermediate brokerage firms. The adoption of this procedure is discretionary with each corporation and affirmative action by the corporation is necessary to accomplish it. The procedure is also discretionary with the shareholder, who must elect to follow the applicable procedure prescribed by the corporation. The shareholder retains all of the shareholder's rights except those granted to the beneficial owner.

The corporation may limit or qualify the procedure as it deems appropriate. For example, the corporation may:

- (1) limit the procedure to certain classes of shareholders, such as depositories, broker-dealers and banks, or their nominees, or make the procedure available to all shareholders;

- (2) permit a shareholder to adopt the procedure with respect to some but not all of the shares registered in the shareholder's name (and in that case the nominee shareholder continues to be treated as the shareholder with respect to the balance);

- (3) specify the purpose or purposes for which the certification is effective, e.g., for giving notice of, and voting at, shareholders' meetings, for the distribution of proxy statements and annual reports, or for payment of cash dividends;

- (4) specify the form of the certification, e.g., a written list, computer tape, or some other form of compatible input;

- (5) specify the type of information that must be provided, e.g., the name and address of the beneficial owner, the beneficial owner's taxpayer identification number, and the number of shares as to which the certification is effective.

- (6) establish deadlines for receipt of the certifications so that the corporation may schedule its mailings; or

- (7) provide for the period for which the certification is effective (e.g., provide that a new certification is required following each record date or that a certification as of a certain date may continue until changed by the certifying shareholder).

This listing is illustrative and not exhaustive. It is expected that experimentation with various devices under this section may reveal other areas with the corporation's plan should address.

The definition of "shareholder" in Proposed section 1.40 includes beneficial owners to the extent they obtain the rights of shareholders pursuant to the procedure authorized by this section.

Section 7.24 Corporation's Acceptance of Votes.

Corporations are often asked to accept a written instrument as evidence of action by a shareholder. These instruments usually involve appointment forms for a proxy to vote the shares, but may also include waivers of notice, consents to action without a meeting, requests for a special meeting of shareholders, and similar instruments involving action by the shareholders. Usually the corporation or its officers will have no personal knowledge of the circumstances under which the instrument was executed and no way of verifying whether the signature on the instrument is in fact the signature of the shareholder. This problem is particularly acute in large corporations with thousands of shareholders.

Proposed section 7.24 establishes general rules permitting the corporation and its officers or agents to accept these instruments if they appear to be executed by the shareholder or by a person who has authority to execute the instrument for the shareholder and they are accompanied by whatever authenticating evidence the corporation reasonably requests. The rules set forth in this section are not exclusive and may be supplemented by additional rules established by the corporation pursuant to Proposed subsection 2.06(d). Proposed subsection 7.24(a) authorizes acceptance of an instrument if the name appearing on the instrument "corresponds" to the name of the shareholder, while Proposed subsection 7.24(b) permits the acceptance of an instrument executed by a person other than the shareholder if there is a designation or evidence of the capacity of the person executing the instrument that indicates the act of the person is the act of the shareholder. On the other hand, Proposed subsection 7.24(c) permits rejection of an instrument if the officer or agent tabulating votes has a "reasonable basis for doubt" about the validity of the signature or about the authority of the person acting on behalf of the shareholder.

The purpose of Proposed subsection 7.24(d) is to protect the corporation and its officers or agents from liability for damages to the shareholder if action is taken in accordance with the section. Thus Proposed subsection 7.24(d) provides that there is no liability to the shareholder if the corporation's officer or agent, acting in good faith, accepts an instrument that meets the requirements of Proposed subsections 7.24(a) or (b), even if it turns out that the execution was invalid or unauthorized; similarly, no liability exists if the officer or agent, again acting in good faith, rejects an instrument because of a "reasonable basis for doubt," even though it turns out that the instrument was properly executed by the shareholder. But Proposed section 7.24 does not address the question whether an action was properly or improperly taken or approved, and Proposed subsection 7.24(e) makes clear that the validity or invalidity of corporate action is ultimately a matter for judicial resolution through review of the results of an election in a suit to enjoin or compel corporate action. It is contemplated that any such suit will be brought promptly, typically before the corporate action is consummated or the corporation's position otherwise changes in reliance on the vote, and that any suit that is not brought promptly under the circumstances would normally be barred because of laches.

Similarly, Proposed section 7.24 does not address the liability of the proxy to the shareholder for exercising authority beyond that granted to the proxy or for disobeying instructions. These matters are governed by agency law.

The American Society of Corporate Secretaries has established principles for the acceptance of proxy appointments in routine elections in which there is no proxy contest. Many of the examples of the application of Proposed section 7.24 set forth below are based on these principles.

1. EXAMPLES OF EXECUTIONS "CORRESPONDING WITH" THE NAME OF THE SHAREHOLDER

a. Assuming that shares are registered in the name of an individual, an instrument may be accepted as corresponding to the name of the shareholder:

- (1) Whether executed in ink, pencil, ballpoint, crayon, etc.

(2) Regardless of where the signature appears on the instrument (whether or not in the space provided), if there is no reason to doubt the intent to execute.

(3) Whether the name is handwritten, handprinted, or rubberstamped in facsimile-signature or printed form.

(4) Whether there are deviations between the registered name and the signature, provided that the deviations are not inconsistent with the registered name. For example, if the shares are registered in the name of "John F. Smith," the following are acceptable: "J. Foster Smith," "J. Smith," "J.F. Smith," "J.F.S.," "J.S.," "John F.," and even simply "Smith." Similarly, if "John Smith" is the name of the shareholder, "John F. Smith" and "J. Foster Smith" are also acceptable.

(5) If marked by an "X" and witnessed by one other person.

(6) If not executed at all, a signed letter or telegram from the shareholder states that the shareholder has signed the instrument or approves of the action taken by the instrument.

(7) The signature is illegible, unless it cannot reasonably be considered to be the signature of the shareholder. For example, if shares are registered in the name of "John F. Smith," the signature is not acceptable if the first letter of the signature is clearly an "M" or the first word is "Mark."

b. If the shares are registered in the maiden name of a woman, e.g., Mary Smith, and the instrument is executed:

(1) In her married name, clearly indicated as such, e.g., "Mary Smith Jones (formerly Mary Smith)" or "Mary Smith (now Mrs. Mary Smith Jones)."

(2) In her married name or in a form that implies her married status, e.g., "Mary Smith Anderson," "Mrs. Mary S. Anderson," "Mrs. Mary Smith Anderson," or "Mrs. Mary Anderson."

c. If the shares are registered in the name "Peter Smith, Sr." but the designation "Sr." is omitted, e.g., "Peter Smith." The execution "Peter Smith, Jr.," however, does not correspond with the shareholder.

2. EXAMPLES OF EXECUTIONS THAT "INDICATE THE CAPACITY" OF THE PERSON SIGNING

In all the following instances, the corporation may request additional evidence of authority but is not required to do so; officers and agents are protected from liability if they routinely accept the instrument without requiring additional evidence.

a. Assuming that the shares are registered in the name of a partnership, e.g., "Smith Bros.," an instrument may be accepted if executed either in the form "Smith Bros. by John Able, Partner" or simply "Smith Bros."

b. Assuming that the shares are registered in the name of a corporation, e.g., "Smith Corporation," an instrument may be accepted if executed in the name of the corporation, by an officer or agent designated as holding a responsible position, by a person with a surname similar to the corporate name, or simply in the name of the corporation, e.g., "Smith Corporation by John Able, President," "Smith Corporation by Peter Apt, Agent," "Smith Corporation by John Smith," or "Smith Corporation."

c. Assuming that the shares are registered in the name of an individual who is deceased, incompetent, a minor, in bankruptcy, or in receivership, an instrument may be accepted if it is executed by an executor, administrator, guardian, receiver, or trustee who signs as such. Shares registered in the name of a minor may be voted by a parent of the shareholder if the parent is identified as such, e.g., "Ralph Able by John Able, Father."

d. Assuming that the shares are registered in the name of an individual, an instrument may be accepted if it is executed by another individual who indicates (1) that the signatory is signing as an agent or attorney-in-fact for the shareholder (see Proposed section 7.22); (2) that the signatory has a close family or other relationship with the shareholder from which authority can be inferred; or (3) that the signatory is the beneficial owner of shares, a pledgee of the shares, or a donee of the shares. For example: if shares are registered in the name of "Peter Jones," "Ed Smith, Agent," "Paul Smith, Son," "Mary Smith Jones, Wife," "Emelia Able, Attorney," "Arthur Peters, Private Secretary," "Paul Jones, Trustee under Deed of Trust dated April 1, 1980," or "Mary Smith, Donee," are all acceptable absent some indication that the execution was unauthorized.

e. Assuming that the shares are registered in the names of two or more persons—as joint tenants or tenants in common, executors or administrators, guardians or conservators, a committee for an incompetent, or trustees—an instrument may be accepted if signed by or on behalf of fewer than all the persons named. This conclusion proceeds on the assumption that the signer or signers have authority to act for the others and there is nothing on the face of the instrument that rebuts this assumption.

3. EXAMPLES OF "REASONABLE BASIS FOR DOUBT"

The phrase "reasonable basis for doubt" about the validity of a signature or about the signer's authority creates an objective standard for the exercise of the authority granted by Proposed subsection 7.24(c) to reject proffered instruments. In the absence of a proxy fight or a seriously contested issue, instruments should be rejected only if there seems to be no basis for finding the execution regular on its face. In a proxy fight or other contested issue, the possibility of illegal or unauthorized execution is greatly increased, and a more cautious attitude should therefore be adopted. The following are examples in which a "reasonable basis for doubt" could be found to exist:

a. The shares are registered in the name of "John F. Smith" and the instrument is executed by "Joseph F. Smith" or by "Frank W. Smith."

b. The shares are registered in the name of "Ellen Smith, a Minor" or "John Smith, Custodian for Ellen Smith, a Minor," and the instrument is executed by "Ellen Smith." There is no "reasonable basis for doubt," however, if the instrument is accompanied by evidence satisfactory to the corporation that the shareholder is no longer a minor.

c. A proxy appointment is received that is regular on its face, and the secretary or other corporate officer or agent receives a telephone call from a person who identifies the caller as the shareholder and says either that the caller wishes to revoke the appointment or that the caller did not authorize its original execution.

d. Shares are registered in the name of two or more persons as co-owners, the instrument is executed by fewer than all of them, and the instrument shows on its face that not all the registered owners granted authority to the signers, as where the instrument states that it was not possible to obtain all the co-owners' signatures or that some refused to sign. For the normal rule of acceptability of proxies executed by fewer than all co-owners, however, see Proposed subsection 7.24(b)(5) and part 2.e of this Comment.

4. OTHER PRINCIPLES APPLICABLE TO PROXY APPOINTMENTS

As indicated in the Comment to Proposed section 7.22, a proxy is simply an agent of the shareholder, and the proxy's appointment therefore involves primarily the law of agency. The law of agency determines the rights and duties of the shareholder and the proxy, and it is important to recognize that Proposed section 7.24 is not intended to affect these rights and duties. Rather, it recognizes that the great bulk of instruments executed in the name of a shareholder or on the shareholder's behalf are in fact authorized and the corporation and its officers should be encouraged to accept them rather than to adopt unduly narrow requirements.

The Committee omitted from the Proposed Act old RCW 23A.08.310 (Stock Transfer by Married Person), 23A.08.320 (Shares Issued or Transferred in Joint Tenancy Form), and 23A.08.325 (Community Property Agreements) on the ground that their subject matter was more properly regulated under article 8 of the UNIFORM COMMERCIAL CODE. The only instance that one of the provisions deals with an issue other than transfer of shares appears in RCW 23A.08.310 (concerning any proxy or power given by a married person). The Committee believes that the rules set forth in examples 1(b) and 2(d) above should produce results similar to those under the old statute.

Section 7.25 Quorum and Voting Requirements.

Proposed section 7.25 establishes general quorum and voting requirements for voting groups for purposes of the title. As defined in Proposed section 1.40, a "voting group" consists of all shares of one or more classes or series that under the articles of incorporation or the Proposed Act are entitled to vote and be counted

together collectively on a matter. Shares entitled to vote "generally" on a matter (that is, all shares entitled to vote on the matter by the articles of incorporation or this title that do not expressly have the right to be counted or tabulated separately) are a single voting group. The determination of which shares form part of a single voting group must be made from the provisions of the articles of incorporation and of this title.

The voting group concept permits a single section of the Proposed Act to deal with quorum and voting rules applicable to a variety of single and multiple voting group situations. Proposed section 7.25 covers, for example, quorum and voting requirements for all actions by the shareholders of a corporation with a single class of voting shares; it also covers quorum and voting requirements for a matter on which only a class of shares with preferential rights is entitled to vote under the articles of incorporation because of a default in the payment of dividends (a vote which is often described as a "class vote"); and it covers quorum and voting requirements for a matter on which both common and preferred shares are entitled to vote, either together as a single voting group under the articles of incorporation or separately as two voting groups under either the articles of incorporation or this title.

Under the Proposed Act, classes or series of shares are generally not entitled to vote separately by voting group except to the extent specifically authorized by the articles of incorporation. But Proposed sections 10.04 and 11.03 of the Act grant classes or series of shares the right to vote separately when fundamental changes are proposed that may adversely affect the class or series. Under the Proposed Act even a class or series of shares that is expressly described as nonvoting under the articles of incorporation may be entitled to vote separately on a matter affecting the class or series in a designated way. See Proposed subsection 10.04(e).

In addition to the provisions of this title, separate voting by voting group may be authorized by the articles of incorporation in such instances and on such terms as may be desired (except that the statutory privilege of voting by separate voting groups cannot be diluted or reduced). Finally, on some matters the board of directors may condition their submission of matters to shareholders on their approval by specific voting groups designated by the board of directors. Proposed sections 7.25 and 7.26 establish the rules by which all voting by single or multiple voting groups is conducted.

In some situations, shares of a single class may be entitled to vote in two different voting groups.

Implicit in Proposed section 7.25 is the concept that the determination of the voting groups entitled to vote, and the quorum and voting requirements applicable thereto, must be determined separately for each "matter" coming before a meeting. As a result, different quorum and voting requirements may be applicable to different portions of a meeting, depending on the matter being considered. In this respect, Proposed sections 7.25 and 7.26 differ in structure from the old law which contemplated that a single set of quorum and voting requirements would be applicable to a "meeting." There is no difference in substance, however, since it was generally recognized that different quorum and voting requirements should be applicable in class voting situations. And, under the Proposed Act, if only a single voting group is entitled to vote on all matters coming before a meeting of shareholders, a single quorum and voting requirement will usually be applicable to the entire meeting.

Proposed subsections 7.25(a) and (b) provide standard rules for the determination of a quorum for each voting group required to act at a shareholders' meeting on a matter. In the absence of a different provision in the articles of incorporation or in the Proposed Act, Proposed subsection 7.25(a) provides that a quorum consists of a majority of the votes entitled to be cast on the matter at the meeting.

Proposed subsection 7.25(b) retains the common law view that once a share is present (assuming that shares represented at the meeting solely to object to notice or matters on the agenda are not present) at a meeting, it is deemed present for quorum purposes throughout the meeting. Thus, a voting group may continue to act despite the withdrawal of persons having the power to vote one or more shares in an effort "to break the quorum." In this respect, a meeting of shareholders is

governed by a different rule than a meeting of directors, where a sufficient number of directors must be present to constitute a quorum at the time action is taken.

Once a share is present at a meeting it is also deemed to be present at any adjourned meeting unless a new record date is or must be set for that adjourned meeting. See Proposed section 7.07. If a new record date is set, new notice must be given to holders of shares of a voting group and a quorum must be established from within the holders of shares of that voting group on the new record date.

The shares owned by a shareholder who comes to the meeting to object on grounds of lack of notice may be counted toward the presence of a quorum. Similarly, the shares owned by a shareholder who attends a meeting solely for purposes of raising the objection that a quorum is not present are counted toward the presence of a quorum. Attendance at a meeting, however, does not constitute a waiver of other objections to the meeting such as the lack of notice. Such waivers are governed by Proposed subsection 7.06(b).

As used in Proposed sections 7.25 and 7.26, "represented at the meeting" means the physical presence of the shareholder or a duly appointed proxy in the meeting room after the meeting has been called to order or the presiding officer has commenced consideration of the business of the meeting, and before the final adjournment of the meeting. If a person owns shares of different classes or series that are entitled to vote in separate voting groups, the presence of the person at the meeting constitutes representation at the meeting of all the shares owned by that person.

Proposed subsection 7.25(c) provides that an action (other than the election of directors, which is governed by Proposed section 7.28) is approved by a voting group at a meeting at which a quorum is present if the votes cast in favor of the action exceed the votes cast opposing the action. This section changes the traditional rule appearing in the old law and many state statutes that an action is approved at a meeting at which a quorum is present if it receives the affirmative vote "of a majority of the shares represented at that meeting." The traditional rule in effect treated abstentions as negative votes; the Proposed Act treats them truly as abstentions. The rule set forth in Proposed subsection 7.25(c) is considered desirable in part because it permits action to be taken by the shareholders when considered appropriate by a majority of those with views on the matter in question. Potential concern about the effect of abstentions in publicly held corporations has also been increased by changes in the SEC proxy regulations that recognize the right of shareholders of publicly held companies to abstain on issues.

The treatment of abstaining votes under the traditional rule gave rise to anomalous results in some situations. For example, if a corporation has 1,000 shares of a single class outstanding, all entitled to cast one vote each, a quorum consists of 501 shares; if 600 shares are represented and the vote on a proposed action is 280 in favor, 225 opposed, and 95 abstaining, the action is not approved since fewer than a majority of the 600 shares attending voted in favor of the action. This is anomalous since if the shares abstaining had not been present at the meeting at all a quorum would have been present and the action would have been approved. Under Proposed subsection 7.25(c) the action would not be defeated by the 95 abstaining votes.

The articles of incorporation may modify the quorum and voting requirements of Proposed section 7.25 for a single voting group or for all voting groups entitled to vote on any matter. The articles of incorporation may increase the quorum and voting requirements to any extent desired up to and including unanimity upon compliance with Proposed section 7.27; they may also require that shares of different classes or series are entitled to vote separately or together on specific issues or provide that actions are approved only if they receive the favorable vote of a majority of the shares of a voting group present at a meeting at which a quorum is present. The articles may also decrease the quorum requirement to a quorum of one-third of the votes entitled to be cast.

Proposed subsection 7.25(d) provides that Proposed section 7.27 governs the adoption or amendment of provisions in the articles of incorporation that impose greater or lesser quorum or voting requirements than provided for in this section.

The phrase "or this title" in Proposed subsections 7.25(a) and (c) makes clear that wherever the provisions of the Proposed Act provide more stringent voting or

quorum requirements, they control over Proposed section 7.25. More stringent requirements are provided for the approval of certain fundamental corporate changes—for example, certain amendments to the articles of incorporation, mergers, and the sale of all or substantially all the corporate property not in the ordinary course of business. See Proposed sections 10.03, 11.03, and 12.02. See also sections 8.70–8.73, which impose a special voting requirements for shareholder approval of conflict of interest transactions entered into by members of the board of directors.

Section 7.26 Action By Single and Multiple Voting Groups.

Proposed subsection 7.26(a) provides that when a matter is to be voted upon by a single voting group, action is taken when the voting group votes upon the action as provided in Proposed section 7.25.

Proposed subsection 7.26(b) basically requires that if more than one voting group is entitled to vote on a matter, favorable action on a matter is taken only when it is voted upon favorably by each voting group, counted separately. Implicit in this section are the concepts that (1) different quorum and voting requirements may be applicable to different matters considered at a single meeting and (2) different quorum and voting requirements may be applicable to different voting groups voting on the same matter. Thus, each group entitled to vote must independently meet the quorum and voting requirements established by Proposed section 7.25. But if a quorum is present for one or more voting groups but not for all voting groups, Proposed subsection 7.26(b) provides that the voting groups for which a quorum is present may vote upon the matter.

A single meeting, furthermore, may consider matters on which action by several voting groups is required and also matters on which only a single voting group may act. Action may be taken on the matters on which the single voting group may act even though no quorum is present to take action on other matters. For example, in a corporation with one class of nonvoting shares with preferential rights ("preferred shares") and one class of general voting shares without preferential rights ("common shares"), a matter to be considered at the annual meeting may be a proposed amendment to the articles of incorporation that reduces the cumulative dividend right of the preferred shares (a matter on which the preferred shares have a statutory right to vote as a separate voting group). Other matters to be considered may include the election of directors and the appointment of an auditor, both matters on which the preferred shares have no vote. If a quorum of the voting group consisting of the common shares is present but no quorum of the voting group consisting of the preferred shares is present, the common shares may proceed to elect directors and appoint the auditor. The common shares voting group may also vote to approve the proposed amendment to the articles of the incorporation, but that amendment will not be approved until the preferred shares voting group also votes to approve the amendment.

As described in Proposed subsection 7.26(b), if voting by multiple voting groups is required, the votes of members of each voting group must be separately tabulated. Often each class or series of shares will participate in only a single voting group. But since holders of shares entitled by the articles of incorporation to vote generally on a matter are always entitled to vote in the voting group consisting of the general voting shares, in some instances classes or series of shares may be entitled to be counted simultaneously in two voting groups. This will occur whenever a class or series of shares entitled to vote generally on a matter under the articles of incorporation is affected by the matter in a way that gives rise to the right to vote separately as well as generally, and to have its votes cast under the special voting right counted separately as an independent voting group under the Act. For example, assume that non-public corporation Y has outstanding one class of general voting shares without preferential rights ("common shares"), 600 shares issued, and one class of shares with preferential rights ("preferred shares"), 300 shares issued, that also have full voting rights under the articles of incorporation, i.e., the preferred may vote for election of directors and on all other matters on which common may vote. The preferred and the common therefore are part of the general voting group. The directors propose to amend the articles to create a new class of nonvoting shares that will have preferential rights senior to the existing

preferred's preferential rights. All shares are present at the meeting and they divide as follows on the proposal to adopt the amendment:

Yes	Common	310
	Preferred	300
No	Common	290
	Preferred	0

Both the preferred and the common are entitled to vote on the amendment to the articles of incorporation since they are part of a general voting group pursuant to the articles. But the vote of the preferred is also entitled to be counted separately on the proposal by Proposed subsection 10.04(a)(7) of the Proposed Act. The result is that the proposal passes with the required 2/3rds votes: 610 to 290 in the voting group consisting of the shares entitled to vote generally; and 300 to 0 in the voting group consisting solely of the preferred shares:

(a) First voting group

Yes	Common	310
	Preferred	300
		<u>610</u>
No	Common	290
	Preferred	0
		<u>290</u>

(b) Second voting group (preferred)

Yes	Preferred	300
No	Preferred	0

Section 7.27 Greater or Lesser Quorum or Voting Requirements.

Proposed subsections 7.27(a) and (b) permit the articles of incorporation to increase the quorum or voting requirements for approval of an action by shareholders up to any desired amount including unanimity. These provisions may relate to ordinary or routine actions by the general voting group (which otherwise may be acted upon under Proposed section 7.25 if the number of affirmative votes exceeds the number of negative votes at a meeting at which a quorum of that voting group is present), or to one or more other voting groups, or to actions for which the Proposed Act provides a greater voting requirement—for example, changes of a fundamental nature in the corporation like certain amendments to articles of incorporation (section 10.03), mergers (section 11.03), sales of all or substantially all the property of a corporation not in the ordinary course of business (section 12.02), and dissolution (section 14.02). Unless the articles of incorporation reduce the required vote to a majority of shares entitled to vote on the matter, the Proposed Act requires these fundamental changes to receive the affirmative vote of two-thirds of the votes entitled to be cast on the proposal by each voting group entitled to vote thereon (rather than by a plurality of the shares voting affirmatively or negatively at a meeting at which a quorum is present). Proposed subsection 7.27(c) recognizes the right to reduce under Proposed sections 10.03, 11.03, 12.02 and 14.02 the required vote to a majority of shares entitled to vote on the matter.

Proposed subsection 7.27(d) requires that any amendment of the articles of incorporation that adds, modifies, or repeals a greater or lesser quorum or voting requirement must be approved by the quorum and vote requirements then in effect. Thus, a supermajority provision in the articles of incorporation that requires an 80 percent affirmative vote of all eligible votes of a voting group present at the meeting may not be removed from the articles of incorporation or reduced in any way except by an 80 percent affirmative vote. Similarly, an amendment to the articles of incorporation to reduce the required vote for a sale of substantially all assets (pursuant to section 12.02) from the statutory requirement of two-thirds of all votes entitled to be cast to a majority of all votes entitled to be cast on such action would require a vote of two-thirds of the votes entitled to be cast.

Proposed subsection 7.27(a) also permits the articles of incorporation to decrease the quorum below a majority of votes entitled to be cast, provided that the quorum may not be less than one-third of the votes entitled to be cast. The

required vote and quorum for such action would be the vote and quorum requirements then in effect. The Committee rejected the RMA provision on quorum (which would have permitted decreases without any such limit) in favor of retaining the standard set in current law.

Section 7.28 Voting for Directors; Cumulative Voting.

Proposed subsection 7.28(a) continues the approach in old RCW 23A.08.300 regarding cumulative voting: a corporation has cumulative voting in elections of directors unless its articles of incorporation provide otherwise. The Committee's concern with the RMA approach was that many small corporations have relied on the current statutory structure in erecting control arrangements. The affairs of those corporations would have been dramatically affected if the RMA change were adopted. Moreover, corporations for which cumulative voting is not appropriate have long since eliminated it by article of incorporation provisions.

For similar reasons, Proposed section 7.28 omits RMA 7.28(d). That provision, in the name of notice to shareholders, appears to undercut substantially the right to vote cumulatively where it exists.

Proposed subsection 7.28(b) provides that directors are elected by a plurality of the votes cast in an election of directors at a meeting at which a quorum is present of the voting group entitled to participate in the election. A "plurality" means that the individuals with the largest numbers of votes are elected as directors up to the maximum number of directors to be chosen at the election. In elections in which several factions are competing within a voting group, the individuals elected may have fewer than a majority of all the votes cast in the election. The articles of incorporation or bylaws of the corporation may, however, provide different voting requirements for the election of directors.

The entire board of directors may be elected by a single voting group or the articles of incorporation may provide that different voting groups are entitled to elect a designated number or fraction of the board of directors. See Proposed section 8.04.

Under Proposed subsection 7.28(a) each corporation may determine whether or not to elect its directors by cumulative voting. If directors are elected by different voting groups, the articles of incorporation may provide that specified voting groups are entitled to vote cumulatively while others are not. Cumulative voting affects the manner in which votes may be cast by shares participating in the election but does not affect the plurality principle set forth in Proposed subsection 7.28(b).

Section 7.30 Voting Trusts.

A voting trust is a device by which one or more shareholders divorce the voting rights of their shares from the ownership, retaining the latter but transferring the former to one or more trustees in whom the voting rights of all the shareholders who are parties to the trust are pooled. Following the long established pattern of the old law and the statutes of many states, a voting trust under Proposed subsection 7.30(b) is valid for a maximum of 10 years after its effective date.

At common law voting trusts were often viewed with hostility and were narrowly construed. They are, however, a reasonable voting device to accomplish legitimate objectives. As a result, much of the original judicial hostility to these arrangements has disappeared. See, e.g., Oceanic Exploration Co. v. Grynberg, 428 A.2d 1 (Del. 1981).

Proposed subsection 7.30(a) provides a simple and direct procedure for the creation of an enforceable voting trust. The shareholders agreeing to participate in the trust and the trustees must sign the trust agreement and the shares must be registered in the name of the trustee. Typically, the trust agreement provides that all attributes of beneficial ownership other than the power to vote are retained by the beneficial owners.

Upon the creation of the voting trust, the trustees must prepare a list of the beneficial owners and deliver it, together with a copy of the agreement, to the corporation's principal office, where both documents are available for inspection by shareholders under Proposed subsection 16.02(a). Under Proposed subsection 16.02(f) a beneficial owner of shares held in a voting trust has the same rights.

The purpose of Proposed section 7.30 is not to impose narrow or technical requirements on voting trusts. For example, a voting trust that by its terms extends beyond the 10-year maximum should be treated as being valid for the maximum permissible term of 10 years.

Proposed subsection 7.30(c) permits a voting trust to be extended for additional terms of not more than 10 years commencing with the date the first shareholder signs the extension agreement. Shareholders who do not agree to an extension are entitled to the return of their shares upon the expiration of the original term.

Section 7.31 Voting Agreements.

Proposed subsection 7.31(a) explicitly recognizes agreements among two or more shareholders as to the voting of shares and makes clear that these agreements are not subject to the rules relating to a voting trust. These agreements are often referred to as "pooling agreements." The only formal requirements are that they be in writing and signed by all the participating shareholders; in other respects their validity is to be judged as any other contract. See generally Winsor v. Commonwealth Coal Co., 63 Wash. 62 (1911). They are not subject to the 10-year limitations applicable to voting trusts.

Proposed subsection 7.31(b) provides that voting agreements may be specifically enforceable. A voting agreement may provide its own enforcement mechanism, as by the appointment of a proxy to vote all shares subject to the agreement; the appointment may be made irrevocable under Proposed section 7.22. If no enforcement mechanism is provided, a court may order specific enforcement of the agreement and order the votes cast as the agreement contemplates. To the extent that this result is contrary to Gleason v. Earles, 78 Wash. 491 (1914) (holding specific performance would not be ordered where the voting agreement concerned shares of a bank), that case would be overruled by the Proposed section. This section recognizes that damages are not likely to be an appropriate remedy for breach of a voting agreement, and also avoids the result reached in Ringling Bros. Barnum & Bailey Combined Shows v. Ringling, 53 A.2d 441 (Del. 1947), where the court held that the appropriate remedy to enforce a pooling agreement was to refuse to permit any voting of the breaching party's shares.

Section 7.40 Procedure In Derivative Proceedings.

Proposed section 7.40 deals with the procedural requirements applicable to derivative suits. A great deal of controversy has surrounded the derivative suit, and widely different perceptions as to the value and efficacy of this litigation continue to exist. On the one hand, the derivative action has historically been the principal method of challenging allegedly improper, illegal, or unreasonable action by management. On the other hand, it has long been recognized that the derivative suit may be instituted more with a view to obtaining a settlement favorable to the plaintiff and the plaintiff's attorney than to righting a wrong to the corporation (the so-called "strike suit").

Old RCW 23A.08.460, and similar statutes in many states, imposed a series of procedural requirements designed in part to deter or prevent strike suits. Fed. R. Civ. P. 23.1, and Wash. R. Civ. P. 23.1, also impose procedural requirements on derivative litigation brought in federal and state courts, respectively. There has thus been a great deal of experience with procedural devices to control abuses of the derivative suit. Proposed section 7.40 reflects a reappraisal of these devices in light of major developments in corporate governance, the public demand for corporate accountability, and the corporate response in the form of greater independence and sense of responsibility in boards of directors. It is also adopted with the expectation that future developments (e.g., a new Revised Model Act provision: an ALI provision) will cause reexamination of the provision in the near future.

1. PROCEDURAL REQUIREMENTS

The procedural requirements imposed by Proposed section 7.40 are as follows:

a. The plaintiff may be either a registered or beneficial owner of shares held by a nominee in the beneficial owner's behalf

Many statutes, and old RCW 23A.08.460, required the plaintiff to be a shareholder "of record." This limiting requirement was dropped, in light of the widespread use of street name or nominee ownership of shares. At the same time, it was determined that, in accord with old RCW 23A.08.460, the beneficial owner of shares held in a voting trust should also be permitted to serve as a plaintiff in a derivative suit. These changes were accomplished by the addition of a special definition of "shareholder" in subsection (e) to broaden the definition of that term in section 1.40.

b. The plaintiff must have been an owner of shares at the time of the transaction in question

The statutes of many states and old RCW 23A.08.460 have long imposed a "contemporaneous ownership" rule, i.e., the plaintiff must have been an owner of shares at the time of the transaction in question. This rule has been criticized as being unduly narrow and technical and unnecessary to prevent the transfer or purchase of lawsuits. A few states, particularly California, Cal. G.C.L. section 800(B), have relaxed this rule to the extent of allowing some subsequent purchasers of shares to be plaintiffs in limited circumstances.

The decision to retain the contemporaneous ownership rule in Proposed section 7.40 was based primarily on the view that it was simple, clear, and easy to apply while the California approach might encourage litigation on peripheral issues like the extent of the plaintiff's knowledge of the transaction in question when the plaintiff acquired the plaintiff's shares. Further, there has been no persuasive showing that the contemporaneous ownership rule has prevented the litigation of substantial suits since there appear to be many persons who might qualify as plaintiffs to bring suit even if subsequent purchasers are disqualified.

c. The complaint must be verified

Proposed subsection 7.40(b) requires the complaint in a derivative suit to be verified, i.e., sworn to. Compare Fed. R. Civ. P. 23.1; Wash. R. Civ. P. 23.1; Surowitz v. Hilton Hotels Corp., 383 U.S. 363 (1966). This requirement provides some protection against groundless litigation without deterring suits brought in good faith.

d. Option holders and convertible debenture holders are not permitted to sue

Arguments may be made that long-term creditors and investors with the privilege of becoming shareholders by the exercise of options or conversion rights should be permitted to bring derivative suits. These arguments, however, appear to involve the substantive rights of these various classes of investors more than the procedures required for the assertion of derivative rights on behalf of the corporation. See, e.g., Harff v. Kerkorian, 324 A.2d 215 (Del. Ch. 1974), rev'd in part, 347 A.2d 133 (Del. 1975). Therefore, Proposed subsection 7.40(a) does not permit option holders or convertible debenture holders to serve as derivative plaintiffs.

e. There must be prior notice and demand on directors in most circumstances

The purpose of a demand on the board of directors is to stimulate the board of directors to enforce the rights of the corporation on its own. Modern trends in corporate governance--particularly the increasing number of outside directors and greater director sensitivity to their roles in the corporation and to the possibility of personal liability--improve the likelihood that the board of directors will weigh carefully the shareholder's demand. Therefore, Proposed subsection 7.40(b) requires an allegation with particularity of the demand made, if any, on the board of directors. On the other hand, there may be circumstances showing that a demand on the board of directors would be useless, and in those circumstances it should be sufficient to allege the reasons why the plaintiff did not make the demand.

Of itself, the rejection by the board of directors of the shareholder's demand neither permits nor precludes the shareholder's suit. See paragraph 2a. below.

f. There need be no prior notice to or demand on shareholders

Rule 23.1 of the Fed. R. Civ. P. (and Wash. R. Civ. P. 23.1) requires that, in addition to a demand on the board of directors, a demand be made on shareholders "if necessary." The statutes of a number of states, including California and New York, require demands only on boards of directors.

Although a demand on shareholders seems generally consistent with the broad doctrine of requiring exhaustion of all internal avenues of relief before commencement of suit, the board of directors, not the shareholders, is charged with governance of the corporation, including the commencement and management of

litigation. Further, to require a demand on shareholders would virtually require the plaintiff to engage in a preliminary proxy contest and, in the case of publicly held corporations, would greatly increase the cost of filing all derivative suits, discouraging even legitimate cases.

For these reasons, it was concluded that the requirement of a demand on shareholders would add uncertainty, expense, and delay without commensurately improving the prospects of resolving the substantive issues.

g. A court may stay a derivative suit while the board of directors investigates

The last sentence of Proposed subsection 7.40(b) provides that if the corporation undertakes an investigation, the court may stay the proceeding until the investigation of the charges made in the demand or complaint is completed. The purpose of this stay is to preserve the right of the board of directors to consider whether or not to seek to enforce on its own the corporation's claim.

h. Plaintiffs are not required to post bond as security for expenses

Old RCW 23A.08.460 paragraph 3 and the statutes of many states required a plaintiff to give security for reasonable expenses, including attorneys' fees, if the plaintiff's holdings of shares did not reach a specified size or value—five percent of the outstanding shares or a value of \$25,000. This requirement has been deleted. The security for expenses requirement, to the extent it was based on the size or value of the plaintiff's holdings rather than on the apparent good faith of the plaintiff's claim, was subject to criticism that it unreasonably discriminated against small shareholders.

The basic policy question with respect to the requirement of a bond for small shareholders is how far to go in protecting the corporation and its officers and directors from suits. The choice is between making the right to sue widely available, without obstacles except in obviously baseless cases, or imposing obstacles in the way of the small shareholder without imposing a similar obstacle in the way of the large shareholder. Moreover, no bond requirement exists for class actions, antitrust cases, or individual actions for personal injury, all of which involve the corporation in substantial expense of defending against suit.

Several states have concluded on the basis of these considerations that the bond requirement for small plaintiffs should be repealed or not adopted.

i. Recovery of reasonable expenses of suit, including attorneys' fees, if suit is brought without good cause

In lieu of the bond requirement, Proposed subsection 7.40(d) provides that on termination of a proceeding the court may require the complainant to pay the defendants' reasonable expenses, including attorneys' fees, if it finds that the proceeding "was commenced without reasonable cause." This test is similar to but not identical with the test utilized in Proposed section 13.31, relating to dissenters' rights, where the standard for award of expenses and attorneys' fees is that dissenters "acted arbitrarily, vexatiously or not in good faith" in demanding a judicial appraisal of their shares. The derivative action situation is sufficiently different from the dissenters' rights situation to justify a different and less onerous test for imposing costs on the plaintiff. The test of Proposed subsection 7.40(d) that the action was brought without reasonable cause is appropriate to deter strike suits, on the one hand, and on the other hand to protect plaintiffs whose suits have a reasonable foundation.

Proposed subsection 7.40(d) does not refer to the award of expenses, including attorneys' fees, to successful plaintiffs. The right of successful plaintiffs in derivative suits to this recovery is so universally recognized, both by statute and on the theory of a recovery of a fund or benefit for the corporation, that specific reference was thought to be unnecessary. The intention is to preserve fully these nonstatutory rights of reimbursement. Therefore, no negative inference should be drawn from Proposed subsection 7.40(d) as to the rights of plaintiffs to reimbursement.

Abuses in the conduct of derivative litigation may occur on the part of defendants and their counsel as well as by plaintiffs and their counsel. Abuses may occur with respect to motions, pleadings, requests for discovery and resistance to discovery when conducted either in bad faith or without good cause. Sanctions to deal with such conduct are not included in this Act because courts possess adequate power to impose appropriate sanctions under rules of civil procedure or the

general equity power of courts. See Roadway Express, Inc. v. Piper, 447 U.S. 752 (1980).

j. Settlement or discontinuance of derivative litigation requires judicial approval

Proposed subsection 7.40(c) follows the Fed. R. Civ. P. 23.1, Wash. R. Civ. P. 23.1, and the statutes of a number of states, including New York and Michigan, and requires that all proposed settlements and discontinuances must receive judicial approval. This requirement seems a natural consequence of the proposition that a derivative suit is brought on behalf of the class of all shareholders and avoids many of the evils of the strike suit by preventing the individual shareholder-plaintiff from settling privately with the defendants.

Proposed subsection 7.40(c) also requires notice to all affected shareholders if the court determines that the proposed settlement may substantially affect the interest of one or more classes of shareholders. Unlike the statutes of some states, however, Proposed subsection 7.40(c) does not address the issue of which party should bear the cost of giving this notice. That is a matter left to the discretion of the court reviewing the proposed settlement.

2. ISSUES UNRESOLVED BY PROPOSED SECTION 7.40

Several issues relating to Proposed section 7.40 were reserved for future consideration because it was felt that further experience or experimentation was desirable before their resolution was encapsulated in statutory language. The issues so reserved include the following:

a. Should a decision by the board of directors that maintenance of a derivative suit is against the corporation's interest bar the suit?

The case law concerning the power of the board of directors or of an independent committee of the board to bar a derivative suit without judicial review is in a state of flux. See, e.g., Burks v. Lasker, 441 U.S. 471 (1979); Auerbach v. Bennett, 393 N.E.2d 994 (1979); Zapata Corp. v. Maldonado, 430 A.2d 779 (Del. 1981); Aronson v. Lewis, 473 A.2d 805 (Del. 1984). For the present it should be permitted to continue to develop.

b. Should the method of calculating attorneys' fees be specified?

Courts are today scrutinizing plaintiffs' fees more closely than they have in the past. This trend should be encouraged, and it was therefore concluded that the subject was not appropriate for statutory language at the present time. It is believed that the problem is more acute with respect to plaintiffs' fees recoverable under general principles of derivative litigation than it is under Proposed subsection 7.40(d).

CHAPTER 8. DIRECTORS AND OFFICERS

Section 8.01 Requirement For and Duties Of Board of Directors.

Proposed section 8.01 requires that every corporation have a board of directors except that a corporation may dispense with or limit the authority of the board of directors by describing in the articles "who will perform some or all of the duties of a board of directors." Proposed subsection 8.01(c).

Obviously, some form of governance is necessary for every corporation. The board of directors is the traditional form of corporate governance but it need not be the exclusive form. Patterns of management may be tailored to specific needs in connection with family controlled enterprises, wholly or partially owned subsidiaries, or corporate joint ventures. The persons who perform some or all of the duties of the board of directors may be designated "trustees," "agents," or "managers," and they may be selected in ways other than the traditional election by the shareholders. It is necessary, however, that some person or group perform these duties, and the designated persons, while performing them, are subjected to the same duties as directors.

Proposed subsection 8.01(b) states that if a corporation has a board of directors "all corporate powers shall be exercised by or under the authority of, and the business and affairs of the corporation managed under the direction of," the board of directors. The quoted language is chosen to reflect the role and functions of boards of directors in all varieties of corporations. In a small corporation and in some larger corporations where the board of directors is composed entirely of

persons actively involved in the management of the corporate business, it may be reasonable to describe management as being "by" the board of directors. But a different model is appropriate for the boards of directors of publicly held corporations, which usually include individuals not actively involved in management. In these corporations the appropriate model is that the business and affairs be managed "under the direction of" the board of directors, since the role of the board of directors consists principally of the formulation of major management policy with little or no direct involvement in day-to-day management.

As a corollary, in large and complex publicly held corporations it is generally recognized that boards of directors delegate to appropriate officers those powers not required by law to be exercised by the board of directors itself. Although delegation does not relieve the board of directors from its responsibilities of oversight, directors should not be held personally responsible for actions or omissions of officers, employees, or agents of the corporation so long as the directors have acted reasonably in delegating authority to others.

Proposed subsection 8.01(b) also recognizes that the powers of the board of directors may be limited by express provisions in the articles of incorporation.

In the event a corporation elects, pursuant to Proposed subsection 8.01(c), to dispense with the board of directors, its articles of incorporation must describe who will perform some or all of the duties of the board of directors. (E.g., "the corporation has no board of directors. Its corporate powers shall be exercised by or under the authority of, and its business and affairs shall be managed under the direction of, its shareholders.") Proposed section 16.22 requires that the annual report to be filed with the secretary of state must set forth the names and addresses of persons performing the directors' functions.

Section 8.02 Qualifications of Directors.

The elimination of statutory qualifications for directors is now nearly universal. The articles of incorporation or bylaws, however, may prescribe special qualifications, an option that is most likely to be utilized in closely held corporations where qualifications for directors may be used as a device for ensuring representation and voting power on the board of directors.

Section 8.03 Number and Election of Directors.

Proposed section 8.03 prescribes rules for the determination of the size of the board of directors of corporations that have not dispensed with a board of directors under Proposed subsection 8.01(c). Proposed subsection 8.03(a) provides that the size of the initial board of directors may be "specified in or fixed in accordance with" the articles of incorporation or bylaws. The size of the board of directors may thus be fixed initially in the fundamental corporate documents, or the decisions as to the size of the initial board of directors may be made thereafter by those authorized in those documents.

The committee did not adopt RMA section 8.03(b) and (c), related, respectively, to limits on the power of the board of directors to fix or change the number of directors, and to article of incorporation or bylaw provisions regarding a variable range for the size of the board of directors and changes therein. The committee believes that Proposed subsection 8.03(a) is a sufficiently broad grant of authority to empower a corporation, by means of an article of incorporation or bylaw provision, to establish a variable range for the size of the board of directors. It further believes that restrictions on the power of directors to fix or change the number of directors, or on the power of directors either to change the size of a variable range board of directors, or to change from a fixed to a variable-range board, can be imposed by shareholders in either the articles of incorporation or the bylaws as part of the basic planning for the control structure. It thus concluded that sections RMA 8.03(b) and (c) were unduly confining.

Proposed subsection 8.03(b) makes it clear that all directors are elected annually unless the board is staggered. See Proposed section 8.05.

Section 8.04 Election of Directors By Certain Classes or Series of Shares.

Proposed section 8.04 makes explicit that the articles of incorporation may provide that a specified number (or all) of the directors may be elected by the

holders of one or more classes or series of shares. This approach is widely used in closely held corporations to effect an agreed upon allocation of control, for example, to ensure minority representation on the board of directors by issuing to that minority a class or series of shares entitled to elect one or more directors. A class (or classes) or series of shares entitled to elect separately one or more directors constitutes a separate voting group for purposes of the election of directors; within each voting group directors are elected by a plurality of votes and quorum and voting requirements must be separately met by each voting group. See Proposed sections 7.25, 7.26, and 7.28.

Section 8.05 Terms of Directors Generally.

Proposed section 8.05 provides for the annual election of directors at the annual shareholders' meeting with the single exception that terms may be staggered as permitted in Proposed section 8.06.

Proposed subsection 8.05(c) provides that a decrease in the number of directors does not shorten the term of an incumbent director. Rather, the incumbent director's term expires at the annual meeting at which the director's successor would otherwise be elected.

Proposed subsection 8.05(d) provides that the terms of all directors elected to fill vacancies expire at the next meeting of shareholders at which directors are elected. Thus, if terms are staggered under Proposed section 8.06, the term of a director elected to fill a vacant term with more than a year to run is shorter than the term of that director's predecessor. The board of directors may take appropriate steps, by designation of short terms or otherwise, to return the rotation of election of directors to the original terms established or fixed by the articles or bylaws.

Proposed subsection 8.05(e) provides for "holdover" directors so that directorships do not automatically become vacant at the expiration of their terms but the same persons continue in office until successors qualify for office. Thus the power of the board of directors to act continues uninterrupted even though an annual shareholders' meeting is not held or the shareholders are deadlocked and unable to elect directors at the meeting.

Section 8.06 Staggered Terms For Directors.

The Committee believes that the only justification for imposing a board-size limitation on the corporations eligible to elect staggered terms relates to the operation of cumulative voting. That belief led to the two changes made in RMA section 8.06: (1) the addition of subsection 8.06(b) requiring corporations with cumulative voting to elect at least three directors at each annual shareholders' meeting; and (2) the deletion of a size limitation (in RMA section 8.06, nine or more directors) for corporations with straight voting.

Proposed section 8.06 recognizes the practice of "classifying" the board or "staggering" the terms of directors so that only one-half or one-third of them are elected at each annual shareholders' meeting and directors are elected for two- or three-year terms rather than one-year terms.

Under Proposed subsection 8.06(b) if the corporation has cumulative voting, at least three directors must be elected at each annual meeting. These directors may be elected by one or more voting groups, as provided in the articles of incorporation.

The principal justification for staggering the board today is that it protects against sudden change in the management of the corporation despite a change in shareholdings. It also reduces the impact of cumulative voting since a greater number of votes is required to elect a director if the board is staggered than is required if the entire board were elected at each annual meeting.

The staggered board of directors is sometimes used by incumbent management to make unwanted takeover attempts more difficult to effectuate. It is unlikely to be effective alone, however, since the shareholders may in any event remove directors under Proposed section 8.08 whether or not their terms are staggered. As a result, a staggered board is likely to be used for this purpose only in conjunction with a provision that directors may be removed only for cause.

Section 8.07 Resignation of Directors.

The resignation of a director is effective when the written notice is delivered unless the notice specifies a later effective date, in which case the director continues to serve until the later date. Since the person giving the notice is still a member of the board, the director may participate in all decisions until the specified date, including the choice of the director's successor under Proposed section 8.10. The participation of the retiring director in the decision on the director's successor may be of importance in closely held corporations where control of the board may be affected by the resignation.

When vacancies are created by a resignation effective at a later date, under Proposed section 8.10 action may be taken before that date to fill the vacancy.

Section 8.08 Removal of Directors by Shareholders.

Proposed subsection 8.08(a) accepts the view that since the shareholders are the owners of the corporation, they should normally have the power to change the directors at will. This section reverses the common law position that directors have a statutory entitlement to their office and can be removed only for cause—fraud, criminal conduct, gross abuse of office amounting to a breach of trust, or similar conduct. The power to remove directors is subject to several restrictions set forth in Proposed section 8.08:

(1) The power to remove a director without cause may be eliminated by a provision in the articles of incorporation. Such a provision in effect guarantees the directors the same entitlement to office that directors enjoyed at common law. It is likely to be used in closely held corporations as an element of an agreed-upon allocation of power and control which ensures directors immunity from removal except for cause. It may also be used in publicly held corporations that fear changes in ownership of the majority of the shares and desire to provide security to the directors.

(2) If the articles of incorporation provide that one or more classes or series of shares constitute a separate voting group entitled to elect a director (see Proposed section 8.04), only the shareholders of that voting group may participate in the vote whether or not to remove that director. But that director may be removed by court proceeding under Proposed section 8.09 despite this section.

(3) If cumulative voting is not authorized, a director is removed only if the votes cast to remove the director exceed the votes cast to retain the director at a meeting of the voting group electing the director at which a quorum of shares entitled to vote on the director's election is present. This is a significant change from the old rule which required the vote of a majority of shares entitled to a vote at an election of directors.

(4) If cumulative voting is authorized, a different standard for removal is involved. Under cumulative voting, a director may be removed only if the votes cast in favor of retaining the director would not have been sufficient to elect the director pursuant to cumulative voting at that meeting. This provision guarantees that a minority faction with sufficient votes to guarantee the election of a director under cumulative voting will be able to protect that director from removal by the remaining shareholders. The director, however, may be removed by court proceeding under Proposed section 8.09 despite this section. In computing whether or not a director elected by cumulative voting is protected from removal from office by Proposed subsection 8.08(c), the votes should be counted as though (1) the vote to remove the director occurred in an election to elect the number of directors normally elected by the voting group along with the director whose removal is sought, (2) the number of votes cast cumulatively against removal of the director had been cast for the director's election, and (3) all votes cast for removal of the director had been cast cumulatively in an efficient pattern for the election of a sufficient number of candidates so as to deprive the director whose removal is being sought of the director's office.

Removal of directors under the Proposed subsection 8.08(d) requires the meeting notice to state that removal of specific directors will be proposed. The Committee added the requirement that removal occur only at a special meeting of shareholders, in order to maximize the shareholders' interest in the proceedings. Such requirement need not impose extra expense on the corporation as the special meeting may be held concurrently with the corporation's annual meeting.

Section 8.09 Removal of Directors By Judicial Proceeding.

Proposed section 8.09 authorizes the removal of a director who is found in a judicial proceeding to have engaged in fraudulent or dishonest conduct with respect to the corporation. For example, a judicial proceeding (as contrasted with removal under Proposed section 8.08) may be necessary or appropriate in the following situations:

(1) In a closely held corporation, the director charged with misconduct is elected by voting group or cumulative voting, and the shareholders with power to prevent the director's removal exercise that power despite the existence of fraudulent or dishonest conduct. The classic example is where the director charged with misconduct possesses sufficient votes to prevent the director's own removal and exercises such voting power to that end.

(2) In a publicly held corporation, the director charged with misconduct declines to resign, though urged to do so, and because of the large number of widely scattered shareholders, a special shareholders' meeting can be held only after a period of delay and at considerable expense.

A shareholder who owns less than 10 percent of the outstanding shares of the corporation may bring suit derivatively in the name of the corporation under this section upon compliance with the requirements of Proposed section 7.40. A shareholder who owns at least 10 percent of the outstanding shares of the corporation may maintain suit in the shareholder's own name and own right without compliance with Proposed section 7.40. But in such a case the corporation must be made a party defendant to the proceeding. See Proposed subsection 8.09(c).

The purpose of Proposed section 8.09 is to permit the prompt and efficient removal of directors found by the court to have engaged in fraudulent or dishonest conduct with respect to the corporation. It is not intended to permit judicial resolution of internal corporate struggles for control except in those cases in which a court finds that the director has been guilty of wrongful conduct of the type described. The provision is also not intended as a basis for removing a director whose misconduct is not with respect to the corporation (even though such conduct is possibly embarrassing to the corporation).

The Committee deleted the RMA language that would have permitted a court to remove a director found to have engaged in gross abuse of authority or discretion. The Committee believed such language was so general as to be meaningless.

Section 8.10 Vacancy On Board of Directors.

Vacancies on the board of directors may be filled either by the shareholders or by the board of directors. In large corporations the cost of calling a special meeting of shareholders may be prohibitive so that in those corporations filling vacancies by the board of directors is the norm. On the other hand, in a closely held corporation the shareholders may fill vacancies as readily as the board.

Proposed subsection 8.10(a)(3) allows the directors remaining in office to fill vacancies even though they are fewer than a quorum. The test for the exercise of this power is whether the directors remaining in office are fewer than a quorum, not whether the directors seeking to act are fewer than a quorum. For example, on a board of six directors where a quorum is four, if there are two vacancies, they may not be filled under Proposed subsection 8.10(a)(3) at a "meeting" attended by only three directors. Even though the three directors are fewer than a quorum, Proposed subsection 8.10(a)(3) is not applicable because the number of directors remaining in office--four--is not fewer than a quorum.

Proposed subsection 8.10(b) provides that if holders of one or more authorized classes or series of shares is entitled to elect a director, only holders of those classes or series of shares are entitled to fill a vacant office which was held by a director elected by that voting group. This section is part of the consistent treatment of directors elected by a voting group of shareholders. See Proposed sections 1.40, 7.25, 7.26, 7.28, and 8.04 and Proposed subsection 8.08(b).

Proposed subsection 8.10(c) permits vacancies that will arise on a specific later date to be filled in advance of that date so long as the designee does not actually take office until the vacancy occurs. The director in the office that will become vacant may participate in the selection of his successor. A vacancy arising at a later date is most likely to arise because of a resignation effective at a later date; it

may also arise in connection with retirements or with prospective amendments to bylaws. In a closely held corporation with a balance of power on the board of directors that was reached by agreement, a prospective resignation followed by the appointment of a successor under this section permits the board to act on the replacement before the change in balance caused by the resignation.

Section 8.11 Compensation of Directors.

This section puts at rest the question whether the board of directors can fix the compensation of its members for serving as directors. The practice of compensating directors is now of long standing, and the establishment of a policy with respect to director compensation is an appropriate function of the board of directors.

In publicly held corporations, compensation is customarily provided to nonmanagement directors. As stated in *The Corporate Director's Guidebook*, "... it is expected that a nonmanagement director will devote substantial attention to the affairs of the corporation and will be compensated accordingly." 33 BUS.LAW. 1591, 1622 (1978).

Section 8.20 Meetings and Action of the Board.

This section authorizes meetings of directors anywhere. No distinction is made between meetings in-state and out-of-state. It also authorizes any or all directors to participate in a meeting by the use of any means of communication by which all directors participating can hear each other. A person participating in this fashion is deemed to be present in person at the meeting for purposes of quorum and voting requirements.

With the development of modern electronic technology, it is possible that most of the advantages of the traditional meeting, at which all members are present at a single place, may be obtained even though the members are physically dispersed and no two directors are present at the same place. The advantages of the traditional meeting is the opportunity for interchange that is permitted by a meeting in a single room at which members are physically present. The opportunity for interchange is provided by conference call technology. Thus, a meeting may be conducted by electronic means although no two directors are physically present at the same place and no specific place for the meeting is designated.

The Committee rejected RMA language that gave directors the discretion to decide whether to permit a director to participate in a meeting by conference communication technology. The Committee felt that such discretion could too easily be abused, with serious consequences on the possibility of certain directors participating in director deliberations. The Committee also rejected the RMA requirement that all directors participating in the meeting be able to simultaneously hear each other during the meeting. Such requirement would eliminate communications equipment whereby the speaker cannot hear other persons speaking at the same time.

Section 8.21 Action Without Meeting.

The power of the board of directors to act unanimously without a meeting is based on the pragmatic consideration that in many situations a formal meeting is a waste of time. For example, in a closely held corporation there will often be informal discussion by the manager-owners of the venture before a decision is made. And, of course, if there is only a single director (as is permitted by Proposed section 8.03), a written consent is the natural method of signifying director action. Consent may be signified on one or more documents if desirable.

In publicly held corporations, meetings of the board of directors may be appropriate for many actions. But there will always be situations where prompt action is necessary and the decision noncontroversial, so that approval without a meeting may be appropriate.

Under Proposed section 8.21 the requirement of unanimous consent precludes the possibility of stifling or ignoring opposing argument. A director opposed to an action that is proposed to be taken by unanimous consent, or uncertain about the desirability of that action, may compel the holding of a directors' meeting to discuss the matter simply by withholding the director's consent.

Section 8.22 Notice of Meeting.

Regular meetings of the board of directors may be held without notice and special meetings require only two days' notice unless other requirements are imposed by the articles of incorporation or bylaws. The notice may be written, or oral if expressly authorized by the articles of incorporation or bylaws. See Proposed section 1.41. Also, no statement of the purpose of either a regular or special meeting is necessary unless required by the articles of incorporation or bylaws. These requirements differ from the requirements applicable to meetings of shareholders because of fundamental differences in their roles: directors are expected to be more closely involved in corporate affairs than shareholders, and meetings of directors are held more systematically and regularly than meetings of shareholders.

Section 8.23 Waiver of Notice.

Proposed subsection 8.23(a) continues the old law authorizing waivers of notice by directors after the date and time of the meeting. In modern practice notice is often a technical requirement and waivers should be freely permitted.

Proposed subsection 8.23(b) recognizes that the function of notice is to inform directors of a meeting. If a director actually appears at the meeting the director has probably had notice of it and generally should not be able to object to lack of notice. In cases where actual prejudice occurs because of the lack of notice, as may be indicated by the absence of one or more other directors, the director must call attention to the defect at the outset of the meeting or promptly upon the director's arrival. That director, or a director who did not receive notice and was not present at the meeting, may then attack the validity of the action taken for want of notice. If a director properly objects to the meeting being held, the director is not presumed to have assented to actions taken thereafter, but the director waives any objection if the director thereafter votes for or assents to action taken at the meeting. See Proposed subsection 8.24(d).

Section 8.24 Quorum and Voting.

In the absence of a provision in the articles of incorporation or bylaws, a quorum is a majority of the number of directors specified in or fixed in accordance with the articles of incorporation or bylaws.

Proposed subsection 8.24(b) provides that the articles of incorporation or bylaws may decrease the size of the quorum to not less than one-third of the number of directors determined under Proposed subsection 8.24(a).

Proposed subsection 8.24(a) allows the articles of incorporation or bylaws to increase the quorum up to and including unanimity while Proposed subsection 8.24(c) allows these documents similarly to increase the vote necessary to take action. The articles of incorporation or bylaws may also establish quorum or voting requirements with respect to directors elected by voting groups of shareholders pursuant to Proposed section 8.04. The option to increase either or both the vote and quorum requirements most commonly is exercised in closely held corporations where a greater degree of participation is thought appropriate or where a minority participant in the venture seeks to obtain a veto power over corporate action.

The phrase "when the vote is taken" in Proposed subsection 8.24(c) is designed to make clear that the board of directors may act only when a quorum is present. If directors leave during the course of a meeting, the board of directors may not act after the number of directors present is reduced to less than a quorum.

Under Proposed subsection 8.24(d) directors, if they object or abstain with respect to action taken by the board of directors, must make their position clear in one of the ways described in this subsection. If objection is made in the form of a written dissent, it may be transmitted by wire, telecopier, or other medium of data transmission. This written objection serves the important purpose of forcefully bringing the position of the dissenting member to the attention of the balance of the board of directors. The requirement of a written objection also prevents a director from later seeking to avoid responsibility because of secret doubts about the wisdom of the action taken. The right of dissent or abstention is not available to a director who voted in favor of the action taken.

Proposed subsection 8.24(d) applies only to directors who are present at the meeting. Directors who are not present are not deemed to have assented to any action taken at the meeting in their absence.

The Committee altered RMA section 8.24(d) to permit dissenting or abstaining directors to deliver written notice of dissent or abstention within a reasonable time (rather than immediately, as in RMA 8.24(d)) after adjournment of the meeting. Such change was designed to accommodate the director who does not find out the director's dissent or abstention was not included in the minutes of the meeting until the minutes were distributed to members of the board.

The Committee also deleted the reference to a committee of a board of directors from RMA section 8.24(d) on the ground that Proposed subsection 8.25(c) extends the provisions of Proposed section 8.24 to committees and members of committees.

Section 8.25 Committees.

Proposed section 8.25 makes explicit the power of a board of directors to act through committees of directors and specifies the powers of the board of directors that are nondelegable, that is, powers that only the full board of directors may exercise. Proposed section 8.25 deals only with committees made up of members of the board of directors exercising the functions of the board of directors; the board of directors or management, independently of Proposed section 8.25, may establish nonboard committees composed of directors, employees, or others to deal with corporate powers not required to be exercised by the board of directors.

Proposed subsection 8.25(b) provides that a committee of the board of directors may be created only by the affirmative vote of a majority of the board of directors then in office, or, if greater, by the number of directors required to take action by the articles of incorporation or the bylaws. This supermajority requirement reflects the importance of the decision to invest board committees with power to act under Proposed section 8.25.

Committees of the board of directors are assuming increasingly important roles in the governance of publicly held corporations. See "The Corporate Director's Guidebook," 33 BUS. LAW. 1591 (1978); "The Overview Committees of the Board of Directors," 35 BUS. LAW. 1335 (1980). Executive committees have long provided guidance to management between meetings of the full board of directors. Audit committees also have a long history of performing essential review and control functions on behalf of the board of directors. In recent years nominating and compensation committees, composed primarily or entirely of nonmanagement directors, have also become more widely used by publicly held corporations.

Proposed section 8.25 establishes the desirable and appropriate role of director committees in light of competing considerations: on the one hand, it seems clear that appropriate board committee action is not only desirable but also is likely to improve the functioning of larger and more diffuse boards of directors; on the other hand, wholesale delegation of authority to a board committee, to the point of abdication of director responsibility as a board of directors, is manifestly inappropriate and undesirable. Overbroad delegation also increases the potential, where the board of directors is divided, for usurpation of basic board functions by means of delegation to a committee dominated by one faction.

The statement of nondelegable functions set out in Proposed subsection 8.25(e) is based on the principle that prohibitions against delegation should be limited generally to actions substantially affecting the rights of shareholders among themselves as shareholders and specifically to (1) those matters that have immediate and irrevocable effect, (2) those matters that may well become irrevocable without swift action, and (3) those matters that will cause changes of position by others that cannot be rectified. As a result, delegation of authority to committees under Proposed subsection 8.25(e) may be broader than mere authority to act with respect to matters arising within the ordinary course of business. The ordinary course of business standard for delegation was rejected as being too narrow and inappropriate for many modern corporations. For example, although Proposed subsection 8.25(e)(7) makes nondelegable the decision whether to issue and sell shares or create a class or series of shares with designated rights and preferences, it permits

the board of directors to delegate to a committee (within limits specifically prescribed by the board of directors) the important but more limited functions of fixing the specific terms—including without limitation, the price, the dividend rate, provisions for redemption, sinking fund, conversion, voting or preferential rights, and provisions for other features of a class or series of shares. The committee may also be empowered to adopt any final resolution setting forth the terms and to authorize the appropriate filing with the secretary of state required by this title. Thus, terms of the sale of shares may be set quickly and upon the most accurate information without necessarily involving a meeting of the full board of directors. The phrase "(or senior executive officer of the corporation)" also permits these functions to be delegated to the chief financial officer or other appropriate officer of the corporation. The subsection also permits delegation to a committee of authority to determine the terms of a contract or option for the sale of shares if the board prescribes specific limits in a stock option plan or otherwise. This delegation avoids requiring involvement of the full board in the details of the administration of stock option or other compensation plans.

Proposed subsection 8.25(e)(2) prohibits delegation of authority with respect to most mergers, sales of substantially all the assets, amendments to articles of incorporation and voluntary dissolution since most of these actions require shareholder action. In addition, Proposed subsection 8.25(e) prohibits delegation to a board committee of authority to declare distributions (unless according to a general formula or method prescribed by the full board of directors), designate director candidates for purposes of proxy solicitation, fill board vacancies, approve a so-called "short-form merger" (where the interests of the minority shareholders warrant special attention), or amend the bylaws or the articles of incorporation (without shareholder approval under section 10.02). On the other hand, under Proposed subsection 8.25(e) many actions of a material nature, such as the authorization of long-term debt and capital investment or the pricing of shares, may properly be made the subject of committee delegation.

Proposed subsection 8.25(f) makes clear that although the board of directors may delegate to a committee the authority to take action, the designation of the committee, the delegation of authority to it, and action by the committee will not alone constitute compliance by a noncommittee board member with the director's responsibility under Proposed section 8.30. On the other hand, a noncommittee director also will not automatically incur liability should the action of the particular committee fail to meet the standard of care set out in Proposed section 8.30. The noncommittee member's liability in these cases will depend upon whether the director failed to comply with Proposed subsection 8.30(d). Factors to be considered in this regard will include the care used in the delegation to and supervision over the committee, and the amount of knowledge regarding the particular matter which the noncommittee director has available. Care in delegation and supervision include appraisal of the capabilities and diligence of the committee directors in light of the subject and its relative importance and may be facilitated, in the usual case, by review of minutes and receipt of other reports concerning committee activities. The enumeration of these factors is intended to emphasize that directors may not abdicate their responsibilities and secure exoneration from liability simply by delegating authority to board committees. Rather, a director against whom liability is asserted based upon acts of a committee of which the director is not a member avoids liability if the standards contained in Proposed section 8.30 are met.

Proposed subsection 8.25(f) has no application to a member of the committee itself. The standard applicable to a committee member is set forth in Proposed subsection 8.30(a).

Section 8.30 General Standards For Directors.

Proposed section 8.30 defines the general standard of conduct for directors. It sets forth the standard by focusing on the manner in which the director performs the director's duties, not the correctness of the director's decisions. Proposed subsection 8.30(a) thus requires a director to perform the director's duties in good faith, with the care of an ordinarily prudent person in a like position and in a manner the director believes to be in the best interests of the corporation. This standard is

based on the old Washington law, a number of state statutes and on judicial formulations of the duty of care applicable to directors. Proposed section 8.30 also parallels, to the extent possible, the indemnification provisions of Proposed sections 8.50 through 8.60.

In determining whether to impose liability, the courts recognize that boards of directors and corporate managers continuously make decisions that involve the balancing of risks and benefits for the enterprise. Although some decisions turn out to be unwise or the result of a mistake of judgment, it is unreasonable to reexamine these decisions with the benefit of hindsight. Therefore, a director is not liable for injury or damage caused by the director's decision, no matter how unwise or mistaken it may turn out to be, if in performing the director's duties the director met the requirements of Proposed section 8.30.

Even before statutory formulations of directors' duty of care, courts sometimes invoked the business judgment rule in determining whether to impose liability in a particular case. In doing so, courts have sometimes used language similar to the standards set forth in Proposed subsection 8.30(a). The elements of the business judgment rule and the circumstances for its application are continuing to be developed by the courts in Washington and elsewhere. Compare the requirements for the rule set forth in Nursing Home Bldg. Corp. v. De Hart, 13 Wash. App. 489 (1975), with those in Smith v. Van Gorkum, 488 A.2d 858 (Del. 1985). See also Comment, to Proposed section 8.42. In view of that continuing judicial development, Proposed section 8.30 does not try to codify the business judgment rule or to delineate the differences, if any, between that rule and the standards of director conduct set forth in this section. That is a task left to the courts.

Proposed section 8.30 should be read in light of the basic duty of directors set forth in Proposed subsection 8.01(b) that the "business and affairs of a corporation shall be managed under the direction of" the board. Since the board may delegate or assign to appropriate officers of the corporation the authority or duty to exercise powers that Proposed section 8.01 does not require the board to retain, directors are not personally responsible under Proposed section 8.30 for actions or omissions of officers, employees, or agents of the corporation so long as the directors, complying with the standard of care set forth in section 8.30, have acted reasonably in delegating responsibility.

Proposed subsection 8.30(a) establishes a general standard of care for all directors. It requires a director to exercise "the care an ordinarily prudent person in a like position would exercise." Some state statutes use the words "diligence," "care," and "skill" to define this duty. E.g., N.C. GEN. STAT. ANN. section 55-35 (1975). There is very little authority as to what "skill" and "diligence," as distinguished from "care," can be required or properly expected of corporate directors in the performance of their duties. "Skill," in the sense of technical competence in a particular field, should not be a qualification for the office of director. The concept of "diligence" is sufficiently subsumed within the concept of "care." Accordingly, the words "diligence" and "skill" were omitted from the standard adopted.

Likewise, Proposed section 8.30 does not use the term "fiduciary" in the standard for directors' conduct, because that term could be confused with the unique attributes and obligations of a fiduciary imposed by the law of trusts, some of which are not appropriate for directors of a corporation.

Several of the phrases chosen to define the general standard of care in Proposed subsection 8.30(a) deserve specific mention:

(1) The reference to "ordinarily prudent person" embodies long traditions of the common law, in contrast to suggested standards that might call for some undefined degree of expertise, like "ordinarily prudent businessperson." The phrase recognizes the need for innovation, essential to profit orientation, and focuses on the basic director attributes of common sense, practical wisdom, and informed judgment.

(2) The phrase "in a like position" recognizes that the "care" under consideration is that which would be used by the "ordinarily prudent person" if such person were a director of the particular corporation.

(3) The combined phrase "in a like position ... under similar circumstances" is intended to recognize that (a) the nature and extent of responsibilities will vary, depending upon such factors as the size, complexity, urgency, and location of

activities carried on by the particular corporation, (b) decisions must be made on the basis of the information known to the directors without the benefit of hindsight, and (c) the special background, qualifications, and management responsibilities of a particular director may be relevant in evaluating the director's compliance with the standard of care. Even though the quoted phrase takes into account the special background, qualifications and management responsibilities of a particular director, it does not excuse a director lacking business experience or particular expertise from exercising the common sense, practical wisdom, and informed judgment of an "ordinarily prudent person."

The process by which a director becomes informed will vary but the duty of care requires every director to take steps to become informed about the background facts and circumstances before taking action on the matter at hand. The omission of the words "reasonable inquiry," present in the old law, is not intended to work any substantive change in the law.

In relying upon the performance by management of delegated or assigned duties pursuant to Proposed section 8.01 (including, for example, matters of law and legal compliance), the director may depend upon the presumption of regularity, absent knowledge or notice to the contrary. A director may also rely on information, opinions, reports, and statements prepared or presented by others as set forth in Proposed subsection 8.30(b).

A director complying with the standards expressed in Proposed subsection 8.30(a) is entitled to rely upon information, opinions, reports or statements, including financial statements and other financial data, prepared or presented by the persons or committees described in Proposed subsection 8.30(b). The right to rely under this section applies to the entire range of matters for which the board of directors is responsible. Under Proposed subsection 8.30(c), however, a director so relying must be without knowledge concerning the matter in question that would cause the director's reliance to be unwarranted. Also inherent in the concept of good faith is the requirement that, in order to be entitled to rely on a report, statement, opinion, or other matter, the director must have read the report or statement in question, or have been present at a meeting at which it was orally presented or summarized, or have taken other steps to become generally familiar with its contents. In short, the director must comply with the general standard of care of Proposed subsection 8.30(a) in making a judgment as to the reliability and competence of the source of information upon which the director proposes to rely.

Proposed subsection 8.30(b) permits reliance upon outside advisers, including not only those in the professional disciplines customarily supervised by state authorities, such as lawyers, accountants, and engineers, but also those in other fields involving special experience and skills, such as investment bankers, geologists, management consultants, actuaries, and real estate appraisers. The concept of "expert competence" in Proposed subsection 8.30(b)(2) embraces a wide variety of qualifications and is not limited to the more precise and narrower recognition of experts under the Securities Act of 1933. In this respect Proposed subsection 8.30(b) goes beyond many existing state business corporation acts, although several state statutes permit reliance on reports of appraisers selected with reasonable care by the board of directors and deal with the scope and nature of corporate reports and records generally.

Proposed subsection 8.30(b) permits reliance upon a committee of the board of directors when performing a supervisory or other functions. For example, there may be reliance upon an investigation undertaken by a board committee and reported to the full board of directors, which forms the basis for action by the board of directors itself. Another example is reliance upon a committee of the board of directors, such as a corporate audit committee, with respect to the ongoing role of oversight of the accounting and auditing functions of the corporation. In addition, where reliance upon information or materials prepared or presented by a board committee is not involved, a director may properly rely on dispositive action by a board committee (of which the director is not a member) empowered to act pursuant to authority delegated under Proposed section 8.25 or acting with the acquiescence of the board of directors. See Comment to Proposed section 8.25. A director may similarly rely on committees not created under Proposed section 8.25 which have nondirector members.

In conditioning reliance upon reasonable belief that the board committee merits the director's "confidence," Proposed subsection 8.30(b)(3) recognizes a difference between a board committee and an expert. In Proposed subsections 8.30(b)(1) and (2) the reference is to "competence of an expert," which recognizes the expectation of experience and in most instances technical skills on the part of those upon whom the director may rely. In Proposed subsection 8.30(b)(3), the concept of "confidence" is substituted for "competence" in order to avoid any inference that technical skills are a prerequisite.

By identifying those upon whom a director may rely in discharging the director's duties, Proposed subsection 8.30(b) does not limit the ability of directors to delegate their powers under Proposed sections 8.01(a) and 8.25 to committees of the board of directors or officers of the corporation, except where this delegation is expressly prohibited by the Proposed Act. Delegation should be carried out in accordance with the standards set forth in Proposed subsection 8.30(a).

Proposed subsection 8.30(c) expressly prevents a director from "hiding his or her head in the sand" and relying on information, opinions, reports, or statements when the director has actual knowledge which makes reliance unwarranted.

Proposed subsection 8.30(d) is self-executing, and the individual director's exoneration from liability is automatic. If compliance with the standard of conduct set forth in Proposed section 8.30 is established, there is no need to consider possible application of the business judgment rule. The possible application of the business judgment rule need only be considered if compliance with the standard of conduct set forth in Proposed section 8.30 is not established.

Proposed subsection 8.30(d) makes clear that the section will apply whether or not affirmative action was in fact taken. If the board of directors or a committee considers an issue (such as a recommendation of independent auditors concerning the corporation's internal accounting controls) and determines not to take action, the determination not to act is protected by Proposed section 8.30. Similarly, if the board of directors or committee delegates responsibility for handling a matter to subordinates, the delegation constitutes "action" under Proposed section 8.30. Proposed subsection 8.30(d) applies (assuming its requirements are satisfied) to any conscious consideration of matters involving the affairs of the corporation. It also applies to the determination by the board of directors of which matters to address and which not to address. Proposed subsection 8.30(d) does not apply only when the director has failed to consider taking action which under the circumstances the director is obliged to consider taking.

Proposed section 8.30 generally deals only with directors. Proposed section 8.42 and its Comment explain the extent to which the provisions of Proposed section 8.30 apply to officers.

Section 8.31 Liability For Unlawful Distributions.

Although the revisions to the financial provisions of both the old and Proposed Act have simplified and rationalized the rules for determining the validity of distributions (see Proposed section 6.40), the possibility remains that a distribution may be made in violation of these rules. Proposed section 8.31 provides that if it is established that a director failed to meet the standards of conduct of Proposed section 8.30 and voted for or assented to an unlawful distribution, the director is personally liable for the portion of the distribution that exceeds the maximum amount that could have been lawfully distributed. It also expressly preserves for a director all defenses which would ordinarily be available, notably the common law business judgment rule.

The explicit reference to the availability of defenses ordinarily available to a director was not contained in the old law, and may well be unnecessary. This declaration was included in the current text for two reasons. First, Proposed section 8.31 is the only provision in the Proposed Act specifying personal liability for directors in the event of failure to comply with the statute (specifically Proposed section 6.40), and the absence of the declaration might have provided the basis for an argument that the standards for Proposed section 6.40 were different than in other cases, a result not intended by the Proposed Act. Second, the declaration was inserted to make section 8.31 congruent with the intent of Proposed subsection 8.30(d), which

states that the director is automatically shielded from liability if the director's compliance with Proposed section 8.30 is established and that the application of the business judgment rule need only be considered if compliance with the standard of conduct set forth in Proposed section 8.30 is not established.

A director who is compelled to restore the amount of an unlawful distribution to the corporation is entitled to contribution from every other director who could have been held liable for the unlawful distribution. The director may also recover the amounts paid to any shareholder who accepted the payments knowing that they were in violation of the statute. A shareholder who receives a payment not knowing of its invalidity is entitled to retain it. Although no attempt has been made in the Proposed Act to work out in detail the relationship between this right of recoupment from shareholders and the right of contribution from assenting directors, it is expected that a court will equitably apportion the obligations and benefits arising from the application of the principles set forth in this section.

Proposed subsection 8.31(c) limits the time within which a proceeding may be commenced against a director for an unlawful distribution to two years after the date on which the effect of the distribution was measured.

Section 8.32 Limitation On Liability of Directors.

Proposed section 8.32 separates, for emphasis, the Washington Business Corporation Act subsection adopted in 1987 that permitted articles of incorporation to contain provisions that eliminated or limited the personal liability of directors (with stated exceptions). The Comment to the 1987 legislation follows.

1. General comments:

A number of recent events have resulted in a significant increase in the risk of liability encountered by directors of a corporation: (1) directors as a result of increased takeover and merger activity have with greater frequency been exposed to decisions in which their corporation's survival as an independent entity is involved; (2) dissatisfied shareholders have sued directors in connection with almost every hostile takeover attempt in recent years, framing complaints based on state corporation laws, securities laws, or RICO; (3) courts, as a result of decisions like *Smith v. Van Gorkum*, 488 A.2d 858 (Del. 1985), are perceived to have imposed more stringent standards regarding directors' disclosure, care and loyalty; and (4) insurance companies, as a result of some extraordinarily large claim settlements, either withdrew from offering directors' and officers' insurance, cancelled such policies for high-risk corporations, or rewrote such policies to enlarge exclusions, reduce coverage and substantially increase premiums.

The issue came to the attention of the WSBA Corporate Act Revision Committee this summer 1986 when several events confirmed the existence of a significant problem in Washington. Numerous companies reported either resignations of outside directors, or difficulty in obtaining qualified candidates for outside directorships. Statutes in a number of jurisdictions (e.g., Virginia, Maryland, Indiana, Missouri, Delaware, and New York) were enacted, or proposed (e.g., Texas, Michigan, Louisiana, Utah), to modify some of the legal rules thought to exacerbate the problem. Finally, a number of Washington corporations either reincorporated in a state with such legislation (e.g., Microsoft) or sought advice about such reincorporation.

The committee concluded that it was appropriate to recommend to the Board of Governors, and ultimately to the legislature, that legislation be adopted to ameliorate the problem. The committee reviewed a number of measures, including a statutory limitation on the amount of directors' liability, a change in the standard of culpability for directors, a provision authorizing shareholders' limitations on liability of directors, and a change in directors' indemnification provisions. It concluded that a combination of the last two approaches seemed most appropriate for Washington corporations.

2. Comment concerning proposed amendment to RCW 23A.12.020 (Contents Articles of Incorporation).

RCW 23A.12.020 would be amended to authorize a new optional provision in the articles of incorporation eliminating or limiting the personal liability of a director for monetary damages for conduct as a director. The provision is modelled on Delaware Gen. Corp.L. 102(b)(7) (added to that statute effective July 1, 1986). The

central concept of the provision is that shareholders, as owners of a corporation, should have the right to decide whether such a limitation on liability of directors is an appropriate means of obtaining the services of qualified directors. Such limitation is analogous to trust law principles which authorize a settlor to limit the liability of a trustee for breach of trust. See 1 Restatement of Trusts (2d) 222 (1959). The exceptions to the proposed limitation on liability are also quite analogous to those set forth in the Restatement.

The proposed amendment makes a number of changes in the specific language of the Delaware provision:

(1) Delaware permits a limitation on monetary damages "for breach of fiduciary duty as a director." The Committee concluded that "breach of fiduciary duty" is not a clearly defined term, and thus might lead to litigation over its meaning or to subtleties (e.g., suits against directors for the tort of negligence.) It chose instead "for conduct as a director," which avoids the difficulties and is similar to language used in connection with indemnification under RCW 23A.08.025.

(2) Delaware excludes from the limitation liability "for any breach of the director's duty of loyalty to the corporation or its stockholders." The Committee concluded that the "duty of loyalty" is not a clearly defined term, and that the main content of such duty, receipt of personal benefit, was explicitly excluded under a later clause.

(3) Delaware excludes from the limitation liability "for acts or omissions not in good faith." The Committee concluded that "good faith" is not a clearly defined term.

(4) Delaware excepts liability "for any transaction from which the director derived an improper personal benefit." The Committee concluded that improper personal benefit was not clearly defined. It chose instead to refer to personal receipt of benefits to which the director was not entitled, language adapted from the New York indemnification statute. The proposed amendment does not affect the ability of shareholders to obtain injunctive or equitable relief against directors for any breach of duty.

Section 8.40 Officers.

Proposed section 8.40 permits every corporation to designate the officers it wants. The designation may be made in the bylaws or by the board of directors if such designation is consistent with the bylaws. This is a departure from the old law and most state corporation acts, which require certain officers, usually the president, one or more vice presidents, the secretary, and the treasurer, and generally authorize the corporation to designate additional or assistant officers. Experience has shown, however, that little purpose is served by a statutory requirement that there be certain officers, and that statutory requirements may sometimes create problems of implied or apparent authority or confusion with nonstatutory offices the corporation desires to create.

The board of directors may appoint assistant officers pursuant to its general powers under Proposed subsection 8.40(a); duly appointed officers may also appoint assistant officers if authorized by the board under Proposed subsection 8.40(b).

Throughout the Proposed Act, the act of a board designating an officer is referred to as an "appointment" rather than an "election." The Act also consistently uses the word "elect" when referring to the selection of directors, thus emphasizing the difference in the selection process.

The board of directors, as well as duly appointed corporate officers or other agents, may also appoint agents for the corporation.

The bylaws or the board of directors must also delegate to an officer the responsibility to prepare minutes and authenticating records of the corporation; the person performing this function is referred to as the "secretary" of the corporation throughout the Proposed Act. See Proposed section 1.40. Under the Proposed Act a corporation may have this and all other corporate functions performed by a single individual functioning as its only officer.

The person who is designated by the bylaws or the board as responsible for maintaining minutes of meetings and authenticating records of the corporation thereby has authority to bind the corporation by the person's authentication under

this section. This delegation of authority, traditionally vested in the corporate "secretary," allows third persons to rely on authenticated records without inquiring into their truth or accuracy.

Section 8.41 Duties of Officers.

Proposed section 8.41 recognizes that persons designated as officers have the formal authority set forth for that position (1) by its description in the bylaws, (2) by specific resolution of the board of directors, or (3) by direction of another officer authorized by the board of directors to prescribe the duties of other officers.

These methods of investing officers with formal authority do not exhaust the sources of an officer's actual or apparent authority. Many cases state that specific corporate officers, particularly the chief executive officer, may have apparent authority merely by virtue of their positions. This authority, which may overlap the express authority granted by the bylaws, generally has been viewed as extending only to ordinary business transactions, though some cases have recognized usually broad apparent authority of the chief executive officer or have created a presumption that corporate officers have broad authority, thereby placing on the corporation the burden of showing lack of authority.

In addition to express, implied, or apparent authority, a corporation is normally bound by unauthorized acts of officers if they are ratified by the board of directors. Generally, ratification extends only to acts that could have been authorized as an original matter. Ratification may itself be express or implied and may in some cases serve as the basis of apparent authority.

Section 8.42 Standards of Conduct for Officers.

This section provides that a nondirector officer with discretionary authority must meet the same standards of conduct required of directors under Proposed section 8.30. But the officer's ability to rely on information, reports, or statements, may, depending upon the circumstances of the particular case, be more limited than in the case of a director in view of the greater obligation the officer may have to be familiar with the affairs of the corporation. See Proposed subsection 8.42(b). Nondirector officers with more limited discretionary authority may be judged by a narrower standard. The Comment to Proposed section 8.30 is generally applicable to nondirector officers as well as to directors.

The adoption of Proposed section 8.42 would change much of the reasoning that appears in *Para-Medical Leasing, Inc. v. Hangen*, 48 Wash. App. 389 (1987). In that case, the court held that the standards stated in old RCW 23A.08.343 did not apply to an officer of a corporation. It also held that the rules of agency related to an agent's duty of care to the principal did not apply to an officer. It said: "In considering the action of a corporate officer, however, the business judgment rule rather than the standard of ordinary care applies." 48 Wash. App. at 396. Adoption of Proposed section 8.42 would make clear that the standard of care prescribed therein does apply to officers with discretionary authority. Indeed, Proposed subsection 8.42(d) makes clear that if compliance with the standard of conduct set forth in the section is established, there is no need to consider application of the business judgment rule. If, on the other hand, compliance with the standard of conduct set forth in the section is not shown, possible application of the business judgment rule may be considered. But given the overlap in the requirements imposed by most courts for operation of the business judgment rule (see, e.g., *Smith v. Van Gorkum*, 488 A.2d 858 (Del. 1985)) and the requirements set forth in Proposed section 8.42, it would appear that there should be few cases in which a court would be able to find that an officer whose conduct failed to meet the requirements of Proposed section 8.42 nevertheless was exonerated by the business judgment rule.

Section 8.43 Resignation and Removal of Officers.

Proposed subsection 8.43(a) is declaratory of current law. It recognizes that corporate officers may resign, and that they may resign effective at a later date.

In part because of the unlimited power of removal, confirmed by Proposed subsection 8.43(b), a board of directors may grant an officer an employment contract that extends beyond the term of the board of directors. This type of contract is binding on the corporation even if the articles of incorporation or bylaws provide

that officers are appointed for a term shorter than the period of the employment contract. If a later board of directors refuses to reappoint that person as an officer, the officer has the right to sue for damages but not for specific performance of the officer's employment contract.

Proposed subsection 8.43(b) is also declaratory of current law. The tenure of all corporate officers is subject to the will of the board of directors. If the board of directors loses confidence in a corporate officer, that officer may be removed irrespective of contract rights or the presence or absence of "cause" in a legal sense. Proposed section 8.44 provides that removal of an officer who has contract rights is without prejudice to whatever rights the former officer may assert in a suit for damages for breach of contract.

Section 8.44 Contract Rights of Officers.

Proposed section 8.44 makes clear that the appointment of an officer does not itself create contract rights in the officer. The removal of an officer with contract rights is without prejudice to the officer's later enforcement of contract rights in a suit for damages for breach of contract. Similarly, an officer with an employment contract who prematurely resigns may be in breach of the officer's employment contract. The mere appointment of an officer for a term does not create a contractual obligation on the officer's part to complete the term.

Section 8.50 Indemnification Definitions.

The definitions set forth in Proposed section 8.50 apply only to Proposed sections 8.51-8.60 and have no application elsewhere in the Proposed Act.

A special definition of "corporation" is included in Proposed section 8.50 to make it clear that predecessor entities that have been absorbed in mergers or other transactions are included within the definition. It is probable that the same result would be reached for many transactions under Proposed section 11.06 (effect of merger or share exchange), which provides for the assumption of liabilities by operation of law upon a merger. The express responsibility of successor entities for the liabilities of their predecessors under Proposed sections 8.51-8.60 is broader than under Proposed section 11.06 and may impose liability on a successor even though Proposed section 11.06 does not. Proposed subsection 8.50(1) is thus an essential aspect of the protection provided by Proposed sections 8.51-8.60 for persons eligible for indemnification.

A special definition of "director" is included in Proposed section 8.50 to make it clear that a person who is or was a director is covered by Proposed sections 8.51-8.60 while serving at the corporation's request in another enterprise. The purpose of this definition is to give directors the benefits of the protection of the Proposed sections 8.51-8.60 while serving at the corporation's request in a responsible position in employee benefit plans, trade associations, nonprofit or charitable entities, foreign or domestic entities, and other kinds of profit or nonprofit ventures. A director serving at the corporation's request in such a venture is viewed as acting as a director of the corporation for purposes of Proposed sections 8.51-8.60 even though the director is also acting in some other capacity in the other venture.

The second sentence of Proposed subsection 8.50(2) addresses the question of liabilities arising under the Employee Retirement Income Security Act (ERISA). It makes clear that a director who is serving as a fiduciary of an employee benefit plan is nevertheless viewed as acting as a director for purposes of Proposed sections 8.51-8.60. Special treatment is felt to be necessary because of the broad definition of "fiduciary" in section 3(21) of ERISA, 29 U.S.C. section 1002(21) (1974), and the requirement of section 404 (section 1104(a)) that a "fiduciary" must discharge the fiduciary's duties "solely in the interest" of the participants and beneficiaries of the employee benefit plan. Decisions by a director serving as a fiduciary under the plan on questions regarding eligibility for benefits, investment decisions, and interpretation of plan provisions regarding qualifying service, years of service, and retroactivity are all subject to the protections of Proposed sections 8.51-8.60. See also Proposed subsections 8.50(4) and 8.51(b). Similar provisions appear in the business corporation acts of New York, N.Y. BUS. CORP. LAW ANN. section 723 (McKinney 1963), and Connecticut, CONN. GEN. STAT. ANN. section 33-320a (West Supp. 1981).

The estate or personal representative of a director is entitled to the rights of indemnification possessed by the director. See the last sentence of Proposed subsection 8.50(2). The phrase, "unless the context requires otherwise," was added to make clear that the estate or personal representative did not have the right to participate in directoral decisions whether to grant indemnification authorized in Proposed sections 8.51-8.60.

"Expenses" is defined to include counsel fees to avoid repeated references to such fees every time "expenses" appears throughout Proposed sections 8.51-8.60.

"Liability" is defined for convenience, to avoid repeated references to recoverable items throughout Proposed sections 8.51-8.60. Even though the definition of "liability" includes both expenses and amounts paid to satisfy or to settle substantive claims, indemnification against substantive claims is not allowed in several provisions in Proposed sections 8.51-8.60. For example, indemnification in suits brought by or in the name of the corporation is limited to expenses. See Proposed subsection 8.51(e).

The definition of "liability" permits the indemnification only of "reasonable expenses incurred." The intention is that any portion of expenses falling outside the perimeter of reasonableness should not be indemnified, and that, if necessary, an allocation of expenses should be made. By contrast, unlike the old law and statutes of many states, Proposed subsection 8.50(4) provides that amounts paid to settle or satisfy substantive claims are not subject to a reasonableness test. Since payment of these amounts is permissive--mandatory indemnification is available under Proposed section 8.52 only where the defendant is "wholly successful"--a special limitation of "reasonableness" for settlements is inappropriate. Further, it is undesirable to base the statutory test of power to indemnify on an affirmative finding that a settlement is reasonable. Indeed, the grant of authority to indemnify only those settlements that are "reasonable" would suggest an "all or nothing" approach inconsistent with the basic philosophy of indemnification of "reasonable" expenses.

"Penalties" and "fines" are expressly included within the definition of "liability" so that in appropriate cases these items may also be indemnified. See Proposed section 8.51. The purpose of this definition is to cover every type of monetary obligation that may be imposed upon a director, including civil penalties (which have been authorized in a number of recent statutes), restitution, and obligations to give notice (which are proposed as part of the revision of the federal criminal code). This definition also expressly includes the levy of excise taxes under the Internal Revenue Code pursuant to ERISA within the definition of "fines."

The definition of "official capacity" is necessary because the term determines which of the two alternative standards of conduct set forth in Proposed section 8.51 applies: if action is taken in an "official capacity," the person to be indemnified must have reasonably believed he or she was acting in the best interests of the corporation, while if the action in question was not taken in his or her "official capacity," the director need only have reasonably believed that the conduct was not opposed to the best interests of the corporation.

The definition of "party" establishes the basic coverage of the Proposed sections 8.51-8.60. The definition includes every individual "who was, is, or is threatened to be made a named defendant or respondent in a proceeding." A person who is only called as a witness is not a "party" within this definition, and as specifically provided in Proposed subsection 8.59(b), indemnification of this person is not limited by this subchapter.

The broad definition of "proceeding" ensures that the benefits of Proposed sections 8.51-8.60 will be available to directors in new and unexpected, as well as traditional, types of proceedings whether civil, criminal, administrative, or investigative. It also includes appeals in lawsuits and petitions to review administrative actions.

Section 8.51 Authority to Indemnify.

The standards for indemnification of directors contained in Proposed subsection 8.51(a) define the outer limits for which indemnification of directors not authorized by shareholder action is permitted under the Proposed Act. A director whose conduct does not meet these standards is eligible for court-ordered indemnification under Proposed subsection 8.54(2) and for shareholder authorized indemnification

under Proposed section 8.56. Conduct that falls within these outer limits does not automatically entitle directors to indemnification, although many corporations have adopted bylaw provisions that obligate the corporation to indemnify directors to the maximum extent permitted by statute. Absent such a bylaw provision, Proposed section 8.52 defines a much narrower area in which the directors are entitled as a matter of right to indemnification.

The old law provided separate, but similarly worded, standards for indemnification in third-party suits and indemnification in suits brought by or in the name of the corporation. The Proposed Act establishes a single uniform test to make clear that the outer limits of conduct for which indemnification of directors is permitted should not be dependent on the type of proceeding in which the claim arises. To prevent circularity in recovery, however, Proposed subsection 8.51(e) limits indemnification in connection with suits brought by or in the name of the corporation to expenses incurred and excludes amounts paid to settle or satisfy substantive claims.

The standards of conduct described in Proposed subsections 8.51(a)(1) and 8.51(a)(2)(i)—that a director's conduct in his or her official capacity was in "good faith" and in the corporation's "best interests"—is closely related to the basic standards of conduct imposed by Proposed section 8.30, but the two standards are not identical. No attempt is made to define "good faith," a term used in both Proposed section 8.30 and Proposed section 8.51. The concept of good faith involves a subjective test, which would include "a mistake of judgment," even though made unwisely by objective standards. But the affirmative requirement of Proposed section 8.30—that the "care of an ordinarily prudent person in a like position" be exercised—is not included in the standard of conduct for indemnification. On the other hand, Proposed section 8.51 requires that there be a "reasonable" belief on the part of the director in most instances, and in the case of criminal proceedings that there be no "reasonable" cause to believe the conduct was unlawful. Accordingly, it is possible that a director who has not acted "with the care an ordinarily prudent person in a like position would exercise under similar circumstances," as required by Proposed section 8.30, could nevertheless be indemnified if the standard of Proposed section 8.51 were met. As a corollary, it is clear that a director who has met the Proposed section 8.30 standards of conduct would be eligible in virtually every case to be indemnified under Proposed section 8.51.

Proposed subsection 8.51(a)(2)(ii) requires, if a director is not acting in his or her official capacity, that the director's action be "at least not opposed to" the corporation's best interests. This standard is applicable to the director when serving another entity at the request of the corporation or when sued simply because he or she is or was a director. The words "at least" were added to qualify "not opposed to" in order to make it clear that this test is an outer limit for conduct other than in an official capacity.

This section makes clear that a director who is serving as a trustee or fiduciary for an employee benefit plan under ERISA meets the standard for indemnification under Proposed subsection 8.51(a) if the director reasonably believes the director's conduct was in the best interests of the participants in and beneficiaries of the plan. This standard is a specific application of the more general test that conduct not in official corporate capacity is indemnifiable if it is "at least not opposed to" the best interests of the corporation and provides a standard for indemnification that is consistent with the statutory policies embodied in ERISA.

The purpose of Proposed subsection 8.51(c) is to reject the argument that indemnification is automatically improper whenever a proceeding has been terminated on a basis that does not exonerate the director claiming indemnification. Even though a final judgment or conviction is not automatically determinative of the issue whether the minimum standard of conduct was met, any judicial determination of substantive liability would in most instances be entitled to considerable weight. By the same token, it is clear that the termination of a proceeding by settlement or plea of *nolo contendere* should not of itself create a presumption either that conduct met or did not meet the standard of Proposed section 8.51. On the other hand, a final determination of nonliability or acquittal automatically entitles the director to indemnification of expenses under Proposed section 8.52.

Proposed subsection 8.51(c) applies expressly to indemnification of expenses in derivative actions as well as to indemnification in third party suits. The most likely application of this subsection to derivative actions will be to settlements since a judgment or order would normally result in liability to the corporation and thereby preclude all indemnification under Proposed subsection 8.51(d). In the rare event that a judgment or order entered against the director did not include a determination of liability to the corporation, the entry of the judgment or order would not be determinative that the director failed to meet the requisite standard of conduct.

Proposed subsection 8.51(d) makes clear that indemnification is not permissible under Proposed section 8.51 in the face of a finding of improper conduct either because liability is imposed in favor of the corporation in a suit brought by or in its name or because there is a finding that the director improperly received a personal benefit as a result of the director's conduct. Indemnification under this subsection is prohibited if a director is adjudged liable in a derivative suit because it is believed that there should be no indemnification in this situation unless a court first finds it proper. Proposed section 8.54 permits a director found liable to the corporation to petition a court for a judicial determination of entitlement to indemnification. Proposed section 8.56 authorizes shareholders in certain circumstances to indemnify directors found liable to the corporation. Voluntary indemnification is also prohibited if there has been an adjudication that a director improperly received a personal benefit, even if, for example, the director acted in a manner not opposed to the best interests of the corporation. Improper use of inside information for personal benefit should not be an action for which the corporation may provide indemnification, even if the corporation was not thereby harmed. Although it is unlikely that a person found liable for receiving an improper personal benefit would be found to have met the statutory standard of conduct set forth in Proposed subsection 8.51(a)(2)(ii), this limitation is made explicit in Proposed subsection 8.51(d)(2). Recourse to a court under Proposed section 8.54 may also be appropriate in some improper benefit cases—for example, where it would be unfair for a small personal benefit to foreclose indemnification in an expensive and complicated matter.

Proposed subsection 8.51(e) limits indemnification in suits brought by or in the right of the corporation to expenses incurred in connection with the proceeding. Its purpose is to avoid circularity that would be involved if a corporation seeks to indemnify a director for payments made in settlement by the director to the corporation. This subsection applies only to settlements since all indemnification is prohibited by Proposed subsection 8.51(d)(1)—subject to the right to seek judicially approved indemnification under Proposed section 8.54 or to seek shareholder approved indemnification under Proposed section 8.56—in cases where a director is "adjudged" liable to the corporation.

Section 8.52 Mandatory Indemnification.

Proposed section 8.51 determines whether indemnification may be made voluntarily by a corporation if its directors elect to do so. Proposed section 8.52 determines whether a corporation must indemnify a director for the director's expenses; in other words, Proposed section 8.52 creates a statutory right of indemnification in favor of the director who meets the requirements of that section. Enforcement of this right by judicial proceeding is specifically contemplated by Proposed subsection 8.54(1), which also gives the director a statutory right to recover expenses incurred by the director in enforcing his or her statutory right to indemnification under Proposed section 8.52.

The basic standard for mandatory indemnification is that the director has been "wholly successful, on the merits or otherwise," in the defense of the proceeding. The word "wholly" is added to avoid the argument accepted in Merritt-Chapman & Scott Corp. v. Wolfson, 321 A.2d 138 (Del. 1974), that a defendant may be entitled to partial mandatory indemnification if the defendant succeeded by plea bargaining or otherwise to obtain the dismissal of some but not all counts of an indictment. A defendant is "wholly successful" only if the entire proceeding is disposed of on a basis which involves a finding of nonliability. However, the language in the old law and in many other state statutes that the basis of success may be "on the merits

or otherwise" is retained. While this standard may result in an occasional defendant becoming entitled to indemnification because of procedural defenses not related to the merits (e.g., the statute of limitations or disqualification of the plaintiff), it is unreasonable to require a defendant with a valid procedural defense to undergo a possibly prolonged and expensive trial on the merits in order to establish eligibility for mandatory indemnification.

Section 8.53 Advance For Expenses.

It is often critically important to a director who is made a party to a complex proceeding that the corporation the director served have power to make advances for expenses at the beginning of and during the proceeding. Adequate legal representation and adequate preparation of a defense may require substantial payments of expenses before a final determination, and unless the corporation may make advances for expenses, a defendant may be unable to finance the defendant's own defense. This problem is complicated by the fact that during the early stages of a proceeding (when advances are often needed) the facts underlying the claim cannot be fully evaluated and the board of directors therefore cannot accurately ascertain the ultimate propriety of indemnification.

Proposed subsection 8.53(a) requires a written affirmation by the director of the director's good faith belief that the director has met the standard of conduct necessary for indemnification by the corporation and a written undertaking by or on behalf of the director to repay the advance if it is ultimately determined that the director has not met the standard of conduct. Under Proposed subsection 8.53(b), the undertaking need not be secured and financial ability to repay is not a prerequisite. The theory underlying this subsection is that, in advancing expenses, wealthy directors should not be favored over directors whose financial resources are modest.

The limitations of Proposed section 8.53 apply only to persons who are directors at the time the advance is made. Thus the corporation may advance the expenses of former directors without obtaining the affirmation and undertaking otherwise required by Proposed subsection 8.53(a)(1) and (2).

The Committee deleted the RMA requirement that directors make a determination on the basis of facts known that indemnification is not precluded under Proposed section 8.51. It concluded that that requirement frequently led the board of directors to deny advances to directors for fear that liability might be imposed on directors authorizing the advances. It also concluded that the corporation's real protection in such situations was the director's written undertaking to repay the advance if it was later shown that the director had not met the standard of conduct.

Section 8.54 Court-Ordered Indemnification.

Proposed section 8.54 permits court-ordered indemnification in three situations: (1) a director entitled to mandatory indemnification may enforce that entitlement by judicial proceeding (in which case the court may also order the corporation to pay the reasonable expenses incurred in connection with the proceeding); (2) indemnification at the court's discretion is permitted in all cases whether or not the director met the requisite standard of conduct in Proposed section 8.51 or is otherwise ineligible for indemnification; and (3) a director entitled to advances for or reimbursement of expenses may enforce that entitlement by judicial proceeding. But indemnification with respect to derivative suits or improper benefit is limited to expenses by the last clause of Proposed subsection 8.54(2) unless the articles of incorporation or a bylaw, contract or resolution approved or ratified by the shareholders pursuant to Proposed section 8.56 provides otherwise.

Proposed subsection 8.54(3) is new and has no counterpart in either the Revised Model Act or the old law. It permits a director to sue for expense advances pursuant to charter, bylaw, or other provision committing the corporation to advance expenses. This permits a director to enforce previously bargained for contract rights to expense advancement in the proceeding in which the expenses are being incurred.

Application for indemnification under Proposed section 8.54 may be made either to the court in which the proceeding was heard or to another court of

appropriate jurisdiction. For example, a defendant in a criminal action who has been convicted but believes that indemnification would be proper could apply either to the court which heard the criminal action or bring an action against the corporation in another court. A decision by the board of directors not to oppose the request for indemnification is governed by the general standards of conduct found in Proposed section 8.30. Even if the corporation decided not to oppose the request, the court must satisfy itself that the person seeking indemnification is properly entitled to it.

A corporation may limit the right of a director under Proposed section 8.54 by a provision in its articles of incorporation. In the absence of such a provision, however, the court has general power to grant indemnification under this section.

Section 8.55 Determination and Authorization of Indemnification.

Proposed section 8.55 provides the method for determining whether a corporation should voluntarily indemnify directors under Proposed section 8.51. In this section a distinction is made between a "determination" and an "authorization." A "determination" involves a decision whether under the circumstances the person seeking indemnification has met the requisite standard of conduct under Proposed section 8.51 and is therefore eligible for indemnification. This decision may be made by the persons or groups described in Proposed subsection 8.55(b). In addition, after a favorable "determination" is made, the corporation must "authorize" indemnification; this includes a review of the reasonableness of the expenses. Proposed subsection 8.55(c) provides that "authorization" of indemnification may be made only by the board of directors, by a committee of the board, or by the shareholders. While special legal counsel may make the "determination" of eligibility for indemnification, counsel may not "authorize" the indemnification.

Proposed subsection 8.55(b) establishes a procedure for selecting the person or persons who will make the determination of eligibility for indemnification. Even though directors who are parties to the proceeding may not participate in the decision determining eligibility for indemnification, they may, if necessary to permit valid action by the board of directors, participate in the decision establishing a committee of independent directors or selecting special legal counsel. Directors who are parties may also participate in the decision to "authorize" indemnification on the basis of a favorable "determination" if necessary to permit action by the board of directors. This limited participation of interested directors in the decision is justified by a principle of necessity.

Legal counsel authorized to make the required determination is referred to as "special legal counsel." In statutes of other states, the counsel is referred to as "independent" legal counsel. The word "special" is felt to be more descriptive of the role to be performed and is not intended to indicate that the counsel selected should not be independent in accordance with governing legal precepts. "Special legal counsel" should normally be counsel having no prior professional lawyer-client relationship with those seeking indemnification, should be retained for the specific occasion, and should not be either inside counsel or regular outside counsel. It is important that the selection process be sufficiently flexible to permit selection of counsel in light of the particular circumstances and so that unnecessary expense may be avoided. Hence the phrase "special legal counsel" is not defined in the statute.

Determinations by shareholders rather than by directors or special counsel are permitted by Proposed subsection 8.55(b)(4), but shares owned by or voted under the control of directors seeking indemnification may not be voted on the determination of eligibility for indemnification. This does not affect rules governing the determination of a quorum at the meeting.

Section 8.56 Shareholder Authorized Indemnification and Advancement of Expenses.

The provision in old RCW 23A.08.025(8) was amended in 1987 to eliminate former limitations on any indemnity not consistent with the statute. At the same time, old RCW 23A.12.020 was amended to authorize limitations of directors' liability in certain circumstances if the articles of incorporation so provided. See comment to Proposed section 8.32 which contains the background of both provisions.

Proposed section 8.56 is an entirely separate grant of corporate authority to indemnify, without regard to limitations contained in other sections of the title. This authority may be only be exercised by the shareholders, and then only under the types of voting rules generally reserved for decisions such as amending the articles of incorporation and other major corporate actions.

Under Proposed section 8.56 the corporation may indemnify directors fully, including the amount of judgments and fines, as well as for expenses. This authority extends to actions by the corporation and derivative actions, as well as to actions brought by third parties or government officials. The justification for this is the parallel power of the shareholders to exculpate directors from liability to the corporation or its shareholders for negligent acts, subject to the public policy limits imposed by Proposed section 8.32. Where shareholders have not exculpated directors in advance by formally amending the corporation's articles of incorporation, this section grants them power to indemnify directors, either by contract, bylaw or resolution approved in advance or after the fact. The reference to "ratified" is intended to cover the situation where a board of directors has authorized such indemnification, either in a bylaw, resolution or contract with the director, but the shareholders did not approve their action until a later time.

Section 8.57 Indemnification of Officers, Employees and Agents.

Proposed section 8.57 correlates the general legal principles relating to the indemnification of officers, employees, and agents of the corporation with the limitations of indemnification of directors in Proposed sections 8.51-8.56. This correlation may be summarized in general terms as follows:

(1) Proposed sections 8.51-8.56 apply only to, and limits the indemnification of, directors.

(2) An officer, agent or employee of a corporation who is not a director may be indemnified by the corporation on a discretionary basis to the same extent as though such person were a director, and, in addition, may have additional indemnification rights apart from Proposed sections 8.51-8.60. (Proposed subsections 8.57(2) and (3)).

(3) A director who is also an officer, employee, or agent of the corporation is limited to the director's indemnification rights under Proposed sections 8.51-8.56 and is therefore treated the same way as other directors. (Proposed subsection 8.57(3) by negative inference.) Such an officer-director is limited to his or her rights under Proposed sections 8.51-8.56 even though the officer-director is sued solely in his or her capacity as an officer.

(4) An officer of the corporation (but not employees or agents generally) who is not a director has the mandatory right of indemnification granted to directors under Proposed section 8.52 and the right to apply for court-ordered indemnification under Proposed section 8.54 (Proposed subsection 8.57(1)).

Proposed subsection 8.57(3) authorizes indemnification for officers, employees, and agents who are not directors, but neither requires nor prescribes standards for their indemnification and expressly states that their indemnification may be broader than the right of indemnification granted to directors by Proposed sections 8.51-8.60. The rights of employees or agents may derive from principles of agency, the doctrine of respondeat superior, or collective bargaining or other contractual agreement, rather than from the statute. Indemnification of employees or agents may appropriately protect the person indemnified from liabilities incurred while serving at the corporation's request as a director, officer, partner, trustee, or agent of another commercial, charitable, or nonprofit enterprise. See the definition of "director" in Proposed subsection 8.50(2). But indemnification under Proposed subsection 8.57(3) must ultimately be "consistent with law." In effect, this leaves public policy determinations as to what are permissible limits, in a particular case, to the courts. For example, in *Koster v. Warren*, 297 F.2d 418, 423 (9th Cir. 1961), the court allowed indemnification of an officer and an employee, both of whom pleaded nolo contendere to an antitrust indictment at the corporation's request, the court reasoning that they had foregone their personal right to defend for the corporation's benefit. On the other hand, the court indicated in dictum that an agreement in advance by the corporation to indemnify anyone convicted of antitrust violations would be against public policy.

The broad grant of indemnification in Proposed subsection 8.57(3) may be limited by appropriate provisions in the articles of incorporation.

Proposed section 8.57 provides that officers, employees, or agents who are also directors are subject to the same standards of indemnification as other directors. Consideration was given to whether these officer-directors, if acting in their capacity as an officer but not as a director, should have the benefit of the additional flexibility afforded by Proposed subsection 8.57(3) for officers who are not directors. It was concluded, however, that all directors should be treated alike; complications may be created if directors who are not officers have potentially less protection under the statute than directors who are officers. It would also be difficult in many instances to distinguish in what capacity an officer-director is acting. Finally, Proposed sections 8.51-8.56 offer sufficient flexibility in indemnifying directors so that, as a practical matter, foreseeable problems for officer-directors can be handled within the statutory framework.

Proposed subsection 8.57(1) grants nondirector officers the same mandatory rights to indemnification under Proposed section 8.52 (or to petition a court for indemnification under Proposed section 8.54) as are granted directors. Thus, the net effect of Proposed section 8.57 is to provide officers with no less protection than is provided directors (including protection for service to third parties at the request of the corporation) and, additionally, to permit the corporation to provide broader indemnification for officers who are not directors.

Section 8.58 Insurance.

Proposed section 8.58 authorizes a corporation to purchase and maintain insurance on behalf of directors, officers, employees, or agents against liabilities imposed on them by reason of actions in their official capacity or arising from their service to the corporation or another entity at the corporation's request. Insurance is not limited to claims against which corporations are entitled to indemnify under this subchapter. This insurance, usually referred to as "D&O Liability Insurance," provides a useful supplement to the rights of indemnification created by Proposed sections 8.51 to 8.60, providing a source of reimbursement for corporations who indemnify directors and others for conduct covered by the insurance, and protecting the insureds against the corporation's failure to pay indemnification required or permitted by Proposed sections 8.51 to 8.60. On the other hand, policies do not cover uninsurable events like self-dealing, bad faith, knowing violations of the securities acts, or other willful misconduct. See generally Johnston, "Corporate Indemnification and Liability Insurance," 33 BUS. LAW. 1993 (1978); Hinsey, "The New Lloyd's Policy Form for Directors and Officers Liability Insurance--An Analysis," 33 BUS. LAW. 1961 (1978).

Section 8.59 Application of Sections 8.50-8.58.

Proposed subsection 8.59(a) provides that a provision treating the indemnification of directors by the corporation in articles of incorporation, bylaws, shareholders' or directors' resolution, or contract "is valid only if and to the extent it is consistent with" Proposed sections 8.50-8.58. The statutes of many states provides that the statutory provisions are not "exclusive" and make no attempt to limit the nonstatutory creation of rights of indemnification. Such language is subject to misconstruction, however, since nonstatutory conceptions of public policy limit the power of a corporation to indemnify or to contract to indemnify directors, officers, employees, or agents.

The language of the first sentence of Proposed subsection 8.59(a), "to the extent it is consistent with sections 8.50-8.58," is believed to be a more accurate description of the limited validity of nonstatutory indemnification provisions than the "non-exclusive" provisions in other states. It is important to recognize that "to the extent it is consistent with" is not synonymous with "exclusive." Situations may well develop from time to time in which indemnification is permissible under Proposed section 8.58 but would be precluded if all Proposed sections 8.50-8.58 were viewed as exclusive. But indemnification provisions protecting against the consequences of bad faith or willful misconduct are not consistent with law and would not be valid. Furthermore, they would violate well-understood principles of public policy and doubtless would be invalidated on that ground even under statutes purporting to

make "nonexclusive" the statutory provisions for indemnification. To the extent the consistency language may preclude indemnification in circumstances where it is reasonable and violates no statutory policy, an escape valve is provided in Proposed subsection 8.55(2), which authorizes a court to grant indemnification if a director "is fairly and reasonably entitled to indemnification in view of all the relevant circumstances," even though the director may not have fully met the standards of conduct set forth in Proposed section 8.51.

Proposed section 8.59 does not preclude provisions in articles of incorporation, bylaws, resolutions, or contracts designed to provide procedural machinery different from that provided by Proposed section 8.55 or to make mandatory the permissive provisions of Proposed sections 8.50–8.54. For example, a corporation may properly obligate the board of directors to consider and act expeditiously on an application for indemnification or advances, or obligate the board of directors to cooperate in the procedural steps required to obtain a judicial determination under Proposed section 8.54.

Some corporations currently commit themselves, in one form or another, to indemnify directors to the fullest extent permitted by applicable law. These commitments are consistent with Proposed sections 8.50–8.58, subject to appropriate interpretation in light of the facts and circumstances of the particular case. Furthermore, a commitment to maintain liability insurance for a director, pursuant to Proposed section 8.58, is consistent with Proposed sections 8.50–8.58.

The first sentence of Proposed subsection 8.59(a) applies only to directors; it does not apply to officers, employees, or agents who are not directors. The inherent problems of conflict of interest and the need to encourage persons to serve as directors are not present to the same degree in the case of nondirector officers, employees, or agents. The standard for permissible indemnification of these persons in Proposed subsection 8.57(3) is "consistent with law" without regard to Proposed sections 8.50–8.58.

Proposed subsection 8.59(b) is designed to make clear that Proposed sections 8.50–8.58 deal only with directors who are actual or prospective defendants or respondents in a proceeding, and that expenses incurred in connection with appearance as a witness may be indemnified without regard to the limitations of Proposed sections 8.50–8.58. Indeed, most of the standards described in Proposed sections 8.51–8.54 by their own terms can have no meaningful application to a director whose only connection with a proceeding is that the director has been called as a witness.

Section 8.60 Report to Shareholders.

Proposed section 8.60 requires reporting to shareholders of payments made to directors or officers either for indemnification under Proposed sections 8.51, 8.52, 8.54 and 8.56 or for advances for expenses under Proposed section 8.53. Some academic criticism of earlier indemnification statutes pointed out the possible evil of secret payments of indemnification which may or may not be consistent with the standards set forth in the general corporation statute. In addition, the use of corporate funds for this purpose is a legitimate matter of interest to shareholders.

Proposed section 8.60 requires the report to be made no later than the time notice is given for the next meeting of shareholders. Disclosure is required only of payments made in connection with suits by or in the name of the corporation; payments and advances arising out of third-party suits are not required to be reported, although proxy rules may require reporting and corporations, of course, may choose to report even if not legally required to do so. This subsection does not require reporting of indemnification payments or advances to any individual who is not a director. The required reporting covers payments and advances to directors in derivative suits made not only under Proposed sections 8.51, 8.52, 8.53, 8.54 or 8.56 but also pursuant to a charter, bylaw, or other provision.

Section 8.70 Definitions for Sections 8.71–8.73.

INTRODUCTORY COMMENT TO SECTIONS 8.70-8.73

The common law, drawing by analogy on the fiduciary principles of the law of trusts, initially took the position that any transaction between X Co. and a director of X Co. was contaminated by the director's conflicting interest, that the transaction was null and void or voidable, and, at least by implication, that the interested director who benefited from the transaction could be required to disgorge any profits and be held liable for any damages. In time, this rule was perceived to be demonstrably unworkable in the real business world and contrary to the best interests of the corporation. Accordingly, some courts modified their initial rigidity, and, in addition, corrective legislation was enacted as a part of the business corporation acts.

The new statutory provisions on directors' conflicting interest transactions allowed the courts to develop the substantive content of the duty of loyalty owed by agents to their principals, by employees to their employers, and by directors to their corporations. The statutes themselves concentrated on creating procedures by which interest-conflict transactions between corporations and their directors could be salvaged while, at the same time, corporations and their shareholders could be protected against unfair dealing by self-aggrandizing directors. Section 41 of the 1969 Model Business Corporation Act was such a procedural provision; so was its successor, section 8.31 of the Model Act.

The replacement for section 8.31, now embodied as sections 8.70-8.73 of the Proposed Act, is of the same procedural character. But the new sections have some important new features.

1. PURPOSES AND SPECIAL CHARACTERISTICS OF PROPOSED SECTIONS 8.70-8.73.

Predecessor provisions to Proposed sections 8.70-8.73 were sweeping and generalized in character. The Proposed sections are not. Their key objectives are to increase predictability and to enhance practical administrability. To that end, the Proposed sections spell out a safe harbor procedure more meticulously than their predecessors. To the same end, the Proposed sections go further. Earlier statutes left entirely to judicial interpretation—and to the guess of corporate counsel—the central question as to what does and what does not constitute a conflicting interest of a director. Great uncertainty has arisen as to the scope of that concept. The new sections take the new step of spelling out a practical working definition of "conflicting interest" and declare that definition to be exclusive. Circumstances that fall outside the statutory definition of conflicting interest cannot constitute the basis for an attack on a transaction on grounds of a director's interest conflict, although they may, of course, afford basis for legal attack on some other ground. Finally, to a greater degree than their predecessors, the new sections specify when judicial intervention is appropriate and when it is not.

In sum, the new sections are new in that they adopt a "bright-line" statutory approach. An inevitable feature of any bright-line statute or regulation is that, no matter where the line may be set, some situations that fall outside the line will closely resemble other situations that fall inside it. Some observers find that outcome anomalous and argue that a bright-line approach is inferior to a statement of broad principles. But the legislative draftsman who chooses to suppress marginal anomalies by resorting to generalized statements of principle will pay a cost in terms of predictability. The choice between these two drafting approaches is a matter of judgment; an experienced legislative draftsman would never write a bright-line constitutional "due process" clause, nor would the draftsman provide in a business corporation act for "a reasonable period" of notice for a shareholders' meeting.

For a number of reasons, the new sections are deliberately weighted towards bright-line specificity and predictability. That there will be imaginable situations at the margin that are similar but yield different results can be anticipated and is accepted.

One consideration arguing for the bright-line approach in the new sections is that the existing case law governing interest conflicts of directors is in a state of unhealthy uncertainty, reflecting differing judicial attitudes toward and varying levels of comprehension concerning the subject. Equal uncertainty surrounds the

working of the procedural machinery for dealing with transactions that involve a director's conflicting interest.

A second consideration arguing for a bright-line approach is that the fundamental perspective of the new sections is prospective. In the real business world, a decision must be made now whether or not to proceed with the transaction and legal counsel's opinion must be delivered now as to whether clearance procedures are available and have been complied with. The business executive can accept either "yes" or "no" as an answer but the executive cannot effectively function in an environment in which the law, lawyers or the courts say "Go ahead and I will tell you later—perhaps years later—whether the transaction is vulnerable to attack."

Further, the essential character of interest conflict is often, unfortunately, misunderstood by the public and the media (and sometimes misunderstood, too, by lawyers and judges). Interest conflicts can and sometimes do lead to baneful acts. The law regulates interest conflict transactions because experience shows that people often yield to the temptation to advance their self-interests and, if they do, other people may be injured. That contingent fear is sufficient reason to warrant caution and to apply special standards and procedures to interest conflict transactions.

Nonetheless, it is important to keep firmly in mind that it is a contingent risk we are dealing with—that an interest conflict is not in itself a crime or a tort or necessarily injurious to others. Contrary to much popular usage, having a "conflict of interest" is not something one is "guilty of"; it is simply a state of affairs. Indeed, in many situations, the corporation and the shareholders may secure major benefits from a transaction despite the presence of a director's conflicting interest. Further, while history is replete with selfish acts, it is also oddly counterpointed by numberless acts taken contrary to self interest.

And, as an additional consideration, while conflicting interests surely carry potential danger, other important social values, such as economic efficiency, predictability and business finality are also at stake and should be accorded heavy countering weight in the law.

One last point. Even if one were to disregard these considerations and were to draft statutory language governing directors' interest conflicts in the most generalized form in an effort to catch the last malefactor, "anomalous" results still would not be avoided. One reason is that generalized drafting invites varying judicial and practitioner interpretation, as has in fact occurred in the cases on directors' conflicts of interest. But the ultimate unresolvable problem in seeking to regulate interest conflicts is that human beings are motivated by unimaginably varied and indeterminable mixes of ambitions, likes, dislikes, and biases. At the end of the day, who can say in respect of any matter that a particular director was in a deeper sense "disinterested" in a particular transaction and acted objectively on the merits? In regulating the conflicting interests of directors, the courts (and pertinent statutes) have limited inquiry to the financial interests of the director and the director's immediate family and associates. That is the wise course and, indeed, the only practical course. But in adopting that course, one obviously excludes a large fraction of the interests that actually drive the actions of human beings. Thus, the law may preclude a director from voting on a transaction in which the director has an economic interest even if, given the director's resources, the amount at stake will have no real impact upon the director's decision-making; yet the law does not prohibit the same director from voting on a transaction which significantly benefits a religious institution to whose creed the director is deeply devoted and that guides the director's life. Such deeper anomalies cannot be eradicated and the law should not seek to eradicate them. But it is worthwhile to be reminded that they exist, for in this field a degree of anomaly is a condition that must be accepted and lived with.

2. PROPOSED SCOPE OF SECTIONS 8.70-8.73.

The focus of Proposed sections 8.70-8.73 is sharply defined and limited.

First: the Proposed sections are targeted on legal challenges based on interest conflicts only. They do not undertake to define, regulate or provide any form of procedure regarding other possible claims. For example, the Proposed sections do

not address a claim that a controlling shareholder has violated a duty owed to the corporation or minority shareholders.

Second: the Proposed sections are applicable only when there is a "transaction" by or with the corporation. Many circumstances can arise in which a director has an economic interest in a particular matter that is adverse to the corporation's best interests but that does not entail a "transaction" with the corporation. Obvious examples include a director who usurps a corporate opportunity or competes with the corporation. In some situations, too, simple inaction by a board might work to a director's personal economic advantage. Without suggesting anything about other safe harbor procedures for the director and the corporation that might be available for such nontransactional matters (see paragraph 4 below), the new sections have no application unless there is a "transaction" to which the corporation is a party.

Third: Proposed sections 8.70-8.73 deal with directors only. Conflicts of interest of non-director officers or employees of the corporation are dealt with by the law of agency prescribing loyalty of agent to principal. Moreover, most large corporations today have internal regulations governing the business conduct of all personnel, including loyalty to the employer and avoidance of conflicting personal interests. A corporate employee can also deal with a personal conflict situation by going to the employee's supervisor. Thus the conflict of interest problems of all corporate personnel except directors can be satisfactorily handled by general law, internal rules and personnel procedures. For the directors, however--those who are ultimately responsible for the corporation--special provisions in the business corporation statute are required.

Fourth: it is important to stress that the voting procedures and standards prescribed in the Proposed sections deal solely with the element of the director's conflicting interest. A transaction that receives a directors' or shareholders' vote that complies with the new sections may well fail to achieve a different vote or quorum that may be requisite for substantive approval of the transaction under other applicable statutory provisions or under the articles of incorporation; and vice versa. (Under the Proposed Act, latitude is granted for setting higher voting requirements and different quorum requirements in the articles of incorporation. See sections 7.27 and 2.02(e).)

Fifth: a few corporate transactions or arrangements in which directors inherently have a special personal interest are of a unique character and are regulated by special procedural provisions of the Act. See Proposed sections 8.51 and 8.52 dealing with indemnification arrangements and Proposed section 7.40 dealing with termination of derivative proceedings by board action. Any corporate transactions or arrangements affecting directors that are governed by such regulatory sections of the Proposed Act are not governed by the new sections.

The new sections contemplate the deletion of provisions dealing specially with loans to directors; a loan to a director is simply a subspecies of directors' conflicting interest transactions and is procedurally governed by the new sections.

3. STRUCTURE OF PROPOSED SECTIONS 8.70-8.73

Definitions are in Proposed section 8.70. Proposed section 8.71 prescribes what a court may or may not do in various situations. Proposed section 8.72 prescribes procedures for action by boards of directors regarding a director's conflicting interest transaction. Proposed section 8.73 prescribes corresponding procedures for shareholders. Thus the most important operative section of the subchapter is Proposed section 8.71.

4. OUTSIDE PROPOSED SECTIONS 8.70-8.73: NON-TRANSACTIONAL SITUATIONS

A prudent director will be sensitive to situations that may place the director in the position of divided loyalty. To resolve doubts, the director will bring to the attention of the board of directors investment opportunities or business activities the director wishes to pursue. The board's blessing can serve as a shield if the director later should be charged with usurping corporate opportunity or engaging in improper competitive activity. Quite often, too, a director's personal financial interests can often be impacted by a non-transactional policy decision of the board--

as where it decides to establish a divisional headquarters in the director's small home town. Non-transactional cases of that kind most often employ a procedure quite similar to that provided for director's conflicting interest transactions under Proposed section 8.72. In addition, a flow of ongoing business relationships between the director and the corporation may, without centering upon any discrete "transaction", raise problems of alleged favoritism or unfair dealing or undue influence.

The circumstances in which such non-transactional situations should be brought to the board or shareholders for clearance, and the legal effect of such clearance, are questions for development under the common law. While non-transactional situations are unaffected one way or the other by the provisions of sections 8.70-8.73, a court may well recognize procedures in those sections as a useful analogy for dealing with such situations. Where the procedures of sections 8.70-8.73 were followed in such situations, the court may, in its discretion, accord to them the same or similar effect to that which is provided by the new sections.

For purposes of Proposed sections 8.70-8.73, "transaction" generally connotes negotiations or a consensual bilateral act between the corporation and another party or parties that concern their respective and differing economic rights or interests--not simply a unilateral action by the corporation but rather a "deal." See discussion of "transaction" under subparagraph (2) of (2) respecting section 8.70.

NOTE

In the Comments to the sections of subchapter F, the director who has a conflicting interest is for convenience referred to as "the director" or "D," the corporation of which the director is a director is referred to as "the corporation" or "X Co." and another corporation dealing with X Co. is referred to as "Y Co."

COMMENT TO PROPOSED SECTION 8.70

The definitions set forth in Proposed section 8.70 apply to sections 8.71-8.73 only and have no application elsewhere in the Proposed Act.

1. CONFLICTING INTEREST

The definition of conflicting interest requires that the director know of the transaction. More than that, it requires that the director know of the director's interest conflict at the time of the corporation's commitment to the transaction. Absent that knowledge by the director, the risk to the corporation addressed by Proposed sections 8.70-8.73 is not present. In a corporation of significant size, routine transactions in the ordinary course of business, involving decision-making at lower management levels, will usually not be known to the director and will thus be excluded by the "knowledge" criterion in the definition.

The term "conflicting interest" as defined in Proposed section 8.70 is never abstract or free-standing; its use must always be linked to a particular director, to a particular transaction and to a particular corporation.

The definition of "conflicting interest" is exclusive. An interest of a director is a conflicting interest if and only if it meets the requirements of subdivision (1).

D can have a conflicting interest in only three ways.

First: a conflicting interest of D will obviously arise if the transaction is between D and X Co.

A conflicting interest will also arise under subdivision (1)(i) if D is not a party but has a beneficial financial interest in the transaction that is separate from the director's interest as a director or shareholder and is of such significance to the director that it would reasonably be expected to exert an influence on the director's judgment if the director were called upon to vote on the matter. The personal economic stake of the director must be in or closely linked to the transaction--that is, the director's gain must hinge directly on the transaction itself. A contingent or remote gain (such as a future reduction in tax rates in the local community) is not enough to give rise to a conflicting interest under subdivision (1)(i). See the discussion of "transaction" under the Comment to subdivision (2).

If Y Co. is a party to or interested in the transaction with X Co. and Y Co. is somehow linked to D, the matter is in general governed by subdivision (1)(ii). But

D's economic interest in Y Co. could be so substantial and the impact of the transaction so important to Y Co. that D could also have a conflicting interest under subdivision (1)(i).

Note that the basic standard set by subdivision (1)(i) and throughout Proposed sections 8.70-8.73—"would reasonably be expected to exert an influence"—is an objective, not a subjective, criterion.

Second: a conflicting interest of D can arise under subdivision (1)(i) from the involvement in the transaction of a "related person" of D. "Related person" is defined in subdivision (3).

Third: in limited circumstances, subsequently discussed, a conflicting interest of D can arise through the economic involvement of certain other persons specified in subdivision (1)(ii). These are any entity (other than X Co.) of which the director is a director, general partner, agent or employee; a person that controls, or an entity that is controlled by, or is under common control with one or more of the entities specified in the preceding clause; and any individual who is a general partner, principal or employer of D.

The terms "principal" and "employer" as used in subdivision (1)(ii) are not separately defined but should be interpreted sensibly in the context of the purpose of the new sections. The key question is whether D is, by force of an overt or covert tie to an employer or a principal who has a significant stake in the outcome of the transaction, beholden to act in the interest of that outside employer or principal rather than in the interest of X Co.

The "would reasonably be expected" criterion of subdivision (1)(i) applies also to subdivision (1)(ii).

Any director will, of course, have countless relationships and linkages to persons and institutions other than those specified in subdivision (1)(ii) and those defined in subdivision (3) to be related persons. But, for the reasons outlined in the Introduction, the subcategories of persons encompassed by subdivision (1)(ii) are expressly intended to be exclusive and to cover the field for purposes of Proposed sections 8.70-8.73 and particularly Proposed subsection 8.71(a). Thus, if, in a case involving a transaction between X Co. and Y Co., a court is presented with the argument that D, a director of X Co., is also a major creditor of Y Co. and that that stake in Y Co. gives D a conflicting interest, the court should reply that D's creditor interest in Y Co. does not fit any subcategory of subdivision (1)(ii) or subdivision (3) and therefore the conflict of interest claim must be rejected by force of Proposed subsection 8.71(a). The result would be otherwise if Y Co.'s debt to D is of such economic significance to D that it would fall under subdivision (1)(i) or put D in control of Y Co. and thus come within subdivision (1)(i).

Subdivision (1)(ii) has a differentiated threshold keyed to the significance of the transaction. See the Official Comment to subdivision (2).

It is to be noted that under subdivision (1) of Proposed section 8.70, any interest that the director has that meets the criteria set forth is considered a "conflicting interest." If a director has an interest that meets those criteria, sections 8.70-8.73 draw no further distinction between a director's interest that clashes with the interests of the corporation and a director's interest that is parallel to the interests of the corporation. If the director's "interest" is present, "conflict" is assumed.

2. DIRECTOR'S CONFLICTING INTEREST TRANSACTION

The definition of "director's conflicting interest transaction" in subdivision (2) is the key concept of Proposed sections 8.70-8.73, establishing the area that lies within—and without—the scope of the provisions. The definition operates preclusively; it not only designates the area within which the rules of Proposed sections 8.70-8.73 are to be applied but also denies the power of the court to act with respect to claims of conflict of interest of directors in circumstances that lie outside the statutory definition of "director's conflicting interest transaction." See Proposed subsection 8.71(a).

(1) Transaction

To constitute a director's conflicting interest transaction, there must first be a transaction by the corporation or its subsidiary or controlled entity in which the director has a financial interest. As discussed in the Introduction, the safe harbor

provisions provided by sections 8.70-8.73 have no application to circumstances in which there is no "transaction" by the corporation, however apparent the director's conflicting interest. Other strictures of the law prohibit a director from seizing corporate opportunities for personal benefit and from competing against the corporation of which the director is a director; Proposed sections 8.70-8.73 have no application to such situations. Moreover, a director might be personally benefited if the corporation takes no action, as where the corporation decides not to make a bid. Proposed sections 8.70-8.73 have no application to such instances. The limited thrust of the sections is to establish procedures which, if followed, immunize a corporate transaction and the interested director against the common law doctrine of voidability grounded on the director's conflicting interest. See the Introductory Comment for further discussion.

However, a policy decision and a transactional decision can blur and overlap. Assume X Co. operates a steel mini-mill that is running at a loss. A real estate developer offers to buy the land on which the mill is located and the X Co. board, having no other use for the land, accepts the offer. This corporate action can readily be characterized either as a transaction--the sale of the land--or as a business policy decision--to go out of an unprofitable business. If D is a partner of the real estate developer, D has a stake in the sale transaction and subdivisions (1)(i) and (1)(ii) and all of Proposed sections 8.70-8.73 apply. But what if D, having no such interest, is in the local trucking business and a predictable consequence of closing the local mini-mill is that D will benefit from a future increase in demand for hauling services to bring in steel from more distant supply sources? An intent of the words "in or so closely linked to the transaction" in subdivisions (1)(i) and (1)(ii) is to focus Proposed sections 8.70-8.73 on the transaction itself. D's financial stake as a trucker in this situation lies not in the transaction, which is governed by Proposed sections 8.70-8.73, but in the corporate business decision, which is not; accordingly, Proposed subsection 8.71(a) is inapplicable and imposes no bar to the court's discretion. Board action, though in compliance with Proposed section 8.72, will not, ipso facto, yield safe harbor protection for D or the transaction under Proposed subsection 8.71(b). The matter will be treated as provided in paragraph 4 of the Introduction.

As another feature of the key term "transaction," the text of subdivision (1) emphasizes that the term implies and is limited to action by the corporation itself. The language of Proposed sections 8.70-8.73 have no application one way or the other to economic actions by the director in which the corporation is not a party or in which the corporation takes no action. Thus, a purchase by the director of the corporation's shares on the open market or from a third party is not a "transaction" within the scope of Proposed sections 8.70-8.73 and the sections do not govern an attack made on the propriety of such a share purchase.

If the board of directors of X Co. decides to distribute "poison pill" rights in order to fend off a possible takeover, that occurrence does not constitute a "transaction" as contemplated by Proposed sections 8.70-8.73. See the discussion in paragraph 4 of the Introductory Comment as to the character of a "transaction." If, on the other hand, a board of directors commits the corporation to a "crown jewel" option granted to a third party, there would be a "transaction."

But as noted earlier, for the transaction to be covered by Proposed sections 8.70-8.73, the director (or other person designated by Section 8.60(i)) must have a beneficial interest respecting the transaction. Proposed sections 8.70-8.73 would obviously govern such a crown jewel contract if a director was (or had a defined relationship to) the third party. But the fact that the crown jewel contract was in part motivated by the directors' desire to keep themselves on the board would not, taken alone, constitute a sufficiently direct interest in the transaction to bring it within Proposed sections 8.70-8.73.

(2) Party to the transaction--the corporation

Transaction by what entity? In the usual case, the transaction in question would be by X Co. But assume that X Co. is the controlling corporation of S Co. (i.e., it controls the vote for directors of S Co.). D wishes to sell a building D owns to X Co. and X Co. is willing to buy it. As a business matter, it will often make no difference to X Co. whether it takes the title itself or places it with its subsidiary S or another

entity that X Co. controls. The applicability of Proposed sections 8.70-8.73 cannot be allowed to depend upon that formal distinction. The Proposed sections 8.70-8.73 therefore include within their operative framework transactions by a subsidiary or controlled entity of X Co. See the Note on Parent Companies and Subsidiaries below.

(3) Party to the transaction—the director

Subdivision (1)(i) and subdivision (1)(ii) differ as to the persons covered and as to the threshold of transactional significance. Subdivision (1)(i), addressed to D and related persons of D, includes as directors' conflicting interest transactions all transactions that meet the substantive criteria prescribed. By contrast, subdivision (1)(ii), addressed to transactions involving other designated persons, excludes from its coverage transactions that are not sufficiently significant to the corporation to warrant decision at the boardroom level.

As a generalization, the linkage between a director and a "related person" is closer than that between the director and those persons and entities specified in subdivision (1)(ii). Correspondingly, the threshold of conflicting interest under subdivision (1)(i) is lower than that set for subdivision (1)(ii). Thus, all routine transactions of X Co. are excluded from the definition of director's conflicting interest transaction unless they fall within subdivision (1)(i). If Y Co., a computer company of which D is also an outside director, sells office machinery to X Co., the transaction will not normally give rise to a conflicting interest for D from the perspective of either company since the transaction is a routine matter that would not come before either board. If, however, the transaction is of such significance to one of the two companies that it would come before the board of that company, then D has a conflicting interest in the transaction with respect to that company.

Implicit in subdivision (1)(ii) is a recognition that X Co. and Y Co., particularly if large enterprises, are likely to have routine, perhaps frequent, business dealings with each other as they buy and sell goods and services in the marketplace. The terms of these dealings are dictated by competitive market forces and the transactions are conducted at personnel levels far below the board room. The fact that D has some relationship with Y Co. is not in itself sufficient reason to open these smaller scale impersonal business transactions to challenge if not passed through the board in accordance with the procedures of Proposed section 8.72. It would be doubly impractical to do so twice where X Co. and Y Co. have a common director.

Proposed section 8.70 takes the practical position. The definition in subdivision (1)(i) excludes most such transactions both by its "knowledge" requirement and by its higher threshold of economic significance. In almost all cases, any such transaction, if challenged, would in any case be easily defensible as being "fair." In respect of day-to-day business dealings, the main practical risk of impropriety that could arise would be that a director having a conflicting interest might seek to exert inappropriate influence upon the interior operations of the enterprise—might try to use the director's status as a director to pressure lower level employees to divert their business out of ordinary channels to the director's advantage. But a director's affirmative misconduct goes well beyond a claim that the director has a conflicting interest and judicial action against such improper behavior remains available. See also the Comment to Proposed subsection 8.72(b) regarding common directors.

The absence of the significance threshold in subdivision (1)(i) does not impose an inappropriate burden on directors and related persons. The commonplace and oftentimes recurring transaction will involve purchase of the corporation's product line, it will usually not be difficult for D to show that the transaction was on commercial terms and was fair, or indeed, that D had no knowledge of the transaction. As a result, these transactions do not invite harassing lawsuits against the director. A purchase by D of a product of X Co. at a usual "employee's discount", while technically assessable as a conflicting interest transaction, would customarily be viewed as "fair" to the corporation as a routine incident of the office of director. For other transactions between the corporation and the director or those close to the director, D can, and should, have the burden of establishing the fairness of the transaction if it is not passed upon by the arm's-length review of qualified directors or the holders of qualified shares. If there are any reasons to believe that the terms

of the transaction might be questioned as unfair to X Co., D is well advised to pass the transaction through the safe harbor procedures of Proposed sections 8.70-8.73.

Note on Parent Companies and Subsidiaries

If a subsidiary is wholly owned there is no outside holder of shares of the subsidiary to be injured with respect to transactions between the two corporations.

Transactions between a parent corporation and a partially-owned subsidiary may raise the possibility of abuse of power by a majority shareholder to the disadvantage of a minority shareholder. Proposed sections 8.70-8.73 have no relevance as to how a court should in the circumstances deal with that claim.

If there are not at least two outside directors of the subsidiary, the subsidiary and the board of directors must operate on the basis that any transaction between the subsidiary and the parent that reaches the significance threshold in subdivision (1)(ii) may, as a technical matter, be challengeable by a minority shareholder of the subsidiary on grounds that it is a director's conflicting interest transaction. In that case, the directors of the subsidiary will have to establish the fairness of the transaction to the subsidiary. In practice, however, the case law has dealt with such claims under the rubric of the duties of a majority shareholder and that is, in reality, the better approach. See the Comment to Proposed subsection 8.71(b).

3. RELATED PERSON

Two subcategories of "related person" of the director are set out in subdivision (3). These subcategories are specified, exclusive and preemptive.

The first subcategory is made up of closely related family, or near-family, individuals, trusts and estates as specified in clause (i). The clause is exclusive insofar as family relationships are concerned. The references to a "spouse" are intended to include a common-law spouse or unrelated cohabitant.

The second subcategory is made up of persons specified in clause (ii) to whom or which the director is linked in a fiduciary capacity as, for example, in the director's status as trustee or administrator. (Note that the definition of "person" in the Proposed Act includes both individuals and entities. See Proposed subsection 1.40(16).) From the perspective of X Co., D's fiduciary relationships are always a sensitive concern. A conscientious director may be able to control the director's own greed arising from a conflicting personal interest. And the director may resist the temptation to assist the director's spouse or child. But the director can never escape the legal obligation to act in the best interests of another person for whom the director is a trustee or other fiduciary.

4. REQUIRED DISCLOSURE

Two separate elements together make up the defined term "required disclosure". They are disclosure of the existence of the conflicting interest and then disclosure of the material facts known to D about the subject of the transaction.

Subdivision (4) calls for disclosure of all facts known to D about the subject of the transaction that an ordinarily prudent person would reasonably believe to be material to a judgment by the person acting for the corporation as to whether to proceed or not to proceed with the transaction. If a director knows that the land the corporation is buying from the director is sinking into an abandoned coal mine, the director must disclose not only that the director is the owner and that the director has an interest in the transaction but also that the land is subsiding; as a director of X Co. the director may not invoke *caveat emptor*. But in the same circumstances the director is not under an obligation to reveal the price the director paid for the property ten years ago, or that the director inherited it, since that information is not material to the corporation's business judgment as to whether or not to proceed with the transaction. Further, while material facts that pertain to the subject of the transaction must be disclosed, a director is not required to reveal personal or subjective information that bears upon the director's negotiating position (such as, for example, the director's urgent need for cash, or the lowest price the director would be willing to accept. This is true despite the fact that such information would obviously be relevant to the corporation's decision-making in the sense that, if known to the corporation, it could equip the corporation to hold out for terms more favorable to it.

Underlying the definition of the twin components of "required disclosure" is the critically important provision contained in subdivision (1) that a basic precondition for the existence of a "conflicting interest" is that the director know of the transaction and also that the director know of the existence of the director's conflicting interest.

5. TIME OF COMMITMENT

The time of the commitment by the corporation (or its subsidiary or other controlled entity) to the transaction is defined in operational terms geared to change of economic position.

Section 8.71 Judicial Action.

Section 8.71 is the operational section of Proposed sections 8.70-8.73 as it prescribes the judicial consequences of the other sections.

Speaking generally:

(i) If the procedure set forth in Proposed section 8.72 or in Proposed section 8.73 is complied with, or if the transaction is fair to the corporation, then a director's conflicting interest transaction is immune from attack on any ground of a personal interest or conflict of interest of the director. The narrow scope of Proposed sections 8.70-8.73 must again, however, be strongly emphasized: if the transaction is vulnerable to attack on some other ground, Proposed sections 8.70-8.73 do not make it less so for having been passed through the procedures of those sections. See, however, paragraph 4 of the Introductory Comment.

(ii) If a transaction is not a director's conflicting interest transaction as defined in Proposed section 8.70, then the transaction may not be enjoined, rescinded or made the basis of other sanction on the ground of a conflict of interest of a director, whether or not it went through the procedures of sections 8.70-8.73. In that sense, Proposed sections 8.70-8.73 are specifically intended to be both comprehensive and exclusive.

(iii) If a transaction that is a director's conflicting interest transaction was not at any time the subject of action taken in compliance with Proposed section 8.72 or Proposed section 8.73, and it is attacked on grounds of a director's conflicting interest and is not shown to be fair to the corporation, then the court may grant such remedial action as it considers appropriate under the applicable law. If the attack is on other grounds, Proposed sections 8.70-8.73 have no relevance to the issue(s) before the court.

1. PROPOSED SUBSECTION 8.71(a)

Proposed subsection 8.71(a) is a key component in the design of Proposed sections 8.70-8.73. It draws a bright-line circle, declaring that the definitions of Proposed section 8.70 wholly occupy and preempt the field of directors' conflicting interest transactions. Of course, outside this circle there is a penumbra of director interests, desires, goals, loyalties and prejudices that may, in a particular context, run at odds with the best interests of the corporation; but Proposed subsection 8.71(a) forbids a court to ground remedial action on any of them. If a plaintiff charges that a director had a conflict of interest with respect to a transaction of the corporation because the other party was the director's cousin, the answer of the court should be: "No. A cousin, as such and without more, is not included in Proposed subsection 8.70(3) as a related person--and under Proposed subsection 8.71(a), I have no authority to reach out farther." If a plaintiff contends that the director had a conflict of interest in a corporate transaction because the other party is president of the golf club the director wants desperately to join, the court should respond: "No. The only director's conflicting interest on the basis of which I can set aside a corporate transaction or impose other sanctions is a financial interest as defined in Proposed section 8.70." The reasons why Proposed sections 8.70-8.73 adopt this bright-line approach are reviewed in the Introductory Comment.

In the real world, however, matters are often not clear, and one cannot always predict with comfort a future judicial response. It must be expected that quite often a director (and the director's legal/business advisors) may be in doubt as to whether a particular person would or would not be held to fall within a subcategory in Proposed subsection 8.70(3), or whether the economic impact on

the director will be considered "in or closely linked" to the transaction, or whether the director is an "agent" or "employee," or whether the scale of the director's interest is large enough to be likely to sway the director if brought to a vote. Some directors will wish, too, to make it clear that they are leaning over backwards. In such circumstances, the obvious avenue to follow is to clear the matter with qualified directors under Proposed section 8.72 or with the holders of qualified shares under Proposed section 8.73. If it is later judicially determined that a conflicting interest of the director did exist, the director will be grateful for the safe harbor protection. If it should be ultimately held that there was no conflicting interest in the transaction as defined by Proposed section 8.70, no harm (other than nuisance) has been done by passing the transaction through the procedures of Proposed section 8.72 or Proposed section 8.73. It may be expected, therefore, that the procedures of Proposed section 8.72 (and, to a lesser extent, Proposed section 8.73) will be used with regard to many transactions that lie outside the sharp definitions of Proposed section 8.70—a result that is healthy and constructive.

Once again, it is important to stress that Proposed sections 8.70–8.73 deal only with "transactions". If a non-transactional corporate decision is challenged on the ground that D has a conflicting personal stake in it, Proposed subsection 8.71(a) is irrelevant. For a discussion of corporate action that may be considered either a business decision or a transaction, see the Comment to Proposed subsection 8.70(1)(ii) and Paragraph 4 of the Introductory Comment.

2. PROPOSED SUBSECTION 8.71(b)

Proposed subsection 8.71(b) is the heart of Proposed sections 8.70–8.73—the fundamental section that provides for the safe harbor.

Clause (1) of subsection (b) provides that if a director has a conflicting interest respecting a transaction, neither the transaction nor the director is legally vulnerable if the procedures of Proposed section 8.72 have been properly followed. Proposed subsection (b)(1) is, however, subject to a critically important predicate condition.

The condition—an obvious one—is that the board's action must comply with the care, best interests and good faith criteria for director action prescribed in Proposed subsection 8.30(a). If the directors who voted for the conflicting interest transaction were qualified directors under Proposed sections 8.70–8.73, but approved the transaction merely as an accommodation to the director with the conflicting interest, going through the motions of board action without complying with the requirements of Proposed subsection 8.30(a), the action of the board would not be given effect for purposes of Proposed subsection 8.71(b)(1).

Board action on a director's conflicting interest transaction provides a context in which the function of the "best interests of the corporation" language in Proposed section 8.30(a) is brought into clear focus. Consider, for example, a situation in which it is established that the board of a manufacturing corporation approved a cash loan to a director where the duration, security and interest terms of the loan were at prevailing commercial rates, but (i) the loan was not made in the course of the corporation's ordinary business and (ii) the loan required a commitment of limited working capital that would otherwise have been used in furtherance of the corporation's business activities. Such a loan transaction would not be afforded safe-harbor protection by Proposed section 8.72(b)(1) since the board did not comply with the requirement in section 8.30(a) that the board's action be, in its reasonable judgment, in the best interests of the corporation—that is, that the action will, as the board judges the circumstances at hand, yield favorable results (or reduce detrimental results) as judged from the perspective of furthering the corporation's business activities.

If a determination is made that the terms of a director's conflicting interest transaction, judged according to the circumstances at the time of commitment, were manifestly unfavorable to the corporation, that determination would be relevant to an allegation that the directors' action was not taken in good faith and therefore did not comply with Proposed section 8.30(a).

The Proposed Act does not undertake to prescribe litigation procedures. If board action under Proposed section 8.72(b)(1) is interposed as a bar to a challenge to a director's conflicting interest transaction and the complainant wishes to

put in issue an alleged non-compliance with Proposed section 8.30(a) by the board, he would do so by proceeding under the same local pleading, presumption and burden of proof rules that would govern any other attack on an action of a board of directors.

Clause (2) of Proposed subsection (b) regarding shareholders' approval of the transaction is the matching piece to clause (1) regarding directors' approval.

Clause (3) of Proposed subsection (b) provides that a director's conflicting interest transaction will be secure against judicial intervention if the interested director (or the corporation, if it chooses) shows that although neither directors' nor shareholders' action was taken complying with Proposed sections 8.72 or 8.73, the transaction was fair to the corporation. The term "fair" accords with traditional language in the cases. But it must be understood that, as used in the context of those cases and of Proposed sections 8.70-8.73, they have a special flexibility in meaning and a wide embrace.

Note on Fair Transactions

(1) Terms of the Transaction. If the issue in a transaction is the "fairness" of a price, "fair" is not to be taken to imply that there is a single "fair" price, all others being "unfair." It has long been settled that a "fair" price is any price in that broad range which an unrelated party might have been willing to pay, or willing to accept, as the case may be, for the property, following a normal arm's-length business negotiation, in the light of the knowledge that would have been reasonably acquired in the course of such negotiations, any result within that range being "fair." The same statement applies not only to price but to any other key term of the deal.

Although the "fair" criterion applied by the courts is a range rather than a point, the width of the range is only a segment of the full spectrum of the directors' discretion associated with the exercise of business judgment under Proposed section 8.30(a). That is to say, the scope of decisional discretion that a court would have allowed to the directors if they had acted and had complied with Proposed section 8.30(a) is wider than the range of "fairness" contemplated for judicial determination where Proposed subsection 8.71(b)(3) is the governing provision.

(2) Benefit to the Corporation. In considering the "fairness" of the transaction, the court will in addition be required to consider not only the market fairness of the terms of the deal, but also, as the board would have been required to do, whether the transaction was one that was reasonably likely to yield favorable results (or reduce detrimental results) from the perspective of furthering the corporation's business activities. Thus, if a manufacturing company that is short of working capital allocates some of its scarce funds to purchase a sailing yacht owned by one of its directors, it will not be easy to persuade the court that the transaction is "fair" in the sense that it was reasonably made to further the business interests of the corporation; the fact that the price paid for the yacht was stipulated to be a "fair" market price will not be enough alone to uphold the transaction. See also the discussion above regarding Proposed section 8.30(a).

(3) Process of Decision. In some circumstances, the behavior of the director having the conflicting interest can itself affect the finding and content of "fairness." The most obvious illustration of unfair dealing arises out of the director's failure to disclose fully the director's interest or hidden defects known to the director regarding the transaction. Another illustration could be the exertion of improper pressure by the director upon the other directors. When the facts of such unfair dealing become known, the court should offer the corporation its option as to whether to rescind the transaction on grounds of "unfairness" even if it appears that the terms were "fair" by market standards and the corporation profited from it. If the corporation decides not to rescind the transaction because of business advantages accruing to the corporation from it, the court may still find in the director's misconduct a basis for judicially imposed sanction against the director personally. Thus, the course of dealing--or process--is a key component to a "fairness" determination under subsection (b)(3).

Note on Directors' Compensation

Directors' fees and similar forms of compensation, expense reimbursement practices, directors' and officer's liability insurance and routine incidents of office (such as a privilege to buy the corporation's products at a discount) in the normal course of business are typically set by the board and are specially authorized (though not regulated) by sections 8.11 and 8.58 of the Proposed Act. These practices obviously involve a conflicting interest on the part of most if not all of the directors and are capable of being abused, although, in the usual case, they fall within normative patterns and fairness can be readily established. While, as a matter of practical necessity, these practices are universally accepted in principle by the law, board action on directors' compensation and benefits would be subject to judicial sanction if not in the circumstances fair to the corporation or favorably acted upon by shareholders pursuant to Proposed section 8.73. Sustainable action by the board in this regard must, of course, meet the general criteria for board action prescribed in Proposed section 8.30(a); see the Comment to Proposed section 8.71(b).

Note On Directors' Personal Liability

At common law, articulation of the legal principles applicable to directors' conflicts of interest typically declare the transaction to be void or (sometimes) voidable. These formulations say little about the liabilities, if any, of the parties to the transaction. It is clear, however, that in some special circumstances a court would hold that the interested director must disgorge the profits the director made from the transaction or must respond in damages for injury suffered by the corporation as a result of the transaction. Such sanctions could arise in contexts where the court leaves the transaction itself in place as well as in situations where the court rescinds the transaction. Proposed sections 8.70-8.73 leave these matters of sanction entirely to the judgment of the court.

In some situations, a transaction will contain an element of conflicting interest on the part of the director but in reality the director is a surrogate in the board room and not the real beneficiary of the transaction. Thus, where P Co. is a majority or controlling shareholder in X Co., and some or all of the directors of X Co. are the employees or agents of P Co., there is always a risk that, in a transaction between P Co. and X Co., P Co. may take advantage of its position to press its agents and employees who are on the X Co. board to approve a transaction that is disadvantageous to X Co. but advantageous to P Co. Under Proposed sections 8.70-8.73, if X Co. has directors who are not affiliated with P Co., action pursuant to Proposed section 8.72 is possible. But many less-than-wholly-owned subsidiaries have no unaffiliated directors to pass on a transaction between X Co. and its controlling shareholder P Co. In such a circumstance, the minority shareholders of X Co. are entitled to fair treatment; if they are not treated fairly, the responsibility should, in most cases, be laid at the door of P Co. and not be placed upon P Co.'s agents or employees on the X Co. board.

As a matter of case law, the courts have arrived at that result by treating such cases under the rubric of the duty of fair dealing on the part of the controlling shareholder vis-a-vis the minority shareholders. In so doing, the courts have deliberately skipped over any analytically available alternative approach predicated on a theory of conflicting interest of the X Co. director who is an employee or agent of the controlling shareholder. All rights of minority shareholders against a controlling shareholder are preserved unaffected by Proposed sections 8.70-8.73. All directors of X Co., regardless of their other affiliations, have duties to perform for the benefit of all X Co.'s shareholders, not just some of them. D is not relieved of those obligations merely because D happens to be an employee of the majority shareholder. At the same time, in these circumstances D often has little real discretion in voting to approve the transaction and the beneficiary of the transaction is not D but P Co., D's employer.

If a transaction is between P Co. and X Co., if the transaction is important to X Co., if D is an agent or employee of P Co., if the transaction is not protected by the procedures of Proposed section 8.72 or Proposed section 8.73, and if the transaction is not shown to be fair to X Co., then a court may well set aside the transaction or

take other remedial action with regard to P Co.--but it would not usually be equitable in such cases to hold D personally liable.

Parallels to this commonplace parent-subsidiary example can also arise under Proposed sections 8.70-8.73 out of almost any circumstance that meets the criteria of Proposed subsection 8.70(1)(ii). It is evident that a common director of X Co. and of Y Co. has a degree of conflicting interest in a transaction between the two corporations; but (assuming no valid safe harbor action under Proposed sections 8.70-8.73) the sanction that would be appropriate would in most circumstances be addressed to the transaction itself and to one or both of the companies involved, rather than to D personally. See the Comment to Proposed subsection 8.70(2) and Proposed subsection 8.72(d).

Section 8.72 Directors' Action.

Proposed section 8.72 provides the procedure for action of the board of directors under Proposed sections 8.70-8.73. In the normal course, this section, taken together with Proposed subsection 8.71(b), will be the key provision for dealing with directors' conflicting interest transactions.

All discussion of Proposed section 8.72 must be conducted in light of the overarching provisions of Proposed subsection 8.30(a) prescribing the criteria for decisions by directors. Board action that does not comply with the requirements of Proposed subsection 8.30(a) will not, of course, be given effect under Proposed section 8.72. See the Comment to Proposed subsection 8.71(b).

1. PROPOSED SUBSECTION 8.72(a)

A transaction in which a director has a conflicting interest is approved under Proposed section 8.72 if and only if it is approved by qualified directors, as defined in Proposed subsection 8.72(d). Action by the board of directors as a whole is effective if approved by the affirmative vote of a majority (but not less than two) of the qualified directors on the board. Action may also be taken by a duly authorized committee of the board but, to be effective, all members of the committee must be qualified directors and the committee must either contain all of the qualified directors on the board or must have been appointed by the affirmative vote of a majority of the qualified directors on the board. The effect of the limitation on committee action is to make it impossible to handpick as committee members a favorably inclined minority from among the qualified directors.

Except to the limited extent provided in subsection (b), approval by the board or committee must be preceded by required disclosure.

Action complying with Proposed subsection 8.72(a) may be taken by the board of directors at any time, before or after the transaction, and may deal with a single transaction or a specified category of similar transactions.

2. PROPOSED SUBSECTION 8.72(b)

Proposed subsection (b) is a new provision designed to deal, in a practical way, with situations in which a director who has a conflicting interest is not able to comply fully with the disclosure requirement of Proposed subsection (a) because of an extrinsic duty of confidentiality. The director may, for example, be prohibited from making full disclosure because of restrictions of law that happen to apply to the transaction (e.g., grand jury seal or national security statute) or professional canon (e.g., lawyers' or doctors' client privilege). The most frequent use of Proposed subsection (b), however, will undoubtedly be in connection with common directors who find themselves in a position of dual fiduciary obligations that clash. If D is also a director of Y Co., D may have acquired privileged confidential information from one or both sources relevant to a transaction between X Co. and Y Co. that the director cannot reveal to one without violating the director's fiduciary relationship to the other. In such circumstance, Proposed subsection (b) makes it possible for such a matter to be brought to the board for consideration under Proposed subsection (a) and thus enable X Co. to secure the protection afforded by Proposed sections 8.70-8.73 for the transaction despite the fact that D cannot make the full disclosure usually required.

To comply with Proposed subsection (b), D must disclose that D has a conflicting interest, inform the directors who vote on the transaction of the nature of the

director's duty of confidentiality (e.g., inform them that it arises out of an attorney-client privilege or the director's duty as a director of Y Co. that prevents the director from making the disclosure called for by clause (ii) of Proposed subsection 8.70(4)) and then play no personal part in the board's deliberations. The point of Proposed subsection (b) is simply to make clear that the provisions of Proposed sections 8.70-8.73 may be employed with regard to a transaction in circumstances where an interested director cannot, because of enforced fiduciary silence, make disclosure of the facts known to the director. Of course, if D invokes Proposed subsection (b) and then remains silent before leaving the boardroom, the remaining directors may decline to act on the transaction if troubled by a concern that D knows (or may know) something they do not. On the other hand, if D is subject to an extrinsic duty of confidentiality but has no knowledge of facts that should be disclosed, D would normally so state and disregard Proposed subsection (b), and (having disclosed the existence and nature of D's conflicting interest) thereby comply with Proposed subsection 8.70(4).

A director could, of course, encounter the same problem of mandated silence with regard to any matter that comes before the board; that is, the problem of forced silence is not linked at all to the problems of transactions involving a conflicting interest of a director. It could easily happen that at the same board meeting of X Co. at which D, the interested director, invokes Proposed subsection 8.72(b) and excuses himself, another director who has absolutely no financial interest in the transaction might conclude that under local law the other director is bound to silence (because of attorney-client privilege, for example) and would under general principles of sound director conduct withdraw from participation in the board's deliberations and action.

While subchapter F explicitly contemplates the application of Proposed subsection (b) to the frequently recurrent problem of common directors and officers, it should not otherwise be read as attempting to define the scope or mandate the consequences of various silence-privileges; that is a topic for local law.

Proposed subsection (b) is not available to D if the transaction is directly between the corporation and D or the director's related person--if, that is, the director or a related person is a party to the transaction. If D or a related person is a party to the transaction, the director's only options are required disclosure on an unqualified basis, abandonment of the transaction, or acceptance of the risk of establishing fairness in a court proceeding if the transaction is challenged.

Whenever D proceeds as provided in Proposed subsection 8.72(b), the board should recognize that D may well have information that in usual circumstances D would be required to reveal to the board--information that may well indicate that the transaction is a favorable or unfavorable one for X Co.

3. PROPOSED SUBSECTION 8.72(c)

Proposed subsection (c) contains technical provisions dealing with quorum and superfluous votes by interested directors.

4. PROPOSED SUBSECTION 8.72(d)

Obviously, a director's conflicting interest transaction and D cannot be provided safe harbor protection by fellow directors who themselves have conflicting interests; only "qualified directors" can provide such safe harbor protection pursuant to Proposed subsection (a). "Qualified director" is defined in Proposed subsection (d). The definition is broad: it excludes not only any director who has a conflicting interest respecting the matter, but also--going significantly beyond the persons specified in the subcategories of Proposed subsection 8.70(1)(ii) for purposes of the "conflicting interest" definition--any director whose familial or financial relationship with D or whose employment or professional relationship with D would be likely to influence the director's vote on the transaction.

The determination of whether there is a financial, employment or professional relationship should be based on the practicalities of the situation rather than formalistic circumstances. For example, a director employed by a corporation controlled by D should be regarded as having an employment relationship with D.

Section 8.73 Shareholders' Action.

Proposed section 8.73 provides the machinery for shareholder safe harbor of a director's conflicting interest transaction, as Proposed section 8.72 provides the machinery for safe harbor by action of directors.

1. PROPOSED SUBSECTION 8.73(a)

Proposed subsection (a) specifies the procedure required to establish effective safe harbor protection of a director's conflicting interest transaction through vote of shareholders. In advance of the vote, three steps must be taken. Shareholders must be given notice describing the transaction. D must provide the information called for in Proposed subsection (d), discussed below. And required disclosure must be made, as defined in Proposed subsection 8.70(4). If, then, a majority of all qualified shares that are entitled to vote on the matter vote favorably, the safe harbor provision of Proposed subsection 8.71(b)(2) becomes effective.

Action that complies with Proposed subsection 8.73(a) may be taken at any time--before or after the transaction.

Note that Proposed section 8.73 does not contain a provision comparable to Proposed subsection 8.72(b). Thus, the safe harbor protection of Proposed sections 8.70-8.73 cannot be made available through shareholder action under Proposed section 8.73 in a case where D remains silent because of an extrinsic duty of confidentiality. This is advertent. While it is believed that the Proposed subsection 8.72(b) procedure is workable in the collegial setting of the boardroom, one must have reservations whether the same is true vis-à-vis the shareholder body--especially in larger corporations where there is heavy reliance upon the proxy mechanic. In most situations no opportunity exists for shareholders to quiz D about D's duty and to discuss the implications of acting without the benefit of D's knowledge concerning the transaction. In a case involving a closely-held corporation where Proposed section 8.73 procedures are followed, but with D acting as provided in Proposed subsection 8.72(b), a court could, of course, attach significance to a favorable shareholder vote in evaluating the fairness of the transaction to the corporation. See the discussion in paragraph 4 of the Introductory Comment.

2. PROPOSED SUBSECTION 8.73(b)

Under Proposed subsection (a), only "qualified shares" may be counted in the vote for purposes of safe harbor action pursuant to Proposed subsection 8.71(b)(2). Proposed subsection (b) defines "qualified shares" to exclude all shares that prior to the vote the secretary or other tabulator of the votes knows to be owned or controlled by the director who has the conflicting interest or any related person of that director. It should be stressed that this definition is dependent upon the tabulator's actual knowledge. If the tabulator does not know that certain shares are owned by the director who has the conflicting interest, the tabulator cannot be expected to exclude those shares from the vote count. But see the Comment to Proposed subsection (e).

The category of persons whose shares are excluded from the vote count under Proposed subsection (b) is not the same as the category of persons specified in Proposed subsection 8.70(1)(ii) for purposes of defining D's "conflicting interest" and--importantly--not the same as the category of persons excluded for purposes of the definition of non-qualified directors under Proposed subsection 8.72(d). The distinctions among these three categories are deliberate and carefully drawn.

The definition of "qualified shares" excludes shares owned by D or a related person as defined in Proposed subsection 8.70(3). If D is an employee or director of Y Co., Y Co. is not prevented by that fact from exercising its usual voting rights as to any shares it may hold in X Co. D's linkage to a related person is close. But the net of Proposed subsection 8.70(1)(ii) specifying other persons and entities for purposes of the "conflicting interest" definition is cast so wide that D will never be able to know whether, nor have a reason to try to monitor whether, some person within those subcategories holds X Co. shares. Typically, moreover, D will have no control over those persons and how they vote their X Co. shares. There is, in reality, no reason to strip those persons of their voting rights as shareholders, for in the usual commercial situation they will vote in accordance with their own interests--which may well not coincide with the personal interest of D.

To illustrate the operation of Proposed subsection (b), consider a case in which D is also a director of Y Co., and to D's knowledge: 30% of Y Co.'s stock is owned by X Co.; D, D's spouse, a trust of which D is the trustee, and a corporation D controls, together own 10% of X Co.'s stock but no stock of Y Co.; and X Co. and Y Co. wish to enter into a transaction that is of major significance to both.

From the perspective of X Co., D has a conflicting interest since D is a director of Y Co. If X Co. submits the transaction to a vote of its shareholders under section 8.73, the shares held by D, D's spouse, the trust of which D is the trustee and the corporation D controls are not qualified shares and may not be counted in the vote.

From the perspective of Y Co., D has a conflicting interest since D is a director of X Co. If Y Co. submits the transaction to a vote of its shareholders under Proposed section 8.73, the 30% of Y Co. shares held by X Co. are qualified shares and may be counted for purposes of Proposed section 8.73. The same would be equally true if X Co. were the majority shareholder of Y Co. but as emphasized elsewhere, the vote under Proposed section 8.73 has no effect whatever by way of exonerating or protecting X Co. if X Co. fails to meet any legal obligation which, as the majority shareholder of Y Co., it may owe to the minority shareholders of Y Co.

3. PROPOSED SUBSECTION 8.73(c)

Proposed subsection (c) contains administratively useful quorum provisions and provides that superfluous voting of shares that were not qualified to vote does not vitiate the effectiveness of the vote. But see Proposed subsection (e).

The fact that certain shares are not qualified and are not countable for purposes of subsection (a) says nothing as to whether they are properly countable for other purposes such as, for example, a statutory requirement that a certain fraction of the total vote or a special majority vote be obtained.

4. PROPOSED SUBSECTION 8.73(d)

In most circumstances, the secretary of X Co. will have no way to know whether certain of X Co.'s outstanding shares should be excluded from the teller's count because of the identity of the owners or of those persons who control the voting of the shares. Proposed subsection (a) together with Proposed subsection (d) therefore impose on a director who has a conflicting interest respecting the transaction, as a prerequisite to safe harbor protection by shareholder vote, the obligation to inform the secretary, or other officer or agent authorized to tabulate votes, of the number and holders of shares known by the director to be owned by the director or by a related person of the director. Thus, a director who has a conflicting interest respecting the transaction, because the director stands to make a commission from it, is obligated to report shares owned or the vote of which is controlled by the director and by all related persons of the director; a director who has a conflicting interest respecting the transaction because the director's brother stands to make a commission from it has the same reporting obligation. The tabulator may also, of course, have other independent knowledge of shares that are owned or controlled by a related person of the director.

If the tabulator of votes knows that particular shares should be excluded but fails to exclude them from the count and their inclusion in the vote does not affect its outcome, Proposed subsection (c) governs and the shareholders' vote stands. If the improper inclusion determines the outcome, the shareholders' vote fails to comply with Proposed subsection (a). If the tabulator does not know that certain shares are owned or controlled by the director who has the conflicting interest or a related person of the director, the shares are "qualified" pursuant to the definition in Proposed subsection (b), and the vote cannot be attacked on that ground for failure to comply with Proposed subsection (a); but see Proposed subsection (e).

5. PROPOSED SUBSECTION 8.73(e)

If D did not provide the information required under Proposed subsection (d), on the face of it shareholders' action is not in compliance with Proposed subsection (a) and D has no safe harbor under Proposed subsection (a). In the absence of such safe harbor D can be put to the challenge of establishing the fairness of the transaction under Proposed subsection 8.71(b)(3).

That result is the proper one where D's failure to inform was determinative of the vote or, worse, was part of a deliberate effort on D's part to influence the outcome of the vote. But if D's omission was essentially an act of negligence, if the number of unreported shares was not determinative of the outcome of the vote, and if the omission was not motivated by an effort by D to influence the integrity of the voting process, the court should be free to fashion an appropriate response to the situation in the light of all the considerations at the time of trial and not be automatically forced by the mechanics of sections 8.70-8.73 to a lengthy and retrospective trial on "fairness". Proposed subsection (e) grants the court that discretion in those circumstances and permits it to accord such effect, if any, to the shareholders' vote, or grant such relief respecting the transaction or D, as the court may find appropriate.

Despite the presumption of regularity customarily accorded the secretary's record, a plaintiff may go behind the secretary's record for purposes of Proposed subsection (e).

CHAPTER 9 is reserved.

CHAPTER 10. AMENDMENT OF ARTICLES OF INCORPORATION AND BYLAWS

Section 10.01 Authority to Amend Articles of Incorporation.

Proposed subsection 10.01(a) authorizes a corporation to amend its articles of incorporation by adding a new provision to its articles of incorporation, modifying an existing provision, or deleting a provision in its entirety. The sole test for the validity of an amendment is whether the provision could lawfully have been included in (or in the case of a deletion, omitted from) the original articles of incorporation as of the effective date of the amendment.

The power of amendment must be exercised pursuant to the procedures set forth in the rest of chapter 10, which require (for non-public companies and for corporations with no article of incorporation provision reducing the vote) significant amendments to be approved by two-thirds of the votes eligible to be cast on the proposed amendment (Proposed section 10.03). This vote requirement is supplemented by Proposed section 10.04, which establishes a right of voting by voting groups on amendments that directly affect a single class or series of shares, and by Proposed section 7.27, which establishes voting and quorum requirements for amendments that change the voting requirements for certain actions.

Proposed subsection 10.01(b) restates explicitly the policy embodied in all modern state corporation statutes, that a shareholder "does not have a vested property right" in any provision of the articles of incorporation. It is also consistent with the rejection of the vested rights doctrine by the court in Seattle Trust & Savings Bank v. McCarthy, 94 Wash.2d 605 (1980) ("these authorities ... make it manifest that flexibility is vital to the functioning and growth of corporations, as is the democratic concept of majority rule.") Corporations and their shareholders are also subject to amendments of the governing statute by the state under Proposed section 1.02.

Proposed subsection 10.01(b) should be construed liberally and without qualification or restriction to achieve the fundamental purpose of chapter 10 of permitting corporate adjustment and change generally by two-thirds vote. Proposed subsection 10.01(b) rejects decisions by a few courts that have applied a "vested rights" or "property right" doctrine to restrict or invalidate amendments to articles of incorporation because they modified particular rights conferred on shareholders by the original articles of incorporation. These holdings were rejected by the court in Seattle Trust & Savings Bank because their effect often is to create a tyranny of the minority: the individual consent of each shareholder becomes necessary to adopt any important change, and each shareholder, no matter how small the shareholder's holding, can prevent the change.

Proposed subsection 10.01(b) does not change in any way the purpose of similar provisions in the old law, which included, along with general language similar to Proposed subsection 10.01(a), a long list of specific permissible amendments. This list was designed to eliminate the last possible vestige of the "vested rights" theory by expressly referring to and validating all types of amendments to which a vested rights challenge otherwise could be made. Proposed subsection 10.01(b) omits this "laundry list" of permissible amendments as prolix and unnecessary to carry out

the policies of the section. Examples of amendments that may be made under Proposed section 10.01 include:

(1) Amendments to eliminate a narrow or limited purpose clause (thereby authorizing the corporation to engage in any lawful business) or a limited duration clause (thereby authorizing the corporation to have perpetual duration).

(2) Amendments increasing or decreasing the number of shares a corporation is authorized to issue.

(3) Amendments exchanging, classifying, reclassifying, or cancelling any part of a corporation's shares, whether or not previously issued.

(4) Amendments limiting or cancelling the right of holders of a class of shares to receive dividends, whether or not the dividends or rights to receive the dividends had accumulated or accrued in the past.

(5) Amendments creating new classes of shares whether superior or inferior to shares already outstanding, or changing the designations of shares, or the preferences, limitations, or rights of classes of shares, whether or not previously issued.

(6) Amendments dividing a class of shares into series and authorizing the directors to fix the relative rights and preferences of a class or series.

(7) Amendments changing the voting rights of outstanding shares, including elimination of the power to vote cumulatively or assigning multiple or fractional votes per share, or denying the power to vote entirely to classes of shares, whether or not previously issued.

This listing is partial and illustrative only.

A provision in the articles of incorporation is subject to amendment under Proposed section 10.01 even though the provision is described, referred to, or stated in a share certificate, information statement, or other document issued by the corporation that reflects provisions of the articles of incorporation. The only exception to this unlimited power of amendment is Proposed section 6.27, which provides that share transfer restrictions may not be imposed by amendment on shares that were previously issued without the consent of the holder.

Proposed section 10.01 relates only to amendments to articles of incorporation. It does not relate to the impairment of obligations of a corporation to its shareholders based upon contracts independent of the articles of incorporation. An amendment permitted by this section may constitute a breach of such a contract or of a contract between the shareholders themselves. A shareholder with contractual rights (or who otherwise is concerned about possible onerous amendments) may obtain complete protection against these amendments only by establishing procedures in the articles of incorporation or bylaws that limit the power of amendment without the shareholder's consent. In appropriate cases, a shareholder may be able to enjoin an amendment that constitutes a breach of a contract.

Minority shareholders are protected from the power of the majority to impose onerous or objectionable amendments by the two-thirds voting requirement (Proposed section 10.03) and by the right to vote on amendments by separate voting groups (Proposed section 10.04). In addition, courts have held that a decision by majority shareholders to exercise the powers granted by this section in a way that is arguably detrimental or unfair to minority interests may be examined by a court under its inherent equity power to review transactions for good faith and fair dealing. McNulty v. W. & J. Sloane, 54 N.Y.S.2d 253 (Sup. Ct. 1945); Kamena v. Janssen Dairy Corp., 31 A.2d 200, 202 (1943), *aff'd*, 35 A.2d 894 (NJ 1944) (where the court stated that it "is more a question of fair dealing between the strong and the weak than it is a question of percentages or proportions of the votes favoring the plan.") See also Teschner v. Chicago Title & Trust Co., 322 N.E.2d 54, 57 (IL 1974), where the court, in upholding a transaction that had a reasonable business purpose, relied partially on the fact that there was "no claim of fraud or deceptive conduct . . . or that the exchange offered was unfair or that the price later offered for the shares was inadequate."

Because of the broad power of amendment contained in this section, it is unnecessary and undesirable to make any reference to, or reserve, an express power to amend in articles of incorporation.

Section 10.02 Amendment of Articles of Incorporation By Board of Directors.

The amendments described in clauses (1) through (6) are thought to be so routine and "housekeeping" in nature as not to require action by shareholders. None affects substantive rights in any meaningful way. For example, Proposed subsection 10.02(1) authorizes amendments by the board of directors to provide, change, or eliminate the par value of any class of shares if the corporation has only one class of shares outstanding. Similarly, Proposed subsections 10.02(2) and (3) authorize the board of directors to delete the names of initial directors, or the name and address of the initial registered agent and registered office, set forth in the original articles if that information is obsolete. Proposed subsection 10.02(4) authorizes the board of directors to change the number of authorized shares to effectuate a split of, or stock dividend in, the corporation's own shares, if the corporation has only one class of shares outstanding. Proposed subsection 10.02(5) authorizes name changes without shareholder approval.

Proposed subsection 10.02(6) recognizes that other sections of the Proposed Act expressly permit other amendments to be made by the board of directors without prior shareholder approval. Examples of these include Proposed section 6.02 (creation of series of shares pursuant to authority already granted in the articles) and Proposed section 6.31 (cancellation of reacquired shares if the articles provide they are not to be reissued).

Amendments provided for in this section may be included in restated articles of incorporation under Proposed section 10.07 or in articles of merger under chapter 11.

The Committee deleted the RMA subsection empowering directors to extend the duration of a corporation incorporated at a time when limited duration was required by law. It felt that that provision overlapped specific reinstatement procedures, available for limited time periods, in the old act, and would thus cause confusion.

Section 10.03 Amendment of Articles of Incorporation By Board of Directors and Shareholders.

Significant amendments to articles of incorporation must be approved by the shareholders after being proposed by the board of directors. When proposing an amendment, the board of directors must make a recommendation to the shareholders that the amendment be approved, unless it determines that because of conflict of interest or other special circumstances it should make no recommendation. If the board of directors so determines, it must describe the conflict or circumstance, and communicate the basis for its determination, when presenting the proposed amendment to the shareholders.

Proposed subsection 10.03(c) codifies existing practice by expressly permitting the board of directors to submit an amendment to the shareholders on a conditional basis. This power of the board of directors does not alter the balance of power between the board of directors and shareholders since the board of directors may always withhold its approval entirely and not submit an amendment. Examples of conditions commonly imposed are that the amendment not be approved unless (1) a favorable vote by a specified proportion (larger than ordinarily required) of the shareholders is obtained, (2) no more than a specified fraction of the shareholders file written dissents, or (3) a class or series of shares must approve the amendment as a separate voting group. These conditions may be used, for example, to discourage unwise depletion of corporate assets by the adoption of the amendment. The board of directors is not limited to conditions of these types, however, and may condition the submission on any basis.

Proposed subsection 10.03(e) imposes a requirement that two-thirds (or in case of a public company, a majority) of the votes entitled to be cast by any voting group entitled to vote as a voting group be cast in favor of the amendment. Such requirements are similar to those in old RCW 23.16.020(3). The Committee rejected the RMA approach (which would have reduced the required vote for all corporations to a majority) on grounds that many small corporations had developed control patterns based on the old requirements, and thus that any change would affect the operation of large numbers of corporations. However, the Committee gave such corporations the option to reduce the required vote to a majority of votes entitled to be cast on the amendment. See Proposed subsection 10.03(e). Under

Proposed section 7.27, the vote required to make such a reduction would be the vote then in effect (i.e., two-thirds of all the votes entitled to be cast).

The articles of incorporation or the board of directors may require that a proposed amendment be approved by a class or series of shares voting as a separate voting group; such a requirement may only be in addition to that otherwise required by Proposed section 10.04.

Section 10.04 Voting on Amendments to Articles of Incorporation By Voting Groups.

A class or series of shares is generally entitled to vote separately as a voting group on any amendment that affects the class or series in the manner described in subdivisions (1) through (9) of Proposed subsection 10.04(a). Shares are entitled to vote as separate voting groups under this section even though they are designated as nonvoting shares in the articles of incorporation, or the articles of incorporation purport to deny them entirely the right to vote on the proposal in question, or purport to allow other classes or series of shares to vote as part of the same voting group. See Proposed subsection 10.04(d).

The right to vote by voting groups under Proposed section 10.04 is applicable only if "shareholder voting is otherwise required by this title." An amendment that does not require shareholder approval, such as the creation of a new series of shares pursuant to authority reserved in the original articles of incorporation (see Proposed section 6.02), does not trigger the right to vote by voting groups under this section.

The right to vote as a separate voting group provides a major protection for classes or series of shares with preferential rights or classes or series of limited or nonvoting shares against amendments that are especially burdensome to that class. This section, however, does not make the right to vote by separate voting group dependent on an evaluation of whether the amendment is detrimental to the class or series: if the amendment is one of those described in Proposed subsection 10.04(a), the class or series is automatically entitled to vote as a separate voting group on the amendment. The question whether an amendment is detrimental is often a question of judgment, and approval by the affected class or series is required, irrespective of whether the board or other shareholders believe it is beneficial or detrimental to the affected class or series.

The nine types of changes that give rise to voting by voting groups are essentially the same as those stated in the old law. Proposed subsections (b) and (c) extend the privilege of voting by separate voting group to one or more series within a class of shares if the series has unique financial or voting provisions and is affected in one or more of the ways described in Proposed subsection (a). These subsections must necessarily be phrased in general terms; any significant distinguishing feature of a series, which an amendment affects or alters, should trigger the right of voting by separate voting group for that series.

The application of Proposed subsections (b) and (c) may best be illustrated by an example. Assume there is a class of shares with preferential rights comprised of three series, each with different preferential dividend rights. A proposed amendment would reduce the rate of dividend applicable to the "Series A" shares and would change the dividend right of the "Series B" shares from a cumulative to a noncumulative right. The amendment would not affect the preferential dividend right of the "Series C" shares. Both Series A and B would be entitled to vote as separate voting groups on the proposed amendment; the holders of the Series C shares, not directly affected by the amendment, would not be entitled to vote at all unless the shares are otherwise voting shares under the articles of incorporation, in which case they would not vote as a separate voting group but in the voting group consisting of all shares with general voting rights under the articles of incorporation. If the proposed amendment would reduce the dividend right of Series A and change the dividend right of both Series B and C from a cumulative to a noncumulative right, the holders of Series A would be entitled to vote as a single voting group, and the holders of Series B and C would be required to vote together as a single, separate voting group.

Proposed sections 7.25 and 7.26 set forth the mechanics of voting by multiple voting groups.

Proposed subsection 10.04(d) makes clear that the limited right to vote by separate voting groups provided by Proposed section 10.04 may not be narrowed or eliminated by the articles of incorporation. Even if a class or series of shares is described as "nonvoting" and the articles purport to make that class or series nonvoting "for all purposes," that class or series nevertheless has the limited voting right provided by this section. Proposed subsection 10.04(d) was included because of the ambiguity that would normally arise whenever a class or series of nonvoting shares is created; no inference of any kind should be drawn from Proposed subsection 10.04(d) as to whether other, unrelated sections of the Proposed Act may be modified by the provisions in the articles of incorporation.

Section 10.05 Amendment of Articles of Incorporation Before Issuance of Shares.

Proposed section 10.05 provides that, before any shares are issued, amendments may be made by the persons empowered to complete the organization of the corporation. Under Proposed section 10.05 the organizers may, at the option of the corporation, be either the incorporators or the initial directors named in the articles of incorporation. An amendment to the articles made at this stage of the formation process should involve a minimum of formality.

Section 10.06 Articles of Amendment.

The articles of amendment must set forth both the amendment itself and the manner in which it was adopted. In the case of an amendment approved by shareholder vote (Proposed sections 10.03 and 10.04), the articles must state that the amendment was duly approved by the shareholders in accordance with the provisions of sections 10.03 and 10.04.

Proposed subsection 10.06(3) requires the articles of amendment to contain a statement of the manner in which an exchange, reclassification, or cancellation of issued shares is to be put into effect if not set forth in the amendment itself. This requirement avoids any possible confusion that may arise as to how the amendment is to be put into effect and also permits the amendment itself to be limited to provisions of permanent applicability, with transitional provisions having no long-range effect appearing only in the articles of amendment.

Section 10.07 Restated Articles of Incorporation.

Restated articles of incorporation serve the useful purpose of permitting articles of incorporation that have been amended from time to time to be consolidated into a single document. Such a restatement may also eliminate "historical" or obsolete provisions that have no present relevance.

A restatement of articles of incorporation that does not involve any substantive change in the articles may be made by any officer of the corporation. The Committee deleted the RMA requirement of directors' action for such simple restatements on the ground that they were purely ministerial and therefore should not require director approval. If the restatement amends the articles of incorporation, either director (in the case of amendments described in Proposed section 10.02) or shareholder approval of the restatement must be obtained.

If restated articles are submitted to the shareholders, the notice of meeting should identify changes in the articles that may reasonably be viewed as more than mere changes of form.

Proposed subsection 10.07(e) makes it clear that the restated articles of incorporation supersede the original articles of incorporation and all amendments to them, and Proposed subsection 10.07(f) permits the secretary of state to certify the restatement uncluttered by the information set forth in Proposed subsection (e).

Section 10.08 Amendment of Articles of Incorporation Pursuant To Reorganization.

Proposed section 10.08 provides a simplified method of conforming corporate documents filed under state law with the federal statutes relating to corporate reorganization. If a federal court confirms a plan of reorganization that requires articles of amendment to be filed, those amendments may be prepared and filed by the individuals designated by the court and the approval of neither the shareholders nor the board of directors is required. Further, shareholders do not have dissenters' rights unless the plan specifically provides for them.

This section applies only to amendments in articles of incorporation approved before the entry of a final decree in the reorganization plan.

Section 10.09 Effect of Amendment of Articles of Incorporation.

Under Proposed section 10.09, amendments to articles of incorporation do not interrupt the corporate existence and do not abate a proceeding by or against the corporation even though the amendment changes the name of the corporation.

Amendments are effective when filed unless a delayed effective date is elected. See Proposed section 1.23.

The majority's power to affect the rights of other shareholders by means of amendments to the corporation's articles of incorporation is not unlimited. See discussion in Comment to Proposed section 10.02.

Section 10.20 Amendment of Bylaws By Board of Directors or Shareholders.

In the absence of a provision in the articles of incorporation, the power to amend or repeal bylaws is shared by the board of directors and shareholders. Amendment of bylaws by the board of directors is often simpler and more convenient than amendment by the shareholders and avoids the expense of calling a shareholders' meeting, a cost that may be significant in publicly held corporations.

Proposed subsection 10.20(a) provides, however, that the power to amend or repeal bylaws (or adopt new bylaws) may be reserved exclusively to the shareholders by an appropriate provision in the articles of incorporation. This option may appropriately be elected by a closely held corporation—for example, where control arrangements appear in the bylaws but one shareholder or group of shareholders has the power to name a majority of the board of directors. In such a corporation, the control arrangements may alternatively be placed in the articles of incorporation rather than the bylaws if there is no objection to making them a matter of public record.

Proposed subsection 10.20(a)(1) provides that the power to amend or repeal the bylaws (or adopt new bylaws) may be reserved to the shareholders "in whole or part." This language permits the reservation of power to be limited to specific articles or sections of the bylaws or to specific subjects or topics addressed in the bylaws. It is important that the areas reserved exclusively to the shareholders be delineated clearly and unambiguously.

Proposed subsection 10.20(a)(2) permits the shareholders to adopt or amend a bylaw and reserve exclusively to themselves the power to amend or repeal it later. This reservation must be expressed in the action by the shareholders adopting or amending the bylaw. This option is also included for the benefit of closely held corporations.

Proposed subsection 10.20(b) states that the power of shareholders to adopt, amend or repeal bylaws exists even though that power is shared with the board of directors. This section makes inapplicable the holdings of a few cases (e.g., Somers v. AAA Temporary Services, Inc., 284 N.E.2d 462 (Ill. App. 1972)) under differently phrased statutes that shareholders do not have a general or residual power to amend bylaws or that the power to amend bylaws may be vested exclusively in the board of directors. Under the Proposed Act the shareholders always have the power to adopt, amend or repeal the bylaws.

The Committee decided not to include RMA section 10.21 in the Proposed Act. Other sections in the Proposed Act make clear that the quorum or voting requirements for shareholders can be increased by provisions in the corporation's articles of incorporation. RMA section 10.21 would have provided a mechanism to accomplish that end in the bylaws. However, its requirements are complex and appeared to outweigh any advantage of the provision.

Section 10.21 Bylaw Increasing Quorum or Voting Requirements For Directors.

Supermajority provisions relating to the board of directors may appear in the bylaws of the corporation without specific authorization in the articles of incorporation. See Proposed subsections 8.24(a) and (c). Like other bylaw provisions, they may be adopted either by the board of directors or by the shareholders. See Proposed section 10.20. Such provisions, further, may be amended or repealed by the board of directors or shareholders as provided in this section. This treatment of

supermajority provisions for the board of directors should be contrasted with the treatment of analogous provisions for shareholders which must be set forth in the articles of incorporation, Proposed section 7.27, and their adoption, amendment, or repeal must be approved by the shareholders by the vote specified in Proposed section 7.27.

Supermajority provisions relating to the board of directors are usually part of control arrangements in closely held corporations, and Proposed section 10.21 is designed with this end in view. Its basic purpose is to ensure that control arrangements negotiated by shareholders for their own protection will not be prematurely terminated by a majority vote of the shareholders or the board of directors. Thus, Proposed subsection 10.21(a)(1) provides that if a supermajority requirement is originally imposed by a bylaw adopted by the shareholders, only the shareholders may amend or repeal it. Further, under Proposed subsection 10.21(b), that bylaw may impose restrictions on the manner in which it may be thereafter amended or repealed by the shareholders. On the other hand, if a supermajority requirement is originally imposed in a bylaw adopted by the board of directors, that bylaw may be amended either by the board of directors or shareholders (see Proposed subsection 10.21(a)(2)), but if it is to be amended by the board of directors, and if the corporation is not a public company, Proposed subsection 10.21(d) requires approval by the supermajority requirement then being imposed or as amended, whichever is greater. This requirement is analogous to that imposed on supermajority amendments appearing in the articles of incorporation. See Proposed section 7.27. If the corporation is a public company, and the bylaw is to be amended by the board of directors, Proposed subsection 10.21(c) requires approval by the voting requirement then in effect.

CHAPTER 11. MERGER AND SHARE EXCHANGE.

Section 11.01 Merger.

Proposed subsection 11.01(a) authorizes a statutory merger, to be accomplished by the adoption of a plan of merger under Proposed subsection 11.01(b), approval of the transaction by the shareholders (if required by Proposed section 11.03), and filing articles of merger under Proposed section 11.05. Upon the effective date of the merger, the surviving corporation becomes vested with all the assets of the disappearing corporations and becomes subject to their liabilities.

Under the Proposed Act there are virtually no restrictions or limitations on the terms of a statutory merger. Shareholders of the disappearing corporations may receive securities of the surviving corporation, securities of a third corporation, e.g., shares issued by the parent of the surviving or disappearing corporation (which may be publicly traded and marketable while the shares of the surviving or disappearing corporation are not), or cash or other property (a "cash" or "cash-out" merger). Some of the holders of a single class of shares may be required to accept securities or properties while the remaining holders may be compelled to accept different securities, property, or cash. The capitalization of the surviving corporation may be restructured in the merger, or its articles of incorporation may be amended by the articles of merger in any way deemed appropriate. Any other provisions considered necessary or desirable with respect to the merger may be included in the plan of merger.

Merger transactions may give rise to voting by separate voting groups of shareholders under Proposed subsection 11.03(e), and dissenting shareholders may have dissenters' rights under chapter 13.

Courts have held that merger transactions that are formally authorized by the procedures set forth in this chapter may in some circumstances constitute a breach of duty to minority shareholders where the effect of the transaction is to eliminate them from further equity participation in the enterprise. See McBride, "Delaware Corporate Law: Judicial Scrutiny of Mergers--The Aftermath of *Singer v. Magnavox Co.*," 33 BUS.LAW. 2231 (1978). In Delaware, case law establishes that these transactions must be fully disclosed and entirely fair to the minority shareholders. See *Singer v. Magnavox Co.*, 380 A.2d 969 (Del. 1977); *Weinberger v. UOP, Inc.*, 457 A.2d 701 (Del. 1983); *Harman v. Maseonellan International, Inc.*, 442 A.2d 487 (Del. 1982).

A transaction may have the same economic effect as a statutory merger even though it is cast in the form of a nonstatutory transaction. For example, assets of the disappearing corporations may be sold for consideration in the form of shares of the surviving corporation, followed by the distribution of those shares by the disappearing corporations to their shareholders and their subsequent dissolution. Transactions have sometimes been structured in nonstatutory form for tax reasons or in an effort to avoid some of the consequences of a statutory merger, particularly appraisal rights to dissenting shareholders. Faced with these transactions, a few courts have developed or accepted the "de facto merger" concept which, to some uncertain extent, grants to dissenting shareholders the rights they would have had if the transaction had been structured as a statutory merger. See Folk, "De Facto Mergers in Delaware: *Hariton v. Arco Electronics, Inc.*," 49 VA. L. REV. 1261 (1963).

Old RCW 23A.20.020 provided for a "consolidation," which was similar to a merger, except that all corporate parties to the transaction disappeared and an entirely new corporation was created. In modern corporate practice consolidation transactions are obsolete since it is nearly always advantageous for one of the parties to the transaction to be the surviving corporation. If creation of a new entity is considered desirable, it may be created before the merger and the disappearing entities merged into it. As a result, the Proposed Act makes no references to "consolidation."

Section 11.02 Share Exchange.

Proposed section 11.02 establishes a procedure by which a direct exchange of shares for cash or other consideration in corporate combinations may be effected under the same safeguards applicable to statutory mergers or similar transactions. A share exchange under Proposed section 11.02 is binding upon all shareholders of the acquired class or series of shares.

It is often desirable to effect a reorganization or combination so that the corporation being acquired does not go out of existence but becomes a subsidiary of the acquiring corporation or holding company, the securities of which are issued as part of the transaction. These objectives often are particularly important in the formation of holding company systems for, or for the acquisition of, insurance companies and banks, but are not limited to these transactions. In the absence of a share exchange procedure, this kind of a transaction often may be accomplished only by the process of a "reverse triangular merger": the formation of a new subsidiary of the acquiring or holding company, followed by a merger of that subsidiary into the corporation to be acquired in which securities of the new subsidiary's parent are exchanged for securities of the corporation to be acquired. Proposed section 11.02 provides a straightforward procedure to accomplish the same end.

Under Proposed section 11.02, all shares of a particular class or series of shares must be acquired. However, shares of one or more classes or series may be excluded from the plan or may be included on different bases. After the plan is adopted and approved by the shareholders as required by Proposed section 11.03, it is binding on all holders of shares of the class or series to be acquired; members of the class or series, however, have the right to dissent under chapter 13.

It is not necessary that a share exchange under Proposed section 11.02 be on a share-for-share basis. The consideration for the shares being acquired may be "shares, obligations, or other securities of the acquiring or any other corporation or ... cash or other property in whole or part."

Proposed subsection 11.02(c) is designed to make it clear that the mandatory exchange provided by Proposed section 11.02 does not affect the power of corporations to acquire shares by voluntary exchange or otherwise by agreement with the shareholders.

Section 11.03 Action on Plan of Merger or Share Exchange.

Proposed section 11.03 requires mergers or share exchanges to be approved by the shareholders as follows:

In the case of a merger:

(1) the transaction must always be approved by the shareholders of the disappearing corporation (unless the merger is between parent and subsidiary pursuant to Proposed section 11.04); and

(2) the transaction must be approved by the shareholders of the surviving corporation only if the number of voting or participating shares authorized in its articles of incorporation is increased as a result of the transaction.

In the case of a share exchange:

(1) the transaction must always be approved by the shareholders of the corporation whose shares are being acquired; and

(2) the transaction need not be approved by the shareholders of the corporation acquiring the shares.

Proposed section 11.03 requires the board of directors to propose the plan of merger or share exchange and then submit the proposal to the shareholders. When proposing a plan of merger or share exchange, the board of directors must make a recommendation to the shareholders that the plan be approved, unless it determines that because of conflict of interest or other special circumstances it should make no recommendation. If the board of directors so determines, it must describe the conflict or circumstances, and communicate the basis for its determination, when presenting the proposed plan of merger or share exchange to the shareholders.

Proposed subsection 11.03(c) permits the board of directors to condition its submission of a plan of merger or share exchange on any basis; for example, the board may direct that the plan is approved only if it receives a favorable vote of specified percentage of the disinterested shareholders voting on the plan or that shareholders holding no more than a specified number or percentage of shares file notice of intent to demand payment under chapter 13.

Proposed subsection 11.03(d) requires the notice to shareholders to contain or be accompanied by a copy or summary of the plan. Any summary provided to shareholders must contain sufficient detail regarding the transaction to allow the shareholder to make an informed decision whether to approve the transaction and whether to exercise dissenters' rights pursuant to chapter 13. In the event a copy of the plan is included, it will not usually be necessary to include supporting exhibits and schedules in order for a shareholder to make an informed decision. A copy of the agreement and supporting exhibits and schedules should be provided to any shareholder requesting such in writing.

A plan of merger or share exchange, to be approved, generally must be approved by each voting group entitled to vote on the merger by two-thirds of all the votes entitled to be cast on the plan. However, the articles of incorporation may provide for a lesser vote than two-thirds, or for a lesser vote by separate voting groups, so long as the vote provided for each voting group entitled to vote separately on the plan of merger or share exchange is not less than a majority of all the votes entitled to be cast on the plan of merger or share exchange by that voting group. The Committee rejected a general majority vote standard set forth in the RMA on the ground that the two-thirds requirement in the old law had become an important feature in planning control structures of small corporations. It concluded that the optional article of incorporation provision gave most of the advantages of the RMA provision, without the potential for disrupting control structures.

The articles of incorporation of either corporation may require a greater vote by one or more voting groups of that corporation, and if the transaction involves an amendment to the articles of incorporation of the surviving corporation which affects the voting requirements for future amendments, the transaction must also be approved by the vote required by Proposed section 7.27. See Proposed subsections 11.03(e) and (f). In addition, voting by more than one voting group may be required by Proposed subsections 11.03(e) and (f) or by the articles of incorporation. Finally, the board of directors may require a greater vote or a vote by voting groups under their power to make conditional submissions to shareholders described above. The articles of incorporation or the board of directors, however, may only require a vote by separate voting groups in addition to that otherwise required by this title.

Proposed subsection 11.03(g) describes when approval by the shareholders of the surviving corporation is not required. The Committee considered the requirement in RMA sections 11.03(g)(3) and (4) that shareholders of the surviving corporation vote on merger only if the number of outstanding participating or voting shares is increased by more than 20 percent as a result of the transaction. That

requirement is consistent with provisions in a number of states (e.g., Delaware, Michigan, Pennsylvania) and with the requirements of the various stock exchanges. But the requirement generally is not applied to other acquisition forms (e.g., acquisition of assets; triangular mergers) that will achieve the same consequences as a merger. Thus, the Committee concluded that a vote by shareholders of the surviving corporation should only be necessary if an amendment to its articles of incorporation is required to authorize additional shares to consummate the merger. Listed corporations will, of course, continue to be subject to requirements imposed by particular exchanges related to voting.

Proposed subsection 11.03(e) requires voting by voting groups on a plan of merger if the plan contains a provision that "if contained in a proposed amendment to articles of incorporation, would require action by one or more separate voting groups on the proposed amendment." See Proposed section 10.04. Under this provision, voting by voting groups may be required for one or more classes or series of shares of the surviving corporation as well as for one or more classes or series of the disappearing corporation.

Proposed subsection 11.03(f) requires voting by voting groups in a share exchange, with each class or series of shares that is to be acquired in a share exchange entitled to vote as a separate voting group. This provision protects all classes of shareholders when more than one class or series of shares are being acquired on different terms.

In a merger transaction that involves an increase in the number of authorized shares of the surviving corporation, Proposed subsection 11.03(g) requires a shareholder vote. Proposed subsections 11.03(g)(3) and (4) separately apply the authorized share test to increases in the "voting shares" (as defined in Proposed subsection 11.03(h)(2)) and increases in "participating shares" (as defined in Proposed subsection 11.03(h)(1)). If the number of authorized shares of either type is increased in connection with the merger transaction, the transaction must be approved by the shareholders.

Under the definitions in Proposed subsections 11.03(h)(1) and (2), the authorized share requirement may be applied to shares with preferential rights if they are either voting or fully participating, and to deferred or contingent shares issued as a result of the merger. On the other hand, it is typically not applicable to shares issuable under antidilution clauses to balance share splits or share dividends; these shares would not become issuable "pursuant to the merger," but by virtue of later corporate action authorizing the split or dividend.

Proposed subsections 11.03(g)(3) and (4) only determine when a shareholders' vote is required; they do not relate to voting by voting groups. Whether or not a class or series of shares is entitled to vote as a separate voting group is determined by Proposed subsections 11.03(e) and (f).

Proposed subsection 11.03(i) makes it clear that the corporations may abandon without shareholder approval a merger or share exchange even though it has been previously approved by the shareholders. Abandonment under this section does not affect contract rights of third parties. The plan, however, may require that abandonments be approved by shareholders before they are effective.

Section 11.04 Merger of Subsidiary.

Proposed subsection 11.04(a) defines a "parent" corporation as one that owns at least 90 percent of the outstanding shares of each class of another corporation, and a "subsidiary" corporation as one whose shares are so owned. Proposed section 11.04 permits merger of a subsidiary into its parent corporation upon adoption of a plan of merger by the board of directors of the parent alone. Separate action by the board of directors of the subsidiary is unnecessary because the share ownership of the parent corporation is normally sufficient to permit it to elect or remove the subsidiary's board of directors.

Further, the merger transaction need not be approved by the shareholders of either corporation. Approval by the shareholders of the subsidiary is meaningless because the parent's share ownership is sufficient to ensure the plan will be approved. Approval by the parent's shareholders is also unnecessary because the transaction does not materially change their rights: the ownership of the parent

corporation is being changed only from 90 percent indirect ownership to 100 percent direct ownership of the same assets, and no significant amendment of the parent's articles of incorporation is being made. For the same reason, shareholders of the parent corporation do not have the right to dissent from the transaction under chapter 13.

Minority shareholders of the subsidiary corporation may receive shares, obligations, or other securities of the parent or any other corporation, or cash or other property in whole or in part in exchange for their shares. The parent must mail notice of the merger, within 10 days after corporate action is taken, to each shareholder of the subsidiary.

Shareholders of the subsidiary corporation have a right to dissent from the merger transaction under chapter 13. Courts have held that in some circumstances such a transaction may constitute a breach of duty owed by the parent corporation to the shareholders of the subsidiary. See Roland International Corp. v. Najjar, 407 A.2d 1032 (Del. 1979).

Section 11.05 Articles of Merger or Share Exchange.

The articles of merger or share exchange formally make the terms of the transaction a matter of public record. The effective date of the articles is the effective date of their filing unless a delayed effective date is utilized. See Proposed section 1.23. The articles of merger or share exchange must state whether the plan was submitted to the vote of one or more voting groups of the participating corporations entitled to vote separately on the plan, and, if so, state that the merger or share exchange was duly approved by the shareholders pursuant to Proposed section 11.03.

Section 11.06 Effect of Merger or Share Exchange.

Proposed section 11.06 describes the legal consequences of a merger or share exchange on its effective date.

Proposed subsection 11.06(a) describes the effect of a merger. On the effective date every disappearing corporation that is a party to the merger disappears into the surviving corporation and the surviving corporation automatically becomes the owner of all real and personal property and becomes subject to all liabilities, actual or contingent, of each disappearing corporation. The property so described is intended to encompass all of the items mentioned in old RCW 23A.20.060(4). A merger is not a conveyance or transfer, and does not give rise to claims of reverter or impairment of title based on a prohibited conveyance or transfer. See Proposed subsection 11.06(a)(2). Further, all pending litigation is continued; the name of the surviving corporation may, but need not be, substituted for the name of a disappearing corporation that is a party to litigation.

Proposed subsection 11.06(a)(6) provides that if any shareholders to any party to the merger are to receive different shares or cash or property under the plan of merger, the rights of those shareholders after the articles of merger are filed are limited to their rights under the plan of merger or their rights under chapter 13 of this Act.

The articles of incorporation of the surviving corporation are amended as provided in the plan of merger on the effective date of the merger. See Proposed subsection 11.06(a)(5).

Proposed subsection 11.06(b) describes the effect of a share exchange. On the effective date, the shareholders of the acquired class of shares cease to be shareholders of the acquired corporation. On that date they are entitled to receive only the consideration provided in the plan of share exchange, or the rights of dissenting shareholders under chapter 13.

Section 11.07 Merger or Share Exchange With Foreign Corporation.

Proposed section 11.07 permits mergers or share exchanges between domestic and foreign corporations.

In connection with a plan of merger, the plan must be permitted under the law of the state or country of incorporation of the foreign corporation as well as under the law of the domestic state. The surviving corporation, if it is a foreign corporation, must file articles of merger to accomplish the disappearance of the domestic

corporation or corporations, and thereby irrevocably appoints the secretary of state as agent for service of process and agrees to pay dissenters in accordance with chapter 13.

A plan of share exchange, unlike a plan of merger, need not be authorized by the state or country of incorporation of the acquiring foreign corporation. If the domestic law authorizes a compulsory share exchange to acquire a class or series of shares of a domestic corporation, it makes no difference whether the acquiring corporation is foreign or domestic. This kind of transaction does not affect the separate corporate existence of, or impose the liabilities of the disappearing corporation on, the acquiring foreign corporation.

CHAPTER 12. SALE OF ASSETS.

Section 12.01 Sale of Assets In Regular Course of Business and Mortgage of Assets.

A sale of "all or substantially all" the corporate assets in the regular course of business is governed by Proposed section 12.01. Mortgages of all of the corporation's assets are also covered by Proposed section 12.01. All other sales of "all or substantially all" the corporate assets are governed by Proposed section 12.02. Dispositions or transfers of property that do not involve "all or substantially all" the property of the corporation are not controlled by statute and may be approved by the board of directors (or an authorized corporate officer) in the same manner as any other corporate transaction.

The phrase "all or substantially all" is intended to mean what it literally says, "all or substantially all." The phrase "substantially all" is synonymous with "nearly all" and was added merely to make it clear that the statutory requirements could not be avoided by retention of some minimal or nominal residue of the original assets. A sale of all the corporate assets other than cash or cash equivalents is normally the sale of "all or substantially all" of the corporation's property. A sale of several distinct manufacturing lines while retaining one or more lines is normally not a sale of "all or substantially all" even though the lines being sold are substantial and include a significant fraction of the corporation's former business. If the lines retained are viewed only as a temporary operation or as a pretext to avoid the "all or substantially all" requirements, however, the statutory requirements of chapter 12 must be complied with. Similarly, a sale of a plant but retention of operating assets (e.g., machinery and equipment), accounts receivable, good will, and the like with a view toward continuing the operation at another location is not a sale of "all or substantially all" the corporation's property.

Some court decisions have adopted a narrower construction of somewhat similar statutory language. These decisions should be viewed as resting on the diverse statutory language involved in those cases and should not be viewed as illustrating the meaning of "all or substantially all" intended by the Committee.

Proposed section 12.01 describes transfers or dispositions of "all or substantially all" the corporate assets that do not require shareholder approval unless the articles of incorporation require it. These transactions consist of (1) mortgages or pledges of all the corporation's property, whether or not the loan they secure is in the ordinary course of business, and (2) transactions within the usual and regular course of business.

Mortgages or pledges of all the corporate assets may be demanded by lenders. They are substantively different from a sale or other disposition of assets even though they may take the form of a formal transfer of title to the mortgagee for security purposes, or of a dedication of assets to the repayment of indebtedness, as in the case of oil and gas production payments. The corporation remains in possession of the mortgaged property, may continue to use it for corporate purposes, in most cases must continue to manage the property, and may recover full title to the property by discharging the indebtedness.

Most transfers of "all or substantially all" the corporate property (as defined above) are, almost by definition, not in the usual and regular course of business; sales by real estate corporations and by corporations organized to liquidate a business are examples of sales that may be included in this part of Proposed subsection 12.01(a). Typically, sales falling within the usual and regular course of business do not involve the sale of the corporate name or good will.

Section 12.02 Sale of Assets Other Than In The Regular Course Of Business.

The scope of the phrase "all or substantially all" is discussed in the Comment to Proposed section 12.01. All transactions that involve the sale or transfer of "all or substantially all" the corporate property must be approved by the shareholders unless they fall within one of the exceptions of Proposed section 12.01.

Proposed section 12.02 requires the board of directors to propose the sale and then submit the proposal to the shareholders. The board of directors must make a recommendation to the shareholders that the transaction be approved, unless the board determines that because of conflict of interest or other special circumstances it should make no recommendation. If the board so determines, it must describe the conflict or circumstances, and communicate the basis for its determination, to the shareholders when it presents the proposed sale.

The proposed sale, to be approved, generally must receive two-thirds of all the votes entitled by the articles of incorporation to be cast on the proposal. The Committee rejected the RMA approach that would have required only a majority vote on the ground that the two-thirds approval present in the old law had become such an important part of control structure planning that a reduction to a majority requirement would greatly upset expectations in numerous small corporations. However, the Committee added a provision permitting articles of incorporation to provide for a vote as low as a majority of all the votes entitled to be cast on the transaction by any voting group entitled to vote separately. It felt that such provision permitted the flexibility sought by the RMA provision without endangering control patterns generally.

Nonvoting classes of shares are not given a statutory right to vote on proposed sales (either as separate voting groups or together with voting shares) by the Proposed Act on the theory that classes or series of shares that are made nonvoting by the articles of incorporation generally did not retain a voice in the areas of business the corporation may engage in the future. The articles of incorporation, however, may stipulate that specified classes or series of shares are entitled to vote by separate voting groups. Thus, in the absence of special provision in the articles of incorporation, only the shares of the corporation entitled to vote generally by the articles of incorporation are entitled to vote on sales of substantially all the assets of the corporation. The articles of incorporation may also specify that a greater percentage of votes is required to approve the proposal than specified in Proposed section 12.02.

The board of directors may condition its submission of a proposal to the shareholders under Proposed subsection 12.02(c) on any basis—for example, on its receiving a certain percentage of shareholders' affirmative votes or that specified classes or series of shares, voting by separate voting groups, must approve the transaction or on some other basis.

Proposed subsection 12.02(d) requires the notice to shareholders to contain or be accompanied by a description of the transaction. The description of the transaction must provide sufficient detail so that a shareholder can make an informed decision whether to approve or disapprove the transaction or to exercise dissenters' rights pursuant to chapter 13. In some circumstances it may be appropriate to accompany the description with a copy of the assets sale agreement, although ordinarily supporting exhibits and schedules would not be necessary to allow the shareholder to make an informed decision. In any event, a copy of the asset sale agreement and supporting exhibits and schedule should be provided to a shareholder upon written request.

The approval of most sales of "all or substantially all" of the corporation's assets gives rise to dissenters' rights under chapter 13 to shareholders who are entitled to vote on the transaction and avail themselves of the procedures described in that chapter. Sales subject to Proposed section 12.02 that do not give rise to dissenters' rights even for voting shares include (1) sales pursuant to a court order and (2) sales that require all or substantially all of the net proceeds to be distributed to the shareholders in accordance with their respective interests within one year after the date of sale. See Proposed section 13.02. Shares not entitled to vote on the transaction do not have dissenters' rights by statute; the articles of incorporation may grant those rights or the board of directors may elect to make them available.

Proposed subsection 12.02(f) authorizes a board of directors to abandon a proposed sale without shareholder approval after it has been previously approved by the shareholders. An abandonment does not affect contractual rights that third persons may have against the corporation.

Certain corporate divisions, often called "spin offs," "split offs," or "split ups," sometimes involve transactions that may be formally characterized as sales of "all or substantially all" the corporate assets when in fact they are only a step in a corporate division that does not give rise to the problem of a major change in corporate direction and therefore does not need shareholder approval. Proposed subsection 12.02(g) is designed to make clear that transactions like this, which actually constitute a distribution, are not subject to Proposed section 12.02. See Siegal, "When Corporations Divide: A Statutory and Financial Analysis," 79 HARV. L. REV. 534 (1966).

CHAPTER 13. DISSENTERS' RIGHTS.

Section 13.01 Definitions For Chapter 13.

Proposed section 13.01 contains specialized definitions applicable only to chapter 13.

(1) The definition of "corporation" in Proposed subsection 13.01(1) includes successor or acquiring corporations in mergers or share exchanges within the scope of that definition. In these transactions, the obligations of the disappearing or acquired corporations must be assumed by the successor or acquiring corporation and they are thus included within the definition of "corporation."

(2) The definition of "dissenter" in Proposed subsection 13.01(2) is phrased in terms of a "shareholder," a term that is itself specially defined in Proposed subsection 13.01(7). The definition of "shareholder" for purposes of chapter 13 differs from the definition of that term used elsewhere in the Proposed Act. Proposed section 1.40 defines "shareholder" as used elsewhere in the Act to include only "record shareholders" as defined in Proposed subsection 13.01(5). Proposed subsection 13.01(7), on the other hand, defines "shareholder" to include not only "record shareholders" but "beneficial shareholders," a term that is itself defined in Proposed subsection 13.01(6). The specially defined terms "record shareholder" and "beneficial shareholder" appear primarily in Proposed section 13.03, which establishes the manner in which beneficial shareholders, and record shareholders who are acting as nominees for more than one beneficial shareholder, establish dissenters' rights. The broadest definition of "shareholder" is used generally throughout the balance of Chapter 13 in order to permit beneficial shareholders to take advantage of the provisions of this chapter as provided in Proposed section 13.03. The definition of "dissenter" in Proposed subsection 13.01(2) is also limiting, since only a shareholder who has performed all the conditions imposed on shareholders by this chapter in order to obtain payment for the shareholder's shares is a "dissenter." Under this definition, a shareholder who initially objects but fails to perform any of these conditions within the times specified by this chapter loses status as "dissenter" under this section.

(3) The definition of "fair value" in Proposed subsection 13.01(3) leaves to the parties (and ultimately to the courts) the details by which "fair value" is to be determined within the broad outlines of the definition. This definition thus leaves untouched the accumulated case law about market value, value based on prior sales, capitalized earnings value, and asset value, and permits courts to accept proof of value by any techniques and methods which are generally accepted in the financial community. See *Weinberger v. UOP, Inc.*, 457 A.2d 701 (Del. 1983). It specifically preserves the language in the old law excluding appreciation and depreciation in anticipation of the proposed corporate action, but permits an exception for equitable considerations. The purpose of this exception ("unless exclusion would be inequitable") is to permit consideration of factors similar to those approved by the Supreme Court of Delaware in *Weinberger v. UOP*, where the court found that the transaction did not involve fair dealing or fair price: "In our view this includes the elements of rescissory damages if the Chancellor considers them susceptible of proof and a remedy appropriate to all the issues of fairness before him." Consideration of appreciation or depreciation which might result from

other corporate actions has generally been permitted; these effects in the past have often been reflected either in market value or capitalized earnings value.

"Fair value" is to be determined immediately before the effective date of the corporate action, instead of the date of the shareholder's vote, as is the case under most state statutes that address the issue. This comports with the plan of this chapter to preserve the dissenter's prior rights as a shareholder until the effective date of the corporate action, rather than leaving the dissenter in a twilight zone where the dissenter has lost former rights, but has not yet gained new ones.

(4) The definition of "interest" in Proposed subsection 13.01(4) is included to make interest computations under this chapter more realistic. The right to receive interest is based on the elementary consideration that the corporation has the use of the dissenter's money, and the dissenter has no use of it, from the effective date of the corporation action until the date of payment. The definition also requires the adjustment of rates to accommodate radical changes in prevailing rates like those seen in the late 1970's and early 1980's and that may be seen again in the future. The specification of the rate currently paid by the corporation provides a prima facie standard which should facilitate voluntary settlements. The date from which interest runs has been changed from the date of the shareholders' vote to the effective date of the corporate action, in conformity with the change of the valuation date in Proposed subsection 13.01(3).

Section 13.02 Right to Dissent.

Proposed subsection 13.02(a) establishes the scope of a shareholder's right to dissent (and the shareholder's resulting right to obtain payment for the shareholder's shares) by defining the transactions with respect to which a right to dissent exists. These transactions are:

(1) A plan of merger if the shareholder (i) is entitled to vote on the merger under Proposed section 11.03 or pursuant to provisions in the articles of incorporation, or (ii) is a shareholder of a subsidiary that is merged with a parent under Proposed section 11.04. The right to vote on a merger under Proposed section 11.03 extends to corporations whose separate existence disappears in the merger and to the surviving corporation if the number of its authorized shares is increased as a result of the merger.

(2) A share exchange under Proposed section 11.02 if the corporation is a party whose shares are being acquired by the plan and the shareholder is entitled to vote on the exchange.

(3) A sale or exchange of all or substantially all of the property of the corporation not in the usual course of business under Proposed section 12.02 if the shareholder is entitled to vote on the sale or exchange. Proposed subsection 13.02(a)(3) generally grants dissenters' rights in connection with sales in the process of dissolution but excludes them in connection with sales by court order and sales for cash that require substantially all the net proceeds to be distributed to the shareholders within one year. The inclusion of sales in dissolution is designed to ensure that the right to dissent cannot be avoided by characterizing sales as made in the process of dissolution long before distribution is made. An exception is provided for sales for cash pursuant to a plan that provides for distribution within one year. These transactions are unlikely to be unfair to minority shareholders since majority and minority are being treated in precisely the same way and all shareholders will ultimately receive cash for their shares. A sale other than for cash gives rise to a right of dissent since property sometimes cannot be converted into cash until long after receipt and a minority shareholder should not be compelled to assume the risk of delays or market declines. Similarly, a plan that provides for a prompt distribution of the property received gives rise to the right of dissent since the minority shareholder should not be compelled to accept for the shareholder's shares different securities or other property that may not be readily marketable.

The exclusion of court-ordered sales from the dissenter's right is based on the view that court review and approval ensures that an independent appraisal of the fairness of the transaction has been made.

(4) The Committee rejected the extension made by RMA section 13.02 of dissenters' rights to a significant number of amendments to articles of incorporation. The committee concluded that significant overreaching in such transactions would

be limited by equity courts' investigations into the fairness of the exercise of majority power. It did preserve dissenters' rights for reverse stock splits resulting in fractions of shares, where the corporation is to pay cash for the shares. It felt that providing the dissenters' right in such circumstances would afford minority shareholders additional protection from such transactions, while enhancing the majority's freedom to make such changes.

(5) Any corporate action to the extent the articles, bylaws, or a resolution of the board of directors grant a right of dissent. Corporations may wish to grant on a voluntary basis dissenters' rights in connection with important transactions (e.g., those submitted for shareholder approval). The grant may be to nonvoting shareholders in connection with transactions that give rise to dissenters' rights with respect to voting shareholders. The grant of dissenters' rights may add to the attractiveness of preferred shares, and may satisfy shareholders who would, in the absence of dissenters' rights, sue to enjoin the transaction. Also, in situations where the existence of dissenters' rights may otherwise be disputed, the voluntary offer of those rights under this section will avoid a dispute.

Generally, only shareholders who are entitled to vote on the transaction are entitled to assert dissenters' rights with respect to the transaction. The right to vote may be based on the articles of incorporation or other provisions of the Proposed Act. For example, a class of nonvoting shares may nevertheless be entitled to vote (either as a separate voting group or as part of the general voting group) on an amendment to the articles of incorporation that affects them as provided in one of the ways set forth in Proposed section 10.04; such a class is entitled to vote under Proposed section 11.03 and to assert dissenters' rights if the transaction effecting such amendment to the articles also falls within Proposed section 13.02. On the other hand, such a class does not have the right to vote on a sale of substantially all the corporation's asset not in the ordinary course of business, and therefore, that class is not entitled to assert dissenters' rights with respect to that sale. One exception to this principle is the merger of a subsidiary into its parent under Proposed section 11.04 in which minority shareholders of the subsidiary have the right to assert dissenters' rights even though they have no right to vote.

Proposed subsection 13.02(b) basically adopts the New York formula as to exclusivity of the dissenters' remedy of this chapter. The remedy is the exclusive remedy unless the transaction fails to comply with procedural requirements or is "fraudulent." The theory underlying this section is as follows: when a majority of shareholders has approved a corporate change, the corporation should be permitted to proceed even if a minority considers the change unwise or disadvantageous, and persuades a court that this is correct. Since dissenting shareholders can obtain the fair value of their shares, they are protected from pecuniary loss. Thus in general terms an exclusivity principle is justified. But the prospect that shareholders may be "paid off" does not justify the corporation in proceeding without complying with procedural requirements or fraudulently. If the corporation attempts an action in violation of the corporation law on voting, in violation of clauses in articles of incorporation prohibiting it, by deception of shareholders, or in violation of a fiduciary duty—to take some examples—the court's freedom to intervene should be unaffected by the presence or absence of dissenters' rights under this chapter. Because of the variety of situations in which procedural defects and fraud may appear, this section makes no attempt to specify particular illustrations. Rather, it is designed to recognize and preserve the principles that have developed in the case law of Delaware, New York and other states with regard to the effect of dissenters' rights on other remedies of dissident shareholders. See Weinberger v. UOP, Inc., 457 A.2d 701 (Del. 1983) (appraisal remedy may not be adequate "where fraud, misrepresentation, self-dealing, deliberate waste of corporate assets, or gross or palpable overreaching are involved"); Walter J. Schloss Associates v. Arkwin Industries, Inc., 455 N.Y.S.2d 844, 847-52 (App. Div. 1982)(dissenting opinion), reversed, with adoption of dissenting opinion, 460 N.E.2d 1090 (Cl. App. 1984). See also Vorenberg, "Exclusiveness of the Dissenting Stockholders' Appraisal Right," 77 HARV. L. REV. 1189 (1964).

The Committee added Proposed subsection 13.02(c) to retain the substance of the provisions in the old law related to circumstances in which a dissenting shareholder's right to obtain payment terminated.

Section 13.03 Dissent By Nominees and Beneficial Owners.

Proposed section 13.03 addresses the relationship between dissenters' rights and the widespread practice of nominee or street name ownership of publicly held shares. Generally, a shareholder must dissent with respect to all the shares the shareholder owns or over which the shareholder has power to direct the vote. If a record shareholder is a nominee for several beneficial shareholders, however, some of whom wish to dissent and some of whom do not, Proposed subsection 13.03(a) permits the record shareholder to dissent with respect to a portion of the shares owned by the shareholder but only with respect to all the shares beneficially owned by a single person. This limitation is necessary to prevent speculative abuse by a single beneficial shareholder who is not fundamentally opposed to the proposed corporate action but who may wish to gamble, as to some of the beneficial shareholder's shares, on the possibility of a high payment to dissenters.

Proposed subsection 13.03(a) also requires a record shareholder who dissents with respect to a portion of the shares held by the shareholder to notify the corporation of the name and address of the beneficial owner on whose behalf the shareholder has dissented.

Proposed subsection 13.03(b) permits a beneficial shareholder to assert dissenters' rights directly if the beneficial shareholder submits the record shareholder's written consent. Generally, corporations treat the record shareholder as the owner of shares, and a beneficial shareholder is entitled to assert dissenters' rights only as set forth in this section. It would be foreign to the premises underlying nominee and street name ownership to require these record shareholders to forward demands and participate in litigation on behalf of their clients. In order to make dissenters' rights effective without burdening record shareholders, beneficial shareholders should be allowed to assert their own claims as provided in this subsection. The beneficial shareholder is required to submit a written consent by the record shareholder to the beneficial shareholder's assertion of dissenters' rights to verify the beneficial shareholder's entitlement and to permit the protection of any security interest in the shares. In practice, a broker's customer who receives a forwarded notice of proposed corporate action and who wishes to dissent may request the broker to supply the customer with the name of the record shareholder (which may be a house nominee or a nominee of the Depository Trust Company), and a form of consent signed by the record shareholder. From that point forward, the corporation must deal with the beneficial shareholder.

Section 13.20 Notice of Dissenters' Rights.

Proposed subsection 13.20(a) requires the corporation to notify record shareholders of the existence of dissenters' rights before the vote is taken on the corporate action. This notice provides the reassurance to investors that the right to dissent is intended to provide because many shareholders have no idea what rights of dissent they may have or how to assert them. If the corporation is uncertain whether or not the shareholders have dissenters' rights, it may comply with this notice requirement by stating that the shareholders "may have" dissenters' rights.

A similar requirement of notice is expressly required by proxy rules, by the dissenters' rights statutes of several states, and possibly under more general disclosure requirements of federal and state securities laws.

Proposed subsection 13.20(b) requires that notice be given within 10 days after the effective date of corporate action in situations where the action is validly taken without a vote of shareholders, e.g., in a merger of a subsidiary into its parent under Proposed section 11.04. This notice may be combined with the dissenters' notice required by Proposed section 13.22.

Section 13.21 Notice of Intent to Demand Payment.

If a shareholder's vote is called for, Proposed subsection 13.21(a) requires the shareholder to give notice of the shareholder's intent to demand payment before the vote on the corporate action is taken. This notice enables other voters to determine how much of a cash payment may be required. It also serves to limit the number of persons to whom the corporation must give further notice, including the technical details of depositing share certificates. This subsection has no application to actions taken without a shareholder vote.

In order to be and remain a dissenter eligible to demand payment for the shareholder's shares, the section requires that a shareholder must not only give the notice required by this section but must also vote against, or abstain from voting on, the proposal.

Section 13.22 Dissenters' Notice.

The basic purpose of Proposed section 13.22 is to require the corporation to tell all actual or potential dissenters what they must do in order to take advantage of their right of dissent. The requirements of what this notice (called a "dissenters' notice") must contain are spelled out in detail to ensure that this notice serves this basic purpose.

In the case of an action that is submitted to the vote of shareholders, the dissenters' notice must be sent only to those persons who gave notice of their intention to dissent under Proposed section 13.21 and who refrained from voting in favor of the proposed actions. In the case of a transaction not involving a vote by shareholders, the dissenters' notice must be sent to all persons who are eligible to dissent and demand payment. In either case the dissenters' notice must be sent within 10 days after the effective date of the corporate action and must be accompanied by a copy of this chapter.

The notice must contain or be accompanied by a form which a person asserting dissenters' right may use to complete the demand for payment under Proposed section 13.23. The form must specify the date by which it must be received by the corporation, which date must be not less than 30 days nor more than 60 days after the effective date of the notice of how to demand payment.

The dissenters' notice must also specify where and when share certificates must be deposited, or, in the case of uncertificated shares, when restrictions on transfer will become effective under Proposed section 13.24. The date for deposit of share certificates may not be set at a date earlier than the date for receiving the demand for payment.

Proposed subsection 13.22(b)(3) requires the corporation to specify the date of the first announcement to news media or to shareholders of the terms of the proposed corporate action. This is the critical date for determining the rights of shareholder-transferees: persons who became shareholders prior to that date are entitled to the full right to dissent and obtain payment for their shares, while persons who became shareholders on or after that date are entitled only to the more limited rights provided by Proposed section 13.27. It is appropriate for the corporation to furnish this critical date since it knows when information relating to the transaction was publicly released. The date selected should be the date the terms were announced, not the earlier date when consideration of the proposed transaction may have been announced.

Section 13.23 Duty to Demand Payment.

The demand for payment required by Proposed section 13.23 is the definitive statement by the dissenter. In the case of a transaction involving a vote by shareholders, it is a confirmation of the "intention" expressed earlier; in the case of any other transaction, it is the person's first statement of position. In either event, the filing of these demands informs the corporation of the extent of the potential cash drain if it proceeds with the proposed corporate action.

The demand for payment must include a certified statement as to whether the date on which the dissenter acquired ownership of the shares was before (or on or after) the announcement date. See Proposed subsection 13.22(b)(3). This information permits the issuer to detect acquisitions made for speculative or obstructive purposes and to exercise its right under Proposed section 13.27 to defer payment of compensation for these shares.

Proposed subsection 13.23(a) also requires a person who files a demand for payment to deposit the person's share certificates as directed by the corporation in its dissenters' notice. The deposit of share certificates is necessary to prevent dissenters from giving themselves a 30-day option to take payment if the market price of the shares goes down, but sell their shares on the open market if the price goes up. If this kind of speculation were possible, all sophisticated investors might be expected to file demands that they would not intend to carry through unless the

price should fall. If the shares are not represented by certificates, the corporation can prevent speculation by restricting their transfer, as authorized by Proposed section 13.24.

With respect to certificated shares, this provision differs from the old law in that the certificates are "deposited" for retention, rather than "submitted for notation." This change assumes that the corporation will retain the certificates unless it fails to effect the proposed corporate action; it thus avoids the need of sending the certificates back to the shareholders, only to be surrendered again when payment is made. In most cases, payment will be made promptly, and the shuttling of certificates back and forth is unnecessary.

A person who fails to file the demand for payment or does not deposit the person's share certificates as required by Proposed subsection 13.23(a) loses the person's status as a dissenter. But a person who fails to certify whether the person acquired the shares before (or on or after) the announcement date does not lose the person's right to dissent; if the person does not thereafter establish that he or she acquired the shares before the announcement date, the corporation may treat the person as an after-acquiring shareholder under Proposed section 13.27.

A shareholder who deposits shares retains all other rights of a shareholder until the effective date of the proposed corporate action. See Proposed subsection 13.23(b).

Section 13.24 Share Restrictions.

Proposed section 13.24 deals with uncertificated shares in the dissent process. Proposed subsection 13.23(a) requires certificated shares to be deposited as directed by the corporation in its dissenters' notice; the restrictions on transfer of uncertificated shares provided by this section impose an analogous restriction on uncertificated shares for the same reasons. See Comment to Proposed section 13.23.

Proposed subsection 13.24(b) makes express that the restriction on transfer of shares provided by this section does not affect any other rights of the shareholder until the effective date of the proposed corporate action.

Section 13.25 Payment.

Proposed section 13.25 changes the relative balance between corporation and dissenting shareholders by requiring payment by the corporation within 30 days of the later of the effective date of the proposed corporate action, or (if the transaction did not need shareholder approval and has been completed) the date the demand for payment is received. The corporation may not wait for a final agreement on value before making payment (as under the old law), and the shareholder has the immediate use of the amount determined by the corporation to represent fair value without waiting for the conclusion of appraisal proceedings.

This obligation to make immediate payment is based on the view that since the person's rights as a shareholder are terminated with the completion of the transaction, the shareholder should have immediate use of the money to which the corporation agrees it has no further claim. A difference of opinion over the total amount to be paid should not delay payment of the amount that is undisputed.

Since the shareholder must decide whether or not to accept the payment in full satisfaction, the shareholder must be furnished at this time with the financial information specified in Proposed subsection 13.25(b), with a reminder of the shareholder's further rights and liabilities, and with a copy of this chapter.

Section 13.26 Failure To Take Action.

Proposed section 13.26 essentially grants the corporation 60 days after the payment demand date to effect the transaction and make payment for the shares as required by Proposed section 13.25. If the corporation is unable to effect the corporate action within 60 days, it must release the shares, and give a new notice when it is ready to repeat the cycle. This requirement prevents the corporation from holding the dissenter indefinitely in a position where the dissenter has no possibility of realizing on the dissenter's shares either by obtaining payment from the corporation or by selling them. If the transaction has been effected but the corporation fails to make payment as required by this chapter, it is subject to the sanctions of Proposed subsection 13.31(b).

Proposed subsection 13.26(b) makes it clear that the corporation at any time after returning the deposited shares may send a new dissenters' notice under Proposed section 13.22 and repeat the procedure.

Section 13.27 After-Acquired Shares.

Proposed section 13.27 provides for separate treatment of shares acquired on or after the date of public announcement of the proposed corporate action; this date is specified by the corporation in its dissenters' notice under Proposed section 13.22. At the corporation's option, holders of shares acquired on or after this date are not entitled to immediate payment under Proposed section 13.25; rather, they may receive only an offer of payment which is conditioned on their agreement to accept it in full satisfaction of their claim. If the right of unconditional immediate payment were granted as to all after-acquired shares, speculators and others might be tempted to buy shares merely for the purpose of dissenting. Since the function of dissenters' rights is to protect investors against unforeseen changes, there is no need to give equally favorable treatment to purchasers who knew or should have known about the proposed changes.

Corporations are given discretion whether to apply Proposed section 13.27 to after-acquired shares. Considerations of simplicity and harmony may prompt the corporation to make immediate payment for shares acquired on or after the specified date as well as for preacquired shares.

The date used as a cut-off for determining the application of this section is when "the terms" of the transaction are first announced to the news media or shareholders. The cut-off should not be set at an earlier date, such as when the first public statement that the corporate action was under consideration was made, because the goal of this section is to prevent use of dissenters' rights as a speculative device after the terms of the transaction are announced.

A dissenter under this section may accept the offered payment in full satisfaction; if the dissenter does not, the dissenter is entitled to demand a judicial determination of the amount to which the dissenter is entitled under Proposed sections 13.28 and 13.30. The dissenter is then entitled to payment of the amount so determined at the termination of the proceeding.

Section 13.28 Procedure If Shareholder Dissatisfied With Payment or Offer.

Proposed section 13.28 also departs significantly from the old law of dissenters' rights.

Under Proposed section 13.28, the dissenter who is not content with the corporation's remittance must state in writing the amount the dissenter is willing to accept. A dissenter who acquired the dissenter's shares after public announcement of the transaction (Proposed section 13.27) and is dissatisfied with the corporation's offer must also state in writing the amount the dissenter is willing to accept. A dissenter cannot, by remaining silent, force the corporation into the expense and delay of a judicial appraisal. Furthermore, if the dissenter's supplemental demand is unreasonable, the dissenter runs the risk of being assessed litigation expenses under Proposed section 13.31. These provisions are designed to encourage settlement without a judicial proceeding.

A dissenter to whom the corporation has made payment (or who has been offered payment under Proposed section 13.27) must make the dissenter's supplemental demand within 30 days after receipt of the payment (or offer of payment) in order to permit the corporation to make an early decision on initiating appraisal proceedings. If the dissenter fails to do so, the dissenter loses the right to demand additional payment under Proposed subsection 13.28(b).

If the corporation, having failed to make payment, also fails to return the certificates previously deposited or release the restrictions on transfer of uncertificated securities within 60 days, the shareholder may treat the shares as purchased by the corporation and demand payment of the full amount claimed under this section. See Proposed subsection 13.30(a). This provision creates no hardship for the corporation since, if it cannot complete the transaction within 60 days, it may return the certificates (or release the restrictions on uncertificated shares) and start the process over again at any time.

Section 13.30 Court Action.

Proposed section 13.30 retains the concept of judicial appraisal as the ultimate means of determining fair value. The proceeding is to be commenced by the corporation within 60 days after receiving a demand for payment under Proposed section 13.28. Proposed subsection 13.30(a) makes this time period jurisdictional; if the petition is not commenced within this period the corporation must pay the additional amounts demanded by the shareholders under Proposed section 13.28. Each shareholder may sue directly for this amount, if necessary, and in an appropriate case may be entitled to charge the corporation with the costs of suit.

All demands for payment made under Proposed section 13.28 are to be resolved in a single proceeding brought in the county where the corporation's principal office is located or, if none, in other specified counties. All shareholders making Proposed section 13.28 demands must be made parties, with service by publication authorized if necessary. Appraisers may be appointed within the discretion of the court. The final judgment establishes not only the fair value of the shares in the abstract but also determines how much each shareholder who made a Proposed section 13.28 demand should actually receive.

If the corporation fails to commence a judicial proceeding to establish the fair value of the shares as required by this section, it must pay the full amount claimed under this section.

Section 13.31 Court Costs and Counsel Fees.

Proposed section 13.31 provides that generally the costs of the appraisal proceeding should be assessed against the corporation. But the court is authorized to assess these costs, in whole or in part, against the dissenters if it concludes they acted arbitrarily, vexatiously, or not in good faith in making the Proposed section 13.28 demand for additional payment. Similarly, counsel fees may be charged against the corporation or against dissenters upon a finding of a failure to comply in good faith with the requirements of this chapter. Individual dissenters, in turn, can be called upon to pay counsel fees for other dissenters if the court finds that the services were of substantial benefit to the other dissenters.

The purpose of these grants of discretion with respect to costs and counsel fees is to increase the incentives of both sides to proceed in good faith under this chapter to attempt to resolve their disagreement without the need of a formal judicial appraisal of the value of shares.

CHAPTER 14. DISSOLUTION.

Section 14.01 Dissolution By Initial Directors or Incorporators.

Proposed section 14.01 provides a simple method of voluntary dissolution for a corporation that has not either issued shares or commenced business. These provisions are alternative: a corporation may utilize Proposed section 14.01 if it has not issued shares (even though it has commenced business) or if it has issued shares but has not commenced business. Dissolution may be accomplished in either of these situations simply by a majority vote of the initial directors, or if none, by the incorporators. (See Proposed section 2.05 and its Comment for a discussion of the roles of "incorporators" or "initial directors" in the organization of a corporation.)

This simple method of dissolution is likely to be used by nameholding corporations or by corporations formed for the initiation of a new venture when the reasons for the initial creation of the corporation have been completely realized or will never come to fruition.

The form of articles of dissolution provided in Proposed section 14.01 takes account of the fact that a corporation may utilize this section even though it has received capital from the issuance of shares or has incurred liabilities either from the commencement of business without issuing shares or from its organization; hence the articles must state that no debts remain unpaid, and that the net assets of the corporation remaining after winding up have been distributed to the shareholders.

Section 14.02 Dissolution By Board of Directors and Shareholders.

A corporation that has issued shares and commenced business may dissolve voluntarily only with the approval of its shareholders. Proposed section 14.02 requires the board of directors to propose dissolution and then submit the proposal

to the shareholders. The board of director must make a recommendation to the shareholders that the proposal to dissolve be approved, unless it determines that because of conflict of interest or other special circumstances it should make no recommendation. If the board of directors so determines, it must describe the conflict or circumstances, and communicate the basis for its determination, to the shareholders when presenting the proposal to dissolve to the shareholders.

Dissolution, to be approved, generally must receive the vote of two-thirds of all the votes entitled by the articles of incorporation to vote on the proposal. As with other organic changes, the Committee rejected the RMA majority vote requirement in favor of generally continuing the two-thirds standard in the old law. However, provisions in the articles of incorporation may reduce the required vote to a majority of all shares of any voting group entitled to vote separately in the proposal.

Nonvoting classes of shares are not given a statutory right to vote on proposals to dissolve (either as separate voting groups or together with voting shares) by the Proposed Act on the theory that, upon dissolution, the rights of all classes or series of shares are fixed by the articles of incorporation. The articles of incorporation, however, may stipulate that specified classes or series of shares are entitled to vote by separate voting groups. Thus, in the absence of specific provision in the articles of incorporation, only the shares of the corporation entitled to vote generally by the articles of incorporation are entitled to vote on dissolution. The articles of incorporation may also specify that a greater percentage of votes is required to approve the proposal than is required by Proposed section 14.02.

The board of directors may condition its submission of a proposal to the shareholders under Proposed subsection (c) on its receiving a specified percentage of the votes of shareholders of one or more classes or series, voting by separate voting groups, or on some other basis.

Proposed section 14.04 permits the corporation to revoke the dissolution under the circumstances described.

The Committee agreed with the determination of the RMA drafters to omit a provision authorizing voluntary dissolution by consent of shareholders. See old RCW 23A.28.020. The only unique feature that that provision offered that the Proposed Act does not offer is dissolution without action of the board of directors. The Proposed Act provides for action by both directors (see Proposed section 8.21) and shareholders (see Proposed section 7.04) without a meeting. Those provisions were thought to offer sufficient flexibility to small corporations. Thus, voluntary dissolution by consent of shareholders was thought to be unnecessary.

Section 14.03 Articles of Dissolution.

The act of filing the articles of dissolution makes the decision to dissolve a matter of public record and establishes the time when the corporation must begin the process of winding-up and cease carrying on its business except to the extent necessary for winding-up.

Under the Proposed Act, articles of dissolution may be filed at the commencement of winding-up or at any time thereafter. This is the only filing required for voluntary dissolution; no filing is required to mark the completion of winding-up since the existence of the corporation continues for certain purposes even after the business is wound up and the assets remaining after satisfaction of all creditors are distributed to the shareholders. No time limit for filing the articles is specified, and it often may be desirable to postpone filing until winding up is far along or even complete. Indeed, the requirement in Proposed sections 14.01 and 14.03 that a copy of the revenue clearance certificate be filed with the articles of dissolution will necessitate postponement of the filing in many cases until the winding up is complete.

A corporation is dissolved on the date the articles of dissolution are effective. After this date the corporation is referred to as a "dissolved corporation," although its existence continues under Proposed section 14.05 for purposes of winding up.

Section 14.04 Revocation of Dissolution.

Voluntary dissolution may be revoked within 120 days of the effective date of the dissolution. Because of the importance and finality of dissolution, the decision to

revoke dissolution generally requires shareholder authorization (unless the dissolution was approved solely by the initial director or incorporators under Proposed section 14.01). Proposed subsection 14.04(b), however, contemplates that the board of directors may revoke dissolution if specifically granted that authority in advance by the shareholders when approving the dissolution. Such authorization is often included in proposals to dissolve that are contingent upon the effectuation of another transaction, such as a sale of corporate assets not in the ordinary course of business.

Certain other action requiring shareholder approval may be revoked by the board of directors without express shareholder approval. (See Proposed sections 11.03 and 12.02). By contrast, dissolution under Proposed section 14.04 may not be revoked by the board of directors without approval of the shareholders.

Articles of revocation of dissolution must be filed to reflect the decision to resume the business of the corporation. The information required in these articles parallels the information required in the original articles of dissolution.

The effect of articles of revocation of dissolution is to eliminate the requirement that the corporation cease to conduct its business except as part of the winding-up process and permit it to resume its business without limitation and as if dissolution had never occurred.

Section 14.05 Effect of Dissolution.

Proposed subsection 14.05(a) provides that dissolution does not terminate the corporate existence but simply requires the corporation thereafter to devote itself to winding up its affairs and liquidating its assets; after dissolution, the corporation may not carry on its business except as may be appropriate for winding-up.

The Proposed Act uses the term "dissolution" in the specialized sense described above and not to describe the final step in the liquidation of the corporate business. This is made clear by Proposed subsection 14.05(b), which provides that chapter 14 dissolution does not have any of the characteristics of common law dissolution, which treated corporate dissolution as analogous to the death of a natural person and abated lawsuits, vested equitable title to corporate property in the shareholders, imposed the fiduciary duty of trustees on directors who had custody of corporate assets, and revoked the authority of the registered agent. Proposed subsection 14.05(b) expressly reverses all of these common law attributes of dissolution and makes clear that the rights, powers, and duties of shareholders, the directors, and the registered agent are not affected by dissolution and that suits by or against the corporation are not affected in any way.

Section 14.06 Known Claims Against A Dissolved Corporation.

Proposed section 14.06 provides a new and simplified system for handling known claims against a dissolved corporation. Proposed section 14.06 deals solely with known claims. A claim is a "known" claim even if it is unliquidated (see Proposed subsection 14.06(d)); a claim that is contingent or has not matured so that there is no immediate right to bring suit is not a "known" claim.

Known claims are handled in Proposed section 14.06 through a process of written notice to claimants; the written notice must contain the information described in Proposed subsection 14.06(b). Such notice appears to satisfy the requirements set forth in Tulsa Professional Collection Services, Inc. v. Pope, 108 S. Ct. 1340 (1988) (which would be relevant only in the event that some aspect of the procedure was considered to be state action). Proposed subsection 14.06(c) then provides fixed deadlines by which claims are barred under various circumstances, as follows:

(1) If a claimant receives written notice satisfying Proposed subsection 14.06(b) but fails to file the claim by the deadline specified by the corporation, the claim is barred by Proposed subsection 14.06(c)(1).

(2) If a claimant receives written notice satisfying Proposed subsection 14.06(b) and files the claim as required:

(i) but the corporation rejects the claim, the claimant must commence a proceeding to enforce the claim within 90 days of the rejection or the claim is barred by Proposed subsection 14.06(c)(2); or

(ii) if the corporation does not act on the claim or fails to notify the claimant of the rejection, the claimant is not barred by Proposed subsection 14.06(c) until the corporation notifies the claimant.

These principles, it should be emphasized, do not lengthen statutes of limitation applicable under general state law. Thus claims that are not barred under the foregoing rules—for example, if the corporation does not act on a claim—will nevertheless be subject to the general statute of limitations applicable to claims of that type.

Even though the directors are not trustees of the assets of a dissolved corporation (see Proposed subsection 14.05(b)(3)), they must discharge or make provision for discharging all of the corporation's known liabilities before distributing the remaining assets to the shareholders. See Proposed subsections 14.05(a)(3) and (4). See also Proposed sections 6.40 and 8.32.

The Committee deferred possible adoption of RMA section 14.07, which would have barred unknown claims after publication of notice. It was informed that the RMA drafters are studying the provision for possible revision. The Committee will reconsider RMA section 14.07 and Proposed section 14.34 in view of those revisions.

Section 14.20 Grounds For Administrative Dissolution.

Involuntary dissolution in earlier versions of the Model Act (and the Washington Business Corporation Act prior to 1980) required a judicial order upon suit filed by the state attorney general. In the comment to section 95 of the 1969 Model Act, this decision was explained on the basis that the Model Act "provides for judicial review in protection of rights that might otherwise be lost." This position, however, was not generally accepted. In 1980, Washington adopted old RCW 23A-.28.125. By 1982 only three jurisdictions limited involuntary dissolution to judicial action; all other jurisdictions permitted administrative dissolution for a variety of reasons, usually including a failure to pay franchise taxes and often including failure to file annual reports or otherwise comply with similar requirements of the corporation statutes. Some of these administrative dissolution statutes appeared in the tax statutes rather than the corporation statutes of the states.

The experience in most states has been that administrative dissolution, or the threat thereof, is an effective enforcement mechanism for a variety of statutory obligations. Judicial dissolution is inappropriate for many of these violations because of its cost and the diversion of limited legal resources, particularly since most violations reflect the abandonment of the corporation by its owners.

The advantages of administrative dissolution in these circumstances are compelling: it not only reduces the number of records maintained by the secretary of state, but also avoids further wasteful attempts to compel compliance by the abandoned corporations and returns the corporate name promptly to the status of available names. Therefore, the Proposed Act includes, in Proposed sections 14.20 through 14.22, provisions for the administrative dissolution of corporations in certain limited circumstances. These circumstances are set forth in Proposed section 14.20 and closely parallel provisions found in the old law and in most state statutes on this subject.

Old RCW 23A did not clearly state when a corporation whose period of duration had expired was dissolved. (Old RCW 23A.28.135(1) begins with the words "a corporation which has been dissolved by reason of the expiration of its period of duration"; but expiration of duration was not mentioned as a ground for administrative dissolution under old RCW 23A.28.125.) Proposed subsections 14.20(5) and (6) are designed to clarify this situation. If a corporation has a limited duration which expires after July 1, 1990, that corporation continues to exist until the secretary of state administratively dissolves it. If a corporation whose limited duration expired prior to July 1, 1990 has continued to satisfy annual report, fees and registered agent/office requirements, such corporation continues to exist until the secretary of state administratively dissolves it. If the corporation had a limited duration which expired prior to July 1, 1990, and has failed to satisfy any of such requirements, it has been dissolved prior to the effective date of the Proposed Act, and since it was not administratively dissolved, it is not eligible for reinstatement under Proposed section 14.22.

Section 14.21 Procedure For and Effect of Administrative Dissolution.

Many failures to comply with statutory requirements that may give rise to administrative dissolution under Proposed section 14.20 occur because of oversight or inadvertence by responsible corporate officers of corporations that are continuing in business. Such failures are usually corrected promptly when brought to the corporation's attention. Proposed subsections 14.21(a) and (b) therefore provide a mandatory notice by the secretary of state to each corporation subject to administrative dissolution and a 60-day grace period following the notice before administrative dissolution may be ordered.

In most instances, the issue whether the corporation is subject to administrative dissolution will not be controverted. If a corporation is administratively dissolved, it may petition the secretary of state for reinstatement under Proposed section 14.22 and, if this is denied, it may seek judicial review of the denial under Proposed section 1.26.

Section 14.22 Reinstatement Following Administrative Dissolution.

Proposed section 14.22 provides a two-year period during which a corporation may seek reinstatement following administrative dissolution. This section may apply when a corporation through inadvertence or a failure to maintain a registered agent fails to receive or respond to the predissolution notice of default required by Proposed section 14.21. A corporation that is reinstated pursuant to this section resumes carrying on its business as before dissolution.

In order to be eligible for reinstatement, a corporation must comply with all statutory requirements at the time it seeks reinstatement. It must establish, for example, that its name is available when it files the application for reinstatement. If its name is not available, the corporation must file articles of amendment changing its name with its application for reinstatement.

The Committee did not adopt RMA 14.23 (Appeal from denial of reinstatement). The Committee felt that the subject was better dealt with under the more general provisions in Proposed section 1.26.

Section 14.30 Grounds For Judicial Dissolution.

Proposed section 14.30 provides grounds for the judicial dissolution of corporations at the request of the state, a shareholder, a creditor, or a corporation which has commenced voluntary dissolution. This section states that a court "may" order dissolution if a ground for dissolution exists. Thus there is discretion on the part of the court as to whether dissolution, or some other remedy, is appropriate even though grounds exist under the specific circumstances.

Proposed subsection 14.30(1) preserves long standing and traditional provisions authorizing the state to seek to dissolve involuntarily a corporation by judicial decree. While this power has been exercised only rarely in recent years, this right of the state involves a policing action that provides a means by which the state may ensure compliance with, and nonabuse of, the fundamentals of corporate existence. Proposed subsection 14.30(1) limits the power of the state in this regard to grounds that are reasonably related to this objective.

The legality of proposed corporations or of proposed actions has sometimes been tested by the secretary of state's refusal to accept documents for filing. The role of the secretary of state in reviewing documents for filing has been restricted by the Proposed Act (see Proposed section 1.25 and its Comment). It is intended that suits under Proposed section 14.30 will replace those actions.

Proposed subsection 14.30(2) provides for involuntary dissolution at the suit of a shareholder under circumstances involving deadlock or significant abuse of power by controlling shareholders or directors.

Dissolution because of deadlock is available if there is a deadlock at the directors' level but only if (1) the shareholders are unable to break the deadlock and (2) either "irreparable injury" to the corporation is being threatened or suffered or the business and affairs "can no longer be conducted to the advantage of" the shareholders. This language closely follows the old law except that the requirement of "irreparable injury" has been relaxed to some extent. Dissolution because of deadlock at the directors' level is not dependent on the lapse of time during which the deadlock continues.

Dissolution is also available because of deadlock at the shareholders' level if the shareholders are unable to elect directors over a two-year period. This remedy is particularly important in small or family-held corporations in which share ownership may be divided on a 50-50 basis or a supermajority provision (including possibly a requirement of unanimity) may effectively prevent the election of any directors. Thus, a shareholder states a cause of action under Proposed subsection 14.30(2)(iii) simply by stating facts related to shareholder deadlock and need not plead facts concerning irreparable injury or misconduct by the directors then in office. If injury or misconduct is present, a deadlocked shareholder may proceed under another clause of Proposed subsection 14.30(2). Once such facts have been shown, the court then has discretion to determine whether dissolution, or some other remedy short of dissolution, is equitable. Compare Henry George & Sons, Inc. v. Cooper-George, Inc., 95 Wash. 2d 944 (1981).

A shareholder may sue for involuntary dissolution upon proof either that those in control of the corporation are acting illegally, oppressively, or fraudulently (Proposed subsection 14.30(2)(ii)) or that the corporate assets are being misapplied or wasted (Proposed subsection 14.30(2)(iv)). The application of these grounds for dissolution to specific circumstances obviously involves judicial discretion in the application of a general standard to concrete circumstances. The court should be cautious in the application of these grounds so as to limit them to genuine abuse rather than instances of acceptable tactics in a power struggle for control of a corporation.

Creditors may obtain involuntary dissolution only when the corporation is insolvent and only in the limited circumstances set forth in Proposed subsection 14.30(3). Typically, a proceeding under the federal Bankruptcy Act is an alternative in these situations.

A corporation that has commenced voluntary dissolution may petition a court to supervise its dissolution. Such an action may be appropriate to permit the orderly liquidation of the corporate assets and to protect the corporation from a multitude of creditors' suits or suits by dissatisfied shareholders.

Section 14.31 Procedure For Judicial Dissolution.

Proposed sections 14.30 and 14.31 designate the attorney general as the officer to bring suits for involuntary dissolution by the state. Proposed subsection 14.30(1) specifies grounds for such actions.

Proposed subsection 14.31(a) requires all suits for judicial dissolution be brought where the corporation's registered office is or was last located. This rule is in accord with the old law.

Proposed subsection 14.31(b) provides that neither directors nor shareholders are necessary parties to the dissolution action.

Proposed subsection 14.31(c) sets out the general powers of courts in dissolution proceedings. This confirms the general powers of a court in equity to protect the legal rights of interested parties.

Section 14.32 Receivership or Custodianship.

Proposed section 14.32 preserves provisions from the old law authorizing the appointment of a receiver, and adds authority to appoint a custodian as an alternative, for a corporation in a judicial dissolution proceeding. Chapter 7.60 RCW regulates the appointment of receivers and defines their duties. Proposed section 14.32 is designed to supplement these general provisions and grant the court power to take the steps it considers necessary to resolve the internal corporate problem or to effect liquidation of the corporation in an efficient manner.

Section 14.33 Decree of Dissolution.

A court decree ordering that a corporation be dissolved involuntarily has the same legal effect as articles of dissolution. Proposed section 14.33 requires that the secretary of state receive and file a copy of the decree. Thereafter the corporation's business and affairs are to be wound up as provided in Proposed sections 14.05 and 14.06.

Section 14.34 Survival of Remedy After Dissolution.

As noted in the Comment to Proposed section 14.06, the Committee deferred possible adoption of RMA section 14.07, which would have barred unknown claims after publication of notice. It adopted Proposed section 14.34 to continue the survival of remedy provisions in the old law. The Committee will reexamine the issue upon completion of a pending study by RMA drafters.

Section 14.40 Deposit With State Treasurer.

Proposed section 14.40 is a deposit provision, not an escheat provision. It does not provide for ultimate disposition of unclaimed funds. Rather, it permits a corporation that has dissolved to pay over for safekeeping to the state treasurer funds belonging to a creditor, claimant, or shareholder who cannot be found.

The handling and ultimate disposition of unclaimed funds by either the corporation or the state treasurer is to be determined by the Uniform Unclaimed Property Act, chapter 63.29 RCW.

CHAPTER 15. FOREIGN CORPORATIONS

Section 15.01 Authority To Transact Business Required.

A state may prescribe the terms and conditions upon which a foreign corporation is permitted to transact business within the state, subject, of course, to the restrictions of the United States Constitution. Chapter 15 requires that a foreign corporation seeking to transact business within Washington must (1) obtain a certificate of authority from the secretary of state and (2) maintain a registered office and appoint a registered agent within the state.

Proposed subsection 15.01(a) states the basic requirement that a foreign corporation must obtain a certificate of authority before it transacts business within the state. Proposed section 15.05 describes the scope of the privilege obtained by a certificate of authority while Proposed section 15.02 describes the consequences of transacting business in the state without first obtaining the certificate of authority.

The Proposed Act does not attempt to formulate an inclusive definition of what constitutes the transaction of business. Rather, the concept is defined in a negative fashion by Proposed subsection 15.01(b), which states that certain activities do not constitute the transaction of business. In general terms, any conduct more regular, systematic, or extensive than that described in Proposed subsection 15.01(b) constitutes the transaction of business and requires the corporation to obtain a certificate of authority. Typical conduct requiring a certificate of authority includes maintaining an office to conduct local intrastate business, selling personal property not in interstate commerce, and owning or using real estate for general corporate purposes. But the passive owning of real estate for investment purposes does not constitute transacting business. See Proposed subsection 15.01(b)(9).

The test of "transacting business" defined in a negative way in Proposed subsection 15.01(b) applies only to the question whether the corporation's contacts with the state are such that it must obtain a certificate of authority. It is not applicable to other questions such as whether the corporation is amenable to service of process under state "long-arm" statutes or liable for state or local taxes. A corporation that has obtained (or is required to obtain) a certificate of authority to transact business under chapter 15 will generally be subject to suit and state taxation in the state, while a corporation that is subject to service of process or state taxation in a state will not necessarily be required to obtain a certificate of authority under chapter 15.

The list of activities set forth in Proposed subsection 15.01(b) is not exhaustive. See Proposed subsection 15.01(c). The list excludes several different types of activities from the definition of "transacting business," which are discussed below.

Proposed subsection 15.01(b)(1) excludes "maintaining or defending any action or suit or any administrative or arbitration proceeding, or effecting the settlement thereof or the settlement of claims or disputes." Thus, a corporation is not "transacting business" solely because it resorts to the courts of the state to recover an indebtedness, enforce an obligation, recover possession of personal property, obtain the appointment of a receiver, intervene in a pending proceeding, bring a petition to compel arbitration, file an appeal bond, or pursue appellate remedies. Similarly, a foreign corporation is not required to obtain a certificate of authority merely because it files a complaint with the state securities commission or other

governmental agency or participates in an administrative proceeding within the state.

A corporation does not "transact business" within a state under Proposed section 15.01 merely because some of its internal affairs occur within a state. Thus, a corporation may hold meetings of its board of directors or shareholders within a state without first obtaining a certificate of authority (Proposed subsection 15.01(b)(2)). It also may maintain offices or agencies within a state relating solely to the transfer, registration, or exchange of its shares without obtaining a certificate of authority (Proposed subsection 15.01(b)(4)). Other activities relating to the internal affairs of the corporation that do not constitute the transaction of business under Proposed subsection 15.01(b) include having officers or representatives of a corporation who reside within or are physically present in the state; while there, the officers or representatives may make executive decisions relating to the affairs of the corporation without imposing on the corporation the requirement that it obtain a certificate of authority in the state, provided these activities are not so regular and systematic as to cause the residence to be viewed as a business office.

A foreign corporation may maintain a bank account with a bank within the state, make deposits and write checks on the account without obtaining a certificate of authority (Proposed subsection 15.01(b)(3)). It may also maintain share accounts in a savings and loan association, stock or bond brokerage accounts, or certain custodial arrangements without obtaining a certificate of authority.

A corporation is not "transacting business" within the meaning of Proposed subsection 15.01(a) if it is transacting business in interstate commerce (Proposed subsection 15.01(b)(10)) or soliciting or obtaining orders that must be accepted outside the state before they become contracts (Proposed subsection 15.01(b)(6)). These limitations reflect the provisions of the United States Constitution that grant to the United States Congress exclusive power over interstate commerce, and preclude states from imposing restrictions or conditions upon this commerce. These sections should be construed in a manner consistent with judicial decisions under the United States Constitution. Under these decisions, a foreign corporation is not required to obtain a certificate of authority even though it sells goods within the state if they are shipped to the purchasers in interstate commerce. A corporation need not obtain a certificate of authority even if it also does work and performs acts within the state incidental to the interstate business, e.g., if it takes or enforces a security interest incidental to these transactions. Nor is it required to obtain a certificate of authority merely because it sends traveling salesmen or solicitors into a state so long as contracts are not made within the state. Similarly, an office may be maintained by a corporation in a state without obtaining a certificate of authority if the office's functions relate solely to interstate commerce.

Purchases of goods may of course be in interstate commerce as readily as sales. Thus, the purchase of personal property by a foreign corporation for shipment in interstate commerce out of the state does not require the corporation to obtain a certificate of authority.

A foreign corporation does not need to obtain a certificate of authority if it sells goods in the state through independent contractors (Proposed subsection 15.01(b)(5)). These transactions are viewed as transactions by the independent contractors, not by the corporation itself, even though the corporation sets some limits or ground rules for its contractors. If these controls are sufficiently pervasive, however, the corporation may be deemed to be selling for itself in intrastate commerce, and not through the independent contractors, and therefore engaged in the transaction of business in the state.

The mere act of making a loan by a foreign corporation does not constitute transacting business in the state in which the loan is made. On the same theory a foreign corporation may obtain security for the repayment of a loan, and foreclose or enforce the lien or security interest to collect the loan, without being deemed to be transacting business. See Proposed subsections 15.01(b)(7) and (8). Similarly, a refunding or "roll over" of a loan or its adjustment or compromise does not involve the transaction of business.

The concept of "transacting business" involves regular, repeated, and continuing business contacts of a local nature. A single agreement or isolated transaction within a state does not constitute the transaction of business if there is no intention to

repeat the transaction or engage in similar transactions. Since the question is entirely one of fact, Proposed subsection 15.01(b)(10) retains the partially objective test from the old law that a transaction completed within 30 days does not constitute "transacting business" if it is not one in the course of "repeated transactions of a like nature." A continuing transaction that is not completed within 30 days will likely require obtaining a certificate of authority, whether or not it is one of a number of repeated transactions, but that issue is not addressed by the Proposed Act. The 30-day provision is, in other words, a "safe harbor" for not requiring a certificate of authority.

The Committee added Proposed subsection 15.01(b)(12) to the RMA list (i.e., owning and controlling a subsidiary corporation incorporated in or transacting business within the state is not considered transacting business by the parent). This item was identified in the RMA Comment as a transaction not requiring that a certificate of authority be obtained, under the general provisions of RMA section 15.01(c). The Committee felt the item sufficiently important to add it to the statute.

Proposed subsection 15.01(c) makes clear that the list of transactions in Proposed subsection 15.01(b) is not exhaustive. Among the large number of other transactions which do not give rise to the requirement that a certificate of authority be obtained are the participation as a limited partner in a limited partnership engaged in local business, or taking ministerial actions such as filing financing statements or registering trademarks.

Section 15.02 Consequences of Transacting Business Without Authority.

Washington law imposes two sanctions on a foreign corporation that does business within the state without obtaining a certificate of authority: (1) such corporation is guilty of a gross misdemeanor (RCW 9.24.040); and (2) such corporation may not maintain a proceeding in any Washington court until it obtains a certificate of authority (see old RCW 23A.32.190 and Proposed subsection 15.02(a)).

Proposed section 15.02 closes Washington courts to suits maintained by corporations which should have but which have not obtained a certificate of authority. However, this sanction is not a punitive one: Proposed subsection 15.02(e) states that the failure of the corporation to qualify does not affect the validity of corporate acts, including contracts. Thus, a contract made by a nonqualified corporation may be enforced by the corporation simply by obtaining a certificate. Further, Proposed subsection 15.02(c) authorizes a court to stay a proceeding to determine whether a corporation should have qualified to transact business and, if it concludes that qualification is necessary, it may grant a further stay to permit the corporation to do so. Thus, the corporation will not be compelled to refile a suit if the corporation qualifies to transact business within a reasonable period. The purpose of these provisions is to encourage corporations to obtain certificates of authority and to eliminate the temptation to raise Proposed section 15.02 defenses only after applicable statutes of limitation have run.

Proposed subsection 15.02(e) does not prevent a foreign corporation that has failed to obtain a certificate of authority from "defending any proceeding." The distinction between "maintaining" a proceeding under Proposed subsection 15.02(a) and "defending any proceeding" under Proposed subsection 15.02(e) is determined on the basis of whether affirmative relief is sought. A nonqualified corporation may interpose any defense or permissive or mandatory counterclaim to defeat a claimed recovery, but may not obtain an affirmative judgment or decree based on the counterclaim unless it has obtained a certificate of authority.

In addition to closing the courts of the state to a nonqualified foreign corporation, many states follow the approach of Proposed subsection 15.02(d) and the old law and impose a penalty equal to all fees for which the foreign corporation would have been liable had it qualified to transact business when it was first required to do so.

Proposed subsection 15.02(b) prevents evasion of Proposed subsection 15.02(a) by an assignment of a claim on which the foreign corporation is barred from bringing suit under Proposed subsection 15.02(a). If the successor has acquired all or substantially all of the assets of the foreign corporation, the successor may maintain suit after it has qualified. In the case of all other assignments, the foreign corporation itself must obtain a certificate of authority before the assignee may

maintain suit on the claim. The phrase "all or substantially all" has the meaning set forth in the Comment to Proposed section 12.01.

Section 15.03 Application For Certificate of Authority.

Proposed section 15.03 provides that a foreign corporation seeking a certificate of authority to transact business in the state must file an application that contains the information set forth in this section. These disclosure requirements are supplemented by the requirements of other sections in this chapter--15.04, 15.06, and 15.07--which require amended or supplemental filings in certain circumstances, and by Proposed section 16.22, which requires every qualified foreign corporation to file annual reports containing specified information. Generally, the Proposed Act eliminates repetitious filings, so that information need be submitted to the secretary of state in only one document.

The purposes of these disclosure requirements are: (1) to ensure that Washington citizens have adequate information about foreign corporations in their transactions with them; (2) to put foreign corporations in a status of equality with domestic corporations with respect to information required to be furnished; (3) to facilitate their subjection to the jurisdiction of Washington courts, thereby removing any disadvantage citizens of the state may have when dealing with them; and (4) to provide readily accessible evidence of their existence.

The information required to be included in the application for a certificate of authority by Proposed section 15.03 is the minimum needed to administer the filing requirements of the Proposed Act. The application must also be accompanied by a certificate of existence and the filing fee required by section 1.22.

Section 15.04 Amended Certificate of Authority.

Proposed section 15.04 requires a foreign corporation to obtain an amended certificate of authority if it changes its corporate name, its duration, or the state or country of its incorporation. An amendment is not necessary to reflect changes in its principal office address or in its current officers or directors since that information is supplied in the annual report. In addition, Proposed section 15.07 requires an immediate filing if the foreign corporation changes its registered office or registered agent within the state.

Other fundamental changes by a foreign corporation do not require amendments to the certificate of authority. The secretary of state will be advised of most of these changes through the annual report. See Proposed section 16.22. Thus, a person seeking to obtain current information about a foreign corporation should examine the annual reports of the corporation as well as the application for certificate of authority and amendments to it. This procedure of requiring most changes to be reported in the annual reports rather than as amendments to the certificate of authority should eliminate many unnecessary filings with the secretary of state without reducing the information available through the secretary of state's office.

Section 15.05 Effect of Certificate of Authority.

A certificate of authority authorizes a foreign corporation to transact business in the state subject to the right of the state to revoke the certificate. The privileges of this status are defined in Proposed subsection 15.05(b): a qualified foreign corporation has no greater privileges than a domestic corporation of like character. Such statement is consistent with the limitation appearing in Wash. Const. art. 12 section 7.

On the other hand, Proposed subsection 15.05(b) also contains a restriction or limitation: a qualified foreign corporation is subject to the same restrictions as a domestic corporation, including the same duties, penalties, and liabilities. This latter aspect of Proposed subsection 15.05(b) has declined in importance as states have eliminated unnecessary or outdated restrictions on domestic corporations and, as a consequence of Proposed subsection 15.05(b), on qualified foreign corporations as well. In particular, Proposed subsection 15.05(b) makes Proposed section 3.01 (corporate purposes) applicable to a qualified foreign corporation, and grants substantially the same powers to it as are possessed by a domestic corporation.

With the major exception of provisions in Proposed chapter 19, Proposed subsection 15.05(c) preserves the judicially developed doctrine that internal corporate affairs are governed by the state of incorporation even when the corporation's business and assets are located primarily in other states.

Section 15.06 Corporate Name of Foreign Corporation.

A foreign corporation applying for a certificate of authority must apply under its true corporate name if that name qualifies under Proposed subsections 15.06(a) or (c). If the true corporate name qualifies except that it does not contain one of the words of corporateness set forth in Proposed subsection 15.06(a), the corporation may simply add one of those words to its true corporate name and apply under that name as modified. Proposed subsection 15.06(b)(1). If the true corporate name is unavailable because it is indistinguishable upon the records of the secretary of state from a name already in use or reserved, the corporation may use a fictitious name (if available) under Proposed subsection 15.06(b)(2) simply by delivering to the secretary of state for filing, together with its application for a certificate of authority, a certified copy of a resolution of its board of directors authorizing the use of the fictitious name in the state. Finally, the otherwise unavailable name of a foreign corporation may be augmented by the name of the state of its incorporation so as to make it distinguishable upon the records of the secretary of state. For example, a Delaware corporation, "Utopian Products, Inc." which finds that a domestic corporation is using that name, may qualify under the name "Utopian Products, Inc. (Delaware)."

A corporation that qualifies to transact business in the state may do business under an assumed name to the same extent as a domestic corporation. The name requirements of Proposed section 15.06, including the fictitious name of a corporation whose real name is unavailable, are designed to ensure that each corporation qualified to transact business in this state has a unique official name.

If a foreign corporation changes its name it may (1) file an amended certificate of authority under its new name or, if the new name is not available, (2) continue to conduct business under its former name as an assumed name, or (3) adopt a new assumed name, by filing a certified resolution of its board of directors authorizing it to do so.

Section 15.07 Registered Office and Registered Agent of Foreign Corporation.

A foreign corporation that obtains a certificate of authority in a state thereby agrees that it is amenable to suit in the state. Proposed section 15.07 requires every such corporation continuously to maintain a registered office and registered agent within the state upon whom service of process may be made. As is the case with a domestic corporation, the registered office may, but need not be, a business office of the foreign corporation.

Proposed section 15.07 is patterned after Proposed section 5.01, relating to the registered office and registered agent of a domestic corporation.

Section 15.08 Change of Registered Office or Registered Agent of Foreign Corporation.

A foreign corporation that changes its registered agent or registered office, or both, must file a statement with the secretary of state containing the information set forth in Proposed subsection 15.08(a). A registered agent, typically a corporation service company, that changes the street address of its business office (and thereby the street address of the registered office of all corporations for which it serves as registered agent) may notify the secretary of state by complying with Proposed subsection 15.08(b) rather than with Proposed subsection 15.08(a).

This section is patterned after Proposed section 5.02, relating to changes of registered office or registered agent of a domestic corporation.

Section 15.09 Resignation of Registered Agent of Foreign Corporation.

Proposed section 15.09 permits the registered agent of a foreign corporation to resign by following the procedure set forth in the section, which is designed to maximize the probabilities that the corporation is advised of the resignation of the agent. This section is principally used by compensated registered agents who are corporation service companies and who desire to resign as registered agent as a

result of nonpayment of fees. Proposed section 15.09 is patterned after Proposed section 5.03, relating to the resignation of a registered agent of a domestic corporation.

Section 15.10 Service On Foreign Corporation.

Service on the registered agent is the typical method of service of process on a qualified foreign corporation. Proposed subsection 15.10(a). But if the corporation fails to appoint or maintain a registered agent, or if the agent cannot be found at the registered office, Proposed subsection 15.10(b) authorizes service on the secretary of state. Service may be effected in the same way on a corporation which has withdrawn from the state or whose certificate of authority has been revoked. Proposed subsections 15.10(c) and (d) provide rules regarding service on the secretary of state, while Proposed subsection 15.10(e) makes clear that the method of service provided by this section does not preclude the use of other means of effecting service of process. Service of process may also be effected, for example, under a "long-arm" statute or under other special statutes authorizing service in some other manner.

Proposed section 15.10 is patterned after Proposed section 5.04, relating to service of process on domestic corporations.

Section 15.20 Withdrawal of Foreign Corporation.

A foreign corporation that ceases to transact business within a state may withdraw from the state only by obtaining a certificate of withdrawal. A foreign corporation that ceases to transact business in the state but fails to obtain a certificate of withdrawal will continue to be (1) subject to service of process on its registered agent or on the secretary of state pursuant to Proposed section 15.10 and (2) liable for fees under this title.

The certificate of withdrawal provided by this section is recognition by the state that the foreign corporation has ceased to transact business in the state.

The application for certificate of withdrawal must appoint the secretary of state as the withdrawing corporation's agent for service of process in any proceeding based on a cause of action which arose during the time it was authorized to transact business in the state. The application must also set forth a mailing address to which the secretary of state may forward any process received, and the corporation must agree to notify the secretary of state of any change in that address. There is no time limit on the obligation to advise the secretary of state of changes of mailing address. To ensure that the appointment of the secretary of state is unqualified and meets the precise requirements of this section, the secretary of state may require that an application for certificate of withdrawal be on a prescribed form. See section 1.21.

Service of process on the secretary of state effects service on the corporation under Proposed subsection 15.20(c).

Section 15.30 Grounds For Revocation.

Proposed section 15.30 authorizes the administrative revocation of the certificate of authority of a foreign corporation on the grounds specified. Administrative revocation is effective only upon compliance with the procedure specified in Proposed section 15.31. A foreign corporation that believes the administrative revocation is unwarranted may obtain judicial review of the secretary of state's determination pursuant to Proposed section 1.26.

If a qualified foreign corporation has dissolved or merged into another corporation, the secretary of state may proceed to revoke its certificate of authority to transact business solely on the basis of a certificate from the secretary of state or other official of the state of incorporation. Proposed subsection 15.30(d). This subdivision provides a simple and inexpensive method to eliminate the names of corporations that are no longer in existence from the records of the secretary of state, thereby making available the corporate names for use by other entities.

Proposed section 15.30 is patterned after Proposed section 14.20, relating to the administrative dissolution of domestic corporations. See the Comment to Proposed section 14.20 for a fuller description of the policies underlying Proposed section 15.30.

Section 15.31 Procedure For and Effect of Revocation.

The procedure for revocation of a certificate of authority in Proposed section 15.31 establishes a simple method of completing the revocation while at the same time ensuring that the foreign corporation is advised of the contemplated action and has an opportunity to contest it in appropriate situations. In most situations, revocation by the secretary of state will not be contested.

After revocation, the secretary of state is appointed the foreign corporation's agent for service of process; upon receipt of service, the secretary of state under Proposed section 15.10 must forward the process to the secretary of the corporation at its principal office as shown in the records of the secretary of state. Revocation, however, does not of itself terminate the authority of the foreign corporation's registered agent, so that process served on that agent by a third person who was unaware of the revocation may be effective.

Proposed section 15.31 is patterned after Proposed section 14.21, relating to the administrative dissolution of a domestic corporation. See the Comment to Proposed section 14.21 for a fuller statement of the policies underlying Proposed section 15.31.

The Committee decided not to adopt RMA section 15.32 (Appeal From Revocation) on the ground that that provision overlapped the general judicial review provision in Proposed section 1.26.

CHAPTER 16. RECORDS AND REPORTS.

Section 16.01 Corporate Records.

Proposed section 16.01 describes in general terms the records every corporation must keep or maintain, the form in which they may be maintained, and, to a limited extent, where the records must be kept.

Proposed subsection 16.01(a) requires a corporation to "keep" as permanent records the minutes of meetings of its shareholders and board of directors, and a record of actions taken by unanimous consent by its shareholders or board of directors. (In view of the requirements of Proposed sections 7.04 and 8.21, cautious counsel may well advise the corporation to keep the written consents related to such actions.) In addition, each corporation must "keep" a record of all actions taken by a committee of the board of directors when exercising the authority of the board of directors for the corporation; this includes, for example, action taken by an executive committee between meetings of the board and final action of a special litigation committee authorized to act on behalf of the board. Proposed subsection 16.01(a) does not require a record of actions taken by a committee when the committee is not exercising the authority of the board of directors, e.g., when the committee is discussing policy and formulating recommendations for action by the board of directors. Also, it does not require either minutes or a record of committee deliberations under any circumstances. Committee meetings are preserved as forums for open and frank discussion and discussion of sensitive corporate data without fear of recordation or disclosure.

Proposed section 16.01 also does not address the amount of detail that should appear in the minutes of meeting of shareholders or the board of directors--the content of minutes is largely fixed by tradition and no inference about their content should be drawn from the section's treatment of the records of committee deliberation and action.

Proposed subsections 16.01(b) and (c) require the corporation to "maintain" appropriate accounting and shareholder records. The word "maintain" is used to denote current records only and does not require the corporation to keep on hand as permanent records, data, or information of historical interest only; the periods for which these records, data, or information should be kept is not addressed by the Proposed Act.

Proposed subsection 16.01(b) relates to accounting records. The word "appropriate" is used to indicate that the nature of the financial records to be kept is dependent to some extent on the nature of the corporation's business; the phrase "adequate records" is used in some state statutes to convey essentially the same meaning. "Appropriate" records are generally records that permit financial statements to be prepared which fairly present the financial position and transactions of the corporation. In some very small businesses operating on a cash basis, however,

"appropriate" accounting records may consist only of a check register, vouchers, and receipts.

Proposed subsection 16.01(c) requires the corporation to maintain such records of its shareholders as will permit it to compile a list of shareholders when required. These records may consist of stubs from which certificates have been detached in the case of corporations with a few shareholders or of elaborate electronic data retrievable only by modern technology in the case of large, publicly held corporations. The record may be retained by the corporation or an agent, who traditionally is the transfer agent but may be another agent.

Proposed subsection 16.01(d) generally authorizes corporations to retain records on microfilm, microfiche, computer memory or disc, or any other method that is convenient or appropriate under the circumstances. The basic requirement is that the method chosen must be capable of reduction to written form within a reasonable time. In addition, in the case of the record of shareholders, the method must permit the development of an alphabetical list of shareholders of record as required by Proposed subsection 16.01(c).

Proposed subsection 16.01(e) requires certain basic records to be kept at the principal office of the corporation, including minutes of shareholders' meetings for the preceding three years and records of shareholder action taken without a meeting during the same period. This requirement is imposed because these records must be available for inspection by any shareholder at that office. See Proposed subsection 16.02(a). The "principal office" of the corporation is defined in Proposed section 1.40 to be the location of the executive offices of the corporation and its address must be set forth by the corporation in its annual report required by Proposed section 16.22. The Proposed Act does not generally specify where records other than those described in Proposed subsection 16.01(e) must be kept. They may be kept in one or more offices within or without the state; indeed, in the case of records kept in non-written form, it may be impossible to determine "where" they are located.

Section 16.02 Inspection of Records By Shareholders.

Proposed subsection 16.02(a) provides that every shareholder is entitled to examine upon written request at the principal office of the corporation all documents described in Proposed subsection 16.01(e). These documents all deal with the shareholder's interest as such in the corporation. While some of these documents may also be a matter of public record in the office of secretary of state, a shareholder should not be compelled to go to a public office that may be physically distant to examine the basic documents relating to the corporation.

Proposed subsection 16.02(b) grants a shareholder who meets the requirements of Proposed subsection 16.02(c) the right to inspect three classes of corporate records:

(1) Excerpts from minutes of meetings of the board of directors, records of action of committees of the board of directors when exercising the authority of the board of directors, and minutes of meetings of shareholders (to the extent they do not fall within Proposed subsection 16.02(a)). The corporation is required to make available only relevant excerpts of minutes and need not make available minutes of entire meetings merely because a portion of the minutes is directly connected with the shareholder's purpose.

(2) The accounting records of the corporation. The Act does not attempt to define what accounting records must be kept. See the Comment to Proposed section 16.01.

(3) The record of shareholders, subject to Proposed subsection 16.03(d). If a shareholder makes a demand in good faith and with a proper purpose under Proposed subsection 16.02(c), the shareholder is entitled to inspect the shareholders' list under Proposed subsection 16.02(b) without regard to the size or value of the shareholder's holding. This right is independent of the right to inspect a shareholders' list immediately before a meeting under Proposed section 7.20. See Proposed subsection 16.02(e).

Proposed subsection 16.02(c) follows the old law and permits inspection of the records described in Proposed subsection 16.02(b) by a shareholder only if the shareholder's demand is made in good faith and for a "proper purpose." A

"proper purpose" means a purpose that is reasonably relevant to the demanding shareholder's interest as a shareholder. Some statutes do not use the phrase "proper purpose;" the Proposed Act continues to use it because it is traditional and well-understood language defining the scope of the shareholder's right of inspection and its use ensures that the very substantial case law that has developed under it will continue to be applied under the Proposed Act.

As a practical matter, a shareholder who alleges a purpose in general terms, such as a desire to determine the value of the shareholder's shares, to communicate with other shareholders, or to determine whether improper transactions have occurred, has been held to allege a "proper purpose." Proposed subsection 16.02(c) thus attempts to require more meaningful statements of purpose, if feasible, by requiring that a shareholder designate "with reasonable particularity" the shareholder's purpose and the records the shareholder desires to inspect; the records demanded must also be "directly connected" with that purpose. If disputed by the corporation, the "connection" of the records to the shareholder's purpose may be determined by a court's in camera examination of the records.

Proposed subsection 16.02(d) states that the inspection rights granted by this chapter are inherent rights of shareholders and may not be abolished or limited by the articles of incorporation or bylaws; the subsection is based on CAL. CORP. CODE ANN. section 1600(d) (West 1977). No inference of any kind should be drawn from this subsection as to whether other, unrelated sections of the Proposed Act may be modified by provisions in the articles of incorporation or bylaws.

Proposed subsection 16.02(e) provides that the right of inspection granted by Proposed section 16.02 is an independent right of inspection that is not a substitute for or in derogation of rights of inspection that may exist (1) under Proposed section 7.20, to inspect the shareholders' list following the establishment of a record date for a meeting; (2) as part of a right of discovery that exists in connection with litigation; and (3) as a "common law" right of inspection to examine corporate records. See *State ex rel. Grismer v. Merger Mines Corp.*, 3 Wn.2d 417 (1940). Proposed subsection 16.02(e) simply preserves whatever independent right of inspection exists under these sources and does not create or recognize any rights, either expressly or by implication.

Section 16.03 Scope of Inspection Right.

The right of inspection set forth in Proposed section 16.02 includes the general right to copy the documents inspected. Proposed section 16.03 follows precedent established under the old law and extends the right of inspection to an agent or attorney of a shareholder as well as the shareholder. Further, the section now recognizes that a right to copy means more than a right to copy by longhand and extends to the right to receive, if reasonable, copies made by the modern technology of copying machines with the cost of reproduction being paid by the shareholder, or if the shareholder requests, a copy in electronic or other non-written form.

Many corporations make available to shareholders without charge some or all of the basic documents described in Proposed subsection 16.01(e). Proposed subsection 16.03(c) authorizes the corporation to charge a reasonable fee based on reproduction costs (including labor and materials) for providing a copy of any document.

Proposed subsection 16.03(d) is designed to give the corporation the option of providing a reasonably current list of its shareholders instead of granting the right of inspection; a "reasonably current" list is defined in Proposed subsection 16.03(d) as one compiled no earlier than the date of the written demand, which under Proposed subsection 16.02(b) must provide at least five days' notice.

The phrase "estimated cost of production or reproduction of the records" in Proposed subsection 16.03(c) refers to the cost of assembling information and data to meet a demand as well as the cost of reproducing documents that are already in existence.

Section 16.04 Court-Ordered Inspection.

Proposed section 16.04 provides a judicial remedy if a corporation refuses to grant the right of inspection provided by Proposed section 16.02.

If the right of inspection under Proposed subsection 16.02(a) is invoked and the corporation refuses to grant inspection, the shareholder may seek a summary order compelling inspection. A summary order is appropriate since the right of inspection under this subsection is either automatic or subject only to a determination that the person is in fact a shareholder of the corporation. By contrast, if inspection is demanded under Proposed subsection 16.02(b), the shareholder's good faith and purpose may be in issue; in this situation Proposed subsection 16.04(b) directs the court to handle the proceeding "on an expedited basis." The purpose of this phrase is to discourage dilatory tactics to avoid or delay inspection without requiring the court to resolve these issues on a summary basis. This language does not mandate any specific procedure by which these issues are to be resolved.

If a court enters a summary order directing inspection under Proposed subsection 16.02(a), the cost of reproducing the records, if any, is placed on the corporation. Proposed section 16.04 does not address who should bear the cost of reproducing other records ordered by the court; this is a matter for the court to decide in light of the policy of the Proposed Act that costs of reproduction are generally the responsibility of, and should be assessed against, the requesting shareholder.

The principal sanction against unreasonable delay or refusal to grant inspection is provided by Proposed subsection 16.04(c), which imposes on the corporation the plaintiff's costs, including attorneys' fees, unless the corporation can establish that it acted reasonably. The corporation may avoid these costs by showing that the corporation refused inspection in good faith because it had a reasonable basis for doubt about the right of the shareholder to inspect the records demanded. This normally will involve reasonable doubt whether the shareholder had the necessary good faith and proper purpose or whether the records demanded are directly connected to the shareholder's purpose. The phrase "in good faith because it had a reasonable basis for doubt" establishes a partially objective standard, in that the corporation must be able to point to some objective basis for its doubt that the shareholder was acting in good faith or had a purpose that was proper. For example, a corporation may point to earlier conduct of the shareholder involving improper use of information obtained from the corporation in the past as indicating that reasonable doubt existed as to the shareholder's present purpose. A corporation may not avoid the imposition of costs under this section merely by showing it had no information one way or the other about the issues in controversy.

The old law and the statutes of many states imposed a penalty upon the corporation or its officers for refusal to permit inspection of books and records by shareholders who (1) had been shareholders for at least six months or (2) owned five percent or more of the outstanding shares. This provision has been omitted. A penalty unrelated to the costs of securing inspection was arbitrary and, as a result, was seldom actually enforced; further, a qualification based on the size or duration of the shareholder's holding unrelated to the shareholder's actual purpose was subject to the criticism that it constituted unreasonable discrimination against small shareholders.

Section 16.20 Financial Statements For Shareholders.

Proposed section 16.20 has its principal impact on small, closely held corporations, since enterprises whose securities are registered under federal statutes are required to supply audited financial statements to shareholders. The securities of the vast majority of corporations in the United States are not registered under federal law. It is these corporations that Proposed section 16.20 principally affects.

Proposed section 16.20 requires every corporation to prepare annual financial statements consisting of a balance sheet as of the end of the fiscal year, and an income statement for the year. Consolidated statements of the corporation and any subsidiary, or subsidiaries, or combined statements for corporations under common control, may be used. But Proposed section 16.20 does not require financial statements to be prepared on the basis of generally accepted accounting principles ("GAAP"). Many small corporations have never prepared financial statements on the basis of GAAP. "Cash basis" financial statements (often used in preparing the

tax returns of small corporations) do not comply with GAAP. Even closely held corporations that keep accrual basis records, and file their federal income tax returns on that basis, frequently do not make the adjustments that may be required to present their financial statements on a GAAP basis. In light of these considerations, it would be too burdensome on some small and closely held corporations to require GAAP statements. If a corporation does prepare financial statements on a GAAP basis for any purpose for the particular year, however, it must prepare its annual statements on that basis under Proposed subsection 16.20(a).

Proposed subsection 16.20(b) specifies that annual financial statements are to be mailed promptly to each shareholder who requests them.

Failure to comply with the requirements of Proposed section 16.20 does not adversely affect the existence or good standing of the corporation. Indeed, failure to prepare financial statements should not be significant in determining whether a corporate entity should be disregarded. Compare Truckweld Equip. Co. v. Olson, 26 Wash. App. 638 (1980) (corporate entity recognized despite absence of corporate minutes, resolutions, tax returns, and registration documents; informality with which corporation was operated neither prejudiced nor misled plaintiff in its consideration of the corporation's credit application). Rather, failure to comply gives an aggrieved shareholder rights to compel compliance or to obtain damages, if they can be established, under general principles of law.

Proposed subsection 16.20(c) requires an accompanying report or statement in one of two forms: (1) if the financial statements have been reported upon by a public accountant, the accountant's report must be furnished; or (2) in other cases, a statement of the president or the person responsible for the corporation's accounting records must be furnished (i) stating that person's reasonable belief as to whether the financial statements were prepared on the basis of generally accepted accounting principles, and, if not, describing the basis on which they were prepared, and (ii) describing any respects in which the financial statements were not prepared on a basis of accounting consistent with those prepared for the previous year.

In requiring a statement by the president or person responsible for the corporation's financial affairs, it is recognized that in many cases this person will not be a professionally trained accountant and that such person should not be held to the standard required of a professional. To emphasize this difference, Proposed section 16.20 requires a "statement" (rather than a "report" or "certificate") and calls for the person to express such person's "reasonable belief" (rather than "opinion") about whether or not the statements are prepared on the basis of GAAP or, if not, to describe the basis of presentation and any inconsistencies in the basis of the presentation as compared with the previous year. The person is not required to describe any inconsistencies between the basis of presentation and GAAP. If the statements are not prepared on a GAAP basis, the description would normally follow guidelines of the accounting profession as to the reporting format considered appropriate for a presentation which departs from GAAP. (See, e.g., "Statement on Auditing Standards No. 14" of the American Institute of Certified Public Accountants.) For example, the description might state, with respect to a cash basis statement of receipts and disbursements, that the statement was prepared on that basis and that it presents the cash receipts and disbursements of the entity for the period but does not purport to present the results of operations on the accrual basis of accounting.

The Committee adopted RMA section 16.21(a) as a separate section (Proposed section 8.60) in the indemnification area. It decided not to adopt RMA section 16.21(b) (and therefore, not to adopt RMA 16.21) on grounds that the disclosure called for under that provision was more than adequately dealt with by federal and state securities disclosure.

Section 16.22 Annual Report For Secretary of State.

The requirement relating to the annual report that each corporation must submit to the secretary of state has been modified in Proposed section 16.22 in an effort to make it a limited information document for use by the secretary of state, members of the general public, and shareholders. The purpose of the annual report is to show the location of the principal place of business of the corporation, and the

names and business addresses of its directors and principal officers. It permits members of the general public to ascertain the identity of the corporation and communicate directly with it.

The annual report is required of both domestic corporations and foreign corporations qualified to transact business in the state. The failure to file the annual report, like the failure to satisfy other mandatory requirements of the Act, is a ground for administrative dissolution or revocation of the certificate of authority to transact business.

CHAPTER 17. MISCELLANEOUS PROVISIONS.

Section 17.01 Application to Existing Corporations.

The fundamental principle underlying Proposed section 17.01 is that the Proposed Act should ultimately be made fully applicable to all existing business corporations as well as to all new business corporations formed after the effective date of the new statute. It is undesirable to "grandfather" existing corporations under earlier statutes since that results in the permanent coexistence of two different and overlapping systems of corporation law, with resulting confusion. This is particularly true of the Proposed Act, which builds directly on the Revised Model Business Corporation Act and the experience of many years with existing corporation statutes and contains few major substantive changes.

Proposed subsection 17.01(a) applies this basic principle in its broadest sense by making the Proposed Act applicable as of its "effective date" (prescribed in Proposed section 17.06) to all domestic corporations formed under general statutes for corporations for profit. This includes all prior general business corporation acts, but not statutes providing for not-for-profit corporations or associations, or corporations formed for the purpose of engaging in a business for which the state has provided a separate incorporation procedure.

Proposed subsection 17.01(a) applies the Proposed Act to all corporations to which that application is constitutionally permissible.

Proposed subsection 17.01(b) makes the Proposed Act applicable on its effective date to all foreign corporations that are qualified to transact business in the state on that date. But these corporations need not refile and obtain new certificates of authority under the title.

Section 17.02 Transactions Involving Interested Shareholders.

Old RCW 23A.08.425 was enacted in 1985. The Comment in the provision at the time of its enactment follows.

This section requires special approvals of certain transactions with interested shareholders. Specifically, transactions such as mergers, sales of substantially all of the assets and liquidations involving a person or group of affiliated persons who own 20% or more of the voting stock of a corporation must be approved either by disinterested directors or by two-thirds of the shares owned by disinterested shareholders exclusive of the votes of interested shareholders.

This section is directed particularly at the abuses seen in two-tier or front-loaded tender offers. In these offers, the acquiring entity offers to buy less than all of the outstanding shares of a company at a specified price and states that it may in the future through merger, sale of assets or other corporate reorganization, cause the remaining minority shareholders to receive consideration in cash or securities worth less than the initial tender offer price. The concern of such two-tier pricing is the coercion or pressure that is created on shareholders to tender into the first step of the tender offer. The alternative of not accepting the tender offer is virtual assurance that, if the offer is successful, the shareholder will receive less in the second step. Given that pressure, there is no realistic means for shareholders to reject a two-tier bid, even where they believe the combined, or blended, first and second step price for the target is too low.

These two-tier offers have become popular during the last several years. In response, a number of companies are adopting amendments to their articles of incorporation which provide for special voting requirements. In addition, several states, including Pennsylvania and Maryland, have adopted statutes requiring special votes in these types of transactions.

Under this section, approval by disinterested shareholders would not be required if the fair market value of the consideration paid for the shares in the second step is not less than the highest fair market value of the consideration paid by the interested shareholder in acquiring the shares in the first step. The fair market values of the consideration must be determined by a majority of disinterested directors. This determination might be supported by valuations by investment bankers or others. Such expert valuation may be necessary where the types of consideration involve securities without an active trading market. If the determination by the disinterested directors is unreasonable, the determination might be challenged in a judicial proceeding. The time value of money arising from the different acquisition dates of securities need not be taken into consideration in determining the relative fair market values although the time value of money arising from payments in the future on particular securities may be taken into account.

Although the shares and votes of interested shareholders is not taken into account for purposes of the special votes required by this section, the shares and votes of interested shareholders would be taken into account for quorum and voting requirements under other sections of the title.

The concept of interested shareholders includes a shareholder who is or controls a party to a proposed transaction, such as a shareholder who controls a shell corporation with which the corporation requesting approval of its shareholders will merge. Interested shareholders also include a shareholder who, directly or indirectly, receives the assets of a corporation upon liquidation, while the other shareholders simply receive cash, or who is or controls the transferee of substantially all of the assets of the corporation in a sale or exchange.

In addition, an interested shareholder does not include a person who is acting in good faith and not for the purpose of circumventing the section as an agent, bank, broker, nominee or trustee for one or more other persons, to the extent that such other person or persons are not interested shareholders. In other words, if a broker or trustee is acting on behalf of a large number of shareholders one of whom may be an interested shareholder, the shares voted by the broker on behalf of the shareholders who are not interested shareholders, will be counted as shares voted by disinterested shareholders.

The Committee adopted the old provision with only such changes (e.g., substitution of voting groups for the old references to classes of shares) necessary to accommodate the old provision to the structure of the Proposed Act.

Section 17.03 Limitation on Liability of Directors; Indemnification.

In 1987, old RCW 23A.12.020 was amended to authorize provisions in articles of incorporation that limited the liability of directors to shareholders and to the corporation. At the same time, old RCW 23A.08.025 was amended to permit shareholders to authorize indemnification in circumstances other than those described in the statute. See Comments to sections 8.32 and 8.56. Due to an oversight, old RCW 23A.08.026 was not amended in a way that made article of incorporation limitations available to directors of other corporations. Proposed section 17.03 corrects that oversight.

Section 17.04 Savings Provisions.

The saving provisions of section 17.04 are derived from section 25 of the UNIFORM STATUTORY CONSTRUCTION ACT, which was promulgated by the National Conference of Commissioners on Uniform State Laws in 1965.

It appears that at least old RCW 23A.44.145 was added to the old law in an attempt to preserve the vested rights doctrine in Washington. The language in old RCW 23A.44.145 is quite similar to that in the savings clause interpreted by the Washington Supreme Court in State ex rel Swanson v. Perham, 30 Wash. 2d 368 (1948). The court in that case construed the savings clause language as one of its reasons for finding that shareholders had a vested right to vote "straight" (as against cumulative voting). That decision was overruled by the court in Seattle Trust & Savings Bank v. McCarthy, 94 Wash. 2d 605 (1980).

Section 17.05 Severability.

Section 17.06 Repeal.

Section 17.07 Effective Date.

This title takes effect July 1, 1990.

CHAPTER 18. NONADMITTED ORGANIZATIONS**Section 18.01 Nonadmitted Organizations May Own and Enforce Notes Secured by Real Estate Mortgages.****Section 18.02 Nonadmitted Organizations May Foreclose Mortgages.****Section 18.03 By Engaging In Certain Activities Nonadmitted Organizations Are Not Transacting Business.****Section 18.04 Service of Process.****Section 18.05 Procedure For Service of Process.****Section 18.06 Venue.****CHAPTER 19. SIGNIFICANT BUSINESS TRANSACTIONS.****Section 19.01 Legislative Findings—Intent.****Section 19.02 Chapter Definitions.****Section 19.03 Transactions Excluded From Chapter.****Section 19.04 Approval of Significant Business Transaction Required; Violation.****Section 19.05 Provisions of Chapter Additional To Other Requirements.**

**SENATE ROSTER
AND
COMMITTEE ASSIGNMENTS**

1989 — SENATE ROSTER
FIFTY-FIRST LEGISLATURE

Name of Member	Dis- trict	Politi- cs	County	Mailing Address
Amondson, Neil	20	R	Lewis Thurston, part	<u>Mail:</u> P.O. Box 945 Centralia 98531 <u>Home Address:</u> 1104 Fieldcrest Avenue Centralia 98531
Anderson, Ann	42	R	Whatcom, part	2718 McLeod Road Bellingham 98225 Note: The above address is the district office.
Bailey, Cliff	39	R	Snohomish, part	13019 99th Avenue S.E. Snohomish 98290 <u>District Office:</u> 21 Avenue A, Suite A Snohomish 98290
Barr, Scott	7	R	Ferry Lincoln Pend Oreille Stevens Okanogan, part Spokane, part	Route 1, Box 130 Edwall 99008
Bauer, Albert	49	D	Clark, part	13611 N.E. 20th Avenue Vancouver 98686
Bender, Rick S.	44	D	King, part Snohomish, part	<u>Mail:</u> 402A John Cherberg Bldg. Olympia 98504 <u>Home Address:</u> 16029 Simonds Road N.E. Bothell 98011
Benitz, Max E.	8	R	Benton, part	Route 2, Box 2521 Prosser 99350
Bluechel, Alan	45	R	King, part	9901 N.E. 124th #505 Kirkland 98034
Cantu, Emilio	41	R	King, part	4416 138th Avenue S.E. Bellevue 98006
Conner, Paul H.	24	D	Clallam Jefferson Grays Harbor, part	195 Pinnell Road Sequim 98382
Craswell, Ellen	23	R	Kitsap, part	8066 Chico Way N.W. Bremerton 98312
DeJarnatt, Arlie U.	19	D	Pacific Wahkiakum Cowlitz, part Grays Harbor, part	<u>Mail:</u> 401B Legislative Bldg. Olympia 98504 <u>Home Address:</u> 7401 Willow Grove Road Longview 98632

Year of Birth	Birthplace	Occupation	Previous Years Served	
			Senate	House
1954	Washington	Properties Manager	Elected 11/8/88	1987-1988
1952	Washington	Accountant	1987-1988	.....
1926	Washington	Farmer	1985-1988	.....
1916	Washington	Grain, Cattle and Timber Producer, Semi-Retired	1983-1988	1977-1982
1928	Montana	Retired Teacher - Farmer	1981-1988	1971-1980
1949	Alaska	Executive Secretary, Seattle Building Trades Council	1983-1988	1973-1982
1916	Kansas	Agri-business	1975-1988	1969-1974
1924	Alberta, Canada	President, Loctwall Corp.	1975-1988	1967-1974
1926	Texas	Engineering Supervisor	1985-1988	1981-1984
1925	Washington	Longshoreman	Appt. 7/57-1959 Elected 11/77-1988	1959-1977
1932	Washington	Housewife	1981-1988	1977-1980
1923	Indiana	Retired Educator	1985-1988	1961-1970

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Name of Member	Dis- trict	Poli- tics	County	Mailing Address
Fleming, George	37	D	King, part	<u>Mail:</u> 422 John Cherberg Bldg. Olympia 98504 <u>Home Address:</u> 1100 Lake Wash. Blvd. S. Seattle 98144
Gaspard, Marcus S.	25	D	Pierce, part	8220 191st Avenue E. Sumner 98390
Hansen, Frank "Tub"	13	D	Adams, part Grant, part Kittitas, part Yakima, part	Star Route, Box 73 Moses Lake 98837
Hayner, Jeannette	16	R	Walla Walla Benton, part Franklin, part	Box 454 Walla Walla 99362
Johnson, Stanley C.	28	R	Pierce, part	7302 66th Avenue W. Tacoma 98467
Kreidler, Mike	22	D	Thurston, part	<u>Mail:</u> 425 John Cherberg Bldg. Olympia 98504 <u>Home Address:</u> 129 San Mar Drive N.E. Olympia 98506
Lee, Eleanor	33	R	King, part	P.O. Box 390 Seahurst 98062
Madsen, Ken	2	D	Pierce, part Thurston, part	P.O. Box 370 Roy 98580
Matson, Jim	14	R	Yakima, part	201 Institutions Bldg. Olympia 98504
McCaslin, Bob	4	R	Spokane, part	105 Institutions Bldg. Olympia 98504
McDonald, Dan	48	R	King, part	4650 92nd N.E. Bellevue 98004
McMullen, Patrick R.	40	D	San Juan Skagit, part Whatcom, part	P.O. Box 152 Sedro Woolley 98284
Metcalf, Jack	10	R	Island Skagit, part Snohomish, part	3273 Saratoga Road Langley 98260
Moore, Ray	36	D	King, part	100 W. Highland Drive Seattle 98119
Murray, Patty	1	D	King, part Snohomish, part	528 N.W. 203rd Place Seattle 98177
Nelson, Gary A.	21	R	Snohomish, part	9710 Wharf Street Edmonds 98020

1989 — SENATE ROSTER—continued

Year of Birth	Birthplace	Occupation	Previous Years Served	
			Senate	House
1938	Texas	Community Development Mgr., US West Communications	1971-1988	1969-1970
1948	Washington	Real Estate & Property Mgmt.	1977-1988	1973-1976
1913	Washington	Retired Cattle Rancher & Farmer	1979-1988	1973-1978
1919	Oregon	Lawyer	1977-1988	1973-1977
1930	Minnesota	Owner/Pres. Gerrish Brg. & Indust. Supplies, Inc.	1985-1988	Elected 11/4/80-1984
1943	Washington	Optometrist	1985-1988	1977-1984
1931	Illinois	Owner & Business Mgr. Residential Improvement Firm	Elected 11/77-1988	1975-1977
1939	Idaho	Washington Natural Gas Company	Appt. 12/14/87-1988	1985-1987
1927	Washington	Fruit Business	1969-1980	.....
1926	Ohio	Real Estate Broker	1981-1988	.....
1944	Washington	Mech. Engineer/ Economist	Appt. 9/19/83-1988	1979-1983
1945	Washington	Attorney	Appt. 10/1/87-1988	1983-1987
1927	Washington	Retired Teacher	1967-1974 1981-1988	1961-1964
1912	Washington	.....	1979-1988	.....
1950	Washington	Former Instructor at Shoreline Community College	.....	.....
1936	Washington	Engineering Manager Private Utility	1987-1988	1973-1986

JOURNAL OF THE SENATE

Name of Member	Dis- trict	Poli- tics	County	Mailing Address
Newhouse, Irv	15	R	Benton, part Yakima, part	1160 Murray Road Mabton 98935
Niemi, Janice	43	D	King, part	226 Summit Avenue E. Seattle 98102
Owen, Brad	35	D	Mason Grays Harbor, part Kitsap, part Thurston, part	402B John Cherberg Bldg. Olympia 98504
Patterson, E. G. "Pat"	9	R	Asotin Columbia Garfield Whitman Adams, part Franklin, part	N.E. 400 Campus Pullman 99163
Pullen, Kent	47	R	King, part	22844 172nd Avenue S.E. Kent 98042 <u>District Office:</u> 22102 S.E. Green Valley Road Auburn 98002
Rasmussen, A. L. "Slim"	29	D	Pierce, part	5415 "A" Street Tacoma 98408
Rinehart, Nita	46	D	King, part	4515 51st Avenue N.E. Seattle 98105
Saling, Gerald L. (Jerry)	5	R	Spokane, part	12515 N. Fairwood Drive Spokane 99218
Sellar, George L.	12	R	Chelan Douglas Grant, part Kittitas, part Okanogan, part	1324 Terrace Drive East Wenatchee 98802
Smith, Linda A.	18	R	Clark, part Cowlitz, part	10009 N.W. Ridgecrest Avenue Vancouver 98685
Smitherman, Bill	26	D	Kitsap, part Pierce, part	419 John Cherberg Bldg. Olympia 98504
Stratton, Lois J.	3	D	Spokane, part	1724 West Mansfield Spokane 99205
Sutherland, Dean	17	D	Klickitat Skamania Clark, part	23503 N.E. 108th Street Vancouver 98682
Talmadge, Phil	34	D	King, part	1725 S.W. Roxbury, #5 Seattle 98106

Note: The above address is the district office.

1989 — SENATE ROSTER—continued

Year of Birth	Birthplace	Occupation	Previous Years Served	
			Senate	House
1920	Washington	Farmer	Appt. 12/9/80-1988	1965-1979
1928	Michigan	Attorney	Appt. 9/19/87-1988	1983-1987
1950	Washington	Small Businessman	1983-1988	Elected 11/2/76-1982
1919	Washington	Retired WSU Administrator	1981-1988	1973-1980
1942	Texas	Research Engineer	1975-1988	1973-1974
1909	Washington	Retired	1961-1967 Appt. 10/71-1988	1945-1960
1940	Texas	Legislator	1983-1988	Appt. 11/13/79- 1982
1928	Washington	Retired Educator	1985-1988	1965-1971
1929	Illinois	Port of Chelan County, Director of Water Resources	Appt. 1/7/72-1988	.....
1950	Colorado	Tax Consultant	Elected 11/3/87- 1988	Elected 11/8/83-1987
1943	Oklahoma	Mgmt-Planning Consultant	Elected 11/4/86-1988	1983-1986
1927	Washington	Retired	1985-1988	Appt. 1979-1984
1954	Minnesota	Electrician	Elected 11/8/88	1983-1988
1952	Washington	Attorney	1979-1988	.....

JOURNAL OF THE SENATE

Name of Member	Dis- trict	Polli- tics	County	Mailing Address
Thorsness, Leo K.	11	R	King, part	9640 Rainier Avenue S. Seattle 98118
Vognild, Larry L.	38	D	Snohomish, part	1710 32nd Street Everett 98201
von Reichbauer, Peter	30	R	King, part Pierce, part	P.O. Box 3737 Federal Way 98063-3737
Warnke, Frank J.	31	D	King, part Pierce, part	29457 51st Avenue S. Auburn 98001
West, James E.	6	R	Spokane, part	P.O. Box 2792 Spokane 99220-0792
Williams, Al	32	D	King, part	4801 Fremont Avenue N. Seattle 98103
Wojahn, R. Lorraine	27	D	Pierce, part	407A Legislative Bldg. Olympia 98405
Pritchard, Lt. Gov. Joel		R	President of the Senate	304 Legislative Building Olympia 98504
Golob, Gordon		R	Secretary of the Senate	306 Legislative Bldg. Olympia 98504
Naismith, Nate		R	Assistant Secretary of the Senate	5306 Aspinwall Ct. N.W. Olympia 98502
LaPold, George W.			Sergeant at Arms	3226 Locust Avenue Bellingham 98225

1989 — SENATE ROSTER—continued

Year of Birth	Birthplace	Occupation	Previous Years Served	
			Senate	House
1932	Minnesota	Speaker, Investor	Elected 11/8/88	.....
1932	Washington	Ret.-Everett Fire Dept., Small Business Owner (Ret.)	1979-1988	.....
	Washington	Business	1974-1988	.....
1933	Montana	Labor Relations Director	1983-1988	1965-1967 1973-1982
1951	Oregon	President/ Manager JWAV, Ltd.	1987-1988	1983-1986
1930	North Dakota	Architect	Appt. 1/27/78-1988	1970-1977
1920	Washington	.....	1977-1988	1969-1976
1925	Washington	Lieutenant Governor	1967-1970	1959-1966
1939	Idaho	Attorney	Elected 1/11/88	.....
1951	Washington	Professional	Appt. 12/1/87-1988	.....
1929	California	Retired Law Enforcement Officer	Elected 1/11/88	.....

**Membership of
Senate Standing Committees
1989**

AGRICULTURE (7) — Barr, Chair; Anderson, Vice Chair; Bailey, Gaspard, *Hansen, Madsen, Newhouse.

CHILDREN AND FAMILY SERVICES (5) — Smith, Chair; Craswell, Vice Chair; Bailey, *Stratton, Vogndild.

ECONOMIC DEVELOPMENT AND LABOR (11) — Lee, Chair; Anderson, Vice Chair; Matson, McDonald, McMullen, Murray, Saling, *Smitherman, Warnke, West, Williams.

EDUCATION (11) — Bailey, Chair; Lee, Vice Chair; Anderson, Bender, Benitz, Craswell, Fleming, Gaspard, Metcalf, Murray, *Rinehart.

ENERGY AND UTILITIES (9) — Benitz, Chair; Bluechel, Vice Chair; Metcalf, Nelson, Owen, Pullen, Stratton, Sutherland, *Williams.

ENVIRONMENT AND NATURAL RESOURCES (9) — Metcalf, Chair; Amondson, Vice Chair; Barr, Benitz, DeJarnatt, Kreidler, *Owen, Patterson, Sutherland.

FINANCIAL INSTITUTIONS AND INSURANCE (11) — von Reichbauer, Chair; Johnson, Vice Chair; Fleming, Matson, McCaslin, McMullen, *Moore, Rasmussen, Sellar, Smitherman, West.

GOVERNMENTAL OPERATIONS (5) — McCaslin, Chair; Thorsness, Vice Chair; *DeJarnatt, Pullen, Sutherland.

HEALTH CARE AND CORRECTIONS (7) — West, Chair; Smith, Vice Chair; Amondson, Johnson, *Kreidler, Niemi, Wojahn.

HIGHER EDUCATION (7) — Saling, Chair; Patterson, Vice Chair; *Bauer, Cantu, Smitherman, Stratton, von Reichbauer.

LAW AND JUSTICE (11) — Pullen, Chair; McCaslin, Vice Chair; Hayner, Madsen, Nelson, Newhouse, Niemi, Rasmussen, Rinehart, *Talmadge, Thorsness.

RULES (17) — Pritchard, Chair; Bluechel, Vice Chair; Anderson, Bauer, Cantu, Conner, Craswell, Hayner, Matson, Nelson, Newhouse, Rasmussen, Rinehart, Sellar, *Vogndild, Warnke, Wojahn.

TRANSPORTATION (14) — Patterson, Chair; Nelson, Vice Chair; von Reichbauer, Vice Chair; Barr, *Bender, Benitz, Conner, DeJarnatt, Hansen, Madsen, McMullen, Murray, Sellar, Thorsness.

WAYS AND MEANS (23) — McDonald, Chair; Craswell, Vice Chair; Amondson, Bailey, Bauer, Bluechel, Cantu, Fleming, *Gaspard, Hayner, Johnson, Lee, Matson, Moore, Newhouse, Niemi, Owen, Saling, Smith, Talmadge, Warnke, Williams, Wojahn.

**Member Assignments to
Senate Standing Committees
1989**

- AMONDSON, Neil — Environment and Natural Resources, Vice Chair; Health Care and Corrections, Ways and Means.
- ANDERSON, Ann — Agriculture, Vice Chair; Economic Development and Labor, Vice Chair; Education, Rules.
- BAILEY, Cliff — Education, Chair; Agriculture, Children and Family Services, Ways and Means.
- BARR, Scott — Agriculture, Chair; Environment and Natural Resources, Transportation.
- BAUER, Albert — *Higher Education, Rules, Ways and Means.
- BENDER, Rick S. — Education, *Transportation.
- BENITZ, Max E. — Energy and Utilities, Chair; Education, Environment and Natural Resources, Transportation.
- BLUECHEL, Alan — Energy and Utilities, Vice Chair; Rules, Vice Chair; Ways and Means.
- CANTU, Emilio — Higher Education, Rules, Ways and Means.
- CONNER, Paul H. — Rules, Transportation.
- CRASWELL, Ellen — Children and Family Services, Vice Chair; Ways and Means, Vice Chair; Education, Rules.
- DeJARNATT, Arlie U. — Environment and Natural Resources, *Governmental Operations, Transportation.
- FLEMING, George — Education, Financial Institutions and Insurance, Ways and Means.
- GASPARD, Marcus S. — Agriculture, Education, *Ways and Means.
- HANSEN, Frank "Tub" — *Agriculture, Transportation.
- HAYNER, Jeannette — Law and Justice, Rules, Ways and Means.
- JOHNSON, Stanley C. — Financial Institutions and Insurance, Vice Chair; Health Care and Corrections, Ways and Means.
- KREIDLER, Mike — Environment and Natural Resources, *Health Care and Corrections.
- LEE, Eleanor — Economic Development and Labor, Chair; Education, Vice Chair; Ways and Means.
- MADSEN, Ken — Agriculture, Law and Justice, Transportation.
- MATSON, Jim — Economic Development and Labor, Financial Institutions and Insurance, Rules, Ways and Means.
- McCASLIN, Bob — Governmental Operations, Chair; Law and Justice, Vice Chair; Financial Institutions and Insurance.
- McDONALD, Dan — Ways and Means, Chair; Economic Development and Labor.
- McMULLEN, Patrick R. — Economic Development and Labor, Financial Institutions and Insurance, Transportation.
- METCALF, Jack — Environment and Natural Resources, Chair; Education, Energy and Utilities.
- MOORE, Ray — *Financial Institutions and Insurance, Ways and Means.
- MURRAY, Patty — Economic Development and Labor, Education, Transportation.
- NELSON, Gary A. — Transportation, Vice Chair; Energy and Utilities, Law and Justice, Rules.
- NEWHOUSE, Irv — Agriculture, Law and Justice, Rules, Ways and Means.
- NIEMI, Janice — Health Care and Corrections, Law and Justice, Ways and Means.
- OWEN, Brad — Energy and Utilities, *Environment and Natural Resources, Ways and Means.
- PATTERSON, E. G. "Pat" — Transportation, Chair; Higher Education, Vice Chair; Environment and Natural Resources.
- PULLEN, Kent — Law and Justice, Chair; Energy and Utilities, Governmental Operations.
- RASMUSSEN, A. L. "Slim" — Financial Institutions and Insurance, Law and Justice, Rules.
- RINEHART, Nita — *Education, Law and Justice, Rules.

- SALING, Gerald L. (Jerry) — Higher Education, Chair; Economic Development and Labor, Ways and Means.
- SELLAR, George L. — Financial Institutions and Insurance, Rules, Transportation.
- SMITH, Linda A. — Children and Family Services, Chair; Health Care and Corrections, Vice Chair; Ways and Means.
- SMITHERMAN, Bill — *Economic Development and Labor, Financial Institutions and Insurance, Higher Education.
- STRATTON, Lois J. — *Children and Family Services, Energy and Utilities, Higher Education.
- SUTHERLAND, Dean — Energy and Utilities, Environment and Natural Resources, Governmental Operations.
- TALMADGE, Phil — *Law and Justice, Ways and Means.
- THORSNESS, Leo K. — Governmental Operations, Vice Chair; Law and Justice, Transportation.
- VOGNILD, Larry L. — Children and Family Services, *Rules.
- von REICHBAUER, Peter — Financial Institutions and Insurance, Chair; Transportation, Vice Chair; Higher Education.
- WARNKE, Frank J. — Economic Development and Labor, Rules, Ways and Means.
- WEST, James E. — Health Care and Corrections, Chair; Economic Development and Labor, Financial Institutions and Insurance.
- WILLIAMS, Al — Economic Development and Labor, *Energy and Utilities, Ways and Means.
- WOJAHN, R. Lorraine — Health Care and Corrections, Rules, Ways and Means.

GOVERNOR'S MESSAGES ON SENATE BILLS
SIGNED AFTER ADJOURNMENT1989 REGULAR SESSION, FIRST AND SECOND SPECIAL SESSIONS

May 31, 1989

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to advise you that on May 31, 1989, Governor Gardner approved the following Senate Bills entitled:

Substitute Senate Bill No. 6074

Relating to the repeal of public facilities districts' authority to tax without voter approval and reappropriating funds.

Senate Bill No. 6095

Relating to branch campuses.

Sincerely,

Terry Sebring, Legal Counsel to the Governor

June 1, 1989

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to advise you that on June 1, 1989, Governor Gardner approved the following Senate Bills entitled:

Second Substitute Senate Bill No. 5065

Relating to children.

Substitute Senate Bill No. 5897

Relating to alcohol and drug treatment.

Senate Bill No. 6155

Relating to the child care facility fund.

Sincerely,

Terry Sebring, Legal Counsel to the Governor

GOVERNOR'S MESSAGES ON SENATE BILLS
VETOED AND PARTIALLY VETOED

1989 REGULAR SESSION, FIRST AND SECOND SPECIAL SESSIONS

April 20, 1989

To the Honorable, the Senate
of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to section 6, Second Substitute Senate Bill No. 5011, entitled:

"AN ACT Relating to providing for allocation of assets of an institutionalized spouse."

Section 6 requires the submission of a biennial report on the number of persons impacted by the laws relating to transfer of assets between spouses. This section imposes new duties for which no funds have been appropriated, and would require the Department of Social and Health Services to reformat information already available to the legislative fiscal committees.

With the exception of section 6, Second Substitute Senate Bill No. 5011 is approved.

Respectfully submitted,
Booth Gardner, Governor

May 12, 1989

To the Honorable, the Senate
of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval, Senate Bill No. 5121 entitled:

"AN ACT Relating to drug awareness education."

This bill establishes a mobile substance abuse awareness program to be developed and staffed through the Office of the Superintendent of Public Instruction as a required component of its substance abuse initiatives.

Substance abuse in our schools represents an enormous threat to our children's welfare and safety. Effective substance abuse education programs in our schools are essential. These are most effectively designed and implemented by local communities familiar with the unique needs of their youth.

Rather than facilitating local problem solving, this bill would centralize the substance abuse awareness program at the state level. Further, no appropriations were included in the budget recently passed by the Legislature.

Last week, I signed into law Second Substitute House Bill No. 1793, an omnibus bill addressing many components of our society's substance abuse problem. The focus of the omnibus bill is to coordinate the response of law enforcement officials, human service providers, school officials and others involved in grappling with the effects of this problem. Second Substitute House Bill No. 1793 funds programs and establishes a framework for an integrated plan in this important area.

Although I support the bill's objective to deliver a substance abuse awareness program to rural communities, these communities are best able to design and coordinate programs specific to their needs.

For the reasons stated above, I am vetoing Senate Bill No. 5121 in its entirety.

Respectfully submitted,
Booth Gardner, Governor

April 20, 1989

To the Honorable, the Senate
of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 1 and 2, Substitute Senate Bill No. 5127, entitled:

"AN ACT Relating to boundary review boards."

Sections 1 and 2 of Substitute Senate Bill No. 5127 would eliminate the authority of boundary review boards to disapprove a proposed city or town incorporation or disincorporation.

I recognize there are some communities in the state that are dissatisfied with recent incorporation decisions of boundary review boards. However, I am not convinced that the answer to this problem is simply to eliminate the board's authority in this critical area. One of the purposes of Chapter 36.93, which created boundary review boards, was to provide a method to guide and control the creation and growth of municipalities in metropolitan areas. By deleting the boards' authority over incorporations, the purpose of this act would be frustrated.

The State has a legitimate interest in ensuring that municipal boundaries are rational and that statutory objectives are adhered to in the incorporation process. The authority of boundary review boards to review and act on incorporations is the established method of achieving that goal. Without such authority, there is some risk of proliferation of small municipalities and governmental fragmentation at the local level. Additionally, annexations often need to be amended to ensure they do not just include the property tax rich area while excluding poorer valuation residential areas which require public services.

Neighboring jurisdictions are usually affected directly by municipal incorporations. Review of these actions by boundary review boards ensures that multi-jurisdictional issues are considered before a vote is taken.

Notwithstanding the concerns with sections 1 and 2 of the bill, I recognize that boundary review boards may not be the best approach for all counties to address these important growth issues. For that reason, I requested legislation this session (House Bill No. 1174) that would provide a mechanism for the dissolution of boundary review boards if a local government service agreement is in place. That bill has not yet been acted upon by the Legislature.

With the exception of sections 1 and 2, Substitute Senate Bill No. 5127 is approved.

Respectfully submitted,
Booth Gardner, Governor

April 20, 1989

To the Honorable, the Senate
of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 8 and 12, Senate Bill No. 5156, entitled:

"AN ACT Relating to Cedar River sockeye salmon."

The concept behind this bill is to provide a mechanism to mitigate for the sockeye salmon habitat losses caused by the Landsburg diversion dam. Embodied in the concept of mitigation is that the complete cost, including the long-term operation and maintenance of the mitigation project, shall be borne by the party with the responsibility to mitigate. In this case, the City of Seattle has agreed not only to fund all phases leading up to and including construction, but also to deposit \$2.5 million in a trust account so that interest can be used to fund operation and maintenance.

The acceptability of this project to the State to fully mitigate for the sockeye losses caused by the diversion dam shall be judged not only on the success of the spawning channel but also on whether the trust account is adequate to fully finance the long-term operation and maintenance of the channel. It is in the best interest of the City of Seattle to negotiate with the State on methods which could reduce the expenditures from this trust account, so that in the future the fund is sufficient to cover inflationary costs as well as unanticipated costs.

I feel strongly that the decision-making process leading up to the construction of the spawning channel must recognize the relationship between the State and the Muckleshoot Tribe. The process must involve the Tribe in the planning, design, construction and operation of the spawning channel. This project can proceed only so long as consistent with the protection of treaty fishing rights. Finally, it should be noted that any decision made by the State pursuant to this legislation does not affect claims the Muckleshoot Tribe may have against the City of Seattle for damages to the Cedar River fisheries resources.

The expedition of permits in section 8 implies that state agencies are somehow above the permitting processes. This policy sends an inappropriate message that

the review should be preferential or incomplete. The emergency clause in section 12 is not warranted by any exigent circumstances.

I believe this legislation, with the exception of sections 8 and 12, is an example of a process, that if successful, will enhance fishing opportunities in this state and will address a current impediment to increasing the Cedar River sockeye run.

Therefore, with the exception of sections 8 and 12, Senate Bill No. 5156 is approved.

Respectfully submitted,
Booth Gardner, Governor

May 5, 1989

To the Honorable, the Senate
of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to section 3, Senate Bill No. 5172, entitled:

"AN ACT Relating to energy conservation."

Sections 1 and 2 of this bill will allow the implementation of the 1988 voter-approved Constitutional Amendment, HJR 4223 which extends the conservation authority to add equipment to the prior authorization for structures. Section 4 makes the bill effective immediately. This legislation was requested by the State Energy Office and was supported by my office.

Section 3 is an amendment which authorizes financial assistance for the planting of trees that will cast shade on residential structures in the summer. Shade trees are aesthetically pleasing and have some energy benefits. However, the inclusion of shade trees in this bill arguably goes beyond the public understanding of conservation under the constitutional amendment permitting loans for "... materials and equipment for conservation ...".

I would be favorably inclined to review this issue if, after further public discussion, shade trees or other energy conservation methods are shown to be and generally recognized as cost effective.

With the exception of section 3, Senate Bill No. 5172 is approved.

Respectfully submitted,
Booth Gardner, Governor

April 18, 1989

To the Honorable, the Senate
of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 4-105, 4-111, 4-114, 4-118, and 4-121, Substitute Senate Bill No. 5208 entitled:

"AN ACT Relating to Condominiums."

The Washington Condominium Act (WCA) sets forth in statute a single and comprehensive body of law governing the development, ownership and management of condominiums. In doing this, the interests of lenders, developers, builders, realtors and local governments have been adequately protected. The interests of purchasers have not fared as well.

For example, Substitute Senate Bill No. 5208 expands warranties of quality. However, section 4-111 is written in such a way that the "express" warranty of quality purports to give much more protection than it does. This provision is substantially less protective than the uniform act already in law. One limitation in this section takes away a purchaser's right to rely on the promoter's reservation of development rights, even though it is made in the public offering statement. Therefore, I have vetoed this section.

Although I support increased flexibility and certainty for developers, these changes must be accompanied by requirements for full disclosure and protection for consumers. Condominium purchasers have a right to rely on information they receive and to know if new buildings or subdivisions may be developed, or if certain portions of the development may be withdrawn from the project. For this reason, I am not approving section 4-105, which exempts condominium promoters from important disclosure requirements.

Section 4-114 specifies the statute of limitations for warranties regarding condominium quality. Under this section, purchasers would receive less time to seek relief for breach of warranty than under existing law. This section allows warranties to expire within four years of the original purchase, regardless of whether the defect is apparent. Under current law, the statute of limitations runs for warranties three years after discovery of the defect, rather than from the date of the first purchase.

Section 4-118 of the Act removes the requirement that a unit be "substantially completed" before the conveyance is completed. This allows the seller to have use of the funds before the purchaser is able to use the property, detracting from the rights of individual purchasers.

Section 4-121 recreates the 1987 statutory committee, which presented the first draft to the legislature. I am vetoing this section because there is no apparent need for a group such as this, and consumer representation is clearly inadequate. The state has far too many boards, commissions and committees already and creation of yet another one for such a questionable purpose is unnecessary.

Substitute Senate Bill No. 5208 clarifies Washington State law on condominiums. Recent changes in lifestyle have increased the prevalence of this type of real estate transaction, thereby increasing the need for more certainty in the law regarding these transactions. However, it is not in the public's interest to use this bill as a vehicle to reduce important consumer protection rights granted through existing law. For this reason I have vetoed the above mentioned sections of Substitute Senate Bill No. 5208.

With the exception of sections 4-105, 4-111, 4-114, 4-118, and 4-121, Substitute Senate Bill No. 5208 is approved.

Respectfully submitted,
Booth Gardner, Governor

May 13, 1989

To the Honorable, the Senate
of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval, Substitute Senate Bill No. 5221 entitled:

"AN ACT Relating to the advance college payment program."

Substitute Senate Bill No. 5221 requires the Higher Education Coordinating Board to study the feasibility of instituting an advance college payment program in Washington state. The board was appropriated thirty thousand dollars to conduct the study and was to submit a report, including recommendations, to the Legislature by January 1, 1990.

It is clear that some of the elements to be considered in the study are very complex and go beyond the scope of higher education. In order for the critical elements of the study to be examined thoroughly and completely, the board would have to contract for the required expertise. Among the most significant questions to be answered are those that relate to the potential federal income tax consequences for investors and the state's potential liability in the event that the program is not actuarially sound. It is estimated that the cost of expertise would far exceed the thirty-thousand dollar appropriation and the study would require more time than allotted.

Although I am not opposed to studying the feasibility of such a program, I am certain that the Higher Education Coordinating Board cannot complete a complex study of this kind without sufficient time and resources. The potential risks for investors and the state in such programs need to be examined thoroughly. This legislation fails to provide the time and resources needed for the completion of a quality feasibility study.

For the reasons stated above, I have vetoed Substitute Senate Bill No. 5221 in its entirety.

Respectfully submitted,
Booth Gardner, Governor

May 13, 1989

To the Honorable, the Senate
of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to section 3, Senate Bill No. 5233 entitled:

"AN ACT Relating to burglary."

This legislation creates a new crime of residential burglary for those incidents in which an individual enters a dwelling for the purposes of committing "a crime against persons or property therein". The existing crime of burglary in the second degree is retained for cases involving buildings other than dwellings.

Section 3 of this measure increases the seriousness level of second degree burglary from range II to range III and ranks the new crime of residential burglary at an even higher level, range IV. These rankings have significant fiscal impacts on both state and local governments that are not fully addressed. Although the Legislature included funds in the Omnibus Budget for the purposes of this act, they fall far short of meeting the Department of Correction's needs. In addition, no funds were provided to address the impacts on local jails.

I support the intent of this bill. Residential burglary is a particularly offensive crime that not only results in material loss, but shatters the sense of privacy people enjoy within their homes. Persons who invade homes in this manner must be punished.

However, attempting to address this issue has highlighted some of the inflexibility of the state's Sentencing Reform Act. Because of the sentencing structure created by the Act, little can be done in response to the problem of burglary other than to raise the seriousness level, as accomplished by section 3.

I am retaining the new definition of residential burglary created by this bill, and the instructions in section 1 requiring the Sentencing Guidelines Commission to consider residential burglary as a more serious offense than burglary in the second degree. Because the provisions of the bill do not take effect until July 1990, I believe this veto allows us to more fully consider the ramifications of this sentencing change.

The long-term financial impact on the state adult and juvenile systems will mandate significant additional commitment of both capital and operating funds. I am concerned that the full financial reality of passing this bill has not settled upon the Legislature. The Legislature should also consider the consistency of punishment level in this bill related to punishment for other criminal offenses.

Particular attention must also be paid to the effect these changes have on our local jail system. We can no longer continue to ignore the overcrowding and potentially dangerous conditions facing these facilities. At the same time the Legislature was enacting a measure extending eligibility for home detention programs to burglars, it was removing over fifty percent of the eligible inmates by the definition change included in this bill. The Sentencing Guidelines Commission is the proper place to consider these system-wide impacts.

I am asking the Sentencing Guidelines Commission to take up this issue for the purpose of recommending a resolution to the 1990 Legislature. The commission will review the relative rankings of these crimes, and will explore the possibility of reordering the sentencing grid in such a way as to allow courts greater flexibility in determining appropriate sanctions. In addition, the Commission will review the potential for changing sentencing practices associated with rank changes, and the relationship of deadly weapons enhancements to these two offenses.

With the exception of section 3, Senate Bill No. 5233 is approved.

Respectfully submitted,
Booth Gardner, Governor

LETTER OF TRANSMITTAL

May 20, 1989

The Honorable Ralph Munro
Secretary of State
State of Washington
Olympia, Washington

Dear Mr. Secretary:

I am transmitting herewith ENROLLED SENATE BILL NO. 5233 as vetoed (Section 3) by Governor Booth Gardner on May 17, 1989.

The 1989 Second Special Session of the Fifty-first Legislature passed the measure notwithstanding Governor Gardner's veto of Section 3. The Senate overrode the Governor's veto of Section 3 by a vote of 38 yeas and 9 nays on May 19, 1989. The House of Representatives overrode the Governor's veto of Section 3 by a vote of 71 yeas and 9 nays on May 20, 1989.

Sincerely yours,
GORDON A. GOLOB,
Secretary of the Senate

May 14, 1989

To the Honorable, the Senate
of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 2, 3, 5, 6, 7, and 8, Substitute Senate Bill No. 5289 entitled:

"AN ACT Relating to fisheries enhancement."

Our commitment to enhance salmon resources is an empty promise unless we are all willing to provide the financial resources necessary to fulfill it. I believe that the funding mechanism envisioned in this bill can work to supplement other state and federal funds if properly structured.

I am supportive of approaching fisheries enhancement by way of regional and volunteer cooperative groups. I believe, however, that the portions of this bill relating to the formation of these regional groups are so poorly drafted that they could lead to excessive administrative work and lack of accountability for the use of state funds.

As an alternative to sections 2 and 3, I am directing the Department of Fisheries to use its general rule-making authority to implement the intent of the bill in a manner that is workable and, more importantly, accountable. Criteria must be in place requiring recipients of funds to be incorporated as non-profit groups with the Secretary of State. Additionally, requirements for audits must be included.

Sections 5 and 6 fail to establish a clear relationship between the authority of the department and the regional groups. These sections could imply control by the groups. This interference with the decision-making prerogatives of the department is unacceptable to me.

Section 7 is vetoed because it requires legislative approval of each loan application. Decisions on applications for funding should be made by the Department of Fisheries without legislative approval. This veto does not mean that I am not supportive of loans for funding fisheries enhancement. In fact, the opposite is true. Because I am unable to partially veto this language, I must veto the entire section.

I am vetoing section 8 because it will require the department to tag smolt and compile data at great expense in order to document specific fish catch related to enhancement projects.

With the exception of sections 2, 3, 5, 6, 7, and 8, Substitute Senate Bill No. 5289 is approved.

Respectfully submitted,
Booth Gardner, Governor

May 11, 1989

To the Honorable, the Senate
of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 1 and 5, Substitute Senate Bill No. 5293 entitled:

"AN ACT Relating to higher education."

Section 1 reenacts RCW 28B.80.330, which requires the Higher Education Coordinating Board to perform planning duties including the preparation of a comprehensive master plan. The plan includes but is not limited to assessments of the state's higher education needs. These assessments may include "the needs of recent

high school graduates and place-bound adults. The board should consider the needs of residents of all geographic areas, but its initial priorities should be applied to heavily populated areas underserved by public institutions." The board has already completed its assessment of upper division and graduate level courses and programs needed in heavily populated areas. It can now begin assessing the needs of place-bound students in those areas that are less populated, including Clallam and Jefferson counties.

Section 5 of this bill requires that the Superintendent of Public Instruction: (1) contract with the University of Washington's Early Entrance Program or Transition School; and, (2) allocate state and federal funds generated by the student directly to the University of Washington. Similar language achieving the same result is included in section 9 of Substitute House Bill No. 1444, which I have signed into law. To avoid confusion, I have vetoed section 5 of this bill.

With the exception of sections 1 and 5, Substitute Senate Bill No. 5293 is approved.

Respectfully submitted,
Booth Gardner, Governor

May 8, 1989

To the Honorable, the Senate
of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval, Substitute Senate Bill No. 5315 entitled:

"AN ACT Relating to oil spills and the transfer and safety of petroleum products across the marine waters of the state of Washington."

Due to a problem in the transferring of the bill as amended by the House, the version to which the Senate concurred was not the version the House adopted. A new version of the bill was quickly introduced and passed by both Houses of the Legislature and is currently awaiting my signature.

To avoid potential challenge and to adopt the statutes as intended, I am vetoing Substitute Senate Bill No. 5315 in its entirety and in its place signing House Bill No. 2242.

Respectfully submitted,
Booth Gardner, Governor

June 2, 1989

To the Honorable, the Senate
of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 123(1),(3),(4),(5),(6), 125(4), 208(3), 209(1), 213(7),(8), 214(4), 218(6), 221(9),(12),(17),(18), 222(1),(2), 225(2), 230(2), 304(7), 313(4), 316(1), 503(10), 601(2), 602(2), 610(2), 709(3), 804, 805, 809, 810, and 813 of Substitute Senate Bill No. 5352, entitled:

"AN ACT Relating to fiscal matters; making appropriations and authorizing expenditures for the operations of state agencies for the fiscal biennium beginning July 1, 1989, and ending June 30, 1991."

My reasons for vetoing these sections are as follows:

Section 123(1), page 12, Motor Vehicle Savings

Subsection 1 requires that \$3,200,000 General Fund-State be placed in reserve as a consequence of savings generated by implementation of the motor vehicle review team report. That report identifies potential savings once implementation of the recommendations occur; however, it does not estimate savings to the General Fund-State, separate from savings to other funds. It is premature to estimate and require reserving of General Fund-State monies until planning for the implementation has been completed and the specific sources of savings are identified along with the type of benefiting budget.

Section 123(3), page 13, Handicapped Program Enrollment

Subsection 3 requires forecasting of K-12 handicapped enrollment by the Office of Financial Management (OFM). OFM has normally provided forecasts of budget drivers deemed critical to budget analysis and development, including

forecasting K-12 handicapped enrollment. The agency will continue to do this work within its available resources. Specific direction in the budget is unnecessary.

Section 123(4), page 13, Handicapped Education Study

Subsection 4 reduces flexibility in the Office of Financial Management by requiring it to spend \$200,000 General Fund-State appropriation solely for a study of handicapped education. Removing this provision will allow the agency to more effectively perform a study of handicapped education, consistent with the goal of this provision and provide a report by December 1, 1989.

Section 123(5), page 13, Master License Center Transfer

Subsection 5 provides that if the Master License Center does not have sufficient funds for the 1989-91 biennium, then the Office of Financial Management shall transfer amounts associated with savings in benefiting agencies to Master License Center. This strategy was started in the current biennium and abandoned due to difficulties in estimating savings in the benefiting agencies. There is no reason to believe it would be successful for the 1989-91 biennium.

Section 123(6), page 13, Architectural Cost Specialist

Subsection 6 provides for \$130,000 of the General Fund-State appropriation solely for an architectural or structural cost specialist in the Office of Financial Management for analysis related to the capital budget. While the agency does need this additional analysis, my veto provides the agency with the flexibility to obtain this assistance either by hiring staff or seeking consultation.

Section 125(4), page 14, Salary Survey Process

This subsection provides for legislative staff oversight of the Department of Personnel in the salary survey process. The procedures and methodology of the salary survey are clearly defined in statute. Legislative staff oversight would infringe upon the agency's performance of the salary survey process within these statutory requirements.

Section 208(3), page 32, Consolidated Emergency Assistance Program

This subsection directs the Department of Social and Health Services to eliminate the Consolidated Emergency Assistance Program. The program provides assistance to families and pregnant women in emergent circumstances who are not eligible for any other state programs. The proviso does not supersede existing statutory provisions establishing this program. Additionally, elimination of the program might violate federal requirements under the Federal Catastrophic Care Act of 1988.

Section 209(1), page 32, General Assistance-Unemployable

This subsection requires the Department of Social and Health Services to conserve the monies appropriated for the General Assistance-Unemployable (GA-U) program so that assistance is available throughout the biennium. The requirement has the effect of limiting expenditures to the current forecast.

Forecasts of demand for income assistance programs are revised during budget periods due to changes in predictive variables. An additional factor affecting the GA-U forecast is the revision to the Alcohol and Drug Abuse Treatment and Support Act (ADATSA) in section 212 of this act and in Reengrossed Substitute Senate Bill No. 5897. Clients who will be eligible for ADATSA shelter under the revised standards also will be eligible for GA-U. Although these clients will be eligible for either ADATSA or GA-U, all of the funding was appropriated to the ADATSA program.

If actual demand for assistance exceeds the current forecast during the biennium, then the Department of Social and Health Services would have to apply a ratable reduction to the grant standard. I do not support the imposition of a ratable reduction as the only appropriate method to manage unpredictable caseload growth.

Section 213(7), page 36, Chiropractic Services

Section 213(7) prohibits the Department of Social and Health Services from providing chiropractic services as an optional service under the Medical Assistance program. Since many eligible recipients rely on this type of treatment, to not allow for this service would be inconsistent with the overall objectives of the Medical Assistance program.

Section 213(8), page 35, Medicaid Disproportionate Share

Section 213(8) requires that the Department of Social and Health Services expend 57 percent of the medicaid disproportionate share appropriation in Fiscal Year 1990 and requires continuation of payment advances for Harborview. This language is unduly prescriptive and limits the Department's discretion in employing periodic payment advances.

Section 214(4), page 37, Allocation of Funds to Community Health Clinics

This subsection ensures that each clinic receives at least 95 percent of the amount received in the prior fiscal year. The Department of Social and Health Services is also required to promulgate rules to develop an allocation formula and eligibility criteria for distribution and receipt of program monies. It is my intent that community clinics have a reasonably predictable funding level from this appropriation. However, the Department needs administrative flexibility to contract with clinics which best provide required services, or with clinics in health care access problem areas. I will direct the Department of Social and Health Services to promulgate rules under RCW 34.05 to develop an allocation formula for distributing money to community health clinics and to develop eligibility criteria for receipt of program monies.

Section 218(6), page 41, Foster Care Financial Participation Schedule

This subsection sets a financial participation schedule for foster care support collections. This proviso, if enacted, would be inoperative, as it would not supersede existing statutes which require the use of the current child support schedule as the means test for foster care collections.

Section 221(9), page 44, Bordertowns

Subsection 9 requires the Department of Community Development to report to the Legislature on the distribution and the amount of grants to bordertowns. Funding for the grants is provided in RCW 66.08.195 as a set percentage of the Liquor Control Board excess funds for distribution. The requirement that the amount of the distribution be substantially equal to the current level of expenditure is technically unworkable. The Liquor Control Board cannot control factors such as liquor sales that generate the excess funds to that level of specificity. Neither does the Liquor Control Board have the option to distribute the excess funds in any manner other than that required by statute. I will ask the Department of Community Development to report to the Legislature the amount of excess funds generated by the three-tenths of one percent statutory requirement that are distributed to bordertowns.

Section 221(12), page 45, Lewis County Technological Demonstration Project

Subsection 12 provides \$475,000 to continue the Lewis County Technological Demonstration project. Funding for this project, a mobile vocational training program unit operated in conjunction with the school district, was not included in the Department of Community Development's budget recommendation. Vetoing this subsection provides the agency the flexibility, subject to the Office of Financial Management's allotment control, to adapt its appropriations to address the agency's most serious needs. A portion of these funds will be used to complete the pilot project and address the intent of the original legislation.

Section 221(17), page 45, High Risk Youth

Subsection 17 provides \$400,000 for a pilot demonstration project for high risk youth pursuant to Second Substitute Senate Bill No. 5624. Inasmuch as the bill did not pass, removal of the subsection will allow the agency the flexibility to better manage within financial constraints.

Section 221(18), page 45-46, Growth Strategies Commission

Subsection 18 establishes the Growth Strategies Commission in the Department of Community Development, consisting of 17 members appointed by legislative leadership, six of whom are legislative members. I applaud those legislators with the foresight to recognize that growth strategies planning is essential to the state. However, it is inappropriate to use appropriations to an executive agency to support what is essentially a legislative effort. I will, establish a Growth Strategies Commission by executive order that will include legislative representation among its members.

Section 222(1)(2), page 46, Human Rights Commission

Subsections 1 and 2 were included in my executive request budget, and would require the agency to manage federal cases and the use of Attorney General services within specific dollar constraints. These constraints were tied to the

budget level that I recommended to the Legislature. The intent of the provisos was that the agency would use state dollars to requalify for the federal dollars in the next contract negotiations with the federal government. Since the Legislature did not provide appropriations for this purpose, the provisos are unduly restrictive to the agency trying to manage within severely limited resources.

Section 225(2), page 47, Family and Medical Leave Act

This subsection reduces flexibility in the Department of Labor and Industries' budget by requiring it to expend \$300,000 of the General Fund-State appropriation solely for the Family and Medical Leave Act. Funding for this activity was not added to the Department's budget and must be absorbed in existing programs. The agency plans to support the program implemented in Reengrossed Substitute House Bill No. 1581.

Section 230(2), page 48, Hospital Data Collection

This subsection reduces flexibility in the Department of Health's budget by requiring expenditure of this appropriation solely for hospital data collection. While it is clear that hospital data collection is an important function of the new department, it may be possible to utilize some of the available resources for other essential health-related activities.

Section 304(7), page 55, Department of Ecology

This subsection provides \$1,000,000 from the solid waste management account to assist local governments pursuant to section 7 of Substitute House Bill No. 1671. Section 7 of that bill was vetoed, which makes this subsection moot. The veto of this subsection is not intended to forsake its intent. Therefore, I am directing the Department of Ecology to make \$1,000,000 available from the Solid Waste Management Account to local governments for the development of materials to promote waste reduction and recycling.

Section 313(4), page 64, Simpson Hatchery

Subsection 4 provides \$276,000 solely for the maintenance of current operations at the Simpson Hatchery. Problems with water quality in the Chehalis River have greatly reduced the survival level of fry. Funding has previously been provided to assess the problem and, if possible, recommend a solution. The field work for that study will be completed this year and it is anticipated that the results should be complete in late spring of 1990. Until a solution to the problem is recommended, continued operation of the hatchery is not a prudent use of limited public funds. If the water quality problems can be corrected, a portion of this \$276,000 shall be used to implement the solution. Funds not so utilized shall be held in reserve.

Additionally, subsection 5 provides \$1,810,000 for recreational salmon enhancement projects. While I support expenditures for recreational salmon enhancement, restricting them solely for recreational projects is impractical. Due to the migratory nature of salmon, and the complex management activities of both commercial and recreational fisheries, it is not possible to ensure that recreational anglers are the sole beneficiaries of the enhancement projects.

While I am not vetoing the specific language in subsection 5, I want to assure the Legislature that this funding will be used for recreationally oriented salmon enhancement.

Section 316(1), page 68, Common School Construction

Section 316 allows lands and timber to be taken out of trust status and reserved for wildlife habitat, recreation or conservation. The trust funds would be compensated for the timber, and land of equal value would be traded for the land being removed from the trust.

Subsection 1 requires that the lands and timber purchased by the Department of Natural Resources for purposes of this section shall be based on a finding by the Board of Natural Resources in consultation with the House Appropriations Committee and the Senate Ways and Means Committee. The Board of Natural Resources is responsible for the management of the trusts. Requiring consultation with the legislative fiscal committees is an intrusion on the authority of the Board and hinders its ability to fulfill its trust responsibilities.

In addition, the requirement that the Board "find" that the timber "should not be harvested" may prove an impediment to accomplishing the intent of the section. The Board is charged with maximizing the return to the trust funds as trustees. No

criteria is specified as a basis for determining which timber should not be harvested. For the Board to find that trust land timber should not be harvested would be in conflict with the Board's mission to maximize benefit to the trust funds.

Without subsection 1, the Board will be able to determine which timber would be desirable not to harvest at this time, for reasons consistent with its statutory trust obligations. Vetoing this subsection will permit the intent of the section to be accomplished without undue restrictions.

Section 503(10), page 84, School Administrator Salary Increases.

This subsection limits salary increases for school administrators next biennium to the percentage increase provided by the Legislature. This restriction would unduly limit the ability of local school directors to address the unique needs of their individual districts. The Legislature has given the school system less state funds for school administrator salary increases. This alone will act to limit salary increases. This subsection also requires annual justification of average salary increases in excess of the increase in state-funded salary increases provided by the Legislature. Currently, school districts report salaries for all staff annually. Repeating local debates to justify salary increases for school administrators would be a meaningless reporting requirement that has no relationship to assessing or improving the quality of education available to our children.

Section 601(2), page 102, Student Quality Standard

Section 601(2) of the bill provides for a target level of spending per full time equivalent student at each of the institutions for the entire biennium. A certain level of flexibility is provided in meeting the target, and penalties are stated for variances greater than 2 percent.

I concur with the established method of controlling amounts spent per student. I also agree with the philosophy of setting penalties to ensure compliance with legislative priorities. However, I cannot agree with the penalty clause, since it is too restrictive in that it applies after the first year of the biennium. The target level of spending is based on the biennial budget and any corresponding penalty should be based on an institution's ability to meet the target over a biennium.

Section 602(2), page 106, Community College Faculty

Section 602(2) of the bill places restrictions on the use of enhancement dollars to convert part-time faculty to full-time status at some of the community colleges. This restriction would unduly limit the flexibility of the colleges to manage faculty hiring practices to accomplish the colleges' goals and objectives.

Section 610(2), page 111, State Writing Project

Section 610(2) of the bill provides that \$50,000 of the Higher Education Coordinating Board's (HECB) budget be used to establish a state writing project for public school teachers.

During a time of continued legislative demands of the HECB for centralized information, reporting, and program review involving our colleges and universities, the Legislature reduced the HECB base budget by \$250,000. Veto of this proviso will help the HECB to continue high priority services to the Legislature and executives.

Section 709(3), page 119, For the Governor--Indian Claims

This subsection imposes a requirement on the Attorney General to appear for, and represent owners of, owner-occupied real estate in all cases in which a member of a tribe signatory to the agreement raises a claim of Indian title for land within the properties comprising the agreement. No precedent exists for Attorney General representation of private citizens related to property matters. Other recourse for legal assistance is available to private citizens, typically through their title insurance. Required involvement of the Attorney General in such matters would create unacceptable difficulty in the Attorney General's management of resources appropriated for the specific statutory responsibilities of the office.

Section 804, page 134, OFM Review of Compensation Plans

This section would require all agencies to route through the Office of Financial Management (OFM) any request to the Department of Personnel for reclassification or modifications of any compensation plans or schedules prior to submittal to the State Personnel Board for action. While I agree with the intent of this language, which is to strengthen the review process of actions before the State Personnel Board, as written, this section would be prohibitively difficult to administer. The

Office of Financial Management currently review such actions of cabinet agencies based on specific criteria. The language of this section requires that all classification actions be reviewed by OFM regardless of their degree of significance. Lacking provisions to establish thresholds and limits under which to administer this review, the bureaucratic entanglements outweigh the benefits of this section.

Section 805, page 134, Personal Service Contracts

Section 805 requires the Office of Financial Management to approve in advance any General Fund-State personal service contract expenditures that exceed prior biennium percentages.

This provision is vague and unworkable. From a policy standpoint, it makes little sense to relate contract expenditures in two different biennia, because these types of expenditures are often project in nature. Administratively, the prior biennium's percentage of personal service contracts creates an arbitrary benchmark that would be difficult to calculate or impose. There are no legislative appropriations for 1989-91 person service contracts by fund source; and final 1987-89 percentages will not be available until biennial close-out of statewide accounting records, several months after the limitations are supposedly in place.

I am also concerned by the language that exempts appropriations in the judicial agencies. This implies that all other elected officials are covered by the restrictions contained in Section 805. Since the Office of Financial Management does not presently have any authority over allotments for all other elected officials, there is an apparent conflict between the appropriations act and the State Budget, Accounting and Reporting Act (RCW 43.88).

Section 809, page 135, Biennial Funding

The statement that new programs are funded for the entire biennium, unless otherwise provided in either the appropriations act or legislative notes, raises some disturbing questions about the legal status of legislative notes. Although I recognize that this language was intended to minimize "bow-wave" impacts, agencies are already required to allot expenditures in conformance with legislative intent. Legislative notes are the work of legislative staff, not elected representatives, and these documents are sometimes prepared months after appropriations are enacted. Legislative intent should be defined by legislators in the appropriations act and not subject to retroactive elaboration.

Section 810, page 135, Gambling Revolving Fund Transfer

This section transfers \$2,000,000 from the Gambling Revolving Fund to the General Fund during the 1989-91 fiscal biennium. The Gambling Revolving Fund, established as an allotted but nonappropriated fund in the Gambling Commission's enabling statute (RCW 9.46), receives revenues from licensing, penalties, forfeitures, and other gambling-specific sources to support the regulation and enforcement of charitable and social gambling activities in this state. These statutes direct that gambling activities produce a revenue stream--at local government option--for local government, but they do not expressly provide for these funds as a source of revenue for the General Fund. The transfer of funds provided by this section is inappropriate.

Veto of this section preserves the financial reserve of the Gambling Commission's operations and the Gambling Revolving Fund, and allows the Commission to continue to manage its revenue stream and the working capital requirements of the agency. I ask that license, penalty, forfeiture, and other revenue source rates be retained at existing levels but not decreased, until such point as the working capital requirements of the agency warrant increases in one or more of the rates.

Section 813, page 137, Public Safety and Education Account Transfer

This section transfers \$2,000,000 from the Public Safety and Education Account (PSEA) to the General Fund on July 1, 1989. The PSEA has a history of volatile revenue collections. After the decline in the most recent revenue forecast for PSEA, allowing this transfer would require agencies expending from this account to begin the biennium with pro rata expenditure allotment reductions. This budget, combined with other legislation, provides a General Fund reserve of less than \$40,000,000. I do not believe that is an adequate reserve; however, I do not feel it is appropriate to force expenditure reductions in the PSEA to add to the General Fund reserve.

With the exceptions of sections 123(1),(3),(4),(5),(6), 125(4), 208(3), 209(1), 213(7),(8), 214(4), 218(6), 221(9),(12),(17),(18), 222(1),(2), 225(2), 230(2), 304(7), 313(4), 316(1), 503(10), 601(2), 602(2), 610(2), 709(3), 804, 805, 809, 810, and 813 of Substitute Senate Bill 5352 is approved.

Respectfully submitted,
Booth Gardner, Governor

May 20, 1989

To the Honorable, the Senate
of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 6(3), 9(3), 10(3) and (4), 12(1) and (2), 28(6), 38, and 67, Substitute Senate Bill No. 5373 entitled:

"AN ACT Relating to transportation appropriations."

I regret that I am not able to veto this entire bill. The transportation budget contained in this bill is inadequate. It fails to meet even the minimal standards of responsible public policy. But because the Legislature refused to approve an adequate financing package, I have no choice but to approve the major portions of this bill. Without it, the citizens of this state would have to face an unacceptable risk. Without a transportation budget, we ultimately would have to pull our troopers off our highways and close down critical state functions such as the Department of Licensing. I refuse to place the citizens of this state at such a risk.

Several sections of this bill must be vetoed, however.

Section 6, subsection 3 provides \$464,300 solely for aircraft repair of the Washington state patrol aircraft. Additionally, it provides for any user to pay a pro rata share of the expenses. These costs have not been anticipated in user agency budgets and funding has not been provided. I believe that pro rata billing is a sound management concept and will ask the Office of Financial Management to look at this approach for the 1991-93 budget.

Section 9, subsection 3 provides that \$100,000 of the total appropriation is solely for a budget/policy analyst for the vehicle services division. This subsection is unduly restrictive, given the limited resources provided to the Department of Licensing for operation during the 1989-91 biennium. I am removing this language to aid the Department in retaining more management flexibility to carry out the mandates established by the Legislature.

Section 10, subsection 3 provides that \$432,888 is provided solely for a budget analyst for the driver services division and additional security procedures related to driver's license issuance. This subsection is unduly restrictive, given the limited resources provided to the Department of Licensing for operation during the 1989-91 biennium. I am removing the language to aid the Department in retaining more management flexibility to carry out the mandates established by the Legislature.

Section 10, subsection 4 provides that moneys accruing to the Public Safety and Education Account (PSEA) in excess of the 1989-91 appropriation authority in this act or Senate Bill No. 5352 or any other omnibus appropriation act, shall be transferred to the Highway Safety Fund to reimburse the fund. In recent years, the Legislature has expressed a desire for an open process in determining levels of appropriation to the various agencies from the PSEA. This transfer circumvents that process by dedicating an undetermined amount of revenue to the Highway Safety Fund. Additionally, the forecast for the PSEA has recently been revised downward, which may result in a negative fund balance occurring during the ensuing biennium. It is prudent to maintain a fund balance in the PSEA to cushion against further unanticipated adjustments to revenue.

Section 12, subsection 1 provides that \$200,000 from two funds is solely for the development of a project management plan for integration of driver and motor vehicle systems. It further indicates that the plan shall be submitted to the Legislative Transportation Committee and the authority to expend this money is conditioned on the requirements of section 63 of this Act. This subsection is unduly restrictive, given the limited resources provided to the Department of Licensing for operation during the 1989-91 biennium. I am removing the language to aid the Department in retaining more management flexibility to carry out the mandates established by the Legislature.

Section 12, subsection 2 provides \$275,136 solely for additional data processing storage capacity and for preparing to implement the federal odometer act. This subsection is unduly restrictive, given the limited resources provided to the Department of Licensing for operation during the 1989-91 biennium. I am removing the language to aid the Department in retaining more management flexibility to carry out the mandates established by the Legislature.

Section 28, subsection 6 provides that the appropriation \$8,561,139 for high capacity transportation in this full section is eliminated if Substitute House Bill No. 1825 is not enacted by June 30, 1989. Hence, it would eliminate the appropriations for passenger rail programs, AMTRAK service improvements evaluation, and freight rail administration funding in subsection 28(5)(d). Funds provided for freight rail programs in Substitute Senate Bill 5521, section 607, (the Capital budget), are restricted to capital purchases and grants for capital improvements. Elimination of this appropriation leaves these programs without resources for management. If Substitute House Bill No. 1825 is not passed, the funds for passenger rail programs will be placed in reserve.

Section 38 states that the amounts assumed in this Act for all revolving funds for various essential support services to the Washington State Patrol and the Department of Licensing by other agencies, shall not be exceeded without the prior approval of the Legislative Transportation Committee. This section puts caps on revolving fund payments for these agencies which are inconsistent relative to other state agencies in matters relating to revolving fund charges. It also inappropriately delegates budgetary authority over executive agencies to a legislative committee.

Section 67 contains language almost identical to language which I previously vetoed in section 17 of Second Substitute Senate Bill No. 5658, which was related to risk management. This section would require the Attorney General to submit a yearly report to the Legislative Transportation Committee with information on each tort claim against the State. Much of the information that would be required would be useful to have on an annual basis, and I have no objection to most of this section. One of the subsections, however, is problematic, and in order to remove it from the bill I must veto the entire section. Subsection 6 would require the Attorney General to provide information on each and every settlement offer made on a tort claim and make this public information. This would provide a road map to the State's negotiating strategy to claimant's attorneys and be a serious disadvantage to the State. While those who have legitimate tort claims against the State are entitled to reasonable compensation, the State also has an obligation to settle claims without unnecessary and unjustified costs to the taxpayers of the state.

With the exception of sections 6(3), 9(3), 10(3) and (4), 12(1) and (2), 28(6), 38, and 67, Substitute Senate Bill No. 5373 is approved.

Respectfully submitted,
Booth Gardner, Governor

May 12, 1989

To the Honorable, the Senate
of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to section 3, Second Substitute Senate Bill No. 5375 entitled:

"AN ACT Relating to DNA identification."

Subsection 1 of section 3 creates an oversight committee to recommend specific rules and procedures for the collection, analysis, storage, expungement, and use of DNA identification data. The committee of twelve persons would be comprised of the Chief of the Washington State Patrol, three experts (forensic evidence, biomedical ethics, and civil liberties) and eight legislators appointed by the Legislature. I strongly support the purpose of this committee; however, the makeup of the committee is unbalanced.

I will appoint a committee to perform the functions set forth in section 3, including the report to the Legislature due November 1, 1989. Membership of the committee will include a more balanced group, from the fields of forensic evidence, biomedical ethics, civil liberties, medicine, the criminal justice system, and the Legislature.

Subsection 2 of section 3 requires the Washington State Patrol, in cooperation with the University of Washington School of Medicine, to develop a program for the proper administration and collection of blood samples. Although I am forced to veto this entire section, I will ask the Washington State Patrol to include this program within their plan for establishing a DNA identification system, as required by section 2.

I should bring to your attention that with the exception of section 6, the Washington State Patrol does not have specific authority to adopt rules for the DNA Identification System. I suggest the Legislature pass legislation giving the Washington State Patrol rule-making authority before the bill takes effect on July 1, 1990.

With the exception of section 3, Second Substitute Senate Bill No. 5375 is approved.

Respectfully submitted,
Booth Gardner, Governor

May 12, 1989

To the Honorable, the Senate
of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 5, 14, and 21, Substitute Senate Bill No. 5443 entitled:

"AN ACT Relating to programs administered by the department of licensing."

This bill makes various policy changes in vehicle and driver laws. Section 5 grants the Department of Licensing the authority to furnish lists of registered and legal owners of motor vehicles to "business enterprises for commercial purposes...". Under the general policy set forth in the Public Disclosure Act, Initiative Measure No. 276, codified in RCW 42.17.260 (5), in order to protect the public's right to privacy and freedom from commercial intrusion, lists should not be provided for commercial purposes. This change in policy is not appropriate.

Section 14 grants the Director of the Department of Licensing, or the director's designee, the authority to issue criminal citations solely related to RCW 46.70.021 which requires dealers or manufacturers of vehicles to be licensed. Such specialized authority is inappropriate and unnecessary since criminal charges can be brought currently by taking the factual circumstances to a prosecutor. If the Legislature believes the grant of criminal citation authority is good policy for the Department of Licensing, it should consider a broad grant of authority for all its regulatory functions where criminal misdemeanor charges can be filed.

Section 21 establishes a study committee to develop recommendations regarding a system of driver's license issuance that provides increased security against fraud. It is not appropriate to delegate control over an executive department's contract decisions to a committee of the Legislature contingent on the committee's review of a study. I will direct the listed executive departments to cooperate in any legislative review of this issue.

With the exception of sections 5, 14, and 21, Substitute Senate Bill No. 5443 is approved.

Respectfully submitted,
Booth Gardner, Governor

OApril 20, 1989

To the Honorable, the Senate
of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval, Substitute Senate Bill No. 5472, entitled:

"AN ACT Relating to Vessel Dealer Registration."

Current law was established to monitor and register vessels to protect consumers in transactions associated with vessel dealers and to verify the registration of vessels for excise tax purposes. This legislation was intended to correct some minor problems with the vessel dealer licensing process.

Instead of correcting those problems, this bill causes the registration process to be more complex. In addition, no funds have been provided for the additional administrative workload on the Department of Licensing.

Additionally, I do not believe exempting one-fourth of the registered dealers from vessel dealer requirements is good policy. This type of large scale exemption will make administration of statutory compliance more difficult.

For the reasons stated above, I have vetoed Substitute Senate Bill No. 5472 in its entirety.

Respectfully submitted,
Booth Gardner, Governor

May 12, 1989

To the Honorable, the Senate
of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to section 9, Substitute Senate Bill No. 5474 entitled:

"AN ACT Relating to interpreters in legal proceedings."

Section 9 requires the Office of the Administrator for the Courts to create a new statutory advisory committee for certification of interpreters. The committee would advise the office regarding procedures and standards for certification of foreign language interpreters in legal proceedings. The recommendations of this committee would affect the use and availability of interpreters for state agencies, boards and commissions, courts, counties, cities, towns, and other political subdivisions covered by the act.

Section 9 limits the membership of the committee to representatives of county prosecutors, public defenders, the Bar Association, judges, and groups representing non-English-speaking persons. By precluding state agency and city and town participation on the advisory committee, the procedures and standards adopted for this new program may not adequately address the special needs of these entities.

I have asked the Administrator for the Courts to administratively create an advisory group to perform these tasks and to have representatives of all affected groups included. I believe it to be in the best interests of the program to veto section 9 and thereby allow creation of such a group under the authority of the Administrator for the Courts.

With the exception of section 9, Substitute Senate Bill No. 5474 is approved.

Respectfully submitted,
Booth Gardner, Governor

June 1, 1989

To the Honorable, the Senate
of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 213, 392, 539, 824, 884, 901(4), and 909(3), Substitute Senate Bill No. 5521, entitled:

"AN ACT Adopting the capital budget."

My reasons for vetoing these sections are as follows:

Section 213, page 20, Asian Counseling and Referral Service

This section provides \$100,000 of state contribution toward the cost of a lease development project for the Asian Counseling and Referral Service, a local non-profit agency. This agency provides, among other services, counseling for the mentally ill within the local Asian community through contract with the Department of Social and Health Services. The state Constitution prohibits the gift of public funds to any individual, association, company, or corporation. This direct appropriation, which would provide improvements to a privately owned facility to be leased by the Asian Counseling and Referral Service, appears to violate this section of the Constitution. Also, this appropriation would, to a certain extent, duplicate the Department of Social and Health Services contract which currently provides funding for the cost of facilities. Finally, this appropriation lacks language requiring a payback of the appropriated amount through a reimbursement reduction. This is

inconsistent with conditions placed on the funding of a mental health evaluation and treatment facility in Snohomish County in section 259.

Section 392, page 58, Ohme Gardens

This section provides \$750,000 for the acquisition and improvement of a Japanese botanical garden in Wenatchee. The project was not requested by the Parks and Recreation Commission. Additionally, I have received no information to justify the project in terms of local economic development or as a destination recreational facility. The facility is presently operated under private ownership.

Section 539, page 81, Cedar River Delta

This section provides \$800,000 for the dredging of a sand bar on the Cedar River delta. While the language directs the Department of Natural Resources to assist local government in acquiring additional funding for the project, there is no indication that the state will receive any assistance from non-state sources, nor does the project have any specific matching requirements. Additionally, there has been no information put forward on the environmental impact of dredging the sand bar, or where the dredge spoils will be deposited.

Section 824, page 107, Community College System

This section defines legislative intent regarding the level of capital funding for the community college system in the 1989-95, six-year state facilities and capital plan. Since the six-year plan is an executive policy document, this section unduly limits the planning processes ability to respond to changing circumstances.

Section 884, page 117, Community Colleges - Minor Improvements

This section, in addition to making an appropriation to the community college system for minor capital improvements, also restricts the funds from being expended for computer equipment, land acquisition, or other items normally funded in the operating budget. I agree that capital funds should not pay for operating expenses and that computer equipment may not be suitable in a minor works appropriation. It is preferable that land acquisition be displayed as a separate appropriation item, and OFM will instruct agencies to do so in future budget submittals. However, within this appropriation are several site acquisition projects which appear to be proper uses of state funds. This language would penalize the colleges for simply placing the projects under the wrong project title.

Section 901(4), page 119, Puyallup Tribal Settlement

Subsection 4 requires that Substitute Senate Bill 5648 be enacted without veto prior to the encumbrance or expenditure of the \$9.4 million in capital funds for the Puyallup tribal settlement. SSB 5648, which dealt with cooperation among ports to enhance trade opportunities, was partially vetoed. The veto in no way affects the State's position relative to the settlement, and should not hinder its execution.

Section 909(3), page 122, Trust Lands

Subsection 3 prohibits the state from selling, giving, trading or encumbering by new or renewed agreement beyond June 30, 1991, land and other capital assets acquired or dedicated for the care of blind or deaf or otherwise disabled youth, for juvenile offenders, and for persons who are mentally ill or developmentally disabled. This places an unnecessary restriction on the State's ability to manage its resources and would prevent a number of worthwhile projects.

With the exception of sections 213, 392, 539, 824, 884, 901(4), and 909(3), Substitute Senate Bill No. 5521 is approved.

Respectfully submitted,
Booth Gardner, Governor

May 14, 1989

To the Honorable, the Senate
of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to section 7, 9, 10, and 11, Substitute Senate Bill No. 5566 entitled:

"AN ACT Relating to safe drinking water."

Section 7 amends RCW 70.119A.040, which was also amended by House Bill 1358, the Administrative Procedure Act revision bill. The amendment in this bill has the same intent as the amendment in House Bill 1358, but the language is conflicting. Since I have already signed House Bill 1358 into law, I am vetoing Section 7.

Section 9 amends RCW 43.20.050, which was also amended by House Bill 1857. Both bills amend the rule-making authority of the Board of Health with respect to drinking water systems. The only difference between the two amendments is that House Bill 1857 gives additional authority to the Board for regulating the sizing of pipes and storage facilities. This language is more explicit than the language in section 9 of Reengrossed Substitute Senate Bill 5566. Since I have already signed House Bill 1857 into law, I am vetoing section 9.

Sections 10 and 11 amend the Public Water Supply Systems - Certification and Regulation of Operators Act, and the Public Water System Coordination Act of 1977, respectively. Both sections amend the definition of a public water supply system to exclude water systems serving fewer than five single-family residences. The current language, and the definition of public water supply system in the Safe Drinking Water Act, exclude only water systems that serve a single-family residence.

The exclusions in sections 10 and 11 would exempt over 4,000 small water systems from regulation, leaving these households without protection of their drinking water. People whose homes connect with small water systems deserve, and expect, the same quality of water as people whose homes are connected to larger systems. It is appropriate for the state, in its role of protecting public health, to assist small water systems in complying with safe drinking water regulations.

With the exception of sections 7, 9, 10, and 11, Substitute Senate Bill No. 5566 is approved.

Respectfully submitted,
Booth Gardner, Governor

May 14, 1989

To the Honorable, the Senate
of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to section 10, Substitute Senate Bill No. 5648 entitled:

"AN ACT Relating to creation of a federation of Washington ports."

Substitute Senate Bill No. 5648 amends existing port district enabling legislation to authorize the creation of a federation of Washington ports by the Washington Public Ports Association. The legislation establishes a temporary task force to examine options for cooperation between port districts and local associate development organizations. The legislation also directs the temporary task force to identify international air cargo trends and state air cargo capabilities and facilities, and to identify alternative policies to ensure state competitiveness in air cargo facilities.

Our ports have been and remain critically important to the state's role in the international economy. Efforts to increase cooperation among the port districts and between port districts and associate development organizations to enhance state and local economic development activities are necessary and important. New air cargo transport technologies and increased volumes of international air cargo traffic may require the development of new types of facilities, which would have major implications to the state economy.

I am in agreement with the Legislature's identification of this latter issue as one deserving state involvement to identify problems and opportunities affecting the state's economy. However, the Legislature has not funded the study of air cargo trends provided for in section 10 of this bill. If the state is to anticipate the problems and opportunities we face in the international economy, the Legislature must adequately fund the associated state agency activities. I am also concerned about the practicability of examining air cargo trends through a temporary task force intended to examine cooperation between port districts and associate development organizations.

For these reasons, I am vetoing section 10 of Substitute Senate Bill No. 5648.

However, an examination of the issues identified is valuable and timely. I will explore methods of conducting such an examination on the part of the state and with the cooperation of local government and the private sector.

With the exception of section 10, Substitute Senate Bill No. 5648 is approved.

Respectfully submitted,
Booth Gardner, Governor

May 13, 1989

To the Honorable, the Senate
of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to section 17, Second Substitute Senate Bill No. 5658 entitled:

"AN ACT Relating to risk management and the state liability account."

Second Substitute Senate Bill No. 5658 represents a significant advance in the way in which the state handles its risk management program. I am pleased to see this legislation pass the Legislature and I anticipate that it will result in a more modern and efficient risk management program, as well as an improvement in safety for state employees and the general public. One subsection of this bill, however, is not acceptable.

Section 17 would require the Attorney General to submit a yearly report to the Legislature with information on each tort claim against the state. Much of the information that would be required would be useful to have on an annual basis, and I have no objection to most of this section. One of the subsections, however, is problematic, and in order to remove it from the bill I must veto the entire section.

Subsection 6 of section 17 would require the Attorney General to provide information on each and every settlement offer made on a tort claim. This would provide a road map to the state's negotiating strategy to claimant's attorneys and be a serious disadvantage to the state. While those who have legitimate tort claims against the state are entitled to reasonable compensation, the state also has an obligation to settle claims without unnecessary and unjustified costs to the taxpayers of the state.

Tort claimants deserve straightforward and honest action from the state and its representatives. They do not deserve an opportunity to be privy to the state's confidential negotiating strategy relative to litigation. The confidentiality of this information is emphasized elsewhere in the bill, and appropriately so. Subsection 6 of section 17 clearly conflicts with those provisions, and the legislative intent.

The Attorney General has expressed willingness to provide much of the information requested in section 17, so most of the desired data will be available to the Legislature despite the removal of this section.

With the exception of section 17, Second Substitute Senate Bill No. 5658 is approved.

Respectfully submitted,
Booth Gardner, Governor

April 20, 1989

To the Honorable, the Senate
of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval, Senate Bill No. 5676, entitled:

"AN ACT Relating to Scenic and Recreational Highways."

This bill would add State Route 901 to the scenic and recreational highways system.

In 1975, the Legislative Transportation Committee recommended legislation to more comprehensively implement the scenic highway system including a committee process for reviewing proposed changes. The result of this process was the last amendments to this statute in 1975. In the absence of such a process or criteria to select a highway for this designation, I am not convinced that the Legislature has evaluated the amendments in this bill with consideration to the system as a whole. At a minimum, any additions to this system should be reviewed for compatibility with other recreation, aesthetic and conservation objectives. I urge the Legislature, prior to adding any further segments to the scenic and recreational highway system, to take steps to develop specific selection criteria to prioritize and rank the various highways that may merit consideration.

For these reasons, I am vetoing Senate Bill No. 5676 in its entirety.

Respectfully submitted,
Booth Gardner, Governor

May 8, 1989

To the Honorable, the Senate
of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to section 1, Substitute Senate Bill No. 5776 entitled:

"AN ACT Relating to law enforcement training."

Section 1 of this measure requires the Department of Community Development (DCD) to establish an advisory committee to study the issue of untrained and uncertified city and town law enforcement personnel. The advisory committee would be chaired by the director of DCD, while technical assistance and staff support would be provided by the Criminal Justice Training Commission (CJTC).

I believe it is important that we ensure our citizens that their law enforcement officers are properly trained. However, evidence has not been provided that this issue is of such compelling public interest that a study, conducted by a new advisory committee, should be statutorily authorized. Furthermore, it is inappropriate to have the resources of one executive agency subject to the authority of another agency director.

Section 2 of this measure requires law enforcement personnel hired after January 1, 1990, to commence training within six months of employment. Current law allows a much greater time before training must be completed. I support this change and believe it will serve to enhance the professionalism of our public safety officers.

With the exception of section 1, Substitute Senate Bill No. 5776 is approved.

Respectfully submitted,
Booth Gardner, Governor

April 20, 1989

To the Honorable, the Senate
of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval, Senate Bill No. 5809, entitled:

"AN ACT Relating to shopping center directional signs."

This bill changes the criteria for erecting and maintaining directional signs on state highway rights of way and is inconsistent with the intent of the original legislation. The basic purpose of erecting directional signs on state highways is to provide the public with information necessary to make a decision whether to continue driving or to exit. The public typically assumes that food, gas, and lodging services designated by signs on the highway are to be found within a reasonable distance from the roadway. This bill has the potential to mislead the public into making a decision that becomes an inconvenience rather than a convenience. It allows signing for shopping centers within five miles of an exit while existing laws limits the distance to one mile.

The bill also has the effect of making the State an unwilling partner in the proliferation of signs on state highways and advertising for special interests. The size criterion is also decreased substantially. This change will result in a jungle of signs in metropolitan areas where shopping centers are typically found.

For this reason, I have vetoed Senate Bill No. 5809.

Respectfully submitted,
Booth Gardner, Governor

April 19, 1989

To the Honorable, the Senate
of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to section 5, Senate Bill No. 5874, entitled:

"AN ACT Relating to maritime commemorative observance."

This bill transfers authority for planning celebrations of certain maritime historical events from the Centennial Commission to the Washington State Historical Society. Section 5 contains an emergency clause requiring the Act to take effect immediately.

The emergency clause eliminates the possibility of a smooth transition as planning authority shifts from one entity to another. I am advised that the Washington State Historical Society intends to work with all interested parties and to build on the planning activities begun by the Centennial Commission. Removal of the emergency clause facilitates this coordination.

With the exception of section 5, Senate Bill No. 5874 is approved.

Respectfully submitted,
Booth Gardner, Governor

May 13, 1989

To the Honorable, the Senate
of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to section 2, Substitute Senate Bill No. 5889 entitled:

"AN ACT Relating to conservation of water."

This is an excellent program, modeled on successes in the area of energy conservation. I am not, however, convinced of the propriety of delegating a legislative function entirely to a committee. I am vetoing section 2 and recommending that the Joint Select Committee develop definitions of these terms for deliberation by the full Legislature. In the event the Legislature is unable to agree on definitions prior to the approval of the accompanying constitutional amendment, the common usage of these terms will be applied.

With the exception of section 2, Substitute Senate Bill No. 5889 is approved.

Respectfully submitted,
Booth Gardner, Governor

April 20, 1989

To the Honorable, the Senate
of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval, Substitute Senate Bill No. 5891 entitled:

"AN ACT Relating to water resource policy."

The purposes delineated in the 1988 legislation establishing the Joint Select Committee on Water Resource Policy are of paramount importance to the State of Washington. However, I am not convinced that the provisions relating to the specific activities of the Joint Select Committee need to be in statute. The legislature has the inherent ability to develop its own process for receiving public input.

Should any new direction in the management and allocation of water resources be recommended in the future deliberations of the Joint Select Committee, it is essential that a partnership exist between the legislative branch and the executive branch. Without such cooperation, new policy directions are not likely to occur without judicial involvement or some type of a crisis in the availability of water resources.

For this reason, I am not willing to establish in statute a consultation process that could potentially hinder the administration of existing water laws without clear new statutory direction. The prospect of interrupting the separation of powers between the legislative and executive branches of government, while at the same time attempting to forge a cooperative policy development process, does not seem warranted.

The moratoria language contained in sections 3, 4, and 5 is slated to expire on June 30, 1989. Thus the need to take specific action to delete the reference is unnecessary.

As for the need for sections 6 and 7, these disclaimers currently exist in the chapter amended and, as such, are duplicative.

For these reasons, I am vetoing Substitute Senate Bill No. 5891 in its entirety.

Respectfully submitted,
Booth Gardner, Governor

May 14, 1989

To the Honorable, the Senate
of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 10 and 11, Substitute Senate Bill No. 5911 entitled:

"AN ACT Relating to public lands."

Sections 2 and 3 of the bill provide for a set aside of timber on State Forest Board Lands for timber firms which meet certain criteria. The proposal is intended to increase the amount of timber which is processed within the state and to create additional jobs. Criticism has been brought to my attention regarding the implementation of this set-aside program. I am inclined to sign this into law in spite of misgivings about its ability to address the problem. The success of this program relies on the Department of Natural Resources and counties to faithfully pursue implementation.

This bill creates a Joint Select Committee on Domestic Timber Processing. I urge that Committee to with my office over the interim to monitor implementation. I would also urge the Committee to review the possibility of providing compensation to school trusts and counties for setting aside land for jobs as well as for conservation. If I am not satisfied with the program, then I believe we will be forced to go to Congress and work toward a federal solution.

Section 10 of the bill requires the Governor and the Commissioner of Public Lands to jointly report to legislative committees on responses to federal or judicial decisions which affect timber supply. This section is redundant and needless, since we have always made any responses available to the Legislature on a timely basis in the past. When requested, we have always testified before committees to report on our activities.

Section 11 requires the Governor and the Commissioner of Public Lands to jointly develop an official state response to Forest Service plans by August 1, 1989. Such a response must supersede any previous state response. The intent of this section is unclear and redundant. The state has already officially responded to the individual forest service management plans and these responses were made within the official public comment periods for each of the forests. We have already agreed to work with the Department of Natural Resources as well as relevant federal agencies during the next few months on this issue.

While I am vetoing these sections, I want to assure you that my office will continue to work closely with all state and federal agencies to address the problems of timber supply and we will continue to be available to report on those activities at your request.

I applaud the Legislature for the other sections of this bill, as well as other items in the budget which will enhance our state's ability to respond to the problems of timber firms, communities and employees. I think we are going in the right direction and am looking forward to continuing to work with you during the next few months.

With the exception of sections 10 and 11, Substitute Senate Bill No. 5911 is approved.

Respectfully submitted,
Booth Gardner, Governor

May 11, 1989

To the Honorable, the Senate
of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval, Senate Bill No. 5916, entitled:

"AN ACT Relating to the labeling of meat."

This bill allows retail meat dealers who repackage and/or regrind meat into smaller units from previously USDA inspected packages to use the label of the larger unit of meat.

At least one county has exercised its discretion to adopt a program which prohibits repackaging or regrinding where the label still shows the original cut of meat. The county policy was adopted because there is the possibility of consumer deception and no practical way to inspect the reground product to verify from which part of the animal it was originally ground or whether it was reground from a mixture of various cuts of meat.

I see no compelling reason to pre-empt the ability of local jurisdictions to regulate reground meat to protect the labeling of consumer's interest.

For the reasons stated above, I am vetoing Senate Bill No. 5916 in its entirety.

Respectfully submitted,
Booth Gardner, Governor

May 13, 1989

To the Honorable, the Senate
of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 1 and 3, Senate Bill No. 5926 entitled:

"AN ACT Relating to low-level radioactive waste."

Section 1 would send a confusing message regarding State policy on the disposal of low-level radioactive waste. State policy on this issue, which is the same as the policy stated in the federal Low-Level Radioactive Waste Amendments Act of 1985, states that the responsibility for disposal of radioactive waste is a national obligation, to be shared by all states across the nation. I am committed to the time frame established in the federal act, providing that all states must belong to a regional compact by December 31, 1992, which relieves the three states which now have sites from having to accommodate all of the nation's low-level radioactive wastes. I also want to make it clear that Washington State is not dependent on the revenue generated from fees for the disposal of radioactive waste.

Section 3 is inappropriate because Washington is a partner in the Northwest Interstate Compact. While I do not condone unnecessary or extravagant travel, the imposition of travel restrictions on the members would be contrary to establishing mutual cooperation and respect with other states.

With the exception of sections 1 and 3, Senate Bill No. 5926 is approved.

Respectfully submitted,
Booth Gardner, Governor

April 20, 1989

To the Honorable, the Senate
of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to section 1, Senate Bill No. 6012, entitled:

"AN ACT Relating to the leasing of surplus school property."

Section 1 of this bill would remove the restriction requiring school districts to "include provisions which permit the recapture of the leased or rented surplus property of the district should such property be needed for school purposes in the future." The stated intent of this bill is to clarify the law so school districts can enter into long-term leases of surplus property to be used for condominiums or office buildings.

The restriction in existing law is good public policy. It should not be repealed. We should not be encouraging school districts to be in the real estate business when there are current demands for school district buildings and funding of school projects.

Each year the Legislature struggles with providing enough capital funding to school districts to keep up with demands for new construction. It seems inconsistent to allow districts to lock up buildings and property in long-term leases, when there is apparently no intent nor ability to ever reclaim these for school purposes. If there is no foreseeable school use, the district should surplus and sell the properties so the funds are available for other district uses.

The existing statute provides enough flexibility so school districts can rent or lease property when it is not needed immediately. However, the existing law wisely prohibits long-term commitments which bind future school boards and limit their ability to meet the changing needs of the community.

With the exception of section 1, Senate Bill No. 6012 is approved.

Respectfully submitted,
Booth Gardner, Governor

May 3, 1989

To the Honorable, the Senate
of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to section 1, Senate Bill No. 6076, entitled:

"AN ACT Relating to motorcycle public awareness."

Section 2 of this bill increases the examination and endorsement fees which fund the motorcycle safety education account. Section 3 contains an emergency clause making the increase effective immediately. Note the appropriation is not contained in this bill. I am supportive of this program and its intent to increase public safety for motorcyclists.

In 1983, a motorcycle safety education advisory committee was statutorily created to assist the Director of Licensing in the development of a motorcycle operator training program. In 1987, these statutes were revised to rename the committee as a board and to provide for selection criteria for members and a list of priorities for an education training program. The new board created in section 1 of this bill appears to be duplicative of the existing board and incompatible in a number of areas. If the legislature desires a different composition of members or a different size board, then future legislation could make these changes in the existing board or abolish the existing board and create a new board.

Mandating new boards and commissions should be done only after careful consideration of their need. I have instructed the Director of Licensing to ensure the intent of Senate Bill No. 6076 is carried out by the department.

With the exception of section 1, Senate Bill No. 6076 is approved.

Respectfully submitted,
BOOTH GARDNER, Governor

May 31, 1989

To the Honorable, the Senate
of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 105, 209, 302, 415, 512, 714, and 814, Senate Bill No. 6152 entitled:

"AN ACT Relating to health."

I am pleased that you have sent me a bill creating a Department of Health which encompasses the full range of health issues. You have done considerable and admirable work on this piece of legislation, and it is my pleasure to sign the majority of this bill into law.

While a great number of the programs and policies contained in this bill are sound public policy, I am very concerned for the viability of this Department. When I originally proposed a Department of Health, we carefully and conservatively estimated the costs of transition and of various new programs. However, both the funding provided for the transition in the budget bill and the appropriations for new programs in this bill are grossly inadequate, leaving an estimated shortfall of nearly \$2 million. I cannot in good conscience allow this level of new unfunded programs in this Department.

Therefore, I am vetoing those sections of the bill which are not critical to the viability of the Department of Health. This message should not be construed as a statement in opposition to the policy of these sections, except where I have specifically noted. Although I have been forced to use my veto power, there remains a resource shortfall. Without vetoing the entire measure, there is no way I can eliminate the deficit. I am very disappointed that the Legislature did not fully fund this new Department and allow it to begin its duties with sufficient resources.

Section 105 requires that the State Health Officer hold the position of Deputy Secretary within the Department of Health and be subject to Senate confirmation. The requirement of Deputy Director confirmation by the Senate is unprecedented and inappropriate. The other requirements remove administrative flexibility from the executive branch. While I agree that there should be a person employed by the Department with the expertise as defined in this section, I do not agree that the

position must be a Deputy Secretary. If I do not appoint a Secretary with the qualifications required by this section, I will ask the Secretary to hire such a person to fill an appropriate position.

Section 209 mandates an increase in staff to the Board of Health. The Board has been understaffed for years, but has been unsuccessful in obtaining the funding for staff support. Currently, the Board is allowed to hire an executive director and a confidential secretary, but does not have sufficient funds to fill either of those positions. While I strongly support providing the Board of Health with needed assistance, I cannot support signing this section without the appropriate funding accompanying this mandated increase.

Section 302 requires the Department of Health to study and report on health care professional licensure needs. This is a subject deserving a coordinated review; however, I cannot support signing this section without an accompanying appropriation.

Section 415 amends RCW 18.64.044 which is also amended by section 401. Since the language within section 401 reflects the statute as amended by section 1, chapter 352, Laws of 1989 (HB 1478), I am vetoing section 415.

Section 512 requires the Department of Health to perform a biennial study of the State's expenditures on health care services, and submit that report to the Legislature. Since this study was not funded and the Legislature currently has the ability to request this type of information from each of the affected state agencies, I am vetoing this section.

Section 714 requires the Higher Education Coordinating Board (HECB) to develop a plan for increasing rural training opportunities for students in medicine and nursing by December 1, 1989. I agree that the training needed for working in rural settings is different from that needed for urban settings; however, I cannot support yet another unfunded study requirement of the HECB. Note, I would have also vetoed section 713 of this bill but we have the opportunity, given the delayed due date of that study, to come back and seek funding to carry out its purpose.

Section 814 requires the Department of Social and Health Services to monitor alcohol and drug treatment programs, to collect data on addicted persons who receive general assistance, and to contract with the University of Washington Alcoholism and Drug Abuse Institute to evaluate treatment outcomes. Although the purposes of this section are of value, no funds have been provided for these purposes. In order to collect this data, the Department would have to use a substantial portion of funds provided for treatment services. This diversion of treatment funds would impair the State's commitment to assist as many addicted persons as we can to overcome their addictions.

I strongly urge the Legislature to consider the impact of legislation on the budget before passing legislation. The unfunded programs and studies which I am returning to you without my approval are programs of merit. I strongly encourage you to revisit these issues, and to pass them again with appropriate funding.

With the exception of sections 105, 209, 302, 415, 512, 714, and 814, Senate Bill No. 6152 is approved.

Respectfully submitted,
Booth Gardner, Governor

INITIATIVE TO THE LEGISLATURE PASSED BY BOTH HOUSE AND
SENATE

Fifty-First Legislature
1989 Regular Session
1989 First Special Session
1989 Second Special Session

No.	Relating to:	Chapter No.	Effective Date
99	Presidential primary	4	3/31/89

**SENATE BILLS PASSED BY BOTH HOUSE AND SENATE
SHOWING THE ACTION BY THE GOVERNOR THEREON**

Fifty-First Legislature
1989 Regular Session
1989 First Special Session
1989 Second Special Session

Senate No.	Relating to:	Chapter No.	Effective Date	
S	5009	Vessel reg/exemptions	102	7/23/89
2S	5011	Instit spouse/asset alloc Sections 1-5	87 PV	7/1/89 10/1/89
S	5014	Police dogs	26	7/23/89
S	5018	Co-op assoc/incorporation	307	7/23/89
	5022	UTC/reporting requiremnts	107	7/23/89
	5023	Tariff changes/provisions	152	7/23/89
	5030	Writs of certiorari/languge	7	7/23/89
	5031	RCW/internal ref correctns	8	7/23/89
	5032	RCW/obsolete secs/repealed	9	7/23/89
S	5033	RCW/technical corrections	14	7/23/89
S	5034	RCW/double amdts/repeals	10	7/23/89
S	5035	Insurance/foster parents	403	7/23/89
	5037	Dirsdom insurers/comp of bd	24	7/23/89
	5040	Ctrl sub/corr fac/sntnce enh	124	7/23/89
S	5041	Inmate calls/monitoring auth	31	7/23/89
	5042	Coll brgn agrmts/pub/implmnt	46	7/23/89
	5045	Corrcn laws affctd by veto	11	7/23/89
	5046	Gender specific lang elimntd	12	7/23/89
S	5048	Cncl prev child abuse/exten	304	7/23/89
	5054	Minority teacher recruitment	146	7/23/89
2S	5065	Foster care/citzn review bd	17 E1	8/9/89
S	5066	Self defense	94	7/23/89
S	5071	Surrogate parenting	404	5/13/89
2S	5073	Bigotry/bias inf cntrl repos Null and void/funds not provided	366	
	5079	Variable interest rates/UCC	13	7/23/89
S	5085	Financial planner regulation	391	7/23/89
S	5088	Telemarketing regulation	20	1/1/90
	5089	Transfers between supr cts	15	7/23/89
	5090	Unrnkd teln/seriousnss level	99	7/1/89
S	5097	State militia	19	7/23/89
S	5098	Telecommunctn co regulation	101	7/23/89
S	5099	WSP/suspension w/o pay	28	7/23/89
S	5107	Vulnerable adults/registry	334	7/23/89
S	5108	Abused child/abuser/visitr	326	7/23/89
2S	5111	Work release provis/modified	89	7/23/89
	5121	Mobile sub abuse aware prog		Vetoed
S	5126	Low-lvl waste/surveillance	106	7/23/89
S	5127	Bdry review bds eliminated	84 PV	7/23/89
S	5128	Local improvmts/notice req	243	7/23/89
	5137	Nurses retire acctg/transfer	116	4/20/89
S	5138	MV inspct/other co/state reg	110	7/23/89
S	5142	Yr end fisc rpts reqmt/chang	168	7/23/89
	5143	Candidates' names/ballots	155	7/23/89
S	5144	Co auditors/presrv documents	204	7/23/89
S	5147	Credit servs/def revised	303	7/23/89

Senate No.	Relating to:	Chapter No.	Effective Date
	5150 POW/recognition day	128	7/23/89
S	5151 Sr cit park pass extended	135	7/23/89
	5152 Insur form filing req/amd	25	9/1/89
	5154 Sanitary control/shellfish	200	7/23/89
	5156 Cedar river sockeye salmon	85 PV	7/23/89
	5167 Campaign finance reporting	280	1/1/90
S	5168 Wstrn lbrty ntwrk/pvt n-prft	96	6/1/89
	5172 Utility's credit/eqpmt loans	268 PV	5/5/89
S	5173 Disclosure/improp gvt activ	284	7/23/89
2S	5174 Hydropower plan	159	7/23/89
S	5184 Limousine operators	283	7/23/89
	5185 Family day care zoning	335	7/23/89
S	5186 Judicial conduct commission	367	12/89*
	*Pending voter approval of SSJR 8202		
S	5191 Good time credit statutes	248	7/23/89
S	5193 Optometry	36	7/23/89
S	5196 Drought relief	171	4/27/89
S	5197 Executive state officer	158	7/23/89
S	5208 Washington condominium act	43 PV	7/1/90
S	5213 Stat of limitn/charge accts	38	7/23/89
S	5214 Abuse/neglect mandatory rpt	22	7/23/89
S	5221 Advance college pymt prgrm	Vetoed	
	5231 Antique firearms defined	132	7/23/89
	5233 Crime of burglary/provisions	412 PV	7/1/90
	5233 Crime of burglary/provisions	1 E2	7/1/90*
	*Partial veto override		
2S	5011 Instit spouse/asset alloc	87 PV	7/1/89
	Sections 1-5		10/1/89
S	5234 Crim indent sys/provis revsd	90	7/23/89
S	5241 Smqll business growth	312	7/23/89
	5246 Deed of trust foreclosures	361	7/23/89
	5250 Surface mining reclamation	230	7/23/89
S	5252 Unfit buildings/dwellings	133	7/23/89
S	5263 Arbitratn/unilatrl proposals	45	7/23/89
S	5265 Charter boats/state waters	295	7/23/89
S	5266 Vocatnl intructr certfctn	29	7/23/89
S	5275 High voltage fields	143	7/23/89
	5277 Fire dist service charges	27	7/23/89
S	5288 Salmon smolt production	336	7/23/89
S	5289 Regional fisheries groups	426 PV	7/23/89
S	5293 College classes/Clallam co	306 PV	7/23/89
S	5297 Secret ballots/open meetings	42	7/23/89
	5301 Factory built housing	134	7/23/89
S	5305 Equine activities immunity	292	7/23/89
S	5314 Sex crimes/public schools	320	7/23/89
S	5315 Vessel oil spills	Vetoed	
	5329 License delinquency fee	170	7/23/89
S	5348 Fishing regulation	172	7/23/89
S	5350 Mental health commissioners	174	7/23/89
S	5352 1989-91 appropriations	19 El PV	7/1/89
	5353 LEOFF service credit	88	7/23/89
S	5357 Insur educ provider defined	323	7/1/89
S	5362 Antipsychotic medications	120	4/20/89
	5368 Urban arterial priorities	160	7/23/89
S	5369 Mobile home availability	294	7/23/89
	5370 School self-study	83	7/23/89
2S	5372 Recreationl boating laws rev	393	7/23/89

Senate No.	Relating to:	Chapter No.	Effective Date
S	5373	6 E1 PV	5/20/89
2S	5375	350 PV	7/23/89
	5381	405	7/23/89
	5393	115	7/23/89
2S	5400	205	5/3/89
	5403	144	7/23/89
S	5418	273	5/8/89
	Sections 13,17,18,22,23,25,27,28		9/1/90
S	5419	147	7/23/89
	5440	111	7/23/89
S	5441	178	10/1/89
	Sections 25,26,28,32		4/1/92
S	5443	337 PV	7/23/89
	Vehicle laws		1/1/90
	Section 22		
	5452	156	7/23/89
	5464	127	4/20/89
	5466	246	7/23/89
S	5469	162	7/23/89
S	5472		Vetoed
S	5474	358 PV	7/23/89
	5480	95	7/23/89
S	5481	119	4/20/89
S	5486	161	7/23/89
	Section 2		1/1/91
S	5488	131	7/23/89
	5492	377	7/23/89
S	5499	353	1/1/90
S	5501	157	7/23/89
	5502	148	7/23/89
S	5506	181	4/27/89
S	5521	12 E1 PV	6/1/89
S	5531	77	
	Null and void/funds not provided		
	5536	324	7/23/89
S	5543	291	7/23/89
	5552	186	7/23/89
S	5553	163	7/23/89
S	5560	331	1/1/90
S	5561	293	5/8/89
S	5566	422 PV	7/23/89
	5579	100	7/23/89
	5580	78	7/23/89
	5583	165	7/23/89
	5590	91	7/1/89
S	5591	224	7/23/89
	5592	196	7/23/89
	5595	164	4/22/89
S	5614	125	4/20/89
	5617	66	7/23/89
	5636	92	7/23/89
S	5641	112	7/23/89
S	5644	129	7/23/89
S	5648	425 PV	7/23/89
2S	5658	419 PV	7/1/89
2S	5660	126	
	Null an void/funds not provided		
S	5663	250	7/23/89

Senate No.	Relating to:	Chapter No.	Effective Date
	5668 Juvenile proceedings/venue	71	9/1/89
	5676 Route 901 scenic highway		Vetoed
	5679 Industrial insurance funds	190	7/23/89
	5680 RCW/obsolete language	140	7/23/89
S	5681 Asbestos projects	154	4/22/89
S	5686 Agriculture statutes	354	7/23/89
	Sections 70-81,84-86		1/1/90
	Section 30		1/1/91
	5689 Industrial insur investments	179	7/23/89
	5701 Financial institutions	180	4/27/89
S	5713 Medical test sites licensure	386	7/1/89
	Sections 1-22		7/1/90
	5715 Immigration consulting regs	117	7/1/89
	5731 Governmt obligations invest	97	7/23/89
S	5733 Trademark registratn modify	72	7/23/89
	5736 School const/local funding	321	5/11/89
	5737 ESD's/annual leave	208	7/23/89
	5738 Student motivation prgms	209	7/23/89
S	5746 Interstate truck drivers	104	7/23/89
	5756 Sureties/public works bonds	145	7/23/89
S	5759 School breakfast program	239	7/23/89
	5771 Rent assignments/perfection	73	7/23/89
S	5776 Law enforcement training	299	PV 7/23/89
S	5782 Defrauding public utility	109	7/23/89
S	5786 Harbor line relocation	79	7/23/89
S	5790 Sale of loan servicing	98	1/1/90
S	5807 Indian & historic graves	44	7/23/89
	5809 Shopping cent directnl signs		Vetoed
S	5810 Hazard materl responsibility	406	7/23/89
S	5812 Common carrier liabil insur	264	7/23/89
S	5819 Poaching penalties	314	7/23/89
	5824 Health care payments	122	7/23/89
	5826 Student teachng pilot project	253	5/5/89
S	5827 Pet ID/minimize theft	359	5/12/89
	5833 Juvenile sentencing stds	407	7/23/89
S	5838 Agricultural livestock liens	67	7/23/89
S	5850 Funeral contracts	390	7/23/89
	5853 Machine gun use/penalty	231	7/23/89
S	5857 Disabled/fixed assets trans	265	7/23/89
	5858 School directors meetings	232	5/3/89
S	5859 Sch directors' associatn	325	6/30/89
S	5866 Credit card tax payments	378	7/23/89
	Section 13		1/1/90
S	5868 Big game permits	153	7/23/89
	5871 Wine retailers licenses	149	7/23/89
	5874 Maritime commemorative	82	PV 7/23/89
S	5886 Sexually transmittd diseases	123	7/23/89
	5887 Air pollution control auth	150	7/23/89
S	5889 Water utility conservation	421	PV 12/89*
	*Pending voter approval of SJR 8210		
S	5891 Water resource policy		Vetoed
S	5897 Alcohol/drug treatment	18	E1 7/1/89
S	5903 Medically fragile children	183	7/23/89
S	5905 Building code council authty	266	7/23/89
	5907 Fire protection districts	267	7/23/89
S	5911 State timber sales	424	PV 7/1/89
	5916 Meat labeling		Vetoed

Senate No.	Relating to:	Chapter No.	Effective Date	
	5926	Hanford low-level waste plan	418 PV	7/23/89
S	5933	State employee leave sharing	93	4/20/89
S	5947	Sentences/abuse/mitigation	408	7/23/89
	5950	Child sexual abuse	317	5/11/89
2S	5960	Indigent defense services	409	5/13/89
	5983	Water rights/superior court	80	7/23/89
S	5984	Yakima river water conservtn	429	7/23/89
	5987	Alternative fuels	113	7/23/89
	5990	Network telephone tax limit	103	7/23/89
	5991	Juvenile offender assaults	410	7/23/89
S	6003	School postretirement benefit	69	7/23/89
	6005	Domestic violence victims	411	7/23/89
S	6009	Custodial interference	318	7/23/89
	6012	Surplus school prop leasing	86 PV	7/23/89
S	6013	Metro muni corps charges	389	7/23/89
S	6033	Hanford cleanup policy	322	7/23/89*
		*With exceptions		
		See New Section 8		
S	6048	HIV testing for insurance	387	5/13/89
2S	6051	Employer child care	430	5/15/89
	6057	Homeless children/schools	118	7/23/89
S	6074	Public facilities districts	8 E1	8/9/89
	6076	Motorcycle awareness program	203 PV	5/3/89
	6095	Providing branch campuses	7 E1	8/9/89
	6150	Supplemental pension rates	1 E1	8/9/89
	6152	Creating Dept. of Health	9 E1 PV	7/1/89
	6155	Tech corr/child care fund	3 E2	6/1/89

**SENATE MEMORIALS AND RESOLUTIONS PASSED
BY BOTH SENATE AND HOUSE**

Fifty-First Legislature

1989 Regular Session
1989 First Special Session
1989 Second Special Session

No. Subject:

SENATE JOINT MEMORIALS

S	8001	Foreign harvesting of salmon
	8002	West States Recycl Coalition
	8010	Oregon/Idaho jt trade cmpct
	8011	Greenhouse/sea level use

SENATE JOINT RESOLUTIONS

	8200	Victims rights/const amdt
S	8202	Judicial Conduct Commission
	8210	Water companies/conservation

SENATE CONCURRENT RESOLUTIONS

8403	Jt sel comm/emp-employee rel
8405	Adopting Joint Rules
8412	Spanish Quincentennial cmte
8415	Tax/spend reform task force
8416	Adjourn Sine Die
8421	Leg organized/Gov notified
8423	Transmittal of bills
8424	Adjourn Sine Die/Gov notified
8425	Northwest Exploratory Conf
8426	Reintroduction of bills
8427	Adjourn Sine Die

**HOUSE BILLS PASSED BY BOTH HOUSE AND SENATE
SHOWING THE ACTION BY THE GOVERNOR THEREON**

Fifty-First Legislature
1989 Regular Session
1989 First Special Session
1989 Second Special Session

House No.	Relating to:	Chapter No.	Effective Date	
S	1007	Water ski safety	241	5/5/89
	1010	LEOFF/disability leave	21	4/18/89
	1019	Home detention/burglars	394	7/23/89
	1020	Coll barg/court employees	275	7/23/89
	1024	Victims notice/sex offenders	30	7/23/89
	1025	Fishing licenses/commercial	47	7/23/89
	1026	Sea urchin fishing/commercial	37	4/18/89
	1027	Fisheries director/authority	130	7/23/89
S	1028	Fshng lic/recrenl/when reqrd	305 PV	1/1/90
S	1031	State budget changes	311 PV	7/23/89
	1032	Bonds/general obligation	136	4/20/89
	1033	Committee voucher authority	137	7/23/89
	1038	County legis auth/meetings	16	7/23/89
S	1039	Boater info/dumps/hldg tanks	17	7/23/89
	1042	Trucks/brake requirements	221	7/23/89
	1043	Unclaimed property/WSP	222	7/23/89
	1047	Crops/UCC secured transactns	251	7/23/89
	1049	Prosecutors/private practice	39	7/23/89
S	1051	Developmently disabl adults	420 PV	5/13/89
S	1056	Herring spawn on kelp/permits	176	7/23/89
	1060	Bonds/state-locl govt issue	225	7/23/89
	1062	WA military justice code	48	7/23/89
S	1065	Sex crimes against children	332 PV	7/23/89
S	1067	Health ins covrge access act	121	7/23/89
	1070	Criminal procedure revision	276	7/23/89
S	1071	Collateral attacks/convictns	395	7/23/89
	1072	Air guns prohibited/schools	219	7/23/89
S	1074	Mammograms/hlth ins coverage	338	7/23/89
	1077	Handicapped persns/curb ramp	173	7/23/89
	1085	Neurodevelopmentl therapy/ins	345	7/23/89
S	1086	Underground storage tanks	346	5/12/89
		Sections 6, 12 and 19		7/1/90
	1096	Federal liens/recording		Vetoed
S	1097	Home for aged/tax exemptn	379	4/1/90
	1103	Motor vehicles warranties	347	6/1/89
S	1104	MV inspection/maintenance	240	1/1/90
S	1115	Legend drugs/purchase	242	7/23/89
	1117	Workers' comp insurance	49	7/23/89
S	1133	Child care/employr involvmnt	381	5/13/89
	1138	Honey bee commission	5	7/23/89
	1157	Voc-tech schls/competitiv bid		Vetoed
	1162	Fire protect dist/city annex	76	7/23/89
	1163	Claims filing/nonchart city	74	7/23/89
S	1168	Estate tax apportionment	40	4/18/89
S	1169	Disclaimers of interest	34	7/23/89
	1170	Powers of appointment	33	7/23/89
S	1173	Nonclaim statutes revision	333	5/11/89

House No.	Relating to:	Chapter No.	Effective Date
2S	1180 Oil storage tank leaks Sections 14-19	383	5/13/89 7/1/89
	1182 Hazardous waste siting	13 E1	8/9/89
S	1183 Adoption information	281	7/23/89
	1189 Korean conflict memorial	235	7/23/89
S	1192 Conservatn dists/assessments	18	7/23/89
	1198 Cities electrical utilities	249	7/23/89
	1205 Honorable discharge recordng	50	7/23/89
S	1208 Court reporter certification	382	9/1/89
S	1217 Water/sewer districts	308	7/23/89
	1220 Water dist contract projects	105	7/23/89
S	1221 Vehicle auctioneer license	301 PV	7/23/89
	1231 Skins/fur disposal	197	7/23/89
	1239 Pension plans/usury laws	138	4/20/89
	1241 Psychology examining board	226	7/23/89
	1249 Plastics/marine environment	23	4/18/89
S	1250 Hearing aid fitters/license	198	7/23/89
S	1251 Municipal annexations	351 PV	7/23/89
S	1252 Registered nurses	114	7/23/89
	1253 Nursing assistants	300	7/23/89
S	1254 Civil liability immunity	234 PV	7/23/89
	1258 Assault on law officers	169	7/23/89
S	1259 Guide dogs/no license fee	41	7/23/89
	1282 Motor freight forwarders	60	7/23/89
	1286 Industrl district boundaries	167	7/23/89
S	1287 Escrow agent license renewal	51	7/23/89
	1289 Liquor imports/entertainmnt		Vetoed
	1290 Geographic coordinate system	54	7/23/89
S	1301 Radon studies		Vetoed
S	1305 Public utility taxation	302 PV	5/11/89
S	1322 Retirement systems/COLAs	272	5/8/89
S	1324 Department of Health created		Vetoed
	1330 Ferry operations	62	7/23/89
	1334 Senior citizen/teacher aide	310 PV	7/23/89
S	1337 Medications/imprinting	247	7/23/89
S	1339 County govt modification		Vetoed
	1342 Sentence review petitions	214	7/23/89
	1348 Weight perms/emrgncy vehicle	52	7/23/89
	1350 Marital deduction gifts	35	7/23/89
	1354 Interagency outdoor recreatn	237	6/30/89
S	1355 Motor vehicle operatns/state	57	7/1/89
	1358 Administrative procedure act Section 36	175	7/1/89 7/1/90
S	1369 Waterfront sewer systems	349 PV	11/1/89
S	1370 Taxing district boundaries	217	5/3/89
S	1379 Bid price adjustment	59	7/23/89
	1385 Insurance entity status	151	4/21/89
S	1386 Small works roster creation	244	7/23/89
S	1388 Good samaritan statute	223	7/23/89
	1395 Public disclosure exemptions	238	7/23/89
S	1397 Water use efficiency	348 PV	7/23/89
	1400 Family court commissioners	199	7/23/89
S	1408 PERS service credits	309	7/23/89
	1412 Veterans' license plates		Vetoed
S	1414 Judicial info system fund	364	7/23/89
S	1415 Tuition fees	245	7/23/89
	1418 Moral nuisances	70	7/23/89

House No.	Relating to:	Chapter No.	Effective Date
S	1426 Hound stamp	365	7/23/89
S	1430 Gender equality/higher ed	341	7/23/89
	1438 Public transportatn report	396	7/23/89
S	1444 Students at risk programs	233 PV	7/23/89
	1445 Financial aid-1/2 time stdnt	254	7/23/89
	1454 Transportation benefit dist	53	7/23/89
S	1455 District court elections	227	7/23/89
S	1457 Indeterminate sentencing brd	259	7/23/89
S	1458 Correctns/intrastate compact	177	4/27/89
	1467 Capital facilities account	397	7/1/89
	1468 Excellence in ed awards	75	7/23/89
2S	1476 WA marketplace program	417 PV	7/23/89
	1478 Pharmacy board regulations	352	7/23/89
S	1479 Appropriations 87-89 Gov	3 El PV	5/12/89
	1480 Productivity board changes	56	7/1/89
S	1484 Bond sales/budget 1989-91	14 El	7/1/89
	Section 18		6/1/89
	1485 Postsecondary ed loans	166	7/23/89
	1502 Vehicle permit fees	398	7/23/89
S	1503 Ferry contracts bond	58	4/19/89
S	1504 Indoor air quality/pub bldg	315	7/23/89
	1512 Appropriatns/capital project	15 El	6/1/89
	1518 Industrial insurce coverage	368	7/1/89
	1520 Ferry system salary survey	327	5/11/89
	1524 Correctional industries	185	7/23/89
S	1542 Offender financial obligatns	252	7/23/89
	Sections 18, 22, 23 and 24		7/1/89
	Sections 1-17, 19-21, 25, 26 and 28		7/1/90
	1545 Vehicle registration fraud	192	7/23/89
	Section 2		9/1/89
S	1547 Medical support enforcement	416 PV	5/13/89
S	1548 Paternity establishment	55	7/23/89
	1552 Mobile home tenant lot fees		Vetoed
S	1553 Econ dev finance authority	279	7/23/89
S	1558 Steroids/regulating use	369	7/23/89
S	1560 Medical care provisions	260	7/23/89
S	1568 Solid waste disposal	399	7/23/89
S	1569 Forest protection	362	7/23/89
S	1572 Minor party nominations	215	7/23/89
	1573 Levy reduction funds	141	7/1/89
S	1574 Natural gas/city tax	384	7/1/90
S	1581 Family and medical leave	11 El	9/1/89
S	1582 Child care pilot program		Vetoed
S	1599 Alcoholism/drug appropriatns	3	2/17/89
	1618 Public housing authorities	363	7/23/89
S	1619 Alcoholism/drug treatment	270 PV	7/23/89
S	1630 Manufactured homes status	343 PV	3/1/90
	1631 Convention centers financing	277	7/23/89
S	1635 Support enforcement	360 PV	7/23/89
	Sections 9, 10 and 16		5/12/89
	Section 39		7/1/90
S	1639 Fire district regulation	63	7/23/89
	1645 MV dealers/manufacturers	415 PV	7/23/89
S	1651 Flood-plain management	64	7/23/89
	1656 Land development regulations	428 PV	7/23/89
	Section 2		7/1/90
S	1658 Sexual exploitation/minors	32	7/23/89

House No.	Relating to:	Chapter No.	Effective Date
	1664 MV tinted glass use	210	7/23/89
S	1671 Solid waste reform	431 PV	7/23/89
	Sections 49 and 50		7/1/89
	1689 Licensing fees refund	68	7/23/89
	1690 Motor vehicle fuel tax	193	4/27/89
	1698 Precinct boundaries	278	7/23/89
	1709 Medical aid purchases	189	7/23/89
S	1711 Crime prevention training	357 PV	1/1/90
	1718 WSP/disability retirement	108	7/1/89
	1719 Retirement benefits/excess	191	4/27/89
	1729 Title 30 RCW cleanup	220	7/23/89
S	1737 Crime victims compensation	5 E1 PV	7/1/89
	Sections 3 and 7		5/14/89
S	1756 Telecommunications/extend area	282	7/23/89
	1757 Substitute teachers	263	5/5/89
S	1759 Education staff diversification	370	7/23/89
	1762 Discrimination/guide dog	61	7/23/89
	1768 Building permit fees	256	7/23/89
	1769 Student exchange programs	290	7/23/89
	1772 Fish species names	218	7/23/89
S	1774 Ski area safety	81 PV	7/23/89
	1776 Volunteer firefighters fund	194	7/1/89
	1777 Residential placement/juvenile	269	7/23/89
	1778 Trade show tax status	392 PV	7/23/89
S	1788 Puyallup tribal claims	4 E1	8/9/89
2S	1793 Alcohol/controlled substance	271 PV	5/7/89
	Sections 502 and 504		6/1/89
	Sections 229-233, 501, 503 and 505-509		7/1/89
	1794 State purchase/real property	356	7/23/89
	1802 Snohomish cnty/appeals court	328 PV	7/23/89
	1841 Instructional materials cmttee	371	7/23/89
	1844 House-to-house sales/regs	216	7/23/89
S	1853 Oil spill damage assessments	388	5/13/89
S	1854 Water pollution damages	262 PV	5/5/89
S	1857 Public water systems	207	7/23/89
S	1858 SBA 7a loan guaranty program	212	7/23/89
	1862 Teachers service credit	289	7/23/89
S	1864 Nursing home care/quality	372 PV	7/23/89
	Section 2		7/1/89
	1872 Hitchhiking/county regulation	288	5/8/89
	1885 Judicial retirement system	139	7/23/89
S	1889 Public employee immunity	413 PV	7/23/89
S	1894 Dental hygienists/dentists	202 PV	7/23/89
	1904 Transportation impact fees	296	7/23/89
	1909 Abandoned intangible property		Vetoed
	1912 Juvenile fingerprinting	6	7/23/89
	1917 Real estate appraiser law	414 PV	7/23/89
	Sections 2, 3, 7-8 and 26		7/1/89
	Sections 1, 4 and 9-22		7/1/90
S	1952 Durable power of attorney	211	7/23/89
S	1956 Adoption provisions	255	7/23/89
S	1958 Chiropractic board members	258 PV	7/23/89
S	1965 Boarding home definition	329	7/23/89
S	1968 Long-term health care	427 PV	7/23/89
	Sections 2-24, 26-28, 30-33 and 36-43		5/14/89
	1976 Project cost evaluation	182	7/23/89
	1980 Educational dist job sharing	206	7/23/89

House No.	Relating to:	Chapter No.	Effective Date
S 1983	Contempt of court laws	373 PV	7/23/89
1993	Poultry labeling/uncooked	257	5/5/89
1996	Voter registration/cancel	261	7/23/89
S 2000	Produce handlers standards	355	5/12/89
2001	Livestock provisions	286	7/23/89
2010	Disabled/hunt from vehicle	297 PV	7/23/89
S 2011	Commercial fishing licenses	316	1/1/90
S 2012	Port district land improvmt	298	7/23/89
2013	Parks/recreation tax levies	184	7/23/89
S 2014	Special ed/handicapped child	400	7/23/89
2016	Gender equity/athletics	339	7/23/89
S 2020	Athletes/tuition-fee waivers	340	7/23/89
S 2024	Regulatory fairness	374 PV	7/23/89
S 2036	Metropolitan park districts	319	7/23/89
2037	Mount Saint Helens recovery	213	7/23/89
S 2041	Landlord-tenant law	342	8/1/89
2045	Fuel tax/mileage based	142	7/23/89
2051	Federally assisted housing	188	4/27/89
2053	Bond redemption tax levies	287	7/23/89
2054	Involntrly committed/release	401	5/13/89
2060	Industrial ins/horse racing	385 PV	5/13/89
S 2066	Student transportatn safety	330	7/23/89
S 2070	Building code/moved building	313 PV	7/23/89
2075	Headlight policy/24 hours	195	7/23/89
S 2088	Insurer holding company	228	7/23/89
2118	Preschool-8 certificates	402	7/23/89
2129	Cultures/languages/diversity	236	7/23/89
2131	Mobile home electrical inspct	344	7/23/89
2135	Farm labor liens	229	5/3/89
S 2136	Mobile home relocatn assist	201	4/28/89
S 2137	Target sectors/econ dvlpmnt	423 PV	7/23/89
2142	Litigation expenses/cities	285	7/23/89
2155	Parenting act changes	375 PV	5/12/89
2158	Cancer center/health facility	65	7/23/89
2161	Distinguished professorship	187	7/23/89
2167	Mobile home parks	274	5/8/89
2168	Radioactive waste/service chrg	376	5/12/89
2222	Pesticides/agric workers	380	7/23/89
	Sections 69, 71-73 and 78-81		1/1/90
	Section 76		7/1/90
2242	Oil spill/financl respnsblty	2 E1	8/9/89
2244	Maternity care/low-income	10 E1	8/9/89
2245	Basic ed salary allocations	16 E1	8/9/89
2247	Parenting act/tech correctn	2 E2	6/1/89

**HOUSE MEMORIALS AND RESOLUTIONS PASSED
BY BOTH HOUSE AND SENATE**

Fifty-First Legislature
1989 Regular Session
1989 First Special Session
1989 Second Special Session

No. Subject:

HOUSE JOINT MEMORIALS

4000	Hanford/natl energy center
4001	Federal budget/fund removal
4015	Student loans
4018	Appliance energy conservatn

HOUSE CONCURRENT RESOLUTIONS

4400	Joint session
4401	Notify Gov legis organized
4404	Cutoff dates established
4405	Jt session/medal of merit
4406	Memorial/former legislators
4408	Economic dev board reports
4412	Jt session/prime minister
4415	P.J. Gallagher overpass
4416	Notify Gov/sine die
4417	Transmittal of bills
4419	Reintroducing legislation
4421	Adjournment/1989 1st Spec
4422	Legis organized/Gov notified
4423	Transmittal of bills
4424	Notify Gov/sine die

HISTORY OF INITIATIVES

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
I-99.		392		998	80,84 249,317	
I-102.					76,80 372,895 1009,2359	

HISTORY OF SENATE BILLS

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend-ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
5000.	17				1009	
5001.	17	234				
5001.(Sub)			357	357	2501	
5002.	17	71,533				
5002.(2nd Sub)			734	734	2501	
5003.	17					
5004.	17	114				
5004.(Sub)			477	477	2501	
5005.	17	114				
5006.	17	427				
5007	17	114				
5008.	17	71				
5009.	17	197,232				
5009.(Sub)			344	344	1332 1421,1613	2207 C102
5010.	17					
5011.	18	332,533				
5011.(2nd Sub)			660	660	1310 1421,1613	2513,3126 PV C87
5012.	18	332				
5012.(Sub)			562	562	2501	
5013.	18	314				
5013.(Sub)			770	770	2501	
5014.	18	72				
5014.(Sub)			358	358	1029 1061,1475	2009 C26
5015.	18					
5016.	18					

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
5017.	18					
5018.	18	128				
5018.(Sub)			244,257	257	245,1850 2010,2375	2946 C307
5019.	18					
5020.	18	429				
5021.	19	347				
5021.(Sub)			724,741	741	726,2501	
5022.	19	98	325	325	1361 1421,1613	2207 C107
5023.	19	98	734	734	1521,1735	2402 C152
5024.	19					
5025.	19					
5026.	19	338				
5026.(Sub)			754	754	1951,2501	
5027.	19	534				
5027.(Sub)			722	723	2501	
5028.	19					
5029.	19					
5030.	19	72	522	522	902,1475	2006 C7
5031.	19	72	155	155	902,1475	2006 C8
5032.	20	72	156	156	931,1475	2006 C9
5033.	20	72				
5033.(Sub)			156	156	1309 1421,1613	2006 C14
5034.	20	72				
5034.(Sub)			157	157	931,1475	2006 C10

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend-ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
5035.	20	441				
5035.(Sub)			496	496	1873 2010,2375	2947 C403
5036.	66	279				
5037.	66	73	299	299	1121,1474	2009 C24
5038.	66					
5039.	66,88	144				
5039.(Sub)			209	209	2502	
5040.	66	114	497	497	1276,1549	2207 C124
5041.	66	303				
5041.(Sub)			424	424,450	425 1071,1475	2009 C31
5042.	66	144	296	296	931,1475	2099 C46
5043.	66					
5044.	66					
5045.	67	73	157	157	931,1475	2006 C11
5046.	67	73	158	158	1121,1474	2006 C12
5047.	67	73				
5048.	67	211				
5048.(Sub)			378	379	1874 2010,2375	2946 C304
5049.	67					
5050.	67					
5051.	67					
5052.	67	160	566	566	2502	
5053.	67					

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
5054.	67	414	559	559	1276,1549	2207 C146
5055.	68	414				
5056.	68					
5057.	68					
5058.	68	279				
5058.(Sub)			566	566	2502	
5059.	68	137	408 413,423	423	409,2502	
5060.	68					
5061.	68	98				
5061.(Sub)			195	195	2502	
5062.	68					
5063.	68	98				
5064.	68	115	567	567	2502	
5065.	68	203,534				
5065.(2nd Sub)			669,2703	669,2701 2703,2709	671 2502,2701 2713,2715 2898,2912	3125 C17E1
5066.	69	293				
5066.(Sub)			483	483	1420 1483,1614	2207 C94
5067.	69	98				
5067.(Sub)			243	243	2502	
5068.	69					
5069.	69	441,452				
5070.	69	363				
5070.(Sub)			556	556	2502	
5071.	69	144				

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend-ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
5071.(Sub)			606	606	1912,2242 2247,2375	2947 C404
5072.	69	73	376	377	2502	
5073.	69	279,534				
5073.(2nd Sub)			735	735	2492,2494	2947 C366
5074.	69					
5075.	69	170				
5075.(Sub)			567	567	2502	
5076.	69	203				
5077.	70					
5078.	70	187				
5079.	70	197	498	498	931,1475	2006 C13
5080.	70					
5081.	70					
5082.	85					
5083.	85	187				
5084.	85					
5085.	85	187				
5085.(Sub)			311	311	1292,2134 2223,2374	2947 C391
5086.	85					
5087.	85	217				
5087.(Sub)			409	409	2502	
5088.	85	314				
5088.(Sub)			476	476	1029 1061,1475	2009 C20
5089.	85	160	299	299	931,1475	2009 C15

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
5090.	85	144	243	244	1313 1421,1613	2207 C99.
5091.	85	510	718	718	2502	
5092.	85	137	405	405	2502	
5093.	85	429				
5094.	86	115	258	258	2502	
5095.	86					
5096.	86	510	699	699	2502	
5097.	86	211				
5097.(Sub)			380	380	1071,1475	2009 C19
5098.	86	384				
5098.(Sub)			515	516	1240 1282,1549	2207 C101
5099.	86	160				
5099.(Sub)			357	357	1121,1474	2010 C28
5100.	86					
5101.	86					
5102.	86					
5103.	86					
5104.	87	170				
5105.	87					
5106.	87	145				
5106.(Sub)			297	297	2502	
5107.	87	145				
5107.(Sub)			259	260	1953 2034,2136	2946 C334
5108.	87	255				
5108.(Sub)			568	568	1335,2102 2223,2374	2946 C326

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
5109.	87	128,885				
5109.(Sub)			1031	1031	2502	
5110.	87	279			869	
5111.	87	197,534				
5111.(2nd Sub)			662	662	1421 1483,1614	2207 C89
5112.	87	115				
5113.	87	321			869	
5114	87					
5115.	88					
5116.	88	280				
5116.(Sub)			735	735	2502	
5117.	88	351				
5117.(Sub)			726	726	2502	
5118.	88					
5119.	88	137	311,312	312	311,2502	
5120.	88	170				
5121.	92	456	596	596	1838 2010,2375	2958,3126 VETOED
5122.	92					
5123.	92					
5124.	92	338				
5125.	93	160				
5125.(Sub)			478	479	2502	
5126.	93	171				
5126.(Sub)			410	410	1241 1282,1549	2207 C106
5127.	93	217				

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
5127.(Sub)			798	798	1241 1282,1549	2514,3126 PV C84
5128.	93	161				
5128.(Sub)			498	498	1954 2034,2136	2697 C243
5129.	93	411	735	736	2502	
5130.	93	351				
5130.(Sub)			499,563	499,563	499 2502	
5131.	93	411				
5131.(Sub)			736	736	2502	
5132.	93	351				
5132.(Sub)			569	569	2502	
5133.	93	280	578	578	2502	
5134.	93	234	736	737	2502	
5135.	94	411				
5135.(Sub)			737	737	2502	
5136.	94	158	301	301	2502	
5137.	94	414	499	499	1276,1549	2207 C116
5138.	94	217				
5138.(Sub)			406	406	1313 1421,1613	2207 C110
5139.	94					
5140.	94	534	756		143,756	
5140.(Sub)			777	777	778,2502	
5141.	94					
5142.	94	187				
5142.(Sub)			310	310	1361 1421,1613	2526 C168

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
5143.	94	211	578	578	1521,1735	2402 C155
5144.	95	188				
5144.(Sub)			312	312	1865 2010,2375	2655 C204
5145.	95	332,535				
5145.(2nd Sub)			801	805	2502	
5146.	95	280				
5146.(Sub)			489	489	2502	
5147.	95	321				
5147.(Sub)			579	579	1958 2034,2136	2946 C303
5148.	95	456				
5148.(Sub)			770	770	2502	
5149.	95	391				
5149.(Sub)			737,744	745	738,2502	
5150.	95	188	328	328	1276,1549	2207 C128
5151.	95	280				
5151.(Sub)			402	402	1422 1483,1614	2207 C135
5152.	95	338	579	579	1121,1474	2010 C25
5153.	95					
5154.	95	211,348	580	580	1733,2135	2526 C200
5155.	96	388	484	484	2502	
5156.	101	161	326	327	326 1276,1549	2515,3127 PV C85
5157.	101					
5158.	101	457				

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
5159.	101					
5160.	101					
5161.	101	429				
5162.	102	441			135,869	
5163.	102	234			869	
5164.	102	457				
5165.	102					
5166.	102	429				
5166.(Sub)			792	792	2502	
5167.	102	396	794	795	1985 2034,2136	2897 C280
5168.	102	212				
5168.(Sub)			360	360	1276,1549	2207 C96
5169.	102	255,871	1116	1117	2502	
5170.	103				169	
5171.	103	188				
5172.	103	203	309	309	1610,2138 2247,2375	2890,3128 PV C268
5173.	103	303				
5173.(Sub)			738	738	1841 2010,2375	2897 C284
5174.	103	188 303,535				
5174.(2nd Sub)			738	738	1521,1735	2402 C159
5175.	103	234				
5175.(Sub)			401	402	2502	
5176.	103	235	377	377	2502	
5177.	103	235,535				

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
5177.(2nd Sub)			795	795	2502	
5178.	103	235				
5178.(Sub)			670	670	2502	
5179.	103	235				
5179.(Sub)			344	344	2502	
5180.	104	235			869	
5181.	104	235				
5181.(Sub)			405	405	2502	
5182.	104	236,535				
5182.(2nd Sub)			692	692	2502	
5183.	104	232	739	739	2502	
5184.	104	314				
5184.(Sub)			482	482	1293,2103 2223,2374	2897 C283
5185.	104	338	558	558	169 1337,2106 2225,2401 2492,2498	2946 C335
5186.	104	161				
5186.(Sub)			634,1888	638,1889	1887 2035,2120 2252,2392 2492,2498	2947 C367
5187.	104	161			869	
5188.	104					
5189.	104					
5190.	105					
5191.	105	247				
5191.(Sub)			580	581	1844 2010,2375	2697 C248
5192.	105					
5193.	105	217				

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
5193.(Sub)			512	515	1029 1061,1475	2010 C36
5194.	105	212				
5195.	105	457				
5195.(Sub)			599	600	2502	
5196.	105	314				
5196.(Sub)			477	477	1846 2010,2375	2526 C171
5197.	105	430				
5197.(Sub)			739	740	1521,1735	2402 C158
5198.	106				509	
5199.	106					
5200.	106					
5201.	106					
5202.	106					
5203.	106	188,535				
5203.(2nd Sub)			645	645	2502	
5204.	107	303,535	649,666	666	650,2502	
5205.	107					
5206.	107	388				
5206.(Sub)			500	500	2502	
5207.	107	339				
5208.	107	247				
5208.(Sub)			329	329	1071,1475	2516,3128 PV C43
5209.	107	232	376	376	2502	
5210.	107					
5211	107					

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
5212.	107					
5213.	107	321				
5213.(Sub)			487	487,509	489 1173,1474	2010 C38
5214.	108	339				
5214.(Sub)			581	581,817	581 1121,1474	2010 C22
5215.	108	280,536	696	697	1933	
5216.	108					
5217.	108					
5218.	108	339,536	698,709	709	699,2502	
5219.	108					
5220.	108	321				
5220.(Sub)			772	772	2502	
5221.	108	452,536			473	
5221.(Sub)			710	710	1293,2014 2254,2343 2376,2497	3129 2959 VETOED
5222.	108	372	740	740	2502	
5223.	108					
5224.	108	255				
5225.	109	255,536				
5225.(2nd Sub)			805,906	805,906	806,807 869,2502	
5226.	109	293	597	597	2502	
5227.	109	255				
5227.(Sub)			646	647	2502	
5228.	109	389				
5229.	109					
5230.	109	430				

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
5231.	109	115	822	822	1361 1421,1613	2207 C132
5232.	109	536	718	719	169,2502	
5233.	109	137,537	585,588	585,590	216 585,1866 2010,2375	2952 2964,3130 PV C412
5233.					2965,2973	3130 PV override C1E2
5234.	109	247				
5234.(Sub)			500	500	1314 1451,1613	2207 C90
5235.	109	441				
5236.	110					
5237.	110					
5238.	110	137			581,869	
5239.	110					
5240.	110	430				
5241.	110	304,537				
5241.(Sub)			646	646	1608,2015 2453,2494	2946 C312
5242.	110					
5243.	110					
5244.	110	247				
5245.	110					
5246.	110	115	299	300	1733,2135	2947 C361
5247.	111	203,885			2520	
5248.	111	248				
5248.(Sub)			402	403	2502	

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
5249.	111	128,885			2520	
5250.	111	212	484	484	1735 1946,2136	2655 C230
5251.	111					
5252.	111	212				
5252.(Sub)			358	358	1317 1421,1613	2207 C133
5253.	111	161	501	501	2502	
5254.	111					
5255.	111					
5256.	111					
5257.	112					
5258.	112					
5259.	116					
5260.	116					
5261.	116					
5262.	116	441	554	555	2502	
5263.	116	430				
5263.(Sub)			501	501	1071,1475	2032 C45
5264.	117					
5265.	117	457				
5265.(Sub)			604	604	1867 2010,2375	2897 C295
5266.	117	351				
5266.(Sub)			582	582	1121,1474	2010 C29
5267.	117	322				
5268.	117	236,537				
5268.(2nd Sub)			742	742	2503	

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
5269.	117	204,885				
5269.(2nd Sub)			1039	1039	2503	
5270.	117					
5271.	117	430				
5272.	117					
5273.	118	1120				
5274.	118					
5275.	118	442				
5275.(Sub)			593	594	1423 1483,1614	2207 C143
5276.	118	212	771	772	2503	
5277.	118	236	502	502	1029 1061,1475	2010 C27
5278.	118					
5279.	118					
5280.	118					
5281.	118	236				
5282.	119					
5283.	119					
5284.	119	232	361	361	2503	
5285.	119	339			158	
5285.(Sub)			582	582	2503	
5286.	119					
5287.	119					
5288.	119	159				
5288.(Sub)			381	384	381 382,1819 2021,2262 2376,2497	2946 C336
5289.	119	159				

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
					709,1820	3131
					2020,2258	2953
					2376,2443	PV
5289.(Sub)			705,711	711	2487,2494	C426
5290.	119	212				
5290.(Sub)			583	583	2503	
5291.	119					
5292.	119					
5293.	119	430				
						2948,3131
					1960	PV
5293.(Sub)			524	524	2034,2136	C306
5294.	120	537				
5294.(Sub)			699	700	2503	
5295.	120					
5296.	120					
5297.	120	280				
						2010
5297.(Sub)			521	521	1071,1475	C42
5298.	120	457	713	713	2503	
5299.	120	197				
5299.(Sub)			521	521	2503	
5300.	120	248				
					1481	2207
5301.	120	248	376	376	4182,1614	C134
5302.	120	442				
5303.	120					
5304.	120					
5305.	121	396				
					1870	2897
5305.(Sub)			502	502	2010,2375	C292
5306.	121	315				

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
5307	121	431				
5307.(Sub)			742	742	2503	
5308.	121	431				
5309.	121	457	791	792	2503	
5310.	121					
5311	121					
5312.	121	363	742	743	2503	
5313.	121	304				
5314.	121	304				
5314.(Sub)			800	800	1294,2019 2150,2344 2376,2497	2946 C320
5315.	122	458				
5315.(Sub)			587	587	2202 2247,2375	3132 VETOED
5316.	122					
5317.	122				169	
5318.	122	304				
5318.(Sub)			668	668	2503	
5319.	122	348				
5319.(Sub)			772	773	2503	
5320.	122					
5321.	122					
5322.	122					
5323.	122					
5324.	122	293				
5324.(Sub)			598	598	2503	
5325.	122	431				
5326.	123	391				

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
5327.	123					
5328.	123	248	406	407	2503	
5329.	123	236	583	583	1733,2135	2526 C170
5330.	123					
5331.	123					
5332.	123					
5333.	123					
5334.	124					
5335.	124	281,391	606	607	2503	
5336.	124	161				
5336.(Sub)			300	300	2503	
5337.	124					
5338.	124	1333				
5338.(Sub)			2022,2715	2032 2089,2597 2715,2745	2032,2078 2503,2597 2746,2889	
5339.	124	304,452				
5339.(2nd Sub)			644	645	2503	
5340.	124					
5341.	124					
5342.	125				136	
5343.	125					
5344.	125					
5345.	125					
5346.	125					
5347.	125	442			869,1030	
5348.	125	411				

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
5348.(Sub)			584	584	1733,2135	2526 C172
5349.	125	453			158	
5350.	125	414				
5350.(Sub)			584	584	1980 2034,2136	2526 C174
5351.	125	171				
5352.	125	925	930			
5352.(Sub)			935	936 986,2530	936,1736 1791,1838 1966,2503 2530,2598 2654,2656 2833,2888 2934,2941	3132 PV C19E1
5353.	126	415	503	503	169 1276,1549	2207 C88
5354.	126	389	490	490	2503	
5355.	126	145				
5356.	126	171	349	349	2503	
5357.	130	458				
5357.(Sub)			607	607	1871 2010,2375	2946 C323
5358.	130					
5359.	130					
5360.	130					
5361.	130					
5362.	130	332				
5362.(Sub)			488	488	1319 1421,1613	2207 C120
5363.	130					
5364.	130	162,537	648	648	2503	
5365.	130	248			202	

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
5366.	131	391				
5366.(Sub)			551	551	2503	
5367.	131	213				
5367.(Sub)			403	403	2503	
5368.	131	188	310	310	1521,1735	2402 C160
5369.	131	281				
5369.(Sub)			479	479	1876 2010,2375	2897 C294
5370.	131	363	605	606	1071,1475	2100 C83
5371.	131	352	608	608	2503	
5372.	131	333,538				
5372.(2nd Sub)			718	718	1877 2051,2372 2445,2494	2947 C393
5373.	131	1120				
5373.(Sub)			2229,2916	2916,2933	2503 2234,2597 2597,2933 2934,2940	3138 PV C6E1
5374.	131	171,538	743	743	2503	
5375.	131	304,538				
5375.(2nd Sub)			733	733	1298 1313,2074 2221,2264 2376,2497	2950 3139 PV C350
5376.	131					
5377.	132	162				
5377.(Sub)			194	194	2503	
5378.	132	453,538				
5379.	132	248				
5379.(Sub)			409	409	2503	
5380.	132					

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
5381.	132	171	242	242	1982 2034,2136	2947 C405
5382.	132					
5383.	132	458				
5383.(Sub)			652,667	668	659,2107 2137,2503	
5384.	132	293,538	755	755	2503	
5385.	132	333,538				
5385.(Sub)			670	670	2503	
5386.	132	333				
5386.(Sub)			451	451	2503	
5387.	133					
5388.	133					
5389.	133					
5390.	133					
5391.	133					
5392.	133					
5393.	133	294	608	608	158,1481 1482,1614	2207 C115
5394.	133	389				
5395.	133	256				
5396.	138					
5397.	138					
5398.	138					
5399.	138					
5400.	139	389,874				
5400.(2nd Sub)			903	903	2052 2067,2137 2377,2392 2447,2494	2655 C205

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
5401.	139	171	773	773	2503	
5402.	139					
5403.	139	281	503	503	1318 1421,1613	2207 C144
5404.	139	453				
5405.	139	539				
5406.	139					
5407.	139	305				
5408.	139	329				
5409.	139					
5410.	139					
5411.	140	431				
5412.	140	431				
5413.	140					
5414.	140	458				
5415.	140					
5416.	140					
5417.	140					
5418.	140	415			503	
5418.(Sub)			560	560	1425 1733,2135	2897 C273
5419.	141	281				
5419.(Sub)			483	484	1318 1421,1613	2207 C147
5420.	141	339				
5420.(Sub)			744	744	2503	
5421.	141					
5422.	141					
5423.	141					

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend-ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
5424.	141	281				
5425.	141					
5426.	141					
5427.	141					
5428.	141					
5429.	142					
5430.	142	539				
5430.(Sub)			818	818	2503	
5431.	142	539	704	705	2503	
5432.	142					
5433.	142					
5434.	142					
5435.	142	372				
5435.(Sub)			755	755	2503	
5436.	142					
5437.	142	281,539				
5438.	149					
5439.	149					
5440.	149	213	425	425	1425 1483,1614	2207 C111
5441.	149	198				
5441.(Sub)			604	605	604,1324 1421,1613	2526 C178
5442.	150					
5443.	150	396				
5443.(Sub)			757	758	1827,1837 2015,2122 2223,2375	2949,3140 PV C337
5444.	150					
5445.	150	315				

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend-ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
5446.	150					
5447.	150					
5448.	150					
5449.	150					
5450.	151	458			186	
5450.(Sub)			602	602	2503	
5451.	151	510	773	773	2503	
5452.	151	411	603	603	1521,1735	2402 C156
5453.	151					
5454.	151	458,539			869	
5455.	151					
5456.	152	188	360	360	2503	
5457.	152					
5458.	152					
5459.	152					
5460.	152					
5461.	152					
5462.	152					
5463.	152					
5464.	152	305	426	426	1324 1421,1613	2207 C127
5465.	153					
5466.	153	329	608	609	1881 2010,2375	2697 C246
5467.	153					
5468.	153					
5469.	153	415				

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
5469.(Sub)			609	609	1521,1735	2402 C162
5470.	153					
5471.	153					
5472.	153	396				
5472.(Sub)			664	665	1329 1421,1613	3140 VETOED
5473.	153					
5474.	153	431				
5474.(Sub)			651	651	1884 2010,2375	2951,3141 PV C358
5475.	153					
5476.	154					
5477.	154	459				
5478.	154	322	610	611	2503	
5479.	154	389				
5479.(Sub)			774	774	2503	
5480.	154	198	561,565	565	503 561,1481 1482,1614	2207 C95
5481.	154	348				
5481.(Sub)			483	483	1330 1421,1613	2207 C119
5482.	154					
5483.	163	363				
5484.	163	329	609	609	2503	
5485.	164					
5486.	164	282				
5486.(Sub)			504	504	1521,1735	2402 C161
5487.	164	282	504	504	2503	

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend-ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
5488.	164	432				
5488.(Sub)			712	713	1276 1277,1549	2207 C131
5489.	164	329	611	611	2503	
5490.	164					
5491.	164	364				
5491.(Sub)			774	774	2503	
5492.	164	339	505	505	1886 2010,2375	2947 C377
5493.	164					
5494.	164					
5495.	164	432				
5496.	164					
5497.	165					
5498.	165	392				
5499.	165	415				
5499.(Sub)			801,815	816	801,1891 2010,2375	2947 C353
5500.	165					
5501.	165	348				
5501.(Sub)			505	505	1521,1735	2402 C157
5502.	165	213	613	613	1276 1277,1550	2208 C148
5503.	165	415				
5503.(Sub)			614	614	2503	
5504.	165					
5505.	165					
5506.	165	453				

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
5506.(Sub)			704	704	1294,2032 2034,2136	2526 C181
5507.	166					
5508.	166	294				
5509.	166					
5510.	166					
5511.	166					
5512.	166					
5513.	166					
5514.	166					
5515	166					
5516	166	416,540				
5516.(Sub)			712	712	2503	
5517	167					
5518.	167	416				
5519.	167	364,540	662	662	2503	
5520.	167					
5521.	167	1697	1697			
					2503,2519 2530,2594 2598,2767 2833,2912	3141 PV C12E1
5521.(Sub)			1697	1699,2519	2916,2933	
5522.	167	459				
5522.(Sub)			591	591	2503	
5523.	167	189				
5524.	167	333,886				
5524.(Sub)			1085	1085	2503	
5525.	167	432			533	
5525.(Sub)			808,810	811	2503	

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
5526.	168					
5527.	168					
5528.	168					
5529.	168					
5530.	168	459				
5531.	168	416,540				
5531.(Sub)			775	775	1276 1277,1550	2100 C77
5532.	168					
5533.	168	282				
5533.(Sub)			480	480	2503	
5534.	172					
5535.	172					
5536.	172	249	614	614	1436,2105 2223,2375	2946 C324
5537.	172	416				
5538.	172	249				
5539.	172					
5540.	172					
5541.	172	305				
5542.	172	322				
5542.(Sub)			615	615	2503	
5543.	173	322				
5543.(Sub)			506	506	1895 2010,2375	2897 C291
5544.	173	322				
5545.	173					
5546.	173					
5547.	173	416				

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
5547.(Sub)			615	615	2503	
5548.	173					
5549.	173					
5550.	173	459				
5551.	173					
5552.	173	305	593	593	1733,2135	2526 C186
5553.	174	315				
5553.(Sub)			776	776	1521,1735	2402 C163
5554.	174	364			869	
5555.	174	305			869	
5556.	174					
5557.	174					
5558.	174	315	556	557	557,676 678,870	
5559.	174	459			869	
5560.	174	322				
5560.(Sub)			450	450	1898 2010,2375	2946 C331
5561.	174	432				
5561.(Sub)			506	506	1900 2010,2375	2897 C293
5562.	174	282				
5563.	175					
5564.	175					
5565.	175					
5566.	175	236				
5566.(Sub)			661	661	1901,2075 2223,2375	2953 3142 PV C422

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
5567.	175	392				
5567 (Sub)			507	507	2503	
5568.	175	459				
5569.	175					
5570.	175					
5571.	175					
5572.	175					
5573.	175					
5574.	176					
5575.	176					
5576.	176					
5577.	176					
5578.	176					
5579.	176	364	615	616	1436 1483,1614	2208 C100
5580.	176	364	616	616	1121,1474	2100 C78
5581.	176	364				
5581 (Sub)			616	616	2503	
5582.	176	460				
5583.	176	282	379	379	1521 1735,2978	2402 C165
5584.	177					
5585.	177					
5586.	189					
5587.	189					
5588.	189	460			870	
5589.	189	204				
5590.	189	540	660	660	1276 1277,1550	2208 C91

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
5591.	190	364				
5591.(Sub)			758	758	1902 2010,2375	2655 C224
5592.	190	352	758	759	1733,2135	2526 C196
5593.	190	340				
5594.	190	453				
5594.(Sub)			507	507	2504	
5595.	190	453	507	508	1521,1735	2402 C164
5596.	190					
5597.	190	454	508,525	508 525,526	508,1608 2016,2504	
5598.	190					
5599.	190					
5600.	191					
5601.	191					
5602.	191	460				
5603.	191					
5604.	191					
5605.	191					
5606.	191					
5607.	191					
5608.	191					
5609.	191					
5610.	191					
5611.	192				210	
5612.	192					
5613.	192	460				

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
5614.	192	348				
5614.(Sub)			527	527	1437 1483,1614	2208 C125
5615.	192	442	724	724	2504	
5616.	192	540	759	759	2504	
5617.	192	442	822	822	1121,1474	2100 C66
5618.	192					
5619.	192					
5620.	192	454				
5621.	193					
5622.	193	323	617	617	2504	
5623.	193					
5624.	198	432,540				
5624.(2nd Sub)			760,824 998,2715	1007 2701,2715	763 828,869 2701,2942	
5625.	198					
5626.	198					
5627.	198					
5628.	198					
5629.	199					
5630.	199				233	
5631.	199	305	527	527	2504	
5632.	199	442				
5633.	199	416				
5633.(Sub)			523	523	2504	
5634.	199					
5635.	199					

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
5636.	199	282	617	617	1481 1482.1614	2208 C92
5637.	199					
5638.	199					
5639.	200					
5640.	200					
5641.	200	315				
5641.(Sub)			618	618	1276 1277.1550	2208 C112
5642.	200					
5643.	200					
5644.	200	460				
5644.(Sub)			672	672	673.1481 1482.1614	2208 C129
5645.	200					
5646.	200					
5647.	201	306				
5647.(Sub)			646	646	2504	
5648.	201	427				
5648.(Sub)			618	618	1963 1966.1977 2034.2136	2954.3143 PV C425
5649.	201					
5650.	201	397			870	
5651.	201	443,541				
5651.(Sub)			759	760	2504	
5652.	205					
5653.	205					
5654.	205	352				
5654.(Sub)			564	564	2504	

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
5655.	205					
5656.	206	352				
5656.(Sub)			528	528	2504	
5657.	206	352	619	619	2504	
5658.	206	330,871				
5658.(2nd Sub)			1446	1447	2012 2034,2136	2955,3144 PV C419
5659.	206	454				
5660.	206	443,541				
5660.(2nd Sub)			721	721	1276 1277,1550	2208 C126
5661.	206	365				
5662.	206					
5663.	206	384				
5663.(Sub)			650	650	1296,2104 2224,2375	2697 C250
5664.	206	461,896				
5665.	206	432			870	
5666.	207	432			870	
5667.	207					
5668.	207	249	529	529	1071,1475	2100 C71
5669.	207	432				
5670.	207					
5671.	207					
5672.	207	417				
5673.	207	340			870	
5674.	207	443				
5675.	207	461				

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
5676.	208	340	529	529	1361 1421,1613	3144 VETOED
5677.	208	365	619	619	2504	
5678.	208					
5679.	208	340	763	763	1733,2135	2526 C190
5680.	208	384	530	530	1481 1482,1614	2208 C140
5681.	208	283				
5681.(Sub)			663	663	1521,1735	2402 C154
5682.	208	454,913				
5683.	208					
5684.	214					
5685.	214	461	745	745	2504	
5686.	214	340				
5686.(Sub)			522	522	1791,1819 2120,2273 2301,2393 2492,2498	2947 C354
5687.	214					
5688.	214	433				
5688.(Sub)			620	620	2504	
5689.	214	417	553	554	1733,2135	2526 C179
5690.	214	411	764	764	2504	
5691.	214	871				
5691.(Sub)			919	919 1009,1117	924,2504	
5692.	214					
5693.	215	461			870	
5694.	215	461			870	

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
5695.	215					
5696.	215					
5697.	215	389,541				
5698.	215	461				
5699.	215	541	799	799	2504	
5700.	215	323	530	530	2504	
5701.	215	323	530	531	1733,2135	2526 C180
5702.	215	433				
5702.(Sub)			620	620	2504	
5703.	216					
5704.	216					
5705.	216	294	597	598	2504	
5706.	216					
5707.	218					
5708.	218					
5709.	218	390			870	
5710.	218	397				
5711.	218					
5712.	219	340			870	
5713.	219	462				
5713.(Sub)			764	764	1903 2010,2375	2947 C386
5714.	219	417,541				
5715.	219	341	551	553	1330 1421,1613	2208 C117
5716.	219					
5717.	219					
5718.	219					

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
5719.	219					
5720.	220					
5721.	220					
5722.	220					
5723.	220	462				
5723.(Sub)			808	808	2504	
5724.	220					
5725.	220					
5726.	220					
5727.	220					
5728.	220					
5729.	220	462,886				
5729.(Sub)			1031,1114	1116	1031,2504	
5730.	221					
5731.	221	323	482	482	1276 1277,1550	2208 C97
5732.	221					
5733.	221	433			246	
5733.(Sub)			531	531	1121,1474	2100 C72
5734.	221	510	719,721	722	719,2504	
5735.	221					
5736.	221	443	765	765	1908 2010,2375	2946 C321
5737.	221	462	824	824	1733,2136	2655 C208
5738.	221	462	765	765	1733,2136	2655 C209
5739.	222					
5740.	222	365				

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
5741.	222	390				
5742.	238					
5743.	238					
5744.	238	462			870	
5745.	238					
5746.	238	463				
5746.(Sub)			586	586	1437 1483.1614	2208 C104
5747.	239					
5748.	239					
5749.	239	463				
5750.	239					
5751.	239					
5752.	239	463				
5753.	239					
5754.	239	463				
5754.(Sub)			746.756	757	746.2504	
5755.	239	463				
5756.	239	385	693	693	1481 1482.1614	2208 C145
5757.	239					
5758.	240	417				
5759.	240	417				
5759.(Sub)			671	671	1820.2020 2152.2264 2376.2497	2697 C239
5760.	240					
5761.	240	443.542				
5762.	240	443				
5763.	240					

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
5764.	240	463				
5765.	240					
5766.	241	454			350	
5767.	241	385				
5768.	241	385				
5769.	250					
5770.	250					
5771.	250	365	621	621	1071,1475	2100 C73
5772.	250	417				
5772.(Sub)			766	766	2504	
5773.	250	444				
5774.	250					
5775.	251	444			385	
5776.	251	444				
5776.(Sub)			621	621	1911 2010,2375	2957,3145 PV C299
5777.	251					
5778.	251					
5779.	251					
5780.	251	433				
5781.	251					
5782.	251	352				
5782.(Sub)			622	622	1438 1483,1614	2208 C109
5783.	251					
5784.	251					
5785.	252					

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
5786.	252	434				
5786.(Sub)			622	622	1121,1474	2100 C79
5787.	252					
5788.	252					
5789.	252	323	727	727	2504	
5790.	252	418				
5790.(Sub)			623	623	1439 1483,1614	2208 C98
5791.	256					
5792.	256					
5793.	256					
5794.	256					
5795.	256	464				
5796.	256					
5797.	256	464	823	823	2504	
5798.	256	397	557	557	2504	
5799.	256					
5800.	256					
5801.	257					
5802.	257	464				
5803.	257	464			870	
5804.	257					
5805.	257	464				
5806.	257	397				
5807.	284	341			302	
5807.(Sub)			531	532	1121,1474	2032 C44
5808.	284	464	747	747		

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
5809.	284	392	817	817	1440 1483,1614	3145 VETOED
5810.	284	418				
5810.(Sub)			766	767	1915 2010,2375	2947 C406
5811.	284					
5812.	284	454				
5812.(Sub)			623	623	1981 2034,2136	2697 C264
5813.	285	465				
5814.	285					
5815.	285					
5816.	285					
5817.	285					
5818.	285					
5819.	285	330				
5819.(Sub)			624,632	624,632	625,631 632,1916 2010,2375	2947 C314
5820.	285					
5821.	285	353	486	486	2504	
5822.	285	434			870	
5822.	285	542				
5823.	285					
5824.	286	418	625	625	320,1276 1277,1550	2208 C122
5825.	286					
5826.	286	353,542	651	651	1735 1946,2136	2697 C253
5827.	286	434				

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
5827.(Sub)			626	626	1296 2014,2078 2148,2266	2947 C359
5828.	286	397				
5829.	286					
5830.	286	465				
5830.(Sub)			665	665	2504	
5831.	286					
5832.	286	434				
5833.	287	315	487	487	1299 1313,2074 2210,2267	2947 C407
5834.	287					
5835.	287	353				
5835.(Sub)			626	626	2504	
5836.	287	333				
5837.	287					
5838.	287	434				
5838.(Sub)			564	564	1121,1474	2100 C67
5839.	287					
5840.	287					
5841.	287	465			870	
5842.	294	434	814	814	2504	
5843.	294	455				
5843.(Sub)			663	663	2504	
5844.	294					
5845.	294	435				
5846.	294	465			870	

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
5847.	295	412				
5848.	295					
5849.	295	465				
5850.	295	385				
5850.(Sub)			703	703	1918 2010,2375	2947 C390
5851.	295	466,542				
5852.	295					
5853.	295	316	594,601	602	596,1735 1946,2136	2655 C231
5854.	295	455				
5855.	295	466				
5855.(Sub)			713	716	2504	
5856.	295					
5857.	296	435			350	
5857.(Sub)			627	627	1735 1946,2136	2697 C265
5858.	296	365	546	546	1958 2034,2136	2655 C232
5859.	296	353				
5859.(Sub)			586	586	1918 2010,2375	2947 C325
5860.	296					
5861.	307					
5862.	307					
5863.	307					
5864.	307	435				
5864.(Sub)			546	546	2504	
5865.	307					
5866.	307	466				

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
5866.(Sub)			628,629	629	629,1919 2010,2375	2947 C378
5867.	307	466				
5868.	307	435				
5868.(Sub)			630	630	1521,1735	2402 C153
5869.	307	466				
5870.	307	466				
5871.	308	444	813	814	1440 1483,1614	2208 C149
5872.	308	365,1045				
5872.(Sub)			1352	1353	2504	
5873.	308					
5874.	308	412	524	524	1121,1474	2517,3145 PV C82
5875.	317					
5876.	317					
5877.	317					
5878.	317					
5879.	317					
5880.	317	392				
5881.	317					
5882.	318	467				
5883.	318					
5884.	318					
5885.	318					
5886.	318	455				
5886.(Sub)			710	710	1443 1483,1614	2208 C123

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
5887.	318	444	630	630	1481 1482.1614	2208 C150
5888.	318	444	547	547	2504	
5889.	318	435				
5889.(Sub)			547	547	1933 2010.2375	2955.3146 PV C421
5890.	318					
5891.	318	412				
5891.(Sub)			585	585	1276 1277.1550	3146 VETOED
5892.	319					
5893.	319	467				
5893.(Sub)			603	603	2504	
5894.	319					
5895.	319	412	812	812	2504	
5896.	319					
5897.	319	418				
5897.(Sub)			1389 1407.2753	1408.2701 2753.2755	1395 2234.2242 2270.2504 2701.2889 2890.2897	3125 C18E1
5898.	319					
5899.	324					
5900.	324	455				
5901.	324	353				
5902.	324	467				
5903.	324	467				
5903.(Sub)			720	720	1733.2136	2526 C183
5904.	324	444				

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend-ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
5905.	324	445				
5905.(Sub)			818	819	1983 2034.2136	2697 C266
5906.	324					
5907.	334	435	548	548	1995 2034.2136	2697 C267
5908.	334	455			870	
5909.	334					
5910.	334					
5911.	334	510				
5911.(Sub)			701	701	1822.1826 2015.2353 2400.2494	2956.3147 PV C424
5912.	334					
5913.	334	436				
5914.	334					
5915.	335					
5916.	335	467	593	593	1966 2034.2136	2958.3147 VETOED
5917.	335	467				
5917.(Sub)			820	821	2504	
5918.	335					
5919.	335					
5920.	335					
5921.	335	468			870	
5922.	335					
5923.	335					
5924.	335					
5925.	336					

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
5926.	336	397	767	767	1967 2120,2350 2394,2494	2956,3148 PV C418
5927.	336	418				
5927.(Sub)			631	631	2504	
5928.	336					
5929.	336	418	767	768	2504	
5930.	336	445			350	
5931.	336	468				
5931.(Sub)			821	821	2504	
5932.	336					
5933.	336	468			386	
5933.(Sub)			597,598	597,599	597 599,1251 1282,1549	2208 C93
5934.	336					
5935.	337	455			870	
5936.	337					
5937.	337					
5938.	342					
5939.	342					
5940.	342					
5941.	342					
5942.	342					
5943.	342					
5944.	342					
5945.	342					
5946.	342					
5947.	342	436				

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
5947.(Sub)			631	632	1997 2034,2136	2947 C408
5948.	342	419				
5948.(Sub)			720	720	2504	
5949.	343					
5950.	343	436	548	548	1936 2010,2375	2947 C317
5951.	343	468				
5952.	343	366				
5952.(Sub)			768	768	2504	
5953.	343	419				
5954.	343					
5955.	343					
5956.	343					
5957.	354	468			870	
5958.	354					
5959.	354					
5960.	354	468,1010				
5960.(2nd Sub)			1166,1238	1240	1166,2376 2492,2499	2948 C409
5961.	354					
5962.	354					
5963.	354					
5964.	354	456,542				
5964.(Sub)			696	696	2504	
5965.	355					
5966.	355	445	525	525	1968,1975 2114,2115 2224,2504	
5967.	355	469				

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
5968.	355	445				
5969.	355					
5970.	355					
5971.	355					
5972.	355					
5973.	368	469				
5974.	368	469				
5975.	368	419,543			806 869,1009	
5976.	368					
5977.	368	469				
5978.	368	456				
5979.	368					
5980.	368					
5981.	368	469				
5982.	369					
5983.	369	456	522	523	1029 1061,1475	2100 C80
5984.	369	469				
5984.(Sub)			601	601	1938 2010,2375	2948 C429
5985.	369					
5986.	369					
5987.	369	390	673	673	1445 1483,1614	2208 C113
5988.	369					
5989.	369					
5990.	369	470	702	703	1481 1482,1614	2208 C103
5991.	369	397	549	549	386,1939 2010,2375	2948 C410

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
5992.	369	390	673	673	2504	
5993.	369	445				
5993.(Sub)			549	549	2504	
5994.	370					
5995.	370					
5996.	370	398				
5997.	370					
5998.	370					
5999.	370	543				
6000.	373					
6001.	373					
6002.	373	470	673	674	2504	
6003.	373	470				
6003.(Sub)			769	769	1121,1475	2100 C69
6004.	373					
6005.	373	436	674	674	1940 2010,2375	2948 C411
6006.	373					
6007.	373					
6008.	373					
6009.	373	470				
6009.(Sub)			727	727	2115 2223,2375	2947 C318
6010.	374					
6011.	374					
6012.	374	445	674	674	1446 1483,1614	2518,3148 PV C86
6013.	374	470				

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
6013.(Sub)			728	729	1997 2034,2136	2947 C389
6014.	374					
6015.	374	470				
6016.	374					
6017.	393					
6018.	393					
6019.	393					
6020.	393					
6021.	393					
6022.	393					
6023.	393	471				
6024.	393					
6025.	393					
6026.	393				452	
6027.	394					
6028.	394					
6029.	394					
6030.	394					
6031.	394				439	
6032.	394	419	769	769	2504	
6033.	394	471				
6033.(Sub)			796 814,816	817	798 815,1941 2010,2375	2947 C322
6034.	394	446	792,815	815	794,2504	
6035.	394					
6036.	394	471			870	
6037.	394					

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
6038.	395					
6039.	395					
6040.	399					
6041.	399					
6042.	399					
6043.	400					
6044.	400					
6045.	400	471	829	845	729 811,2504	
6046.	400					
6047.	400					
6048.	400	471			550	
6048.(Sub)			562	562	1975 2034,2136	2948 C387
6049.	400					
6050.	400					
6051.	400	471,543				
6051.(2nd Sub)			748	753	1978,2121 2255,2346 2376,2497	2948 C430
6052.	420	1045				
6052.(Sub)			1178	1179	2504	
6053.	420					
6054.	420					
6055.	420					
6056.	420					
6057.	420	472	587	587	1481 1482,1614	2208 C118
6058.	420					
6059.	420					

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
6060.	421					
6061.	421	446				
6061.(Sub)			687	689		
6062.	421					
6063.	421					
6064.	421					
6065.	421					
6066.	421					
6067.	421	472				
6068.	421					
6069.	421					
6070.	421					
6071.	421					
6072.	437					
6073.	437					
6074.	437	1045				
6074.(Sub)			1354 2698	1354 2694,2698	2504 2694,2714 2766,2889	3125 C8E1
6075.	437	1045				
6075.(Sub)			1205	1205	1205,2005	
6076.	437	472	812	813	1943 2010,2375	2656,3149 PV C203
6077.	437	472				
6078.	437					
6079.	437					
6080.	437	472,896				
6081.	449					

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
6082.	449					
6083.	474					
6084.	474					
6085.	492					
6086.	492					
6087.	612					
6088.	612					
6089.	640					
6090.	640					
6091.	853	871	903	903	2504	
6092.	853					
6093.	889					
6094.	889					
6095.	889	891	894 904,2913	905,2694 2913,2915	906 2694,2934,	3125 C7E1
6096.	1051					
6097.	1051					
6098.	1122					
6099.	1122					
6100.	1122					
6101.	1122					
6102.	1122					
6103.	1122					
6104.	1122					
6105.	1122					
6106.	1122		2006 2035,2757	2038,2701 2757,2760	2006,2404 2504,2701 2891,2894	
6107.	1123					

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
6108.	1123					
6109.	1123					
6110.	1123					
6111.	1123					
6112.	1123					
6113.	1123					
6114.	1123					
6115.	1123					
6116.	1123					
6117.	1123					
6118.	1123					
6119.	1123					
6120.	1123					
6121.	1124					
6122.	1124					
6123.	1124					
6124.	1124					
6125.	1124					
6126.	1124					
6127.	1124					
6128.	1124					
6129.	1124					
6130.	1124					
6131.	1278					
6132.	1218					
6133.	1218					
6134.	1218					
6135.	1218					

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend-ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
6136.	1218					
6137.	1278					
6138.	1278					
6139.	1278					
6140.	1278					
6141.	1484					
6142.	1484					
6143.	1484					
6144.	1484					
6145.	1484	1613	1632		1632	
6145.(Sub)			1678	1678	2504	
6146.	1612					
6147.	1612					
6148.	2373					
6149.	2521					
6150.	2656		2656,2657	2657	2695,2714	2897 C1E1
6151.	2753					
6152.	2702		2702,2755	2756	2757,2912 2916,2933	3149 PV C9E1
6153.	2898					
6154.	2963					
6155.	2963		2968	2968	2973,2975	3125 C3E2
6156.	2963				2970	
6157.	2963					
6158.	2969					
6159.	2969					

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
6160.	2969					
6161.	2969		2970,2972	2972		
6162.	2969					

HISTORY OF SENATE JOINT MEMORIALS

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action
8000.	96	138	242	243	2504
8001.	112	138			
8001.(Sub)			550	550	1173,1474
8002.	126	162	690	690	1521,1735
8003.	133	412	690	690	2505
8004.	142				
8005.	143	172	691	691	2505
8006.	143	162	692	692	2505
8007.	143				
8008.	177	283			
8009.	177	283			
8010.	201	306	528	528	1733,2136
8011.	216	398	692	693	1481 1482,1614
8012.	288				
8013.	324	436	693	694	2505
8014.	337	473			
8014.(Sub)			812	812	2505
8015.	374	392	694	694	2505
8016.	449	473			

HISTORY OF SENATE JOINT RESOLUTIONS

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action
8200.	70	115	375,378	378	375,2003 2034,2136
8201.	70	138	298	298	2505
8202.	112	162			
8202.(Sub)			633	633	1839 2010,2375
8203.	112				
8204.	126	366			
8205.	126				
8206.	126				
8207.	126	323			
8207.(Sub)			811	811	2505
8208.	134				
8209.	134	162			870
8210.	154	412	728	728	1733,2136
8211.	168				
8212.	177				
8213.	201				278
8214.	208				
8215.	241	385			
8216.	241	543	828,846	847	
8217.	296				
8218.	319	392	778	779	779 869,2520
8219.	319	419	779	781	781 869,2520
8220.	337				
8221.	337	473			
8222.	370	446,913			

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action
8223.	400				
8224.	421				
8225.	1124				
8226.	1612				

HISTORY OF SENATE CONCURRENT RESOLUTIONS

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action
8400.	70	330			
8400.(Sub)			695	695	2505
8401.	143				
8402.	154				
8403.	168	249	695	695	2491,2494
8404.	177	427			
8404.(Sub)			1041	1041	2505
8405.	193		193,223	231	306,348 359,367
8406.	296				
8407.	337	473	723	723	727
8408.	355				
8409.	395	1010			
8410.	783				
8411.	931		931,1031	1031	2505
8412.	995		995	995	1944 2010,2375
8413.	1218				
8414.	2052		2052		2520
8415.	2105		2105	2105	2137 2224,2375
8416.	2492		2492	2492	2499,2500
8417.	2227				
8418.	2227				
8419.	2227				
8420.	2227				
8421.	2512		2512	2512	2519,2521
8422.	2596				
8423.	2937		2937	2937	2941

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action
8424.	2937		2937	2937	2941
8425.	2753		2753	2753	2934,2940
8426.	2960		2960	2960	2960,2961
8427.	2973		2973	2973	2975,2976

HISTORY OF SENATE FLOOR RESOLUTIONS

NUMBER, AUTHOR AND SUBJECT	Introduced	Floor Action	Other Action
8600. Senators Hayner, Sellar, Vognild, Warnke: SENATE ORGANIZED/HOUSE NOTIFIED.		16	
8601. Senators Hayner, Sellar, Vognild, Warnke: SENATE COURTESIES EXTENDED.		16	
8602. All Senators; Gordon A. Golob, Secretary of the Senate; Nate Naismith, Assistant Secretary of the Senate; George LaPold, Sergeant at Arms: LIEUTENANT GOVERNOR CHERBERG HONORED.		42	
8605. Senators Hayner, Bender, Murray: SHORECREST HIGH SCHOOL BAND HONORED.		88	
8606. All Senators; Lieutenant Joel Pritchard; Gordon A. Golob, Secretary of the Senate; Nate Naismith, Assistant Secretary of the Senate; George LaPold, Sergeant at Arms: SENATOR LOWELL PETERSON HONORED.		89	
8607. Senators Fleming, Smitherman, Talmadge, Rasmussen, Wojahn: DR. MARTIN LUTHER KING, JR., HONORED.		96	
8609. Senators Kreidler, West, Wojahn: CHOLESTEROL AWARENESS WEEK.		313	
8610. Senators Hayner, Amondson, Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Johnson, Lee, Matson, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Patterson, Pullen, Saling, Sellar, Smith, Thorsness, von Reichbauer, West, Rasmussen, Gaspard, Madsen, Wojahn, Stratton, Vognild, DeJarnatt, Williams, Murray: PRESIDENTIAL INAUGURATION.		127	
8611. Senators DeJarnatt, Smith: CASTLE ROCK HIGH SCHOOL ROCKETS HONORED.		687	
8612. Senators Pullen, McCaslin, Talmadge, Niemi, Newhouse, Madsen, Rasmussen, Rinehart, Thorsness, Nelson: USSR/USA/FAMILY REUNION.		134	
8614. Senators Gaspard, von Reichbauer, Rasmussen, Madsen, Warnke, Johnson, Wojahn: LAURIE WETZEL HONORED.		262	
8615. Senators Murray, Rasmussen, Smitherman: INGRAHAM RAMS FOOTBALL TEAM HONORED.		148	
8617. Senators Hayner, Sellar and Newhouse: SENATE RULES.		263	
8618. Senators Bluechel, Vognild, Hayner, Warnke, Anderson: WASHINGTON - 2000 A.D. COMMITTEE.		260	

NUMBER, AUTHOR AND SUBJECT	Introduced	Floor Action	Other Action
8619. Senators Amondson, Conner, Johnson, DeJarnatt, Rasmussen, Barr: SPOTTED OWL/TIMBER HARVEST.		245	
8620. Senators Vognild, Moore, Newhouse, Sellar, Barr, von Reichbauer: INTERNATIONAL GARDEN/GREENERY EXPOSITION.		231	
8621. Senators Pullen, Bauer, Newhouse, Conner, Matsen, Cantu, Smitherman, Fleming, Nelson, Warnke, Sutherland: D.A.R.E. PROGRAM.		698	
8622. Senators Conner, DeJarnatt: OIL SPILL VOLUNTEERS.		262	
8623. Senators Sutherland, Bauer, Smith: MITZI MAULDIN HONORED.		532	
8624. Senators Rasmussen, Benitz, Amondson, Stratton, Owen and Patterson: CONGRESSIONAL PAY RAISE/VOTE.		245	
8625. Senators Bluechel, Rasmussen, Gaspard: FINE ARTS/ISSAC STERN VISIT.		292	
8628. Senators Bailey, Rasmussen, Gaspard: VOCATIONAL EDUCATION WEEK.		346	
8629. Senator Vognild: CHRIS HENDERSON HONORED.		347	
8630. Senators Cantu, Rasmussen: PRESIDENTS DAY HONORED.		362	
8631. Senators Smitherman, Rasmussen, Gaspard: LEGISLATIVE FITNESS DAY.		426	
8633. Senators McMullen, Anderson, Rasmussen, Bailey: WASHINGTON STATE DAIRY PRINCESS HONORED.		440	
8634. Senators Thorsness, Anderson, Amondson, Rasmussen, Murray, Sutherland: BOY SCOUTS OF AMERICA HONORED.		518	
8635. Senators Rasmussen, McCaslin: OFM/PERSONNEL DETAIL REPORT.		569	
8636. Senator Sutherland: COLUMBIA ALUMINUM CORPORATION HONORED.		678	
8637. All Senators: DR. WILLIAM A. "SANDY" MacCOLL HONORED.		900	
8638. Senator DeJarnatt: RAYMOND HIGH LADY GULLS BASKETBALL TEAM.		643	
8640. Senators Madsen, Rasmussen: THOMAS C. VAN EATON HONORED.		900	
8641. Senators Madsen, Kreidler: YELM LION'S CLUB HONORED.		901	
8642. Senators Saling, West, Stratton, McCaslin: SHADLE PARK HIGHLANDERS BASKETBALL TEAM.		882	

NUMBER, AUTHOR AND SUBJECT	Introduced	Floor Action	Other Action
8647. Senators McMullen, Murray: ST. PATRICK'S DAY OBSERVED.		868	
8648. Senator Bluechel: REDMOND HIGH SCHOOL BASKETBALL TEAM.		869	
8649. Senators McMullen, Gaspard, Wojahn: GLENN RICKERT HONORED.		1007	
8650. All Senators: DAILY GLOBE NEWSPAPER HONORED.		880	
8651. Senators Pullen, Vognild, Smith, Bauer, Madsen, Rasmussen: STATE RECEPTION ROOM CARPET.		883	
8652. Senators Talmadge, Rasmussen: EARL ROBINSON HONORED.		901	
8653. Senator Talmadge: SEALTH HIGH SCHOOL BASKETBALL TEAM.		883	
8655. Senators Saling, Bauer, Rasmussen: WASHINGTON SCHOLARS PROGRAM.		2140	
8657. Senator Sutherland: MARYHILL MUSEUM OF ART HONORED.		1114	
8658. Senators Sutherland, Conner: LEWIS AND CLARK TRAIL RUN.		1007	
8659. Senators McMullen, Metcalf: SKAGIT VALLEY TULIP FESTIVAL HONORED.		1227	
8660. Senator Smitherman: SMALL ISSUE BONDS.		2490	
8661. Senators Bailey, Bluechel, Anderson, Murray, Gaspard, Smitherman, McDonald, Cantu and Rinehart: SCIENCE MONTH OBSERVED.		1035	
8662. Senators Hayner, Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn: DELLA M. NEWMAN HONORED.		1113	
8663. Senators Madsen, Rasmussen, Gaspard: CITY OF ORTING HONORED.		1285	
8664. All Senators: ADELE DORAN HONORED.		2658	
8665. Senators Bluechel, McDonald: FRAU ANNELIES CLAUSON HONORED.		1358	
8671. Senators Rinehart, Bailey, Williams, Wojahn: UNIVERSITY HEIGHTS SCHOOL HONORED.		1950	

NUMBER, AUTHOR AND SUBJECT	Introduced	Floor Action	Other Action
8673. Senator Murray: LAKESIDE HIGH SCHOOL GIRLS' BASKETBALL TEAM HONORED.		2524	
8674. Senators McMullen, von Reichbauer, Madsen: NATIONAL HOCKEY LEAGUE EXPANSION.		2272	
8676. Senators Vognild, Warnke, Hayner, Sellar, Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Hansen, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, West, Williams, Wojahn: GORDON GASPARD HONORED.		1610	
8677. Senator Sutherland: WINDSURFING IN COLUMBIA GORGE.		2694	
8678. All Senators: KATHERINE ANN PULLEN HONORED.		1907	
8679. All Senators: SENATOR TOM HALL HONORED.		1949	
8680. Senators Sutherland, Sellar, Vognild, Warnke, Barr, Rasmussen, Bauer, Benitz, McCaslin, Stratton, Newhouse, Moore, Owen, Bender, Williams, Wojahn, Madsen, Nelson, Pullen, Niemi, Murray, Kreidler, Rinehart, Metcalf: SENATOR AND MRS. "TUB" HANSEN HONORED.		2005	
8681. Senator Saling: HIGHER EDUCATION SYSTEM/STUDY.		2272	
8685. All Senators: SENATOR GORDON SANDISON HONORED.		2489	
8687. Senators Amondson, Anderson, Conner, McMullen: WASHINGTON STATE LOGGING SHOW JOINT SELECT COMMITTEE.		2488	
8688. Senators Patterson, Johnson, Sellar, Benitz, Hansen, Sutherland, Kreidler, Owen: MOTOR FREIGHT/UTC STUDY.		2938	
8689. All Senators: SENATE DINING ROOM STAFF HONORED.		2271	
8690. Senators Hayner, Sellar, Vognild, Warnke: SINE DIE/HOUSE NOTIFIED.		2490	
8691. Senators von Reichbauer, McMullen, Newhouse, Gaspard, Sellar, Vognild, Talmadge, McDonald, Fleming, Hayner, West, McCaslin, Johnson, Lee, Bender, Bluechel, Benitz, Smith, Williams, Conner, Hansen, Nelson, Owen, Madsen, Murray, Rasmussen, Bauer, Stratton, Pullen,			

NUMBER. AUTHOR AND SUBJECT	Introduced	Floor Action	Other Action
Smitherman, Sutherland, Kreidler, Wojahn, Craswell, Patterson, Thorsness, Metcalf, Cantu, Bailey, Matson, Anderson: SUPER BOWL 1992/SENATE SELECT COMMITTEE.		2486	
8693. Senators Hayner, Sellar, Vognild, Warnke: SENATE INTERIM PROVISIONS.		2493	
8697. Senator Williams: MR. AND MRS. HENNING BOE HONORED.		2520	
8698. Senators Hayner, Sellar, Vognild, Warnke: SENATE ORGANIZED/HOUSE NOTIFIED.		2511	
8699. Senators Niemi, Rasmussen: UW MEDICAL CENTER HONORED.		2523	
8700. Senator Hansen: MONTIE MONTANA HONORED.		2527	
8701. Senators Rasmussen, Vognild, Wojahn, Amondson, Saling, Murray, Conner, Johnson, Anderson, Bailey, Craswell, Thorsness, Smitherman, McMullen, Barr, Talmadge, von Reichbauer, Bauer, Warnke, Bender, Nelson, Sellar, Moore, Kreidler, Williams, Metcalf, DeJarnatt: CLAM DIGGING SEASON EXTENDED.		2595	
8702. Senators von Reichbauer, Gaspard, Pullen, Rasmussen, Fleming: PAUL S. FRIEDLANDER HONORED.		2595	
8703. Senators Hayner, Sellar, Vognild, Warnke: SINE DIE/HOUSE NOTIFIED.		2937	
8704. Senator Kreidler: ASSOCIATED MINISTRIES OF THURSTON COUNTY AND NANCY HOFF HONORED.		2699	
8706. Senators Wojahn, McDonald, Rasmussen: OVERTIME PAYMENTS/EXEMPT PERSONNEL/STUDY.		2940	
8710. Senators Rasmussen, Johnson, Gaspard, Conner, Bauer, Warnke, Wojahn, Rinehart, Moore, Kreidler, Owen, Talmadge, Murray, Hansen, Madsen, Smitherman, Sutherland, Stratton, Niemi, Bluechel, Nelson, Sellar, McDonald, Saling, Craswell, Smith, Lee, Patterson, Hayner, von Reichbauer, Cantu, Anderson, Newhouse, Metcalf, Thorsness, Barr, Benitz, Matson, McCaslin, Bailey, Pullen, West, Amondson: SHERYL WILSON, ASSISTANT DIRECTOR, DEPARTMENT OF RETIREMENT SYSTEMS HONORED.		2939	
8712. Senators Anderson, Pullen, von Reichbauer, Smitherman, Stratton: CRIME/HIGHER EDUCATION CAMPUSES/STUDY.		2938	

NUMBER, AUTHOR AND SUBJECT	Introduced	Floor Action	Other Action
8714. Senators Hayner, Sellar, Vognild, Warnke: SENATE ORGANIZED/HOUSE NOTI- FIED.		2946	
8715. Senators Lee, von Reichbauer, Amondson, McDonald, Sutherland, Anderson, McCaslin, Murray, Benitz, Nelson, Smith, Hansen, Barr, Craswell, Pullen, McMullen, Bailey, Warnke, Bender, Johnson, Saling, Moore, Williams, Smitherman, Hayner, Sellar, Talmadge, DeJarnatt, Patter- son: ELM TREE RESTORATION PROJECT.		2966	
8716. Senators Hayner, Sellar, Vognild, Warnke: SINE DIE/HOUSE NOTIFIED.		2973	
8717. All Senators: SENATOR WARREN MAGNUSON HONORED.		2970	

HISTORY OF HOUSE BILLS

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
1001.	201				198,2505	
1002	201				198,2505	
1003.	201				198,2505	
1004.(Sub)	201				198,2505	
1005.(Sub)	202				198,2505	
1007.(Sub)	572	874	934	934	571,1948 2136,2209	C241
1010.	252	891	1042	1042	250 1424,1425	C21
1011.(Sub)	572	991			572,2505	
1013.(Sub)	572				571,2505	
1019.	641	991	1233	1234	640,1948 2136,2209	C394
1020.	222	891	1211	1212	218,1948 2495	C275
1021.	572				571,2505	
1022.	202,223	907			198,2505	
1024.	288	886	1043	1043	284 1424,1425	C30
1025.	252	872	1067	1068	250 1481,1482	C47
1026.	730	878	996	996	730 1424,1425	C37
1027.	252	872	1284	1284	250 1549,1552	C130
1028.(Sub)	783	1010	1461,1577	1579	782,1465 2017,2142 2261,2342 2499,2501	PV C305
1031.(Sub)	730	1045	1230	1231	730,2019 2499,2501	PV C311
1032.	641	1046	1255	1255,1266	640,1255 1549,1552	C136

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
1033.	493	1010	1256	1256	492 1549,1552	C137
1035.	252	924			250,2505	
1037.(Sub)	854				853,2505	
1038.	253	874	1043	1043	250 1424,1425	C16
1039.(Sub)	681	874	1044	1044	680 1424,1425	C17
1041.(Sub)	355				353,2505	
1042.	370	891	1159	1159	367,1948 2136,2209	C221
1043.	572	875	1119	1119	571 2016,2495	C222
1044.(Sub)	288				284,2505	
1047.	572	896	1190	1192	572,2016 2497,2498	C251
1049.	422	910	1044	1044	419 1424,1425	C39
1051.(Sub)	854	1010,1046	1256	1265	853,2016 2497,2498	PV C420
1053.	288				284,2505	
1055.	854				851,2505	
1056.(Sub)	573	878	1029	1029	571,1838 2018,2051	C176
1058.	438				436,2505	
1060.	253	896	1407	1407	250,1948 2136,2209	C225
1062.	422	886	1051	1052	419 1481,1482	C48
1065.(Sub)	783	915	1058	1058	782,1608 2137,2223	PV C332
1066.	784				782,2505	
1067.(Sub)	492	1010	1266	1266	492,569 1549,1552	C121

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
1068.(Sub)	854	1011	1203	1205	851	
					572,2015 2081,2223 2246,2499	
1070.	573	915	1205	1206	2501	C276
					492,1232 2100,2497	
1071.(Sub)	493	915	1232 1629	1232 1629,1630	2498	C395
					492,1948	
1072.	493	910	1227	1228	2136,2209	C219
1073.	854				851,2505	
					730,1838	
1074.(Sub)	731	897	1195	1196	2018,2051	C338
					419,1838	
1077.	422	875	932	932	2018,2051	C173
1078.(Sub)	854				851,2505	
1080.	320	1011			317,2505	
1081.	422	886	1212	1215	420,2505	
1082.	422				420,2505	
					782,1948	
1085.	784	897	1285	1285	2136,2209	C345
					680,1201 1413,2071	
1086.(Sub)	681	892,1046	1409 1441,2071	1441 2072	2196,2497 2498	C346
1088.(Sub)	202				198,2505	
					436	
1096.	438	771	1286	1286	1549,1552	VETOED
					851,1646 2270,2499	
1097.(Sub)	854	1046	1646,1679	1683	2501	C379
					250,1962 2392,2449	
1103.	253	878	1030	1030	2500	C347
					680,876	
1104.(Sub)	681	1011 1046	1376 1479	1480	1380,1948 2136,2209	C240

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
1106.	253				250,2505	
1109.	422	1011			420 2004,2505	
1110.	288				284,2505	
1115.	438	925	1286	1287	436,509 1948,2136 2209	C242
1117.	493	878	1076	1076	492,1482	C49
1118.	854				853,2505	
1119.(Sub)	855				853,2505	
1123.(Sub)	681	925			680 2004,2505	
1127.(Sub)	855				853,2505	
1129.	784				782,2505	
1133.(Sub)	681	1011	1385	1388	680,2013 2141,2268 2342,2499 2501	C381
1136.(Sub)	731	897			730,2505	
1138.	288	849	931	931	284 1007,1008	C5
1154.	855				853,2505	
1156.	784				782,2505	
1157.	493	1011	1583	1584	492 2016,2495	VETOED
1158.	493	1012			492,2505	
1160.(Sub)	682				681,2505	
1161.(Sub)	288				284,2505	
1162.	288	886	1052	1052	284,1482	C76
1163.	308	875	1053	1053	306,1482	C74
1165.(Sub)	784	1012			782 876,2505	

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
1168.(Sub)	222	849	1031	1032	218 1424,1425	C40
1169.(Sub)	222	849	1032	1032	218 1424,1425	C34
1170.	222	849	1032	1033	218 1424,1425	C33
1172.	855	1046	1649,1683		853,895 1652,1684 2004,2505	
1173.(Sub)	337	849	1033	1033	334 1948,2136	C333
1174.(Sub)	784				782,2505	
1175.	784				782,2505	
1176.	1612				1608,2505	
1177.	422				420,2505	
1180.(2nd Sub)	682	1012 1047	1413 2072	1419 2073	680,847 2072,2196 2499,2501	C383
1182.	253 2696	872	1584,2696 2699	2699	250,1584 2004,2505 2695,2714	C13E1
1183.(Sub)	855	1012	1267	1267	852,1948 2136,2209	C281
1189.	855	887	933	934	852 1948,2495	C235
1190.(Sub)	682	1012,1611			680,1105 1632,2506	
1192.(Sub)	641	892	1053	1053	640,1482	C18
1196.	855	1012			851,2506	
1197.(Sub)	438				437,2506	
1198.	222	879	1268	1269	218,1838 2018,2051	C249
1205.	320	872	1054	1054	317,1482	C50

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
1208.(Sub)	493	892	1072 2067	1076 2070	492,2067 2196,2497 2498	C382
1215.	422				420,2506	
1217.(Sub)	784	1013	1554 1567	1567	782,1564 2497,2498	C308
1220.	785	924	1287	1287	782 1549,1552	C105
1221.(Sub)	494	910	1061	1065	492 2017,2495	PV C301
1222.	253	991			250,2506	
1223.	682	887			681,2506	
1224.	475	887			474,2506	
1225.	475	887			474,2506	
1226.	494	887			492,2506	
1231.	422	872	1041	1041	420,1838 2018,2051	C197
1237.(Sub)	785				782,2506	
1239.	731	1013	1288	1288	730 1549,1552	C138
1240.	438	897			437,2506	
1241.	494	887	1659	1659	492 2137,2209	C226
1249.	682	888	997	997	680 1424,1425	C23
1250.(Sub)	494	888	1192	1192	492 1735,1822	C198
1251.(Sub)	475	1013	1628	1628	474,2074 2394,2453 2500	PV C351
1252.(Sub)	438	888	1269	1269	437 1549,1552	C114
1253.	494	888	1087	1091	492,1948 2136,2209	C300

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
1254.(Sub)	494	875	1039	1040	492,1890 2141,2262 2342,2499 2501	PV C234
1257.(Sub)	641				640,2507	
1258.	573	892	1092	1093	572,1838 2018,2051	C169
1259.(Sub)	494	872	1042	1042	492 1424,1425	C41
1261.(Sub)	289				284,2506	
1263.(Sub)	855				852,2506	
1264.(Sub)	494	888			492,2506	
1267.	856				852,2506	
1270.	253	879			250,2506	
1272.	438				437,2506	
1278.(Sub)	682				680,2506	
1280.(Sub)	494	991			492,1288 2004,2506	
1282.	422	892	1054	1054	420,1482	C60
1283.	856	1013			853 2004,2506	
1286.	785	897	1193	1194	783 1735,1822	C167
1287.(Sub)	573	892	1054	1055	571,1482	C51
1289.	253	879	1038	1038	250 1424,1425	VETOED
1290.	320	879	1055	1055	317,1482	C54
1291.(Sub)	438	1013			437,2506	
1292.	573				571,2506	
1293.(Sub)	682				680,2506	
1294.(Sub)	683 2521,2963	915			681,2506 2521,2942 2962,2976	

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
1298.	494	1013			492,2506	
1301.(Sub)	785	925	1289	1289	782,2100 2497,2498	VETOED
1305.(Sub)	785	1014 1047	1634	1638	782,2376 2499,2501	PV C302
1307.	495	1047			492 2004,2506	
1308.	495				492,2506	
1321.(Sub)	573				571,2506	
1322.(Sub)	573	1014	1194	1194	571 1735,1822	C272
1323.	573				571,2506	
1324.(Sub)	731	897	918,921	923	730,919 1007,1008	VETOED
1326.(Sub)	785				783,2506	
1328.	856				852,2506	
1329.(Sub)	856				853,2506	
1330.	423	907	1055	1056	420,1482	C62
1334.	785	910	1174	1175	782,2115 2196,2499 2501	PV C310
1337.(Sub)	856	893	1226	1226	782,1948 2136,2209	C247
1339.(Sub)	856		868,881	882	852,931	VETOED
1342.	438	992	1548	1548	437 2137,2223	C214
1343.	495				492,2506	
1348.	495	893	1056	1056	492,1482	C52
1350.	222	850	1034	1034	218 1424,1425	C35
1352.	641				640,2506	

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
					492,2119 2225,2301 2403,2487 2500	
1354.	495	873	1034	1034		C237
1355.(Sub)	785	925	1056	1056	782,1482	C57
					218,1838 2018,2051	
1358.	222	771	996	996		C175
					782,895 2004,2506 2525,2942 2962,2976	
1360.	856 2525,2963	1047				
					640 2017,2495	PV C349
1369.(Sub)	641	910	1085	1087		
					571,1948 2136,2209	C217
1370.(Sub)	574	916	1290	1291		
1374.	355				354,2506	
1378.(2nd Sub)	683				681,2506	
1379.(Sub)	574	875	1057	1057	571,1482	C59
1383.	574				571,2506	
					852,2017 2135,2209	
1385.	856	1014	1630	1631		C151
					571,1838 2018,2051	
1386.(Sub)	574	924	1065	1066		C244
					571 2136,2209	
1388.(Sub)	574	988	1292	1292		C223
1392.(Sub)	856	1014			852,2506	
1393.(Sub)	856				852,2506	
1395.	574	1014	1548	1548	571,678	C238
					680,2017 2137,2223 2497,2498	
1397.(Sub)	683	1014	1167	1171		PV C348
1398.(Sub)	438	898			437,2506	
					284,1838 2018,2051	
1400.	289	879	1037	1037		C199
1404.	641				640,2506	

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
1405.(Sub)	785	914 1047	1655 1690	1690	783,1659 1962,2506	
1406.	641	1015			640 2004,2506	
1408.(Sub)	857	1015	1206	1211	852 1976,2495	C309
1412.	574	1015	1177 1200	1200	571,1178 2017,2497 2498	VETOED
1414.(Sub)	575	771	1059 1094	1095	572,1060 1948,2136 2209	C364
1415.(Sub)	786	988	1477	1479	783 2017,2495	C245
1417.	786	914,917			783 1009,2506	
1418.	439	888	1060	1061	437 1482,1483	C70
1423.	857	1015	1339 1353		852,1351 1354,2506	
1426.(Sub)	641	992	1351	1351	640 1736,1822	C365
1430.(Sub)	857	911 1048	1587	1587	851 2018,2051	C341
1433.	786	926			782,2506	
1438.	423	907	1352	1352	420 1948,2495	C396
1442.(Sub)	2895		2895	2895	2895,2896	
1444.(Sub)	857	1015	1152,1199 1691 1694	1696	851,1159 1200,2196 2497,2498	PV C233
1445.	519	926	1355	1357	519 2017,2495	C254
1447.	520				519,2506	
1450.(Sub)	575	1016			571,2506	
1452.(Sub)	520				519,2506	

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
1453.	575				571,2506	
1454.	786	988	1095	1095	782 1482,1483	C53
1455.(Sub)	786	992	1587	1587	782 2018,2051	C227
1457.(Sub)	857	926,1048	1196	1198	852,2194 2224,2346 2374,2499 2501	C259
1458.(Sub)	544	893	1449	1449	544 2018,2034	C177
1465.	544	907			544 1270,2506	
1467.	544	907	1095	1096	544,1948 2136,2209	C397
1468.	786	911	1096	1096	783 1482,1483	C75
1475.(Sub)	786	1016	1465	1465	782 2075,2506	
1476.(2nd Sub)	683	916	1201	1203	681,2016 2033,2121 2227,2347 2374,2499 2501	PV C417
1478.	544	898	1646 1660	1678	544,1646 1961,2247 2270,2499 2501	C352
1479.(Sub)	1029 2522	1611	1700 2595,2661	1732 2693	1029 2121,2506 2521,2595 2714,2763 2765	PV C3E1
1480.	786	911	1098	1099	782 1482,1483	C56
1484.(Sub)	2529		2529 2702	2702	2529,2763 2765	C14E1
1485.	857	1016	1448	1448	852 2018,2034	C166
1488.	857				852,2506	

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
1495.(Sub)	683	988			681,2506	
1496.(Sub)	731				730,2506	
1502.	858	908	1381	1384	852 1948,2495	C398
1503.(Sub)	495	908	1099	1099	492 1482,1483	C58
1504.(Sub)	641	992	1475 1659	1660	640,1477 2137,2209	C315
1505.	858				852 1027,2506	
1509.(Sub)	641	898			640,2506	
1512.	2525		2694	2695	2525,2694 2714,2715	C15E1
1518.	575	911	1689	1689	571,1099 2100,2497 2498	C368
1520.	858,876	1016	1579	1579	852,881 2017,2497 2498	C327
1521.(Sub)	786				782,2506	
1524.	545	1016	1230	1230	544 1549,1564	C185
1542.(Sub)	858	1016 1048	2234 2406	2433	853,2234 2434,2499 2500,2501	C252
1545.	641	908	1228	1228	640 1549,1564	C192
1547.(Sub)	641	926	1077	1084	640,1949 2136,2209	PV C416
1548.(Sub)	641	888	1092	1092	640 1482,1483	C55
1552.	858	1017	1203	1203	852 1735,1822	VETOED
1553.(Sub)	641	916	1395 1442	1443	640,1405 1948,2495	C279
1554.(Sub)	858	1017			852,2507	

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
1557.(Sub)	858				852,2507	
					783,1890 2078,2122 2196,2499	
1558.(Sub)	787	889	1270	1271	2501	C369
		989 1351	1640 1648		730,1642 1648,2101	
1560.(Sub)	731	1611	1652	1652	2497,2498	C260
1562.(Sub)	545				544,2507	
1565.(Sub)	787	916			782,2507	
					783	
1568.(Sub)	787	992	1451	1457	2017,2495	C399
					783,2196	
1569.(Sub)	787	1048	1645	1646	2497,2498	C362
1570.	787	926			782,2507	
1571.	787	926			782,2507	
					640	
1572.(Sub)	642	898	1566	1566	2018,2051	C215
					783	
1573.	787	1017	1271	1271	1549,1552	C141
					852	
1574.(Sub)	858	1048	1573	1575	2017,2495	C384
1577.(Sub)	858	1017			852,2507	
1578.	859	1017			852,2507	
1579.	859	1017			852,2507	
1580.	787	1017			782,2507	
					681,2507 2521,2903	
1581.(Sub)	683 2522	1018	2903	2911	2933,2934	C11E1
					680,2101	
1582.(Sub)	683	1018	1652	1653	2497,2498	VETOED
1584.(Sub)	684	1018			680,2507	
1587.	642	1018			640,2507	
1596.	575	1018			571,2507	

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
1599.(Sub)	253	316	345	346	250,350	C3
1601.(Sub)	859				851,2507	
1602.	859				852,2507	
1608.(Sub)	859				852,2507	
1618.	787	1019	1448	1449	782 2018,2034	C363
1619.(Sub)	788	1019	1585	1585	783,2017 2497,2498	PV C270
1620.					852,2507	
1621.	788	850			782,2507	
1623.(Sub)	684	875			680,2507	
1624.(Sub)	575	1019	1575	1576	571 2120,2507	
1629.	423				420,2507	
1630.(Sub)	545	1019	1565	1565	544,895 2018,2051	PV C343
1631.	788	926	1529	1529	782,2101 2497,2498	C277
1635.(Sub)	876	989	1130 1175	1176	876,1152 1891,2268 2350,2374 2499,2501	PV C360
1639.(Sub)	575	898	1099	1100	571 1482,1483	C63
1643.(Sub)	731				730,2507	
1645.	732	1019	1179	1189	730,2196 2497,2498	PV C415
1646.	575				571,2507	
1648.	859 2702	908	2702		853,2507 2701,2942	
1651.(Sub)	788	908	1100	1100	783 1482,1483	C64

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
1656.	642	1019	1469 2234 2483	2485	640,1474 2004,2234 2499,2500 2501	PV C428
1657.	859	927			853 2004,2507	
1658.(Sub)	859	916	1101	1101	853 1482,1483	C32
1661.(Sub)	788				783,2507	
1663.(Sub)	732	1020			730 877,2507	
1664.	860	1020	1565	1565	852,2017 2495,2496	C210
1665.	788				782,2507	
1666.	788	916			782 847,2507	
1668.(Sub)	860	1020	1539		853,895 1547,2004 2507	
1669.(Sub)	684	927			680,2507	
1671.(Sub)	684	992 1020	1485 1521	1526	681,1516 2017,2497 2498	PV C431
1673.	684				680,2507	
1676.(Sub)	860				853,2507	
1682.	495	893	1405	1407	492,1407 2005,2507	
1688.	575	879			571,2507	
1689.	575	908	1101	1101	571 1482,1483	C68
1690.	576	909	1119	1120	571,1838 2018,2051	C193
1697.	495				492 569,2507	
1698.	576	898	1552	1552	572,2017 2495,2496	C278

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
1701.(Sub)	860				852,2507	
1702.	576				572 676,2507	
1703.	860				853,2507	
1709.	860	989	1449	1449	853 2018,2034	C189
1711.(Sub)	860	989	1653	1655	851,1967 2196,2499 2501	PV C357
1715.	495				492,2507	
1718.	788	1020	1272	1272	782 1549,1552	C108
1719.	789	1020	1450	1450	782 2018,2034	C191
1724.	576	1021			572,2507	
1729.	576	1021	1485	1485	572 2137,2223	C220
1730.	576	1021			572,2507	
1731.	860				853,2507	
1737.(Sub)	2522		2227 2434 2701 2746	2442 2752	1737,2521 2701,2889 2912	PV C5E1
1741.(Sub)	860	911			852,2507	
1746.(Sub)	789	993			783 2005,2507	
1747.	684	927			680,2507	
1756.(Sub)	789	1021	1215	1217	783,2017 2497,2498	C282
1757.	684	911	1228	1230	680,1838 2018,2051	C263
1759.(Sub)	861	1021 1097	1374	1375	851,2101 2497,2498	C370
1762.	789	917	1103	1103	783 1482,1483	C61

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
1768.	861	993	1566	1566	853,877 2104,2137 2499,2501	C256
1769.	861	927	1450	1451	853 1948,2495	C290
1771.	861				852,2507	
1772.	576	880	1272	1273	572,1977 2495,2496	C218
1774.(Sub)	861	912	1103	1103	853 1482,1483	PV C81
1776.	789	1021	1458	1458	783 2018,2034	C194
1777.	861	917	1550	1551	833,2017 2495,2496	C269
1778.	732	1048	1529	1530	730,2017 2497,2498	PV C392
1788.(Sub)	475 2522		2701 2710	2713	474,2507 2521,2701 2713,2889 2912	C4E1
1791.	684				680,2507	
1792.(Sub)	576				571,2507	
1793.(2nd Sub)	520 612	909	936	986	519,1633 2154,2243 2248,2270 2302,2342 2357,2374 2500,2501	PV C271
1794.	861	1022	1374	1374	852,877 1736,1822	C356
1797.(Sub)	576	1022			571,2507	
1802.	1278 1291		1362	1362	1278 1736,1822	PV C328
1814.(Sub)	861	1022			851,2507	
1816.	861	989			851,2507	
1822.(Sub)	545	914,917			544,2507	

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
			2052			
			2597		2034,2507	
	2052		2761		2525,2762	
	2525		2763		2942,2962	
1825(Sub)	2963		2964	2765	2976	
1828.(Sub)	861	993			851,2507	
1836.	862				852,2507	
1839.	576				571,2507	
1841.	862	1022	1484	1485	853,2101 2497,2498	C371
1844.	642	893	1568	1568	640 2018,2051	C216
1853.(Sub)	684	893	1103	1104	681,1836 2018,2051	C388
1854.(Sub)	577	893	1107 1127	1128	571,1107 1838,2018 2051	PV C262
1855.	577				572,2507	
1857.(Sub)	862	993	1459 1468	1469	851,1457 2018,2034	C207
1858.(Sub)	789	912	1108	1108	783 1736,1821	C212
1862.	789	1022	1234	1238	783 1549,1565	C289
1864.(Sub)	732	993 1333	1363 2038 2075 2085 2089 2225	2226	730,1373 2043,2075 2088,2099 2376,2500 2501	PV C372
1865.	862	1022			851,2507	
1870.	862				851,2508	
1872.	789	1023	1459	1459	783 2018,2034	C288
1881.	577	889	1036	1037	572,2508	
1883.(Sub)	862				853,2508	

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg.	3rd Rdg.	Other Action	Action by Gov.
			Amend- ments	Final Passage		
1885.	862	1049	1273	1273	853 1549,1552	C139
1889.(Sub)	862	927	1274	1274	851 1948,2495	PV C413
1890.	685				681,2508	
1891.(Sub)	862	1023			852,2508	
1894.(Sub)	862	993	1159	1166	853,1838 2018,2051	PV C202
1895.	685				680,2508	
1904.	685	989	1550	1550	680,2017 2497,2498	C296
1909.	789	912	1254	1255	783 1549,1552	VETOED
1910.(Sub)	790	1049			783 913,2508	
1911.(Sub)	863				852,2508	
1912.	643	875	919	919	640 1007,1008	C6
1917.	790	1023 1049	1622 1684	1688	783,847 1628,1962 2113,2206 2242,2500 2501	PV C414
1941.(Sub)	863				853,2508	
1950.	684				680,2508	
1952.(Sub)	863	927	1129 1172	1172	853,1130 1735,1822	C211
1956.(Sub)	790	1023	1588	1588	783,2017 2500,2501	C255
1957.	863	909			853,2508	
1958.(Sub)	863	1023	1569	1573	852,2017 2497,2498	PV C258

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
					681,847 1009,1645 1689,2005 2508,2521 2942	
1963.(Sub)	684 2522	1611	1642 1689			
1964.(Sub)	863	898			852 1094,2508	
1965.(Sub)	863	917	1108	1109	853,2017 2495,2496	C329
1968.(Sub)	732	1023 1612	1649 2043 2077	2077	730,1649 2051,2195 2359,2368 2395,2449 2500	PV C427
1976.	684	990	1110	1110	680 1736,1821	C182
1979.(Sub)	863				851,2508	
1980.	684	912	1274	1275	680,1838 2018,2051	C206
1983.(Sub)	863	894	1600	1607	852,2101 2497,2498	PV C373
1984.	790	1024			783,2508	
1993	863	1024	1577	1577	852 2018,2051	C257
1996.	864	912	1110	1110	852 1736,1822	C261
2000.(Sub)	864	1024	1516	1520	853,2017 2497,2498	C355
2001.	643	889	1219	1223	640 1948,2495	C286
2010.	685	880	1469	1469	680 2018,2034	PV C297
2011.(Sub)	864	1024	1614	1618	851,2017 2197,2202 2209,2343 2352,2368 2444,2487 2500	C316

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
2012.(Sub)	685	899	1093	1094	680,1838 2018,2051	C298
2013.	864	924	1111	1111 1130	852,1111 1735,1822	C184
2014.(Sub)	864	1024 1049	1619	1620	851 2017,2498	C400
2016.	864	912	1232	1233	851,2401 2500,2501	C339
2020.(Sub)	864	914 1049	1580	1582	851,2013 2081,2146 2242,2270 2500,2501	C340
2023.(Sub)	686				681,2508	
2024.(Sub)	790	1024	1620	1621	783,2139 2500,2501	PV C374
2030.(Sub)	643				640,2508	
2031.(Sub)	864	909			852,2508	
2035.	864				852,2508	
2036.(Sub)	790	928	1178	1178	783,895 1735,1822	C319
2037.	864	993	1460	1460	852,877 2018,2034	C213
2041.(Sub)	865	994	1551 1553 2083	1551 1553 2084	853,1552 2083,2196 2497,2498	C342
2045.	686	990	1275	1275	680 1549,1552	C142
2051.	865	1025	1375	1376	852 1736,1822	C188
2053.	865	1050	1355	1355	852 2101,2498	C287
2054.	865	928	1111	1111	852 1736,1822	C401
2059.	686				681,2508	

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
2060.	790	990	1068	1070	783,2021 2111,2195 2242,2500 2501	PV C385
2066.(Sub)	865	1025	1639 1645 1646	1645 1648	852,913 1640,1646 2101,2497 2498	C330
2070.(Sub)	865	928	1224	1225	852,877 2101,2498	PV C313
2071.(Sub)	865	1025			853,2508	
2075.	865	1025	1361	1362	851 1736,1822	C195
2076.(Sub)	865	1025			851 913,2508	
2084.(Sub)	865				853,2508	
2088.(Sub)	686	899	1112	1112	680 1736,1822	C228
2098.	866	994			852,2508	
2103.	866				852,2508	
2110.	866	1025			852,2508	
2118.	866	1026	1583	1583	853 2018,2051	C402
2126.	866				852,2508	
2129.	866	913	2403 2449	2452	851,2403 2453,2488 2491,2494	C236
2131.	866	1026	1224	1224	852,1890 2121,2194 2242,2500 2501	C344
2135.	686	899	1113	1113	680 1736,1822	C229
2136.(Sub)	866	1026	1531	1539	853 2101,2498	C201

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
2137.(Sub)	732	1026	1279	1281	730,2014 2249,2348 2374,2500 2501	PV C423
2140.(Sub)	866	1026			852,2508	
2142.	867	924	1125	1126	852 1978,2498	C285
2151.(Sub)	867				853,2508	
2155.	867	889	1585 1589	1599	853,1586 2084,2139 2140,2197 2270,2500 2501	PV C375
2158.	867	924	1072	1072	851 1482,1483	C65
2159.(Sub)	790				783,2508	
2161.	867	894	1125	1125	851 1735,1822	C187
2167.	867	1026	1465	1468	853,2015 2113,2196 2246,2500 2501	C274
2168.	732	994 1050	1282	1284	730 2017,2498	C376
2177.	867				853,2508	
2198.(Sub)	790 2525 2963	1027			783,1691 1692,2508 2525,2942 2962,2976	
2201.(Sub)	867	994			852,2508	
2222.	2454		2454	2483	2454,2499 2500,2501	C380
2237.	2373				2373,2508	
2242.	2529		2529 2596	2596	2529,2656	C2E1
2244.	2899		2899	2903	2899 2912,2934	C10E1

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
2245.	2763		2763 2766	2766	2763,2889	C16E1
2247.	2963		2964	2964 2966	2962 2964,2973	C2E2

HISTORY OF HOUSE JOINT MEMORIALS

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action
4000.	253	880	1126	1126	250 1735,1822
4001.	289	1027	1621	1622	284 2137,2223
4002.	577	880			572,2508
4003.	577	880			572,2508
4006.	791				783,2508
4012.	686				680,2508
4014.	867	894			853,2508
4015.	791	894	1127	1127	783 1735,1822
4016.(Sub)	791				783,2508
4017.(Sub)	867				853,2508
4018.	867	994	1460	1460	853 2018,2034
4019.	868	1027			853,2508
4023.	2529				2529,2942

HISTORY OF HOUSE JOINT RESOLUTIONS

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action
4200.	254	899			250.2508
4203.	868				851.2508
4204.(Sub)	308				306.2508
4220.(Sub)	868				853.2508

HISTORY OF HOUSE CONCURRENT RESOLUTIONS

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action
4400.	37		37	37	101
4401.	37		37	37	101
4403.	439	928			436,2508
4404.	134		134	134	130,196
4405.	155		155	155	149,196
4406.	289		289	289	284 354,359
4408.	733	917	1354	1355	730 1948,2495
4411.	2052				2012,2508
4412.	1291		1291	1291	1291 1424,1425
4415.	2485		2486	2486	2485 2497,2498
4416.	2496		2496	2496	2496 2500,2501
4417.	2496		2496	2496	2496 2500,2501
4418.	2485				2485,2508 2701,2942
4419.	2513		2513	2513	2513 2521,2523
4421.	2941		2941	2941	2941,2942
4422.	2960		2960	2960	2960 2962,2966
4423.	2975		2975	2975	2974,2976
4424.	2975		2975	2975	2974,2976

GENERAL INDEX

ABANDONED PROPERTY

Intangible property, recordkeeping and disposition: HB 1909
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Parental consent required for unemancipated minor child: SB 5069

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Commencement of actions, time extended: SB 5053
Controlled substance violations, civil action by attorney general authorized: SB 5421
Real property, commencement of actions, time extended: SB 5053

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Corporations, procedure for obtaining review of allegedly unfair regulations: SB 5542, SSB 5542
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Accounting required before final decree of adoption is issued: SHB 1956
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Medical report on child to be given to adoptive parents: *SHB 1183, CH 281 (1989)
Minority and ethnic heritage factors to be considered in making placements: SHB 1521, SB 5803
Records disclosure procedure: HB 1602, SB 5207, SSB 5207
Review by court before final decree is issued, required elements of review: SHB 1956
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Sales tax imposed on materials and services, rate set: SB 6052, SSB 6052

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Licensing: SB 5145, SSB 5145, 2SSB 5145, SB 5153
Licensing requirements: HB 1731
Regulation and licensing requirements: SHB 1496

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Common law doctrine modified and limited: SB 5110, SSB 5110
Volunteer groups, use by groups is permissive and will not support a claim of adverse possession: SB 5424

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Contractors must show proof of current registration to business running ad before it can run: SB 5307
Motor vehicle rental agencies, unfair practices: SB 6036
Political advertising, person who sponsors or prepares advertising responsible for truth of ad: SB 5645

* - Measures Passed by Both House and Senate

E1 - 1st Special Sess.

E2 - 2nd Special Sess.

AFRICAN-AMERICANS

Washington state commission on African-American affairs established in the office of the governor: SHB 2084

AGED

Boarding homes, day training centers and group training homes excluded from definition: SHB 1965

Boarding homes, group training homes excluded from definition of boarding home: *SHB 1965, CH 329 (1989)

Boarding homes, independent senior housing or independent units in retirement communities excluded from definition: *SHB 1965, CH 329 (1989), SB 5842

Property tax exemption for homes for the aged: *SHB 1097, CH 379 (1989)

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AGRICULTURE

Agricultural assistance and consultation program to aid financially distressed farmers: SB 5919

Agricultural marketing and fair practices act: *SHB 2000, CH 355 (1989)

Comprehensive revision of agriculture statutes: SB 5686, *SSB 5686, CH 354 (1989)

Dairies and dairy product regulation: SB 5686, *SSB 5686, CH 354 (1989)

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Farm land, protection measures: SB 5861

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Food preparation and storage, sanitary conditions regulation: SB 5686, *SSB 5686, CH 354 (1989)

Honey bee commission created: *HB 1138, CH 5 (1989)

Immunity from liability, on-site harvesting operations: SB 5117, SSB 5117

Labor, industrial welfare law coverage extended to: HB 1073, SB 5460

Labor, unemployment compensation provisions repealed: HB 1629, SB 5476

Liens, farm labor liens, to be filed within twenty days following completion of harvest: *HB 2135, CH 229 (1989)

Pasteurization standards: SB 5686, *SSB 5686, CH 354 (1989)

Pesticides, worker safety standards, reentry intervals: *HB 2222, CH 380 (1989)

Produce handlers, practices detrimental to producers in association prohibited: *SHB 2000, CH 355 (1989), SB 5841, SSB 5841

Producer associations and produce handlers, fair practice standards: *SHB 2000, CH 355 (1989)

Producer associations, exclusive negotiating agent for members, application to become: *SHB 2000, CH 355 (1989), SB 5841, SSB 5841

Technology and marketing information and developments forums, department of agriculture to sponsor: SB 6018

Unemployment compensation coverage extended to agricultural workers over age eighteen: SB 5830, SSB 5830, SB 5918

Unemployment compensation provisions for agricultural labor repealed: HB 1629, SB 5476

Weights and measures standards: SB 5686, *SSB 5686, CH 354 (1989)

Workers over age eighteen, unemployment compensation coverage extended to: SB 5830, SSB 5830, SB 5918

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Agricultural economy and resource base study, duty to prepare and report: SB 5862

Agricultural marketing and fair practices act, administrative duties: *SHB 2000, CH 355 (1989)

Ethanol and methanol, to develop guide to outlets and informational pamphlet on: SB 5992

* - Measures Passed by Both House and Senate

E1 - 1st Special Sess.

E2 - 2nd Special Sess.

AGRICULTURE, DEPARTMENT OF—cont.

- Local government farm land protection programs, competitive grant program created: SB 5862
- Motor fuel quality, inspection and testing duties: SB 5496
- Pesticides, administrative duties in regard to: *HB 2222, CH 380 (1989)
- Railroad track scales, to administer testing program: SB 5554, SSB 5554
- Technology and marketing information and development forums, to sponsor at least two a year: SB 6018
- Tokyo office, study of collocation efforts with department of trade and economic development: SSB 5004

AIDS

- HIV testing for insurance purposes, counseling and consent requirements: *SSB 6048, CH 387 (1989)
- HIV testing for insurance purposes, insurance commissioner to adopt rules regulating: SB 6048, SSB 6048
- HIV testing for insurance purposes, insurers' duties, notice and consent: *SSB 6048, CH 387 (1989)
- Medical assistance for persons infected with: *SHB 1560, CH 260 (1989), SB 5610

AIR POLLUTION

- Control authorities, county commissioners, personal service not required: *SB 5887, CH 150 (1989)
- Diesel-powered vehicles, department of ecology to study and report on effects of emissions from: HB 1950
- Forest debris burning, reduction of air pollution, and consideration of reuse of debris: SB 5626
- Indoor air quality of state buildings, department of labor and industries to coordinate policy with other agencies: *SHB 1504, CH 315 (1989)
- Liability of condominium owners' associations for violations: SB 5012, SSB 5012
- Thermal energy plant certification, consideration of the amount of carbon dioxide emissions: SB 5705

AIRPORTS

- Airport and airway trust fund, removal from unified federal budget requested: HJM 4001

ALCOHOLIC BEVERAGES

- Alcohol server education program established: SB 5093
- Beer keg registration: *2SHB 1793, CH 271 (1989), SB 5094
- Beer sales by keg regulated: SB 5094
- Breweries, domestic, authorized to apply for a wine retailer's license: SB 5896
- Catering license, class I, created: SB 5941
- "Drink of spirituous liquor" defined for purposes of class H licenses: HB 1272
- Liquor licenses, class H, scope of service that may be provided by clubs holding: SHB 1127
- Motel liquor license, class M, issuance authorized: SB 5820, SB 5883
- Omnibus alcohol and controlled substance act: *2SHB 1793, CH 271 (1989), SB 5832, SSB 5832
- Sale does not include gifts by private persons to another private person for personal use: HB 1270
- Wine retailer's class P license, eligibility of businesses in the business of selling gifts: *SB 5871, CH 149 (1989)
- Wineries, domestic, authorized to apply for a beer retailer's license: SB 5896

ALCOHOLISM TREATMENT

- Alcoholism and drug addiction services, department of social and health services program: *SHB 1619, CH 270 (1989)
- Alcoholism and drug addiction treatment and support, appropriation for: SB 5377, SSB 5377

* - Measures Passed by Both House and Senate

E1 - 1st Special Sess.

E2 - 2nd Special Sess.

ALCOHOLISM TREATMENT—cont.

- Alcoholism and drug addiction treatment and support program, eligibility standards and appropriation: *SHB 1599, CH 3 (1989)
- Community mobilization against substance abuse grant program created: SB 5330
- Records of patients may be disclosed only upon written consent of patient or by court order: SB 5469, *SSB 5469, CH 162 (1989)
- Shelter assistance, counties may fund with local tax on the sale of alcohol: SB 5548, SB 5635.
- Shelter services, department of social and health services to provide within limits of available funding: *SSB 5897, CH 18 E1 (1989)
- Social and health services department to provide services within limits of available funding: SB 5897, *SSB 5897, CH 18 E1 (1989)

ALCOHOLISM TREATMENT FACILITIES

- Patient records, disclosure allowed only upon written consent of patient or by court order: SB 5469, *SSB 5469, CH 162 (1989)

ALEXANDER, CHARLES

- Member, personnel appeals board, GA 9000, confirmed pp. 20, 189, 241

ALLIANCE FOR HEALTH, PHYSICAL EDUCATION, RECREATION AND DANCE

- Group from Gig Harbor introduced p. 427
- SFR 1989-8631 p. 426

ALTERNATIVE ENERGY SYSTEMS

- Motor vehicle fuel, field testing of alternative fuels in state vehicles authorized: *SB 5987, CH 113 (1989)

AMONDSON, SENATOR NEIL

- Oath of office for unexpired term p. 3
- Oath of office p. 13
- Appointed environment and natural resources, vice chair: health care and corrections and ways and means committees p. 38
- Statement for journal, vote on ESB 6095 p. 2916
- Appointed interim member joint select sunset committee p. 2974

ANDERSON, JULI VRAVES

- Reappointed member, gambling commission, GA 9001 p. 20

ANDERSON, SENATOR ANN

- Nomination of George LaPold, sergeant at arms p. 15
- Appointed agriculture, vice chair; economic development and labor, vice chair; education and rules committees p. 38
- Point of order, amendments to committee amendment, ESHB 1968 p. 2051

ANIMAL RESEARCH

- Biomedical or product research, written policy regarding acquisition of animals, required provisions: *SSB 5827, CH 359 (1989)
- Transfer of animals to research facilities to conform to federal law and be accompanied by written certificate: SB 5827, *SSB 5827, CH 359 (1989)

ANIMALS

- Cattle running at large, restrictions: SB 5116, SSB 5116
- Pet animal ownership, committee established to recommend method to permanently identify: SB 5827
- Running at large, county imposed restrictions authorized: SSB 5116

ANTIPSYCHOTIC MEDICATIONS

- Involuntary administration: SHB 1197, SB 5200, SB 5362, *SSB 5362, CH 120 (1989)
 Involuntary administration, funding for implementation of law to be part of the regional support networks' responsibilities: SB 5400, SSB 5400, 2SSB 5400

APPELLATE PROCEDURE

- Certiorari, Writ of: HB 1001, *SB 5030, CH 7 (1989)

APPLE BLOSSOM ROYALTY

- Queen Stephanie Lynn Smith introduced and addressed
 Senate p. 258
 Princesses Amy Champman and Rosie Deal introduced p. 258

APPLIANCES

- Energy standards, request for standards conforming to national appliance energy conservation act: HJM 4018

APPRENTICES

- Minorities and women, participation in state supported programs: SB 5300
 Women and minorities, participation in state supported programs: SB 5300

APPRENTICESHIP COUNCIL

- Bruce F. Brennan, reappointed member, GA 9123,
 confirmed pp. 851, 1946, 2033

AQUACULTURE

- Dead or diseased fish, disposal in public water prohibited, approved disposal methods to be established: SB 5816
 Environmental assessment of proposed uses: SB 5020, SSB 5020
 Fin fish rearing facilities, waste disposal and pollution discharge permits, applications and standards: SB 5561, *SSB 5561, CH 293 (1989)
 Fish culture units, department of ecology notice and sterilization requirements prior to entry: SSB 5075
 Fish hatcheries, waste discharge permits, not required if not required under federal law: SB 5720
 Floating aquaculture defined: SB 5815
 Floating aquaculture locations, prohibitions and criteria for selection of locations: SB 5817
 Floating aquaculture permits, notice requirements prior to hearing: SB 5815
 Floating aquaculture permits, review of shorelines hearings board actions: SB 5815
 Hatcheries, upland fin fish hatcheries may divert water without permit: SB 5721
 Local government regulation of floating aquaculture, department of ecology to adopt guidelines, use required: SHB 1883
 Preferred practices, determination: SB 5020, SSB 5020
 Salmon smolt production, director of fisheries to let private production contracts: SB 5288, *SSB 5288, CH 336 (1989)
 Sturgeon, department of fisheries to assist in development of industry: SB 5062
 Water pollution, department of ecology entry, notice and sterilization requirements: SSB 5075

ARONSON, HENRY M.

- Member, small business export financial assistance
 center board of directors, GA 9002 p. 21

ASBESTOS

- Projects, regulation by department of labor and industries: *SSB 5681, CH 154 (1989)
 Projects, suspension or revocation orders, appeals procedure: SB 5681, *SSB 5681, CH 154 (1989)

* - Measures Passed by Both House and Senate

E1 - 1st Special Sess.

E2 - 2nd Special Sess.

ATHLETIC COMMISSION

Created as successor to boxing commission, organization, powers, and duties: SB 6092

ATTORNEY GENERAL

Controlled substance violations, civil action may be brought by: SB 5421
Foster parents, to represent foster parents in actions arising from good faith performance of their duties: *SSB 5035, CH 403 (1989)
Gasoline and petroleum product price increases since March 24, 1989, to conduct investigation: *SSB 5373, CH 6 E1 (1989)
Guardianship, to investigate violations of guardianship statute: SB 5766, SSB 5766
Homicide information and tracking system, authorization for continued operation: SB 5651, SSB 5651
Major crimes investigation and assistance unit created, organization and duties: SB 5894
Narcotic enforcement unit created: *2SHB 1793, CH 271 (1989), SB 5423
Oil spills, authorization to sue for damages, alternative to remedies under water pollution control act: SHB 1853, SB 6027
Public employees, criminal actions against, to defend in cases arising from performance of duties: SHB 1889

ATTORNEYS

Certificate of merit filing required, professional negligence cases, sanctions for violations: SB 6148
Fees, award when state is not prevailing party in civil action to which it is party: SSB 5650
Fees, award when state or subdivision is not prevailing party in civil action to which it is party: SB 5650
Fees, city or town may reimburse prevailing party when judgment entered against city: *HB 2142, CH 285 (1989)
Fees in workers' compensation appeals cases, written application to be submitted within one year following final decision: SB 5685
Professional negligence actions, filing of certificate of merit required, sanctions for violations: SB 6148

AUCTIONS AND AUCTIONEERS

Auction companies, defined, place of business and bonding requirements, authorization to sell motor vehicles: *SHB 1221, CH 301 (1989)
Motor vehicles dealer's license, licensed auctioneer may sell vehicles at auction under: *SHB 1221, CH 301 (1989)
Motor vehicles, licensed auctioneer exempt from established place of business requirement: *SHB 1221, CH 301 (1989)
Vehicle dealer auctioneers, temporary subagency license fee set, bond required: SB 5409
Vehicle dealer auctioneers, temporary subagency license must be posted: SB 5409

BAILEY, SENATOR CLIFF

Oath of office p. 12
Appointed education, chair; agriculture, children and family services, and ways and means committees..... p. 38

BANKING, SUPERVISOR

Small business administration's 7(a) loan guaranty program, licensing of lenders: *SHB 1858, CH 212 (1989), SB 5647, SSB 5647

BANKS AND BANKING

Acquisition of bank or trust company, approval of supervisor of banking required: HB 1730, *SB 5701, CH 180 (1989)
Directors, liability for violations of banking laws: HB 1730, *SB 5701, CH 180 (1989)

* - Measures Passed by Both House and Senate
E1 - 1st Special Sess.
E2 - 2nd Special Sess.

BANKS AND BANKING—cont.

- Reciprocal agreements with out-of-state bank regulatory authorities authorized:
 HB 1730, *SB 5701, CH 180 (1989)
 Savings banks, investigation into conditions at least every eighteen months: HB
 1730, *SB 5701, CH 180 (1989)
 Small business administration's 7(a) loan guaranty program, lender participa-
 tion: *SHB 1858, CH 212 (1989), SB 5647, SSB 5647
 Technical amendments for internal consistency in Title 30 RCW: *HB 1729, CH 220
 (1989), SB 5700

BARR, SENATOR SCOTT

- Appointed agriculture, chair; environment and natural
 resources and transportation committees..... p. 38
 Parliamentary inquiry, order of amendments, SSB 5338..... p. 2029
 Appointed interim member legislative budget committee..... p. 2974

BASIC HEALTH PLAN AGENCY

- Thomas Kobler, director, GA 9037,
 confirmed pp. 27, 511, 613

BAUER, SENATOR AL

- Oath of office p. 12
 Appointed higher education, rules, and ways and means
 committees p. 38
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 resources standing committee replacing Senator DeJarnatt p. 533
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 Appointed interim member legislative budget committee p. 2974

BECKER, MARY KAY

- Member, board of trustees, Western Washington University,
 GA 9099, confirmed pp. 147, 447, 590

BEER (See ALCOHOLIC BEVERAGES)**BEEES AND BEEKEEPING**

- Apiary coordinated areas, counties authorized to establish: SB 5922
 Apiary restricted areas, counties authorized to establish, procedure: SB 5860

BELLEVUE COMMUNITY COLLEGE

- Carol B. James, reappointed trustee, GA 9088,
 confirmed pp. 36, 367, 545

BENCICH, JOHN R.

- Member, hospital commission, GA 9003 p. 21

BENDER, SENATOR RICK

- Appointed education and transportation committees p. 38
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 Appointed interim member legislative transportation committee..... p. 2974

BENITZ, SENATOR MAX E.

- Appointed energy and utilities, chair; education,
 environment and natural resources and transportation committees p. 38
 Appointed interim member emergency committee on
 energy and utilities p. 2974

BESCHEL, JEAN L.

- Reappointed trustee, Eastern Washington University, GA 9108,
 confirmed pp. 205, 929, 1105, 1107

* - Measures Passed by Both House and Senate

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BICYCLES

Headphones, wearing by bicyclists prohibited: SB 5745

BIG BEND COMMUNITY COLLEGE

Paul Hirai, reappointed trustee, GA 9087,

confirmed pp. 36, 929, 1072

BLACK DIAMOND

Sewage treatment system failure, appropriation to connect with Seattle sewage facilities: SB 5801

BLAIR, DOUG

Member, sentencing guidelines commission, GA 9092,

confirmed pp. 65, 2008, 2009, 2012

BLIND

Braille, instruction to be provided in: SB 5083

Parking privileges for those transporting: SB 5433

Summer school program at state school for blind for students not regularly enrolled: SB 6002

BLIND, STATE SCHOOL FOR

Dolorita K. Reandeau, reappointed trustee, GA 9055,

confirmed pp. 30, 850, 902

Ruby N. Ryles, trustee, GA 9059,

confirmed pp. 31, 1481, 2530, 2660

Larry Watkinson, reappointed trustee, GA 9082,

confirmed pp. 35, 850, 917

Summer school program for students not regularly enrolled: SB 6002

BLOOD

Donations, directed donations for specific users authorized: SB 5212, SB 5397, SB 5399

BLUECHEL, SENATOR ALAN (See also PRESIDENT PRO TEMPORE OF SENATE; also RULINGS AND REPLIES BY PRESIDENT PRO TEMPORE; also PARLIAMENTARY INQUIRIES)

Elected President Pro Tempore p. 13

Appointed energy and utilities, vice chair; rules, vice chair;

and ways and means committees p. 38

Appointed member select committee on Washington 2000 A.D. p. 262

Statement for journal, explanation of not voting on

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Spoke on report of Westrends and presided at

presentation p. 902

BOATS

Boater recreational fee account created: SB 5427

Boater recreational fee account created, excise tax on boats to be deposited in: SB 5372, SSB 5372, 2SSB 5372

Environmental education programs: *2SSB 5372, CH 393 (1989)

Oil dumps and holding tank pump sites, information to be supplied boaters: *SHB 1039, CH 17 (1989)

Recreational boating safety, environmental protection, and public access funding: SB 5427

Registration, exemption for nonresident vessels on Washington waters for repair: SB 5473

Registration, exemptions: HB 1080, SB 5009, *SSB 5009, CH 102 (1989)

Registration fees, distribution and use: SB 5372, SSB 5372, *2SSB 5372, CH 393 (1989)

* - Measures Passed by Both House and Senate

E1 - 1st Special Sess.

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BOATS—cont.

- Repair, exemption from registration for nonresident vessels on Washington waters: SB 5473
- Retail installment contracts, service charge rates set: SB 5641, *SSB 5641, CH 112 (1989)
- Safety and registration laws, enforcement: *2SSB 5372, CH 393 (1989)
- Service charge rates set, retail installment contracts: SB 5641, *SSB 5641, CH 112 (1989)
- Sewage and waste disposal facilities: SB 5372, SSB 5372, *2SSB 5372, CH 393 (1989)

BONDS

- College savings bonds, nine hundred fifty million dollar maximum issue authorized: SB 5219
- Ferry and Hood Canal bridge refunding revenue bonds, reimbursement of motor vehicle fund not required: SHB 2201
- General obligation bonds, authorization to issue to provide facilities for developmentally disabled and residential mental health services: SB 5949
- General obligation bonds for projects in 1989-91 capital and operating budgets authorized: *SHB 1484, CH 14 E1 (1989), SB 5462
- General obligation bonds, sale authorized: *HB 1032, CH 136 (1989), SB 5051
- Metropolitan park district revenue bonds, issuance and sale: *SHB 2036, CH 319 (1989)
- Public waste disposal, authority of state finance committee to issue general obligations bonds: SB 5374
- School construction, authorization for sale of general obligation bonds: SB 5981
- State and local government bonds, information to be supplied department of community development: *HB 1060, CH 225 (1989)
- State finance committee issuing authority: SB 5218

BOTTIGER, R. TED

- Member, Pacific northwest electric power and conservation planning council, GA 9004..... p. 21
- Remarks, John A. Cherberg Day..... p. 50

BOUCHEY, M. TOBY

- Member, small business export financial assistance center board of directors, GA 9005, confirmed..... pp. 21, 1633, 2530, 2596

BOUNDARY REVIEW BOARDS

- Cities, incorporation or disincorporation, power of approval, may not prevent public vote on issue: *SSB 5127, CH 84 (1989)
- Elimination: SB 5127
- Members, appointment and numbers: *SSB 5127, CH 84 (1989)
- Membership: SHB 1078
- Organization: SHB 1078
- Review of boundary revisions, jurisdiction: SHB 1078
- Review procedures and actions not subject to review: *SSB 5127, CH 84 (1989)

BOXING AND WRESTLING

- Boxing contests, sparring matches, and exhibitions prohibited, penalties: SB 6092
- Participants, physical examination prior to event, athletic commission may require: *SB 5464, CH 127 (1989)
- Promoters, licensing, bonding, and insurance requirements: *SB 5464, CH 127 (1989)
- Promoters, to provide emergency medical facilities and adequate security for shows: *SB 5464, CH 127 (1989)

BOXING COMMISSION

- Athletic commission created as successor agency, organization, powers, and duties: SB 6092

* - Measures Passed by Both House and Senate

E1 - 1st Special Sess.

E2 - 2nd Special Sess.

BOY SCOUTS

- Eagle Scouts Sean Sutton and Josef Eichinoer
presented the colors..... p. 518
- Scouts Rufus Kiser and Tom Winsor introduced and honored p. 519
- SFR 1989-8634..... p. 518
- Eagle Scout David Vance introduced and addressed Senate p. 519

BOYLE, COMMISSIONER OF PUBLIC LANDS BRIAN

- Remarks, John A. Cherberg Day..... p. 46

BRENNAN, BRUCE

- Reappointed member, apprenticeship council, GA 9123,
confirmed pp. 851, 1946, 2033

BRIDGES

- Gallagher, representative P. J. "Jim", bridge at 72nd street and I-5 in Pierce
County to be named for: HCR 4415
- Hood canal bridge, toll charges not required except to comply with bond cov-
enants: SHB 2201, SB 6161
- Hood Canal, reimbursement of motor vehicle fund for payments related to
refunding revenue bonds not required: SHB 2201
- Spokane river toll bridge, reversion of ownership to city of Spokane: SB 6161

BRITISH COLUMBIA

- Premier William Vander Zalm introduced and addressed
joint session p. 1359
- Joint session of legislature set for April 11, 1989, to receive message from prime
minister of British Columbia: HCR 4412

BROUILLET, DR. FRANK B.

- Honored on retirement, superintendent of public
instruction p. 55

BROWN, MAX

- Birth announcement, son of senate counsel,
Marty Brown and Mrs. Kate Brown p. 1114

BRYANT, BARBARA

- Member, lottery commission, GA 9006,
confirmed pp. 21, 1946, 1949

BUDGET

- Appropriations for 1987-89 biennium: *SHB 1479, CH 3 E1 (1989)
- Budget document, due dates established: SB 5520
- Budget requests, inclusion of effect of debt service on general fund revenues:
*SHB 1031, CH 311 (1989), SB 5050
- Budget requests, inclusion of effect of transfers of moneys on general fund reve-
nues: *SHB 1031, CH 311 (1989)
- Budget stabilization account, appropriation: SB 6091
- Capital budget adopted for period ending June 30, 1991: SB 5521, *SSB 5521, CH
12 E1 (1989)
- Capital budget, debt-financed pass-through money to local governments to be
included in: *SHB 1031, CH 311 (1989), SB 5050
- Capital projects, appropriations for 1987-89 biennium: *HB 1512, CH 15 E1 (1989)
- Child care facility fund, appropriation of one million dollars, contained in section
235, engrossed substitute senate bill 5352, to be deposited in: *SB 6155, CH 3 E2
(1989)
- Fiscal biennium 1989-91 budget: SB 5352, *SSB 5352, CH 19 E1 (1989)
- General obligation bonds for projects in 1989-91 capital and operating budgets
authorized: *SHB 1484, CH 14 E1 (1989), SB 5462

* - Measures Passed by Both House and Senate

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BUDGET—cont.

- Governor to submit legislative proposals with budget impact along with budget document: SB 5514
- Governor's budget, information to be supplied: SB 5049
- Legislative fiscal organization, joint select committee on, establishment and duties: HCR 4411
- Operating budget, annual maintenance costs to be included in operating budget: *SHB 1031, CH 311 (1989), SB 5050
- Operating budget, supplemental, for 1987-89 biennium: *SHB 1479, CH 3 E1 (1989)
- Operating budget, 1989-91 biennium: SB 5352, *SSB 5352, CH 19 E1 (1989)
- Radio, amateur radio operator site rental, appropriation: SB 6160
- Supplemental operating budget for the 1987-89 biennium: *SHB 1479, CH 3 E1 (1989)
- Tax and spending reform task force, organization and duties: SCR 8415
- Transportation budget for 1989-91 biennium: SB 5373, *SSB 5373, CH 6 E1 (1989)

BUILDING CODE COUNCIL

- Adoption and amendment of building codes, local amendments may not fall below state minimum standards: *SSB 5905, CH 266, (1989)
- Building code council account created, six-dollar fee to be collected on each building permit issued: HB 1768, SB 5714
- Building code council account, fee to be collected on each building permit issued, rates set: *HB 1768, CH 256 (1989), SSB 5714, 2SSB 5714
- Council, membership, requirement deleted that employee of insurance commissioner's office be member: *SB 5466, CH 246 (1989)
- Legislative membership, two members from each house to be appointed: *SB 5466, CH 246 (1989)
- Local amendments to building codes, to develop criteria for review, procedures: SB 5905, SSB 5905
- Review of proposed state-wide and local amendments to building codes, to adopt process for: *SSB 5905, CH 266 (1989)
- Stand-alone local ordinances, to conduct study of ordinances affecting requirements of state building codes: *SSB 5905, CH 266 (1989)
- Stand-alone municipal ordinances, approval by council required to remain in effect: SB 5905, SSB 5905
- Ventilation and filtration standards, to review and revise building code: *SHB 1504, CH 315 (1989)

BUILDING CODES/PERMITS

- Adoption and amendment by building code council, local amendments may not fall below state minimum standards: *SSB 5905, CH 266 (1989)
- Buildings moved into a county or city, limits on application of state building codes to: *SHB 2070, CH 313 (1989)
- Cities and counties may exempt some projects not exceeding fifteen hundred dollars from permit requirements: *SB 5466, CH 246 (1989)
- Cities and counties, power to amend building codes limited: SB 5797
- Mobile home electrical inspections, proof of current permit, prerequisite for approval or connection of power: *HB 2131, CH 344 (1989)
- Permits, issuing agency to send copy of permit to county assessor on work valued at more than five hundred dollars: *SB 5466, CH 246 (1989)
- Stand-alone municipal ordinances, approval by building code council required to remain in effect: SB 5905, SSB 5905

BUILDINGS

- Moved into county or city, limits on application of state building codes to: *SHB 2070, CH 313 (1989)
- Premises unfit for human habitation may be abated: SB 5252, *SSB 5252, CH 133 (1989)

* - Measures Passed by Both House and Senate

E1 - 1st Special Sess.

E2 - 2nd Special Sess.

BURNS, THOMAS M.

Member, personnel board, GA 9007,
confirmed pp. 21, 189, 241

BUSES

Driver and rider safety, city of Seattle to conduct study: SB 5067
Excursion buses, deregulation: SB 5553, *SSB 5553, CH 163 (1989)
Excursion buses, regulation as charter buses by utilities and transportation commission: *SSB 5553, CH 163 (1989)
Licensing fees increased, annual fees and fees based on gross weight of vehicle: *SB 5452, CH 156 (1989)
Licensing, public transportation vehicles, fees set based on gross vehicle weight: SB 6088
Public transportation vehicle licensing fees set based on gross vehicle weight: SB 6088
Right hand lane of multi-lane highway to be used: SB 5788

BUSINESS AND JOB RETENTION PROGRAM

Creation: SHB 1495, SB 5105

BUSINESS AND OCCUPATION TAX (See TAXES - BUSINESS AND OCCUPATION)**BUSINESSES**

Child care expansion grant fund, eligibility for grants, conditions: SHB 1584
Crime prevention employee training program for employees who work at late-night retail businesses: SHB 1711, SB 5687
Crime prevention, late night retail establishments, employers' duties: *SHB 1711, CH 357 (1989)
Entrepreneurial development institute: SB 5102
Late night retail establishments, crime prevention, employers' duties: *SHB 1711, CH 357 (1989)
Licensing, master license delinquency fee set: *SB 5329, CH 170 (1989)
Local training matching fund program to provide training tailored to small business needs: SB 6026
Plant closure law, notice required, employer obligations to workers, and enforcement actions: HB 1855, SB 5958
Public sector competition, joint select committee on established: SCR 8404, SSCR 8404
Records of business to be retained for three-year period unless modified by law or regulation: SB 6023
Training needs, local training matching fund program to provide in cooperation with community colleges: SB 6026

BYERS, TOM

Member, hospital commission, GA 9114 p. 398

CAMPAIGNS

Advertising, person who sponsors or prepares political advertising responsible for truth of ad: SB 5645
Campaign finance and reporting requirements reform: SB 6045
Campaign financing, joint select committee established, organization and duties: HCR 4418
Candidates' pamphlet, charges for space eliminated: HB 1747
"Continuing political committee" defined: SB 5627
Contributions, spending limits, and partial public financing of campaigns for state office: SHB 1910
Finance reporting requirements: HB 1154, *SB 5167, CH 280 (1989)
Financing, eligibility for, limitations, public matching funds, disclosure, and penalties: SB 5652

* - Measures Passed by Both House and Senate

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CAMPAIGNS—cont.

- Fund raising restrictions during legislative session for candidate serving as legislator: SB 5526
- Minor parties and independent candidates, nominating procedures: *SHB 1572, CH 215 (1989)
- Nominating procedures for minor parties and independent candidates: *SHB 1572, CH 215 (1989)
- Organizational contributions, limits on: SB 6045
- Political committees, solicitation, expenditure, and disclosure requirements: SB 5627
- Public financing of campaigns for state office, eligibility and procedures to obtain matching funds: SHB 1910
- Solicitation of funds, prohibited practices: SB 6045

CANTU, SENATOR EMILIO

- Oath of office p. 12
- Appointed higher education, rules, and ways and means committees p. 38
- Appointed member select committee on Washington 2000 A.D. p. 262
- Appointed interim member LEAP committee p. 2974

CAPITAL PROJECTS

- Office of capital projects, establishment: SB 5008, SB 5232

CAPITAL PUNISHMENT (See DEATH PENALTY)**CAPITOL CAMPUS**

- Capitol campus design advisory committee, organization and duties: SB 5935, SSB 5935

CARDWELL, BRUCE L.

- Trustee, Lower Columbia community college, district no. 13, GA 9124 p. 920

CARLSON, EDWARD E.

- Reappointed member, board of regents, University of Washington, GA 9100, confirmed pp. 147, 929, 1098

CASON, JAMES

- Member, state investment board, GA 9122, confirmed pp. 519, 533, 850,899

CASTLE ROCK HIGH SCHOOL

- State championship boys' football team and coaches introduced p. 687
- SFR 1989-8611 p. 687

CATERERS

- Liquor licenses, catering license, class I, created: SB 5941

CEMETERY DISTRICTS

- Housing unit excise tax authorized when property tax levy is reduced or lost, approval, determination, and collection: SB 5880
- Tax levy reductions, cemetery districts given a higher priority among junior taxing districts: SB 5899

CENTENNIAL CELEBRATION

- Cross-state centennial trail development authorized: SB 5643
- Logging show, assistance and support to be extended to Washington state centennial show: SCR 8411
- Trail, cross-state centennial trail development authorized: SB 5643
- Washington state centennial logging show, assistance and support to be extended to: SCR 8411

* - Measures Passed by Both House and Senate

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CENTRAL WASHINGTON UNIVERSITY

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Susan E. Gould, reappointed trustee, GA 9102, confirmed	pp. 147, 448, 612
Graham Tollefson, trustee, GA 9076, confirmed	pp. 34, 237, 356
Harvey Vernier, reappointed trustee, GA 9107, confirmed	pp. 148, 448, 686
Placebound students in Yakima area, courses to be offered: SB 5975, SSB 5975, 2SSB 5975	
Upper division and graduate courses, to provide in Yakima area: SHB 1822, *SB 6095, CH 7 E1 (1989)	

CENTRALIA COMMUNITY COLLEGE DISTRICT NO. 12

Joseph P. Enbody, trustee, GA 9015, confirmed	pp. 23, 366, 423
James E. Sherrill, trustee, GA 9062, confirmed	pp. 31, 366, 512
Kathy Simonis, trustee, GA 9063, confirmed	pp. 32, 367, 512

CHANG, THE HONORABLE WEN-CHUNG

Director General of the coordination council for North American affairs introduced and addressed the Senate	p. 2104
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CHAPMAN, AMY

Apple Blossom princess introduced	p. 258
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CHARTER BOATS

Oregon boats, fishing in Washington waters permitted: SB 5419, *SSB 5419, CH 147 (1989)	
Regulation of services operating on state waters: SB 5265, *SSB 5265, CH 295 (1989)	

CHECK CASHING SERVICES

Check cashers and sellers, licensing requirements: HB 1283	
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CHERBERG, LIEUTENANT GOVERNOR JOHN A.

Opens fifty-first session	p. 1
Special day	pp. 39-52
SFR 1989-8602	p. 42
Presiding officer, joint session	p. 53
Honored on retirement, Lieutenant Governor	p. 58

CHILBERG, DENNIS E.

Member, housing finance commission, GA 9008, confirmed	pp. 22, 283, 309
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CHILD ABUSE

Bill of rights for sexually abused children: SB 5124, SSB 5124	
Children and family services department established: SB 5164, SSB 5164, SB 5765	
Community-based family support center program: SHB 1160	
Family support center program: SHB 1160	
Five-dollar fee for issuing marriage license, to be used for prevention of child abuse and neglect: *SSB 5048, CH 304 (1989)	
Reports, department of social and health services and law enforcement agen- cies, notification of one another, time limits: SB 5214, *SSB 5214, CH 22 (1989)	
School employees, investigation required, not to have contact with student dur- ing investigation: SB 6001	
School personnel may make reports to designated person for transmission to authorities: SB 5313	

* - Measures Passed by Both House and Senate

E1 - 1st Special Sess.

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CHILD ABUSE—cont.

- Sexual abuse, actions to be commenced within three years after child becomes eighteen or seven years after commission: *SB 5950, CH 317 (1989)
- Sexual abuse, statute of limitations tolled for child until child reaches the age of eighteen: *SB 5950, CH 317 (1989)
- Sexually abused children's bill of rights: SB 5124, SSB 5124
- Statute of limitations, sexual abuse, tolled for child until child reaches the age of eighteen: *SB 5950, CH 317 (1989)
- Trial of child abuse cases, procedure to obtain continuance beyond original trial date: SB 5113
- Visitation of abused child by abuser, when permitted: SB 5108, *SSB 5108, CH 326 (1989)

CHILD CUSTODY

- Custodial interference, contempt actions and civil penalties for violation of residential provisions of parenting plan: SB 6009, *SSB 6009, CH 318 (1989)
- Joint parenting with both parents having equal rights, responsibilities, and authority to be preferred in parenting plans: SB 6037
- Parental contact, parenting plan providing most contact with both parents to be given priority: SB 5837
- Parenting act amendments: *HB 2155, CH 375 (1989)
- Parenting plan approval, standards to include protection of parents' and children's rights: SB 6037
- Parent's employment schedule, factor to be considered in residential provisions of permanent parenting plan: SB 5789
- Surrogate mother, custody of child of, determination: *SSB 5071, CH 404 (1989)
- Transcript of proceedings, court may order transcript made at county expense: SB 6056

CHILD SUPPORT

- Health insurance coverage as part of support order, entry, modification, and enforcement: *SHB 1547, CH 416 (1989), SB 5665
- Paternity, support obligation on determination of paternity: *SHB 1548, CH 55 (1989), SB 5666
- Support enforcement; orders, procedures, collection, payment, and limitation on actions: *SHB 1635, CH 360 (1989), SB 5664, SSB 5664, 2SSB 5664

CHILD SUPPORT SCHEDULE COMMISSION

- Robert J. Hoyden, member, GA 9030, confirmed..... pp. 26, 2007, 2009, 2101
- W. James Kennedy, member, GA 9034, confirmed..... pp. 26, 2007, 2009, 2114
- Wayne M. King, member, GA 9036, confirmed..... pp. 27, 2007, 2009, 2137
- Michel E. Lacasse, member, GA 9097, confirmed..... pp. 100, 2009, 2530
- Peter Nickerson, reappointed member, GA 9050..... p. 29
- Judith Parker, member, GA 9053, confirmed..... pp. 30, 2007, 2009, 2138
- Denise Read, member, GA 9054, confirmed..... pp. 30, 2007, 2009, 2247
- Judge Anthony Wartnik, reappointed member, GA 9081, confirmed..... pp. 35, 2008, 2009, 2519

CHILDREN

- Alternative residential placements, necessary conditions for placement: HB 1777
- Alternative residential placements, role and duties of department of social and health services: *HB 1777, CH 269 (1989)

* - Measures Passed by Both House and Senate

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CHILDREN—cont.

Child and youth programs and education, children's initiative fund to support:
INT 102

Children and family services department established: SB 5164, SSB 5164, SB 5765
"Children in need of special services" defined: SB 5930, SSB 5930

Children's initiative: INT 102

Citizen review board system for children in substitute care: SB 5065, SSB 5065,
*2SSB 5065, CH 17 E1 (1989)

Community-based family support center program: SHB 1160

Crimes against, convictions of prospective child care employees to be disclosed
by criminal identification system: SHB 1044, SB 5234, *SSB 5234, CH 90 (1989)

Criminal identification system to disclose convictions for crimes against by pro-
spective child care employees: SHB 1044, SB 5234, *SSB 5234, CH 90 (1989)

Discipline, reasonable use of force allowed: SB 5047

Early childhood telecommunications project to be made available state-wide:
SB 6004

Family leave, availability to care for newborn or adoptive child or terminally ill
child: *SHB 1581, CH 11 E1 (1989)

Force, reasonable use to discipline allowed: SB 5047

Handicapped children, special education programs, reimbursement from medi-
cal assistance funds: *SHB 2014, CH 400 (1989)

High-risk youth, definition of and services to: SB 5624, 2SSB 5624

Maternity care for low-income women and infants: SHB 1963, *HB 2244, CH 10 E1
(1989)

Medically fragile children, department of social and health services to develop
nursing home placement plan: SB 5903, *SSB 5903, CH 183 (1989)

Minor defined for purpose of the sexual exploitation of children statute: *SHB
1658, CH 32 (1989)

Minority, age for mental health treatment without parental consent raised to six-
teen: SB 5973, SSB 5973

Minors with dependent children, eligibility for aid to dependent children: SB 5411

Parental action for death of child, scope of action broadened: SB 6029

Secure treatment and evaluation facilities for children in need of special ser-
vices: SB 5930, SSB 5930

Special services required, determination, placement, and enforcement proce-
dures: SB 5930, SSB 5930

Unattended child under five in car, violation whether or not motor is running: SB
6046

CHILDREN AND FAMILY SERVICES, DEPARTMENT OF

Established, certain functions to be transferred from department of social and
health services: SB 5515

CHIROPRACTIC DISCIPLINARY BOARD

Members, qualifications: *SHB 1958, CH 258 (1989)

CHIROPRACTORS

"Chiropractic care" defined: SB 5358

Examinations and licensing, continuing education requirements, and advertising
of services: *SHB 1958, CH 258 (1989)

Examiners, state board, members, qualifications: *SHB 1958, CH 258 (1989)

CHORE SERVICES

Eligibility for services and services provided: SB 5682, SSB 5682, 2SSB 5682

CITIES (See MUNICIPALITIES)**CITIZEN COUNCILORS**

Centennial observance, futures research: SB 5757

Groups encouraged to organize and comment on public issues: SB 5757

* - Measures Passed by Both House and Senate

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CIVIL PROCEDURE

- Attorneys' fees and costs, city may reimburse prevailing party when judgment entered against city: *HB 2142, CH 285 (1989)
- Attorneys' fees, award when state is not prevailing party in civil to which it is party: SSB 5650
- Attorneys' fees, award when state or subdivision is not prevailing party in action to which it is party: SB 5650
- Burden of proof in cases alleging injury caused by exposure to tobacco or tobacco products: SB 6130
- Certificate of merit, filing by claimant's attorney required in professional negligence cases: SB 6148
- Child, parental action for death of child, scope of action broadened: SB 6029
- Contempt of court, acts constituting contempt: *SHB 1983, CH 373 (1989)
- Contempt of court, imposition of remedial or punitive sanctions authorized: *SHB 1983, CH 373 (1989)
- Injunctions, moral nuisances cases: *HB 1418, CH 70 (1989)
- Moral nuisances, injunctions: *HB 1418, CH 70 (1989)
- Personal injury award, tax consequences to be made known to trier of fact: SB 5848
- Prejudgment interest, when interest accrues and how calculated: SHB 1643, SB 5732
- Professional negligence actions, filing of certificate of merit by claimant's attorney required: SB 6148
- Tax consequences of personal injury award to be made known to trier of fact: SB 5848
- Tobacco or tobacco products, burden of proof in cases alleging injury caused by exposure to: SB 6130

CLARK, PAGE COLIN

- Senate page introduced after calling roll call from memory, ESHB 1444 p. 1733

CLAUDON, RONALD C.

- Trustee, Green River community college district no. 10, GA 9125 p. 920

CLAUSON, FRAU ANNELIES

- German teacher, Juanita high school, introduced and addressed Senate p. 1358
- SFR 1989-8665 p. 1358

CLEMENCY AND PARDONS BOARD

- Reginald T. Roberts, member, GA 9057, confirmed pp. 31, 2008, 2009, 2356
- Trudy Schmidli-Sutherland, reappointed member, GA 9061, confirmed pp. 31, 2008, 2009, 2376
- Restoration of civil rights, board to receive and act upon petitions for: *HB 1342, CH 214 (1989)

CLUBS

- Liquor licenses, class H, scope of service that may be provided by clubs holding: SHB 1127

COCHBURN, JOHN F.

- Member, Washington public power supply system executive board of directors, GA 9135 p. 2889

COFFIN, RUTH V.

- Member, commission on judicial conduct, GA 9009 p. 22

* - Measures Passed by Both House and Senate

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COLLECTION AGENCIES

Courts of limited jurisdiction may be authorized to use by ordinance or resolution: SB 6085

COLLECTIVE BARGAINING

District and municipal court employees authorized to conduct: HB 1020

District court employees authorized to conduct: *HB 1020, CH 275 (1989)

Police and fire communication personnel, coverage as uniformed personnel: SB 6096

Public employees, committee to study: SB 5024

Public employees, joint select committee on public employee collective bargaining established: SCR 8403

Public sector agreements, unilateral implementation: *SB 5042, CH 46 (1989)

State employees, right to organize and bargain: SHB 1557, SB 5718

State employees, right to organize and bargain collectively extended to: SB 6084

Successor clauses, binding effect on successor employer: SB 5639

Successor clauses, employer has duty to inform successor employer of: SB 5639

Uniformed personnel, police and fire communication personnel covered: SB 6096

Unilateral implementation of public sector agreements: *SB 5042, CH 46 (1989)

COLLEGES AND UNIVERSITIES

Advance college payment program established: SB 5221, SSB 5221

Branch campuses authorized to serve place-bound students: *SB 6095, CH 7 E1 (1989)

Branch campuses, educational opportunity grant demonstration project, eligible students: *SB 6095, CH 7 E1 (1989)

Branch campuses of the University of Washington and Washington State University established: SB 5230, SSB 5230

Building fees at state institutions set as percentage of tuition rate: SHB 1405

Building fees, increases annually the percentage of tuition dedicated to: SB 5463

Capital improvements, state to provide matching funds in amount equal to private donation: SB 6075, SSB 6075

Capital incentive program created, schools may issue tuition vouchers to entities donating money for capital facilities: SB 6008

Cherberg scholarship program created: SB 5503, SSB 5503

Clallam or Jefferson county, upper division college courses to be offered: SB 5293

Collaborative projects with schools and school districts, board of education to develop program: SB 5519

College savings bonds, nine hundred fifty million dollar maximum issue authorized: SB 5219

Community school facilities, definition, authorization to make joint agreements to construct: SB 5885

Costs of higher education, higher education coordinating board to determine and report on: SB 5223

Credits earned at one state school may be transferred to other state schools: SB 5345

Distinguished professorship trust fund, two professorships may be combined to support one holder: *HB 2161, CH 187 (1989)

Donations, business and occupation tax credit allowed equal to fifty percent of donation: SB 6075, SSB 6075

Donations for capital improvements, state to provide matching funds in equal amount: SB 6075, SSB 6075

Educational cost study to be conducted by state schools and higher education coordinating board every four years: *SHB 1415, CH 245 (1989)

Educational opportunity grant program established: HB 1417, SB 5741, SSB 5741

Educational paraprofessionals, associate of arts degree program: *SHB 1759, CH 370 (1989)

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COLLEGES AND UNIVERSITIES—cont.

- Educational research center to conduct research and field testing of innovations in teaching and school management: SB 5758
- Excellence in teacher preparation award program: SB 5371
- Field-based teacher preparation model grant program: SB 5758
- Financial aid, annual modifications in, determination: SB 5395
- Gender equality in intercollegiate athletics, goals for state institutions of higher education: *SHB 2020, CH 340 (1989)
- Gender equality mandated at all state schools: *SHB 1430, CH 341 (1989)
- Half-time students eligible for financial aid: *HB 1445, CH 254 (1989), SB 5215
- Higher education code to be prepared and distributed: SB 5217
- Intercollegiate athletics, tuition and fee waivers to achieve gender equality: *SHB 2020, CH 340 (1989)
- Intercollegiate athletics, tuition and fee waivers to be offered on a gender-equal basis: SHB 2020
- Interest rates on college loans, nonprofit corporations may set at rate allowed federally chartered banking institutions: *HB 1485, CH 166 (1989)
- Interlocal cooperation contracts, state institutions may enter into: HB 1404
- Joint center for higher education, coordination of programs, intercollegiate research and technology institute: *SB 6095, CH 7 E1 (1989)
- Minority graduate students, tuition waivers, eligibility, pilot program authorized: SB 5717
- Pacific Rim language teachers conditional scholarship program established: SB 5450, SSB 5450
- Personal property donations, solicitation and valuation of gifts: SB 5964, SSB 5964
- Personal property donations, use tax exemption: SB 5964, SSB 5964
- Placebound students, state schools to supply baccalaureate courses to underserved students: SB 5975, SSB 5975, 2SSB 5975
- Preparation of teachers, excellence in training to be recognized by award program: SB 5371
- Regents of University of Washington and Washington State University, majority to be alumni: SB 5229
- Resident and nonresident students, determination of status: SB 5485
- Room and board expenses, advance college payment program: SB 5221, SSB 5221
- Scholarship award program for Washington scholars: SB 5224
- Services and activities fee committee recommendations: SB 5228, SSB 5228
- Services and activities fee committee student membership: SB 5228, SSB 5228
- Spokane intercollegiate research and technology institute established: SB 5225, SSB 5225, 2SSB 5225
- Student exchange agreements between state schools and out-of-state schools authorized: *HB 1769, CH 290 (1989)
- Student loans, authority for schools to deny loan certification to students likely to default on loans: HJM 4015
- Students, resident and nonresident, determination of status: SB 5485
- Trustees, majority at each state school to be alumni of that school: SB 5229
- Tuition, advance college payment program: SB 5221, SSB 5221
- Tuition, advance payment contracts, higher education trust: SB 5057
- Tuition and fees exemptions, nonresident differentials, dependents of congressional delegation: *SSB 5293, CH 306 (1989)
- Tuition and fees waived for children of military personnel killed or disabled on duty: SB 5360
- Tuition at state schools, definition, determination, and collection: SHB 1415
- Tuition at state schools, determination: *SHB 1415, CH 245 (1989)
- Tuition fees at state schools, definition and setting of rates: SB 5394, SSB 5394
- Tuition vouchers for capital facilities donations, issuance and use: SB 6008

* - Measures Passed by Both House and Senate

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COLLEGES AND UNIVERSITIES—cont.

Upper division and graduate courses, state schools assigned to serve presently unserved areas: SHB 1822

Vietnam veterans, tuition and fees rate set at rate paid by veterans on October 1, 1977: *SSB 5293, CH 306 (1989)

Washington scholars program established: SB 5224

Writing project for educators: SB 5227, SSB 5227

COLLIGAN, BERNARD

Member, juvenile disposition standards commission.

GA 9010 p. 22

COLUMBIA BASIN COMMUNITY COLLEGE DISTRICT NO. 19

Charles K. Michener, reappointed trustee, GA 9047,

confirmed pp. 29, 447, 496

Waste management education program feasibility study: SB 5996, SSB 5996

COLUMBIA RIVER

Drift area rights established: SB 5780

Salmon, commercial net fishing prohibited near the mouth of the Columbia and its tributaries: SB 6089

Salmon fishing prohibited until tributary escapement goals achieved: SB 6089

COMMERCIAL VESSELS AND SHIPPING

Financial responsibility for spills, vessels carrying petroleum products required to demonstrate: *HB 2242, CH 2 E1 (1989)

Marine transportation of oil, petitioning congress to examine safety and boat construction issues: HJM 4014

Oil or hazardous substances, proof of financial responsibility for spills required: SHB 1828

Oil spills, vessels carrying hazardous substances must prove financial responsibility: SB 5315, SSB 5315

Oil spills, vessels carrying petroleum products, proof of financial responsibility for spills required: *HB 2242, CH 2 E1 (1989)

COMMON CARRIERS

Agricultural commodities, carriers exempt from motor freight carrier regulation, registration required: SB 6055

Interstate tariffs, filing with utilities and transportation commission no longer required: *SB 5552, CH 186 (1989)

Public liability insurance for motor vehicle common carriers, state preemption of statutory and regulatory power: SB 5812, SSB 5812

Public liability insurance requirements, motor vehicle common and contract carriers, state preemption: *SSB 5812, CH 264 (1989)

Workers' compensation coverage to be provided unless similar coverage in another state covers Washington employees: *HB 1518, CH 368 (1989)

COMMUNITY COLLEGE EDUCATION, STATE BOARD FOR

Marian May Gerstle, reappointed member, GA 9021,

confirmed pp. 24, 237, 308

Antonio Santoy, reappointed member, GA 9060,

confirmed pp. 31, 283, 325

Dr. Max M. Snyder, member, GA 9068,

confirmed pp. 33, 237, 344

COMMUNITY COLLEGES

Appropriation, additional obligation to serve high-demand areas: SB 5975, SSB 5975, 2SSB 5975

Business training needs, local training matching fund program to assist in providing: SB 6026

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COMMUNITY COLLEGES—cont.

- Community school facilities, definition, authorization to make joint agreements to construct: SB 5885
- Exceptional faculty award program established: SB 5220, SSB 5220
- Local training matching fund program to provide training tailored to small business needs: SB 6026
- Property tax levies in excess of one percent limitation authorized with voter approval: SB 5938
- Spokane intercollegiate research and technology institute established: SB 5225, SSB 5225, 2SSB 5225
- State board, agricultural assistance and consultation program, administrative duties: SB 5919
- Trustees, considerations in choosing nominees: SB 5562
- Tuition fees, definition and setting of rates: SB 5394, SSB 5394

COMMUNITY DEVELOPMENT, DEPARTMENT

- Child care facility siting, to develop model ordinance by December 31, 1990: *SB 5185, CH 335 (1989)
- Child care partnership, administrative duties in support of partnership: SB 6051, SSB 6051
- Day care facilities, review of need and demand, report on results of local reviews: *SB 5185, CH 335 (1989)
- Day care, to develop model ordinance for day care facility siting: HB 1587
- Employee ownership advisory panel formed: SB 5120
- Intergenerational child care program to be developed: SB 5821
- Mobile home park siting and zoning need and demand review, department duties: HB 2167
- Mobile home park siting model ordinance, to develop and complete by January 31, 1990: *HB 2167, CH 274 (1989)
- Mobile home parks need and demand review, to report results of local reviews by July 31, 1990: *HB 2167, CH 274 (1989)
- Mobile home relocation fund, administrative duties: *SHB 2136, CH 201 (1989)
- Mobile home space availability and affordability task force, departmental duties: *SSB 5369, CH 294 (1989)
- Rural development and revitalization responsibilities: SB 5872, SSB 5872
- Self-help projects, technical support to community-based projects: SB 5104
- State and local government bonds information to be submitted to: *HB 1060, CH 225 (1989)
- Technical assistance grants to community-based groups for redevelopment projects in low-income areas: SSB 5104
- Technical support for community-based self-help projects: SB 5104
- Timber harvest, to assist communities adversely affected by reductions in harvest from federal lands: *SSB 5911, CH 424 (1989)
- Washington state growth strategies commission, staff and support duties: SHB 2140

COMMUNITY ECONOMIC REVITALIZATION BOARD

- Tourist resorts, board authorized to make grants to develop destination tourist resorts: SHB 1293, SB 5328

COMMUNITY PROPERTY

- Intangible property to be taken into account in property settlements: SB 5825

CONCURRENT RESOLUTIONS

- Adjournment of 1989 first special session: HCR 4421
- Adjournment of 1989 second special session, sine die, notice to governor that legislature is about to adjourn: HCR 4424
- Adjournment sine die: HCR 4416
- Adjournment sine die: SCR 8416

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CONCURRENT RESOLUTIONS—cont.

- Adjournment sine die, notice to governor that legislature about to adjourn first special session: SCR 8424
- Adjournment, sine die, 1989 second special session: SCR 8427
- Adoption, select committee on adoption created, organization and duties: SCR 8422
- Agricultural crops, committee to study problems of clearing of title: SCR 8400, SSCR 8400
- Biospheric task force created: HCR 4403
- Campaign financing, joint select committee established, organization and duties: HCR 4418
- Clearing title to agricultural crops, committee to study problems: SCR 8400, SSCR 8400
- Cutoff dates for consideration of legislation set: HCR 4404
- Economic development board reports, recommendation that legislature adopt reports of state board: HCR 4408
- Employee compensation, joint select committee on established: SCR 8410
- Evergreen public services building planning committee established: SCR 8406
- Fish and wildlife licenses, joint select committee established, organization and duties: SCR 8418
- Fishery management, joint select committee established, organization and duties: SCR 8419
- Forest Service diversion of funds now being allocated to counties in lieu of taxes to fire suppression opposed: SCR 8414
- Gallagher, representative P. J. "Jim", bridge at 72d street and I-5 in Pierce County to be named for: HCR 4415
- Gambling, establishment of joint select committee on: SCR 8408
- Goodwill Games urged to put human rights discussions on games' agenda: SCR 8402
- Governor notified that legislature is ready to conduct business: HCR 4401
- Group self-insurance, joint select committee created: SCR 8407
- Joint session, inauguration of governor, swearing in of elective officials: HCR 4400
- Joint session of legislature set for April 11, 1989, to receive message from prime minister of British Columbia: HCR 4412
- Legislation from 1989 regular session, reintroduction: HCR 4419
- Legislative fiscal organization, joint select committee on, establishment and duties: HCR 4411
- Legislators, memorial service for former legislators: HCR 4406
- Legislature organized and ready to conduct business, notification to governor: SCR 8421
- Long-term care, joint select commission established: SCR 8409, SSCR 8409
- Medal of merit recipients recognized: HCR 4405
- Natural resource enforcement, joint select committee established, organization and duties: SCR 8417
- Northwest exploratory conference, call for conference with other states and provinces: SCR 8425
- Notifying governor that the legislature is organized and ready to conduct business: HCR 4422
- Professional liability, joint select commission on, formation, organization, and duties: SCR 8413
- Reintroduction of bills, resolutions, and memorials from 1989 regular and first special sessions: SCR 8426
- Rules, joint rules of the senate and the house of representatives, fifty-first legislature: SCR 8405
- Spanish quincennial committee, creation, organization, and duties: SCR 8412
- Taiwan declared an international sister state: SCR 8401
- Tax and spending reform task force, organization and duties: SCR 8415

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CONCURRENT RESOLUTIONS—cont.

- Transmittal of bills, resolutions, and memorials on adjournment of 1989 second special session: HCR 4423
- Transmittal of bills, resolutions, and memorials upon adjournment of first special session: SCR 8423
- Transmittal of bills, resolutions, and memorials upon adjournment of the legislature: HCR 4417
- Veterans, honoring and recognizing through remembrance strip attached to vehicle license plates, method to be developed: HCR 4425
- Washington state centennial logging show, assistance and support to be extended to: SCR 8411
- Wildlife and fish stamps and art, joint select committee established, organization and duties: SCR 8420

CONDOMINIUMS

- Advisory committee on Washington condominium act, organization and duties: *HB 1656, CH 428 (1989)
- Condominium act: SB 5208, *SSB 5208, CH 43 (1989)
- Condominium task force recreated to review condominium act, draft revisions, and prepare comments: SSB 5208
- Liability of owners' associations for air pollution violations: SB 5012, SSB 5012
- Warranties of quality by seller to purchaser, creation of express warranties: *HB 1656, CH 428 (1989)

CONNER, SENATOR PAUL H.

- Oath of office p. 12
- Appointed rules and transportation committees p. 38
- Temporarily appointed to committee on governmental operations, replacing Senator DeJarnatt p. 439
- Relieved of temporary committee duties for committee on governmental operations p. 2890
- Appointed interim member legislative transportation committee p. 2974

CONSERVATION

- Cities and special districts providing water authorized to conduct water conservation programs: *SSB 5889, CH 421 (1989)
- Energy conserving materials and equipment, energy utilities may assist equipment owners in financing acquisition of: *SB 5172, CH 268 (1989)
- Farm land, protection measures: SB 5861
- Legislative per diem and gubernatorial appropriations, extraordinary session reductions, authorized uses: SB 6149
- Water, efficiency, and conservation to be emphasized in management of the state's waters: *SHB 1397, CH 348 (1989), SB 5195, SSB 5195
- Water sales or distribution entities allowed to undertake conservation assistance financing: SJR 8210
- Water utilities, authorization to conduct conservation programs, limitations: *SSB 5889, CH 421 (1989)
- Yakima river basin, water conservation projects, authority for department of ecology to enter into contracts with water users: *SSB 5984, CH 429 (1989)

CONSERVATION COMMISSION

- Grant program for conservation districts: *SHB 1192, CH 18 (1989)

CONSERVATION DISTRICTS

- Grants, authorized to receive grants from state conservation commission: *SHB 1192, CH 18 (1989)
- Special assessments authorized: *SHB 1192, CH 18 (1989)

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CONSUMER PROTECTION

Prearrangement funeral service contracts, terms, trust funds, and protection of purchasers: *SSB 5850, CH 390 (1989)

Rental cars, liability limited: SHB 1068, SB 5148, SSB 5148

Telephone solicitation regulation: SHB 1792, SB 5088, *SSB 5088, CH 20 (1989)

Water treatment device sales regulated: SB 5095

CONTRACTORS

Advertising, must show proof of current registration to business running ad before it can run: SB 5307

Bonds, waiver on public contracts of fifteen thousand dollars or less: SB 5439

Construction contracts, indemnity clauses, limitations on enforceability: SB 5694, SSB 5694

Contract disputes, funds received by owner or contractor held in trust pending resolution: SB 5726

Ferries, contractors' bonds, acceptable substitute forms of security: *SHB 1503, CH 58 (1989)

Prime contractors, corporate officers, personal liability for indemnification for lien claims: SB 5726

Registration, exemption for contracts of one thousand five hundred dollars or less: SB 5453

CONTRACTS

State contracts for the purchase of real or personal property, procedure and limitations: *HB 1794, CH 356 (1989)

CONVENTION AND TRADE CENTERS

Funding shortfalls, special assessment to cover, when city may levy and collect: *HB 1631, CH 277 (1989)

COOPERATIVE ASSOCIATIONS

Unified incorporation statute: SB 5018, *SSB 5018, CH 307 (1989)

COORDINATION COUNCIL FOR NORTH AMERICAN AFFAIRS

Director General Wen-Chung Chang introduced and addressed Senate p. 2104

CORPORAL PUNISHMENT

Child care facilities, when allowed: SB 5076

CORPORATIONS

Administrative rules, procedure for obtaining review of allegedly unfair regulations: SB 5542, SSB 5542

Business corporation act, replacement: *SB 5583, CH 165 (1989)

State trust funds, corporate officer is personally liable for nonpayment when corporation terminates: SHB 1577, SB 5581, SSB 5581

CORRECTIONS, DEPARTMENT OF

Assault on juvenile corrections staff members, transfer of juvenile offender to adult correctional facility: *SB 5991, CH 410 (1989)

Boot camp program for adult offenders, administration: SB 5455

Correctional industries, program administration: *HB 1524, CH 185 (1989)

Medical services for inmates, authority to implement health services plan: SB 5501, *SSB 5501, CH 157 (1989)

Medical services, indemnification to providers for liability arising from medical services: SB 5501, *SSB 5501, CH 157 (1989)

Monitoring inmate telephone calls authorized: *2SHB 1793, CH 271 (1989), SB 5041, *SSB 5041, CH 31 (1989)

Prisoner care and maintenance costs, recovery from prisoner, duties: SB 5537, SSB 5537

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CORRECTIONS, DEPARTMENT OF—cont.

Review of sentences, department may petition for review: *HB 1342, CH 214 (1989)

Washington intrastate corrections compact, cooperative use of facilities and programs: *SHB 1458, CH 177 (1989)

Work release program, departmental duties: *2SSB 5111, CH 89 (1989)

COSMETICS

Formaldehyde, nail products containing, warning label required: SB 5962

Nail-care products containing formaldehyde, warning label required on products: SB 5962

COUNCIL FOR THE PREVENTION OF CHILD ABUSE AND NEGLECT

Extension: SB 5048, *SSB 5048, CH 304 (1989)

Members, appointments to be made on geographic basis to assure state-wide representation: *SSB 5048, CH 304 (1989)

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Air pollution control authorities, county commissioners, personal service not required: *SB 5887, CH 150 (1989)

Alcoholics shelter assistance, local tax on the sale of alcohol authorized to fund: SB 5548, SB 5635

Alcoholism and other drug addiction boards, authority to create, organization and duties: *SHB 1619, CH 270 (1989)

Animals running at large, authorization to impose restrictions: SB 5116, SSB 5116

Apiary coordinated areas, authorization to establish: SB 5922

Apiary restricted areas, authorization to establish, procedure: SB 5860

Assessment rolls, increase in value of property by construction under building permit to be added: SB 5123

Boundary alteration procedure: SJR 8208

Boundary changes, requirements amended: HJR 4203

Building codes, power to amend limited: SB 5797

Building permit exemptions for projects of less than fifteen hundred dollars, requirements: *SB 5466, CH 246 (1989)

Building permits, copy to assessor: SB 5123

Building permits, exempt construction: SB 5123

Charters, alternative method for framing, constitutional amendment: HJR 4200

County hospitals, sales and use tax exemption: SB 5865

Courts of limited jurisdiction, use of collection agencies may be authorized by ordinance or resolution: SB 6085

Curb ramp construction requirements: *HB 1077, CH 173 (1989)

Day care homes, mini-day care, and day care centers, zoning restrictions, review of need and demand for child care facilities: *SB 5185, CH 335 (1989)

Day care, to review zoning laws relating to child care facility siting: HB 1587

Edgestripping, to place visible stripe at edge of certain paved roads: SB 5491, SSB 5491

Family court commissioners, appointment authorized in class "A" and first through ninth class counties: *HB 1400, CH 199 (1989)

Family court commissioners may be appointed in third through ninth class counties: HB 1400

Farm land development an authorized use of capital improvement fund revenues: SB 5862

Flood plain management, may participate in state-wide program: SB 5956

Forest Service diversion of funds now being allocated to counties in lieu of taxes to fire suppression opposed: SCR 8414

Gambling tax revenues, authorized uses: SB 6044

Hitchhiking may be regulated to control prostitution: *HB 1872, CH 288 (1989)

Mental health responsibilities, assumption by counties and regional support networks by 1995, implementation procedures: *2SSB 5400, CH 205 (1989)

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- Mental health responsibilities to be assumed by counties and regional support networks by 1995: SB 5400, SSB 5400, 2SSB 5400
- Metropolitan municipal corporations, home rule counties may assume duties of corporation: SHB 2030
- Mobile home park closure or conversion, to designate agency to evaluate and approve plans: SB 5559, SSB 5559
- Mobile home park siting and zoning need and demand review, when required: HB 2167
- Mobile home parks, need and demand for, cities and counties to conduct review: *HB 2167, CH 274 (1989)
- Motor vehicle fuel tax may be imposed to fund highway improvements: SB 5600
- Municipal annexation of portions of counties, procedure: *SHB 1251, CH 351 (1989), SB 6024
- Park and recreational land and facilities purchase, authorized use of lodging tax revenue: SB 5429
- Premises unfit for human habitation may be abated: SB 5252, *SSB 5252, CH 133 (1989)
- Recall petitions, county may defend official only in proceedings to determine sufficiency of the charge: SB 5663, *SSB 5663, CH 250 (1989)
- Regional mental health networks, counties with combined populations of six hundred thousand or more may establish: SB 5504
- Regional mental health networks to provide residential care to adults: SB 5504
- Relocation assistance to tenants, authorization to require property owners to provide: SB 5546
- Reserved timber, petition to board of natural resources to reserve, conditions for sales: *SSB 5911, CH 424 (1989)
- Road costs, computation: HB 2098
- Seed capital pools, creation authorized: HB 1423
- Sheriff's office, transfer of officers to classified civil service positions: SB 5587
- Small works roster may be used for projects of one hundred thousand dollars or less: *SHB 1386, CH 244 (1989)
- Solid waste disposal services, may provide or contract for, requirements and procedures: *SHB 1568, CH 399 (1989)
- Solid waste, responsibility to provide solid waste management through waste reduction and source separation strategies: *SHB 1671, CH 431 (1989)
- Solid waste transfer stations, authorization to use detachable containers, conditions: SB 5980
- State-mandated programs to be fully funded, not to place fiscal burden on local government: SB 5769
- Street and road repair may be conducted as separate enterprise: SB 5086
- Street and road repair may be financed with use and availability charges: SB 5086
- Street maintenance, transportation benefit districts authorized to contract with counties for: SB 6077, SSB 6077
- Telephone tax, law enforcement support an authorized use of revenues: SB 5571
- Transcript of proceedings, child custody hearings, court may order transcript made at county expense: SB 6056
- Transfer stations, authorization to use detachable containers as stations for solid waste, conditions: SB 5980
- Transportation benefit districts, authorized to contract with counties for street maintenance: SB 6077, SSB 6077
- Transportation benefit districts, legislative authority to act as governing board: *HB 1454, CH 53 (1989)
- Twenty-four hour headlight policy, may request from department of transportation, required reports: *HB 2075, CH 195 (1989)

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COUNTY ASSESSORS

Building permits, copies to be sent to assessor for work exceeding five hundred dollars in value: *SB 5466, CH 246 (1989)

Building permits, may increase property values for improvements for which building permit was or should have been issued: *SB 5466, CH 246 (1989)

COUNTY AUDITORS

Hazardous substance deposits on real property to be recorded: SB 5601

Military discharges, free recordation of: *HB 1205, CH 50 (1989)

Modernization of recording and indexing systems authorized: SHB 1161, SB 5144, *SSB 5144, CH 204 (1989)

Motor vehicle licensing and permit fees collected by auditors and subagents adjusted: SB 5568, SSB 5568

Recorded documents, preservation: SHB 1161, SB 5144, *SSB 5144, CH 204 (1989)

Recording and indexing systems, surcharge authorized for modernization: SHB 1161, SB 5144, *SSB 5144, CH 204 (1989)

Recording fees set on a transaction basis: SB 5296

COUNTY COMMISSIONERS

Meetings: *HB 1038, CH 16 (1989)

COUNTY TREASURERS

Investment and distribution of property tax receipts: SB 5965

Property tax receipts, investment and distribution: SB 5965

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Additional judge, district one: SB 5109, SSB 5109

Snohomish county, additional judge position created in: *HB 1802, CH 328 (1989)

COURT REPORTERS

Certification required: *SHB 1208, CH 382 (1989)

Shorthand reporting practices act: *SHB 1208, CH 382 (1989)

COURTS, OFFICE OF THE ADMINISTRATOR

Jury lists, to conduct computer simulation of merged jury list and develop plan to implement: SSB 5953

Special sexual offender sentencing alternatives, to organize and administer blue ribbon panel on: *SHB 1065, CH 332 (1989)

COURTS (See also SUPREME COURT, COURT OF APPEALS, SUPERIOR COURT, DISTRICT COURT, MUNICIPAL COURT)

Collection agencies, court of limited jurisdiction may be authorized to use by ordinance or resolution: SB 6085

Collective bargaining, district court employees authorized to conduct: *HB 1020, CH 275 (1989)

Contempt of court, acts constituting contempt: *SHB 1983, CH 373 (1989)

Contempt of court, imposition of remedial or punitive sanctions authorized: *SHB 1983, CH 373 (1989)

Costs, offenders to be held accountable for their legal financial obligations: *SHB 1542, CH 252 (1989)

District and municipal court employees authorized to bargain collectively: HB 1020

Firearms, forfeited, destruction, retention as evidence, or law enforcement use as ordered by court: SB 6157

Interpreters, appointment in legal proceedings involving non-English-speaking person: *SSB 5474, CH 358 (1989)

Interpreters, appointment, persons entitled to services of interpreter: SHB 1119

Interpreters, testing and certification: SHB 1119, SB 5474, *SSB 5474, CH 358 (1989)

Judicial information system fund created: *SHB 1414, CH 364 (1989), SB 5347, SSB 5347

Juvenile proceedings, venue: *SB 5668, CH 71 (1989)

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- Malicious harassment, court administrator to develop curriculum on hate and bias crimes: *SB 5480, CH 95 (1989)
- Prejudgment interest, when interest accrues and how calculated: SHB 1643, SB 5732
- Superior courts, transfer of cases between: HB 1374, *SB 5089, CH 15 (1989)
- Transcript of proceedings, child custody hearings, may order transcript made at county expense: SB 6056
- Transfer of cases between superior courts: HB 1374, *SB 5089, CH 15 (1989)
- Venue for juvenile proceedings: *SB 5668, CH 71 (1989)

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- Fishing in coastal waters, licensing, separate licensing of coastal and Puget Sound districts authorized: HB 1648

CRASWELL, SENATOR ELLEN (See also VICE PRESIDENT PRO TEMPORE; also RULINGS AND REPLIES BY VICE PRESIDENT PRO TEMPORE; also PARLIAMENTARY INQUIRIES)

- Oath of office p. 12
- Elected vice president pro tempore p. 14
- Remarks, John A. Cherberg Day p. 48
- Appointed children and family services, vice chair; ways and means, vice chair; education, and rules committees p. 38
- Point of order, amendment to 2SSB 5624 p. 763
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- Appointed interim member joint select sunset committee p. 2974

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- Member, juvenile disposition standards commission, GA 9011 p. 22

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- Charge accounts, six-year period in which to bring action: SB 5213, *SSB 5213, CH 38 (1989)
- Limitation of actions, six-year period for actions on charge accounts: SB 5213, *SSB 5213, CH 38 (1989)
- State agencies may report past due accounts receivable to credit reporting agencies: HB 1580, *SB 5579, CH 100 (1989)

CREDIT CARDS

- Interest, not to be assessed until thirty days after purchase: SB 5747
- Property tax, payment by credit card authorized: SB 5866, *SSB 5866, CH 378 (1989)

CREDIT SERVICES ORGANIZATIONS

- Bonding requirements, surety liability: *SB 5147, CH 303 (1989), SSB 5147
- Definition amended: SB 5147, *SSB 5147, CH 303 (1989)

CRIME PREVENTION

- Businesses, training program for employees who work at late-night retail businesses: SHB 1711, SB 5678
- Late night retail establishments, crime prevention, employers' duties: *SHB 1711, CH 357 (1989)

CRIMES

- Alcoholics and drug addicts, not subject to prosecution solely for use of alcohol or drugs: SHB 1619
- Assault in the third degree, assaults of fire inspectors and investigators included: SB 5811

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CRIMES—cont.

- Assault on law enforcement officer, assault in the third degree: *HB 1258, CH 169 (1989)
- Assaults on juvenile corrections staff members, hearings, transfer to adult correctional facility: *SB 5991, CH 410 (1989)
- Burglary in the second degree, definition amended: *SB 5233, CH 412 (1989), *SB 5233, CH 1 E2 (1989)
- Burglary, seriousness levels set for residential burglary and burglary in the second degree: SB 6159
- Correctional facilities and jails, drug offenses within, sentence enhancement: SHB 1393, *SB 5040, CH 124 (1989)
- Custodial interference in the second degree, commission by parent defined: *SB 6009, CH 318 (1989)
- Defrauding a public utility, first, second, and third degree, defined: SB 5782, *SSB 5782, CH 109 (1989)
- Delivery of controlled substance to a minor, twenty-year minimum sentence: SB 5283
- Drug-related crimes, seriousness level raised: SB 5029
- Historic graves, damage or destruction, class C felony: SB 5807, *SSB 5807, CH 44 (1989)
- Indian graves and artifacts, damage or destruction, class C felony: SB 5807, *SSB 5807, CH 44 (1989)
- Law enforcement officers, assaults upon, assault in the third degree: *HB 1258, CH 169 (1989)
- Machine gun, use in commission of a felony, class A felony: *SB 5853, CH 231 (1989)
- Malicious harassment, definition revised: *SB 5480, CH 95 (1989)
- Omnibus alcohol and controlled substance act: *2SHB 1793, CH 271 (1989), SB 5832, SSB 5832
- Pet animals, sale or transfer to research institution of stolen or fraudulently obtained animal: *SSB 5827, CH 359 (1989)
- Pet animals, transfer or sale of stolen animals or without owner's consent, class C felony: SB 5827
- Reckless endangerment in the first degree: *2SHB 1793, CH 271 (1989)
- Residential burglary defined: *SB 5233, CH 412 (1989), *SB 5233, CH 1 E2 (1989)
- Sex crimes against children, penalties increased: *SHB 1065, CH 332 (1989)
- Sexual exploitation of children, minor defined for purposes of statute: *SHB 1658, CH 32 (1989)
- Steroids, unlawful prescription, administration, dispensing or possession of steroids: *SHB 1558, CH 369 (1989)
- Substance abuse testing program for persons arrested for violent crimes: SB 5270
- Teachers, abuse of, use of abusive language to teacher made a misdemeanor: HB 1673
- Transit operator or driver, assault on: SB 5067, SSB 5067
- Vehicular homicide involving drunken or reckless driving, penalty increased: *SB 5381, CH 405 (1989)
- Violent crimes, persons arrested for, testing for substance abuse: SB 5270

CRIMINAL IDENTIFICATION SYSTEM

- Crimes against children by prospective child care employees, convictions to be disclosed: SHB 1044, SB 5234, *SSB 5234, CH 90 (1989)

CRIMINAL JUSTICE INFORMATION

- Bigotry and bias, central registry for information about crimes involving: SB 5073, SSB 5073, *2SSB 5073, CH 366 (1989)
- Homicide information and tracking system, authorization for continued operation: SB 5651, SSB 5651

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CRIMINAL JUSTICE SERVICES

Interagency criminal justice work group established: SB 5235, SSB 5235

CRIMINAL JUSTICE SERVICES ADVISORY COUNCIL

Crime laboratory subcommittee: SB 5112

Membership: SB 5112

CRIMINAL JUSTICE TRAINING COMMISSION

Livestock theft and rural crime training, funded by fines imposed on livestock thieves: SB 5488

CRIMINAL PROCEDURE

Appeal, stay of execution of sentence on, factors: *HB 1070, CH 276 (1989), SB 5779

Appeals, credit for time served if judgment affirmed: *HB 1070, CH 276 (1989), SB 5779

Child abuse cases, procedure to obtain continuance beyond original trial date: SB 5113

Collateral attack on judgment or sentence, one year limitation: *SHB 1071, CH 395 (1989), SB 5157, SB 5308

Contempt of court, acts constituting contempt: *SHB 1983, CH 373 (1989)

Contempt of court, imposition of remedial or punitive sanctions authorized: *SHB 1983, CH 373 (1989)

Continuances in child abuse cases beyond original trial date: SB 5113

Defendant, when able, required to pay costs of jail processing: SB 5547, SSB 5547

Developmentally disabled, commitment of those accused of felony crime but incompetent or not guilty by reason of insanity: *SHB 1051, CH 420 (1989)

Domestic violence crime committed by one family member against another, offense may not be compromised: *SB 6005, CH 411 (1989)

Drug traffickers may be enjoined from entering protected areas: *2SHB 1793, CH 271 (1989), SB 5613, SSB 5613

Financial obligations imposed by judgments to bear interest: *HB 1070, CH 276 (1989), SB 5779

Firearms, forfeited, destruction, retention as evidence, or law enforcement use as ordered by court: SB 6157

Firearms, forfeited, retention, sale, or destruction at discretion of agency holding firearm: SB 6156

Indigent defense services: SB 5960, SSB 5960, *2SSB 5960, CH 409 (1989)

Jail processing costs, defendant, when able, required to pay costs: SB 5547, SSB 5547

Off-limits orders, drug traffickers enjoined from entering protected areas: *2SHB 1793, CH 271 (1989), SB 5613, SSB 5613

Plea agreements, felony charges may not be reduced to misdemeanor level by agreement: SB 5834

Release of defendant awaiting sentence, required findings, conditions may be attached to protect victims: *HB 1070, CH 276 (1989)

Release of defendant during stay of execution on appeal, conditions may be attached to protect victims: *HB 1070, CH 276 (1989)

Sentence, stay of execution on appeal, factors: *HB 1070, CH 276 (1989), SB 5779

Sex crimes against children, law enforcement officers, defense that conduct took place during an investigation: *SHB 1658, CH 32 (1989)

Sex offenders, trial, granting of continuations, required conditions: *SHB 1065, CH 332 (1989)

CROP LIENS

Security interests, determination of priority among conflicting interests governed by crop lien law: *HB 1047, CH 251 (1989)

CROPS

Clearing of title, committee to study problems: SCR 8400, SSCR 8400

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Reappointed member, juvenile disposition standards commission,
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CYPRUS

Requesting that the United States assist the United Nations in finding a solution to
the Cyprus problem: HJM 4023

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DAIRY PRINCESSES

Princess Keri Smalley introduced and addressed senate..... p. 441
Second alternate princess Kirstie Felt introduced p. 441
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Dairy family of the year, Bill and Margaret Visser family introduced p. 441

DAY CARE

Before and after school care at school, eligibility for child care subsidy funds:
SHB 1582
Before and after school child care program created: SB 5632
Business and child care operators, child care partnership to assist in creating
more quality care: SB 6051, SSB 6051, 2SSB 6051
Business and occupation tax deduction, employer expenses for on-site child care
facilities for employees: SB 5155
Child care coordinating committee membership: *SHB 1133, CH 381 (1989)
Child care expansion grant fund, businesses eligible for grants, conditions: SHB
1584
Child care expansion grant fund modifications: SHB 1133
Child care expansion grant fund, preferences in awarding grants: SHB 1584
Child care facilities, grants and loans to start or improve, from child care facility
fund: *2SSB 6051, CH 430 (1989)
Child care facility fund and child care facility fund committee created, organi-
zation and duties: *2SSB 6051, CH 430 (1989)
Child care facility fund, appropriation of one million dollars, contained in section
235, engrossed substitute senate bill 5352, to be deposited in: *SB 6155, CH 3 E2
(1989)
Child care partnership established, organization and duties: SB 6051, SSB 6051,
2SSB 6051
Child care partnership program: *SHB 1133, CH 381 (1989)
Child care partnership to administer grant program, eligibility for grants: SB
6051, SSB 6051, 2SSB 6051
Child care resource and referral program grants, eligibility and limitations: SB
5660, SSB 5660, *2SSB 5660, CH 126 (1989)
Child care resource and referral systems, expansion: SB 5026, SSB 5026
Cities and counties to review zoning laws relating to the placement of facilities:
HB 1587
Corporal punishment, when allowed: SB 5076
Employment child care program for low-income employed through department
of social and health services, appropriations: SB 5884
Facilities development, employer involvement encouraged: *SHB 1133, CH 381
(1989)
Family day care centers as residential use for zoning: SB 5185
Intergenerational child care program to be developed by department of com-
munity development: SB 5821
Placement of facilities near location of working parents encouraged: HB 1587

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- Prospective employees, criminal identification system to disclose convictions for crimes against children: SHB 1044, SB 5234, *SSB 5234, CH 90 (1989)
- Reimbursement from department of social and health services, new rate structure to be developed: SB 5659, SSB 5659
- School districts authorized to provide on-site day care for educational employees: SB 5522, SSB 5522
- State buildings, one percent of appropriation to be devoted to day care facilities: SB 6040
- Washington state child care partnership established, organization and duties: SB 6051, SSB 6051, 2SSB 6051
- Zoning, cities and counties to review zoning laws relating to placement of facilities: HB 1587
- Zoning, family day care centers as residential use: SB 5185

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- Beverly J. Ogburn, reappointed trustee, GA 9051, confirmed pp. 29, 850, 894

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- Apple Blossom princess introduced p. 258

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- Hanging to be method of execution if lethal injection method invalidated: SSB 5039
- Jury at special sentencing proceeding, two-thirds affirmative vote required to impose capital punishment: SB 6154
- Lethal injection to be method of execution: SB 5039, SSB 5039
- Mentally retarded persons, death penalty may not be imposed: SB 5940
- Murder committed in the course of a violation of the controlled substances act: SB 5271

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- Motion by Senator Newhouse p. 1115

DECEDENTS' ESTATES

- Disclaimer of interest by beneficiary: *SHB 1169, CH 34 (1989)

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- Oath of office p. 12
- Appointed environment and natural resources, governmental operations, and transportation committees p. 38
- Remarks, John A. Cherberg Day p. 45
- Editor's note regarding absence p. 375
- Committee assignment temporarily reassigned p. 428
- Reappointed member of environment and natural resources, governmental operations, and transportation committees p. 2890
- Welcomed on return to senate p. 2962
- Personal privilege - comments on returning to senate p. 2967

DENTAL HYGIENISTS

- Licensing and examination: *SHB 1894, CH 202 (1989)

DENTAL SERVICES

- Training and career mobility, study and report to legislature: SB 5744, SSB 5744

DENTISTS

- Impaired dentist program authorized: HB 1292
- Licensing and scope of practice: *SHB 1894, CH 202 (1989)

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DENTISTS—cont.

Substance abuse program, contracting with voluntary substance abuse monitoring program authorized: SB 5614, *SSB 5614, CH 125 (1989)

DENTURISTS

Certification required, fields of practice specified: SB 5490

DEPENDENT ADULTS

Abuse cases, department of social and health services and law enforcement agencies, notification of one another, time limits: SB 5214, *SSB 5214, CH 22 (1989)

DEVELOPMENTALLY DISABLED

Abuse cases, department of social and health services and law enforcement agencies, notification of one another, time limits: SB 5214, *SSB 5214, CH 22 (1989)

Bonds to fund facilities for, transfer of fixed assets funded by bonds from one public body to another: SB 5857, *SSB 5857, CH 265 (1989)

Commitment of those accused of felony crimes when incompetent or not guilty by reason of insanity: *SHB 1051, CH 420 (1989)

Day training centers and group training homes, compliance with local health and safety standards required: *SHB 1965, CH 329 (1989)

Death penalty not to be imposed on mentally retarded offender: SB 5940

"Developmental disability" to be redefined on the basis of a person's functional limitations: SB 5620, SSB 5620

Disabilities land trust created to maximize use of funds from use of lands acquired to provide institutional services: SB 5516, SSB 5516

Facilities, authorization to issue general obligation bonds for planning, design, and construction: SB 5949

Fixed assets acquired to serve developmentally disabled, transfer from one public body to another: SB 5857, *SSB 5857, CH 265 (1989)

Mentally retarded persons, death penalty may not be imposed: SB 5940

DINING ROOM, SENATE

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DISABLED PERSONS

Curb ramp construction requirements: *HB 1077, CH 173 (1989)

Fishing from boats, use of power fishing reels authorized: SSB 5688

Fishing, use of power reels authorized: HB 1697, SB 5688

Guide dogs, discrimination prohibited in real estate transactions with disabled persons using: *HB 1762, CH 61 (1989), SB 5622

Hunting permits, nonambulatory persons authorized to hunt from motor vehicles, conditions: *HB 2010, CH 297 (1989)

Leasehold excise tax, partial exemption: SB 5405, SSB 5405

Long-term care: SB 5056

Power fishing reels, use by disabled persons fishing from boats authorized: SSB 5688

Preference on competitive examinations for public employment granted: SB 5662

Public employment, preference on competitive examinations granted: SB 5662

Razor clam digging permits, handicapped holder not required to be present at digging site: SB 5796

Special education for handicapped children programs, reimbursement from medical assistance funds: *SHB 2014, CH 400 (1989)

DISCRIMINATION

African-American affairs, state commission to be established in the office of the governor: SHB 2084

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DISCRIMINATION—cont.

- Bigotry and bias, central registry for information about crimes involving: SB 5073, SSB 5073, *2SSB 5073, CH 366 (1989)
- Familial status, discrimination in real estate transactions on account of prohibited: SHB 1746
- Guide dogs, discrimination prohibited in real estate transactions with physically disabled persons using: *HB 1762, CH 61 (1989), SB 5622
- Insurance, sex discrimination in policies and rates prohibited: SB 5914
- Minority and women's businesses, state and its political subdivisions to remedy effects of discrimination on: SB 6058
- Parental status, discrimination in real estate transaction prohibited on account of: SB 5727
- Sex discrimination in insurance policies and rates prohibited: SB 5914
- Tax preferences not allowed to any group that discriminates on the basis of race or sex: SB 5979

DISLOCATED WORKERS

Definition: SB 5457

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- Grounds established: SB 5349, SSB 5349
- Petition must set forth grounds on which dissolution is sought: SB 5349, SSB 5349
- Spousal maintenance, past, present, and future earnings capacity to be considered in determining: HB 1621

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- Agricultural assistance and consultation program to aid financially distressed farmers: SB 5919
- Defense dependent communities and firms, state commission on economic diversification to assist: SB 6053
- Economic diversification, state commission on, creation, organization, and duties: SB 6053
- Investment program: SB 5205
- School districts, assistance to small districts in: SB 5396
- Self-help projects, technical support to community-based projects: SB 5104
- Technical assistance grants to community-based groups for redevelopment projects in low-income areas: SSB 5104
- Technical support for community-based self-help projects: SB 5104

DISTRICT COURT

- Collective bargaining, court employees authorized to conduct: *HB 1020, CH 275 (1989)
- Court consolidation program, voluntary incentive-based consolidation with municipal courts: SB 5415
- Election of judges by subcounty local districts authorized within single district: *SHB 1455, CH 227 (1989), SB 5382
- Fee schedule modifications: SB 5567, SSB 5567
- King county, twenty-four district court positions authorized: *SHB 1455, CH 227 (1989)
- Presiding judge may be appointed over all judges in county having more than one district court: SB 5904

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- Licensing of commercial divers and dive tenders: SHB 2071
- Shellfish divers, minimum gear standards: SHB 2031

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- SFR 1989-8659..... p. 1227

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DNA (DEOXYRIBONUCLEIC ACID)

DNA identification system established: SB 5375, SSB 5375, *2SSB 5375, CH 350 (1989)

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Auxiliary fraternal order of eagles, grand madam president, introduced pp. 259

DOCKS

Leases up to fifty-five years from state of wharves, docks, and other structures in harbors, constitutional amendment: SJR 8201

DOGS

Guide and service dogs, exemption from local license fee at request of blind, hearing-impaired, or physically disabled owner: *SHB 1259, CH 41 (1989)

Guide dogs, discrimination prohibited in real estate transactions with physically disabled persons using: *HB 1762, CH 61 (1989), SB 5622

Hound stamp not required to hunt rabbits and hares: *SHB 1426, CH 365 (1989)

Hound stamp required for hunting with dogs: SB 5237

Retrieval of trespassing dogs from private property: SB 5236

Trespassing dogs, retrieval from private property: SB 5236

DOLLIVER, THE HONORABLE JUDGE JAMES

Remarks, John A. Cherberg Day p. 47

DOMESTIC VIOLENCE

Criminal prosecutions, crime of domestic violence by one family member against another, offense may not be compromised: *SB 6005, CH 411 (1989)

Restraining orders, courts authorized to issue: *SB 6005, CH 411 (1989)

DONALDSON, JOHN

Introduction of Mr. Donaldson and his wife

Elena Akhmilovskaya p. 135

SFR 1989-8612 p. 134

DONOHUE, PATRICK F.

Trustee, Walla Walla community college district

no. 20, GA 9131 2227

DORAN, ADELE

Jefferson award winner introduced p. 2658

SFR 1989-8664 p. 2658

DOTZAUER, RONALD

Trustee, Central Washington University, GA 9132 p. 2227

DOUGLAS, WILLIAM O.

Goose Prairie property, appropriation to purchase as public memorial: SB 6042

DRIVERS' LICENSES

Central location, licenses and identicards to be processed and issued from: SB 5985

Commercial drivers, uniform commercial driver's license act: SB 5441, *SSB 5441, CH 178 (1989)

Department of licensing, changes in programs administered by: *SSB 5443, CH 337 (1989)

Housing trust fund, one dollar from license fee to go to: SB 5245

Records and information, disclosure to public limited: SB 5398

School attendance, suspension of students' licenses for failure to maintain, procedure and exemptions: SB 6000

Students, suspension for failure to maintain satisfactory school attendance, procedure and exemptions: SB 6000

Suspension, drug offenders to have license suspended for ninety days: SB 5529

* - Measures Passed by Both House and Senate

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DRIVERS' LICENSES—cont.

Technical corrections to licensing laws: HB 1465, SB 5442

Uniform commercial driver's license act: SB 5441, *SSB 5441, CH 178 (1989)

Voter registration, may register when applying for or renewing driver's license:
SB 6031, SHB 1666

DROPPERT, V. MARC

Member, hospital commission, GA 9013 p. 23

DROUGHT

Emergency powers of department of ecology, implementation, emergency withdrawals, temporary changes in water rights: *SSB 5196, CH 171 (1989)

Relief loans and grants administered by department of ecology: SHB 1398, SB 5196, *SSB 5196, CH 171 (1989)

DRUG ADDICTION TREATMENT

Alcoholism and drug addiction services, department of social and health services program: *SHB 1619, CH 270 (1989)

Methadone treatment, county and state regulation: *SHB 1619, CH 270 (1989)

DRUGS

Alcoholism and drug addiction treatment and support, appropriation for: SB 5377, SSB 5377

Alcoholism and drug addiction treatment and support program, eligibility standards and appropriation: *SHB 1599, CH 3 (1989)

Animal control agency purchase of legend drugs authorized: *SHB 1115, CH 242 (1989)

Candy and gum sales subject to sales tax, revenues to go to drug enforcement and education account: SB 6007

Community mobilization against substance abuse grant program created: SB 5330

Confinement, terms set for drug offenses: SB 5334

Controlled substances violations, civil action by attorney general authorized: SB 5421

Correctional facilities and jails, offenses within, sentence enhancement: SHB 1393, *SB 5040, CH 124 (1989)

Death penalty for murder related to violation of the controlled substances act: SB 5271

Drug-related crimes, seriousness level raised: SB 5029

Forfeiture of drug-related real property: *2SHB 1793, CH 271 (1989), SB 5332

Illegal drug manufacturing sites, cleanup of hazardous substances and recovery of costs: *2SHB 1793, CH 271 (1989), SB 5333

Imprinting of nonprescription medications with individualized identification marks required: *SHB 1337, CH 247 (1989)

Interception and recording of conversations concerning illegal controlled substances authorized: *2SHB 1793, CH 271 (1989), SB 5028, SB 5638

Legend drugs, animal control agency purchases authorized: *SHB 1115, CH 242 (1989)

Mandatory fine on conviction for violation of controlled substances act: SB 5422

Mobile substance abuse awareness program: SB 5121

Nonprescription medications to be imprinted with individualized identification marks: *SHB 1337, CH 247 (1989)

Offenders, first time offenders forfeit state benefits for ninety days following conviction: SB 5528

Offenders to be imprisoned seven consecutive days and have driver's license suspended ninety days: SB 5529

Off-limits orders to enjoin traffickers from entering protected areas: *2SHB 1793, CH 271 (1989), SB 5613, SSB 5613

* - Measures Passed by Both House and Senate

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DRUGS—cont.

- Omnibus alcohol and controlled substance act: *2SHB 1793, CH 271 (1989), SB 5832, SSB 5832
- Sales near schools, penalties increased: SB 5248, SSB 5248
- Samples, manufacturers may distribute to hospital pharmacies and other medical entities: *SB 5595, CH 164 (1989)
- Schools, sales near schools, penalties increased: SB 5248, SSB 5248
- Shelter services, department of social and health services to provide within limits of available funding: *SSB 5897, CH 18 E1 (1989)
- Substance abuse testing program for persons arrested for violent crimes: SB 5270
- Traffickers may be enjoined from entering protected areas: *2SHB 1793, CH 271 (1989), SB 5613, SSB 5613
- Treatment, social and health services department to provide services within limits of available funding: SB 5897, *SSB 5897, CH 18 E1 (1989)
- Violent crimes, persons arrested for, testing for substance abuse: SB 5270

DRUNK DRIVING

- Victims' impact panel, persons convicted of drunk driving to meet panel in addition to other penalties: SB 6082
- Victims' impact panels, organization and funding: SB 6082

DURABLE POWER OF ATTORNEY

- Health care decisions, execution and exercise: SB 5628

EAGER, BETTY

- Member, board of trustees, Olympic community college district
no. 3, GA 9014, confirmed pp. 23, 366, 401

EAGLES, AUXILIARY FRATERNAL ORDER OF

- Jean Dockall, grand madam president; Janyce Smith,
Washington State president; Penny Kegerreis, Washington State
vice president and Elanor Lindquist, past Washington State
president introduced p. 259

EASEMENTS

- Foreclosure for delinquent taxes, restrictive or affirmative covenants survive: SB 5570
- Recording by public and private utilities: SB 5130, SSB 5130
- Restrictive or affirmative covenants survive foreclosure for delinquent taxes: SB 5570
- Utilities, public and private, to record: SB 5130, SSB 5130

EASTERN WASHINGTON UNIVERSITY

- Jean L. Beschel, reappointed trustee, GA 9108,
confirmed pp. 205, 929, 1105, 1107
- Joe W. Jackson, reappointed trustee, GA 9109,
confirmed pp. 205, 449, 698
- Upper division and graduate courses, to provide in Spokane area with
Washington State University: SHB 1822, *SB 6095, CH 7 E1 (1989)

ECOLOGY, DEPARTMENT OF

- Christine Gregoire, director, GA 9025,
confirmed pp. 25, 96, 194
- Letter from director to senate re 2SHB 1180 p. 2073
- Aquaculture, floating, local government regulation, department of ecology to
adopt guidelines, use required: SHB 1883
- Aquaculture, floating, monitoring, data collection, and consideration of environ-
mental impacts: SHB 1883
- Diesel-powered vehicles, study and report on effect of emissions from, due Janu-
ary 1, 1990: HB 1950

* - Measures Passed by Both House and Senate

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ECOLOGY, DEPARTMENT OF—cont.

- Drought conditions, emergency powers, implementation, emergency withdrawals, temporary changes in water rights: *SSB 5196, CH 171 (1989)
- Drought relief loans and grants: SHB 1398, SB 5196, *SSB 5196, CH 171 (1989)
- Environmental trends and statistics office created, data collection and reporting duties: SB 5814
- Fish culture units, department notice and sterilization requirements prior to entry: SSB 5075
- Flood plain management, may assist cities and counties only at their request: *SHB 1651, CH 64 (1989), SB 5956
- Hanford low-level radioactive waste disposal facility closure, perpetual maintenance, departmental duties: *SB 5926, CH 418 (1989)
- Hanford reservation leased lands, transfer of lease responsibilities to department of trade and economic development: SB 5993
- Hanford reservation released lands, authorization to sublease: SSB 5993
- Hanford waste disposal site, to develop contingency plans, economic analysis based on differing rates of deposit: *SB 5926, CH 418 (1989)
- Hazardous waste management facilities, siting criteria, to develop by May 31, 1990: *HB 1182, CH 13 E1 (1989)
- Medical waste, permit issuance for transportation of: SB 5446
- Northwest low-level waste compact committee, director of department state representative to: SB 5935
- Ocean resources management act, administrative duties: *HB 2242, CH 2 E1 (1989)
- Oil spill damage assessment and recovery, to appoint scientific advisory board to assist in: SHB 1853
- Oil spills, compensation, schedule development, assessment of compensation, and preassessment screening: *SHB 1853, CH 388 (1989)
- Oil spills, preassessment screening to determine how and when damages will be assessed: SHB 1853, SB 6027
- Oil spills, proof of financial responsibility, vessels carrying petroleum products, administrative duties: *HB 2242, CH 2 E1 (1989)
- Puget Sound water quality management plan, director to review and approve each element of plan: SSB 5917
- Radioactive and hazardous mixed component waste, service charge on facilities handling authorized: *HB 2168, CH 376 (1989)
- Radioactive waste management, to be responsible agency: *SSB 6033, CH 322 (1989)
- Scrap metal recycling account, fund administration: SB 5898
- Service charge on facilities handling waste with both radioactive and hazardous components authorized: *HB 2168, CH 376 (1989)
- Shoreline master plan review, ocean use guidelines and policies to be developed and applied to: *HB 2242, CH 2 E1 (1989)
- Solid waste management, departmental duties: *SHB 1671, CH 431 (1989)
- Underground storage tanks, regulatory authority: *SHB 1086, CH 346 (1989), SB 5281, SSB 5281
- Vessels carrying oil or hazardous substances, proof of financial responsibility for spills, administrative duties: SHB 1828
- Wastes, disposal of mixed wastes, authorization to charge service fee for: SB 5997
- Water and sediment quality standards, authorization to establish by rule: SB 5917
- Wetlands conservation and management, administrative duties: SB 5856
- Yakima river basin trust water rights program, administrative duties: *SSB 5984, CH 429 (1989)
- Yakima river basin, water conservation projects, authority to enter into contracts with water users: *SSB 5984, CH 429 (1989)

ECONOMIC DEVELOPMENT

- City and county seed capital pools, creation authorized: HB 1423

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ECONOMIC DEVELOPMENT—cont.

- Council for the future created, organization and duties: SB 5902, SSB 5902
- Defense dependent communities and firms, state commission on economic diversification to assist: SB 6053
- Economic development finance authority established: *SHB 1553, CH 279 (1989), SB 5339, SSB 5339
- Economic diversification, state commission on, creation, organization, and duties: SB 6053
- Industrial extension grant program established, eligibility for grants: SB 5549
- Linked deposit program for investment in distressed areas: SB 5205
- Lodging tax, public works to stimulate growth and development of municipality, authorized use: SB 6083
- Northwest exploratory conference, call for conference with other states and provinces: SCR 8425
- Pacific Northwest interstate compact on international trade enacted: SB 5631
- Reports, recommendation that legislature adopt reports of state board: HCR 4408
- Rural affairs advisory committee created: SB 5599
- Targeted sector programs to be developed in the areas of biotechnology and food processing: *SHB 2137, CH 423 (1989)
- Technology development and commercialization, state role in promoting: SHB 2023
- Trade offices to be established in various cities: SB 5449
- Washington marketplace program, to encourage in-state purchasing by Washington buyers: *2SHB 1476, CH 417 (1989)

ECONOMIC FORECASTS

- Economic and revenue forecast council, organization and duties modified: SB 5206, SSB 5206

EDITOR'S NOTES

- Regarding Senator DeJarnatt's absence..... p. 375
- Regarding comment, proposed business corporation act p. 380
- Regarding temporary reassignments to standing committees
for Senator DeJarnatt..... p. 428
- Regarding request for minority report p. 561
- Regarding clarification of president's ruling..... p. 808
- Explanation of senate rule 53..... p. 935
- Explanation of senate rule 64..... p. 1060
- Regarding gubernatorial appointment of secretary to
department of social and health services p. 1276
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Governor's partial veto of SB 5233..... p. 2966

EDMONDS COMMUNITY COLLEGE DISTRICT NO. 23

- Edith A. Lawrence, trustee, GA 9042,
confirmed pp. 28, 928, 995
- Vaughn A. Sherman, reappointed trustee, GA 9090,
confirmed pp. 37, 447, 555
- Majel A. Wilson, reappointed trustee, GA 9085,
confirmed pp. 36, 929, 1051

* - Measures Passed by Both House and Senate

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EDUCATION, STATE BOARD

- Basic education program hour requirements, waiver of requirements for requesting districts: SB 5970
- Certification of teachers for grades six through eight to be studied: SB 5312
- Collaborative projects among colleges, schools, and school districts, to develop program: SB 5519
- Master's degree requirement for teacher certification after 1992 repealed: SB 5637
- Program hour requirements, basic education, waiver of requirements for requesting districts: SB 5970
- Student teaching pilot projects program, advisory group to be formed: *SB 5826, CH 253 (1989)

EICHINGER, JOSEF

- Eagle Scout presented the colors p. 518

ELECTIONS

- Ballot titles, preparation, appeals, and readability guidelines: SB 5723, SSB 5723
- Ballots, placement of candidates' names: HB 1110, *SB 5143, CH 155 (1989)
- Candidates' pamphlet, charges for space eliminated: HB 1747
- Certification of ballot titles and nominees qualifying at primary or general election: SB 5723, SSB 5723
- City officials, optional code cities, terms and procedures: HB 1570
- Cost-sharing between state and counties in primary, special, and general elections: SB 5194
- District court judges, subcounty local districts within a single district authorized: *SHB 1455, CH 227 (1989), SB 5382
- Electioneering prohibited at and near polling places: SB 5725
- Initiative and legislative alternative proposed, voting procedure: SB 5425
- Judicial elections, candidates must qualify in primary to appear on general election ballot: SSB 5187
- Judicial elections, when primary not required: SB 5187
- Minor parties and independent candidates, nominating procedures: *SHB 1572, CH 215 (1989)
- Nominating procedures for minor parties and independent candidates: *SHB 1572, CH 215 (1989)
- Nonpartisan elections, candidates, qualifying in primary for general election ballot: SB 5187, SSB 5187
- Optional code cities, election of city officials, terms and procedures: HB 1570
- Poll closing, asking federal government to adopt uniform poll closing law: HJM 4006
- Polling places, prohibited activities: SB 5725
- Precinct boundaries, precinct maps are public records open to inspection: *HB 1698, CH 278 (1989), SB 5657
- Precinct boundaries, restrictions on locating and changing boundaries, preparation of precinct maps: *HB 1698, CH 278 (1989)
- Precinct committee officer, declaration of candidacy: HB 1225
- Precinct election officers, may not serve if candidate for any other office: HB 1035
- Presidential, parties must file a list of candidates and presidential electors selected: HB 1226
- Presidential preference primary initiative: *INT 99, CH 4 (1989)
- Primary not required for special elections to unexpired terms, provision repealed: SB 5942
- School board directors, campaign expenditure limits: SB 5260
- Short term created after filing period closes, single declaration of candidacy valid for both short and long term positions: HB 1224
- Superintendent of public instruction, candidates must qualify in primary to appear on general election ballot: SSB 5187

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ELECTIONS—cont.

- Unexpired terms, special elections, no primary provision repealed: SB 5942
- Voter assistance for persons with sensory or physical handicaps or at voter's request: SB 5299, SSB 5299
- Voter registration by mail: HB 1129
- Voting devices, placement: HB 1110, *SB 5143, CH 155 (1989)

ELECTRICAL ADVISORY BOARD

- Fire alarm industry, one member to represent: SB 5406

ELECTRICITY

- Cities of the first class may own and operate electrical utilities: *HB 1198, CH 249 (1989)
- Electrical utilities, cities and towns to set terms and conditions for placement: SHB 1661
- Fire alarm systems, electric, inspector and installer certification required: SB 5406
- Fisheries protection on streams with hydroelectric dams, mitigation agreements enforcement: SB 5477
- Hydroelectric dams, mitigation agreements to protect fisheries, enforcement: SB 5477
- Hydropower plan emphasizing cost-effective electric power and conservation values: SB 5174, SSB 5174, *2SSB 5174, CH 159 (1989)
- Mitigation agreements enforcement to protect fisheries on streams with hydroelectric dams: SB 5477
- Overhead electric lines, duty to notify utility before beginning work near line: SB 5989
- Tariff changes, proposed, suspension: *SB 5023, CH 152 (1989)
- Utilities, first class cities authorized to own and operate: SB 5355, SSB 5355

ELLIS, WILLIAM P.

- Reappointed member, board of pilotage commissioners.
GA 9118 p. 399

EMERGENCY SERVICES

- Funding, special property tax levy may be imposed up to fifty cents per thousand dollars: SB 5572
- Immunity from civil liability under good samaritan act extended to transit workers who do not normally provide emergency care or transportation: *SHB 1388, CH 223 (1989)
- Immunity from civil liability under good samaritan statute does not extend to professional providers of emergency care: SHB 1388, SB 5773, SSB 5773
- Property tax, special levy of up to fifty cents per thousand dollars may be imposed to fund: SB 5572
- Providers of emergency care, professionals excluded from protection of good samaritan statute: SHB 1388, SB 5773, SSB 5773
- Stretchers, persons on stretchers may be transported by vehicles other than ambulances if they do not require medical care en route: SB 5849, SSB 5849
- Transit workers who do not normally provide emergency care or transportation, coverage under good samaritan act: *SHB 1388, CH 223 (1989)

EMERICK, MYRNA J.

- Reappointed trustee, Lower Columbia community college district no. 13, GA 9126, confirmed pp. 920, 2135, 2271

EMPLOYEE-OWNED BUSINESSES

- Employee ownership advisory panel formed: SB 5120
- Employee ownership training fund established: SB 5120
- Workers' compensation, qualification as self-insurers: SB 6010

* - Measures Passed by Both House and Senate

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EMPLOYER AND EMPLOYEE

- Business and occupation tax deduction, employer expenses for on-site child care facilities for employees: SB 5155
- Industrial insurance labor-management cooperation program established: SB 5870
- Injured worker returning to light duty job, employer required to maintain employee benefits: HB 1839, SB 5605
- Labor-management cooperation program established: SB 5539
- Plant closure law, notice required, employer obligations to workers, and enforcement actions: HB 1855, SB 5958
- Political activity on employee's time, unfair practice to discharge or discipline for: SB 6072
- Political activity, unfair practice to compel or coerce employee participation: SB 6072

EMPLOYMENT

- Adoptive parents, family leave to be granted on same terms as for newborn child: SB 5966
- Employer's obligation to employees when business is relocated, closed, or transferred: SB 6081
- Family and medical leave insurance compensation program, study by department of labor and industries: SB 5934
- Family leave, availability to care for newborn or adoptive child or terminally ill child: *SHB 1581, CH 11 E1 (1989)
- Family leave for adoptive parents, to be granted on same terms as for newborn child: SB 5966
- Family leave for parents to care for children, conditions, notice, employee rights, and penalties: SB 6016
- Family leave to care for newborn or adoptive child or seriously ill family member: SHB 1581, SB 5932
- Industrial welfare law violations, civil penalties authorized: SHB 1261
- Industrial welfare violation citation procedure: SHB 1261, SB 5304
- Job preparation, training, and placement services, comprehensive program planning: SB 5383, SSB 5383
- Low-income persons, self-employment loan fund established to assist: SB 5203, SSB 5203, 2SSB 5203
- Medical leave for employee with a serious health condition: SHB 1581, SB 5932
- Operation SPLICE, voluntary workplace literacy program: SB 5764
- Plant closure law, notice, required, employer obligations to workers, and enforcement actions: HB 1855, SB 5958
- Relocation, closure, or transfer of business, employer's obligation to employees: SB 6081
- Self-employment loan fund established to assist low-income persons: SB 5203, SSB 5203, 2SSB 5203
- Washington employment futures program created: SHB 1294, SB 5325

EMPLOYMENT AGENCIES

- Out-of-state or country applicants for agency license, conditions for granting license: SB 5804

EMPLOYMENT SECURITY, DEPARTMENT OF

- Appropriation, Port Angeles office building: HB 1066, SB 5475
- Child care facility fund, appropriation of one million dollars, contained in section 235, engrossed substitute senate bill 5352, to be deposited in: *SB 6155, CH 3 E2 (1989)
- Dislocated workers, annual report on: SB 5457
- Port Angeles office building appropriation: HB 1066, SB 5475
- Temporary total disability, to receive notice after worker receives benefits for thirteen weeks: SHB 1452

* - Measures Passed by Both House and Senate

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EMPLOYMENT SECURITY, DEPARTMENT OF—cont.

Temporary total disability, to receive notice after worker receives benefits for twelve weeks: SB 5604

ENBODY, JOSEPH P.

Member, board of trustees, Centralia community college district
no. 12, GA 9015, confirmed pp. 23, 366, 423

ENERGY

Conservation materials and equipment, energy utilities may assist equipment owners in financing acquisition of: *SB 5172, CH 268 (1989)

Energy efficiency account created to acquire energy efficient improvements in state buildings: HB 1176

Energy efficiency account created to acquire improvement that will reduce energy costs in state facilities: SB 5518, SSB 5518

Energy facility site evaluation council, energy office to provide necessary space and support: SB 6034

Energy office to prepare report on liquid fossil fuel supplies, demand, and development strategies: *HB 2242, CH 2 E1 (1989)

Energy office to provide necessary space and support to energy facility site evaluation council: SB 6034

Policy, request for comprehensive national energy policy: SJM 8015

Thermal plant certification, consideration of the amount of carbon dioxide emissions: SB 5705

ENGFER, JOHN

Ninety-five year old volunteer, Orting fireman
introduced p. 1286
SFR 1989-8663 p. 1285

ENTREPRENEURIAL DEVELOPMENT INSTITUTE

Creation: SB 5102

ENVIRONMENT

Administrative appeals judges, environmental hearings office, appointment: SB 5712

Biospheric task force created: HCR 4403

Boater environmental education programs: *2SSB 5372, CH 393 (1989)

Chlorofluorocarbons, reduction of release into atmosphere: SHB 1123

Environmental hearings office, administrative appeals judges, appointment: SB 5712

Environmental impact statements, threshold determinations to be completed in fifteen to thirty days: SB 5710

Environmental policy act, appeals, procedure: SB 5855, SSB 5855

Environmental policy act, public interest to guide application of procedures and making of decisions: SB 5855, SSB 5855

Environmental trends and statistics office created, data collection and reporting duties: SB 5814

Genetically engineered organisms, release, biotechnology advisory committee to study: SB 5448

Greenhouse and sea level use funding, congressional support requested: SJM 8011

Marine plastic debris action plan to be implemented by department of natural resources: *HB 1249, CH 23 (1989), SB 5364

Mitigation of negative impacts on wildlife caused by public and private developments, requirements: SB 6151

Oil spill remedies, asking congress to clarify federal law on: SJM 8006

State route 509 extension, environmental impact statement, sale of state property to fund: SB 5777

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ESCROW AGENTS

Deposits, authorized forms of deposits: SB 5340

License renewal, extension of time for renewal: *SHB 1287, CH 51 (1989)

ESTATE TAX (See TAXES - ESTATE TAX)**ETHANOL**

Ethanol and methanol, department of agriculture to develop guide and informational pamphlet on: SB 5992

EVANS, FORMER GOVERNOR AND U. S. SENATOR DAN

Introduced and addressed senate p. 2018

EVERETT COMMUNITY COLLEGE DISTRICT NO. 5

Virginia E. Sprengle, trustee, GA 9070.

confirmed pp. 33, 284, 356

EVERGREEN STATE COLLEGE, THE

Evergreen public services building planning committee established: SCR 8406

EVIDENCE

Burden of proof in cases alleging injury caused by exposure to tobacco or tobacco products: SB 6130

Tobacco or tobacco products, burden of proof in cases alleging injury caused by exposure to: SB 6129

EXCISE TAX (See TAXES - EXCISE TAX)**EXPORT TRADE**

Shared foreign sales corporation model development: SB 5106, SSB 5106

FACTORY BUILT HOUSING

Standards and specifications updated: *SB 5301, CH 134 (1989)

FAIRS AND EXHIBITIONS

Food products sold by nonprofit organizations, sales tax exemption: SB 5908

Leasehold excise tax exemption, county fairs, eligibility: SB 5670

FAMILY LIFE

Adoptive parents, family leave to be granted on same terms as for newborn child: SB 5966

Children and family services department established: SB 5164, SSB 5164, SB 5765

Community-based family support center program: SHB 1160

Family leave, availability to care for newborn or adoptive child or terminally ill child: *SHB 1581, CH 11 E1 (1989)

Family leave for employee to care for newborn or adopted child or seriously ill family member: SHB 1581, SB 5932

Family leave for parents to care for children, conditions, notice, employee rights, and penalties: SB 6016

FARLEY, EILEEN P.

Member, sentencing guidelines commission, GA 9016.

confirmed pp. 23, 2006, 2009, 2101

FARMER, SAM J., JR.

Member, Washington public power supply system executive

board of directors, GA 9017 p. 23

Reappointed member, Washington public power supply system executive

board of directors, GA 9134 p. 2888

FARMS

Agricultural assistance and consultation program to aid financially distressed farmers: SB 5919

Farm heritage act: SB 5862

Farm land, protection measures: SB 5861

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FARMS—cont.

Immunity from liability, on-site harvesting operations: SB 5117, SSB 5117
Local government farm land protection program, competitive grant program created: SB 5862

FAULK, MARY

Director, department of licensing, GA 9018,
confirmed..... pp. 23, 112, 233, 309

FELT, KIRSTIE

Second alternate dairy princess introduced..... p. 441

FERGUSON, COLUMINIST ADELE

Remarks, John A. Cherberg Day..... p. 49

FERRIES

Arbitration of impasses, state ferry system salary survey to be considered by arbitrators: *HB 1520, CH 327 (1989)
Captains, state ferry system, retirement at age sixty-five: SB 5823
Contractors' bonds, acceptable substitute forms of security specified: *SHB 1503, CH 58 (1989)
County operated ferry rates, approval by state: *HB 1330, CH 62 (1989)
Fuel for ferries, sales and use tax exemption: SB 5384
Puget Sound ferry operations account, repeal of excess funds transfer provisions: HB 1957
Refunding revenue bonds, reimbursement of motor vehicle fund for payments related to bonds not required: SHB 2201
Retirement of state ferry system captains at sixty-five: SB 5823
Safety and health regulations of department of labor and industries apply to state ferry system employees: HB 1488
Sales and use tax exemption for ferry fuel: SB 5384
State ferry system salary survey, to be used as general guide, not to limit collective bargaining: *HB 1520, CH 327 (1989), SB 5706

FINANCIAL INSTITUTIONS

Investment in government obligations authorized: *SB 5731, CH 97 (1989)

FINANCIAL MANAGEMENT OFFICE

Caseload forecasting duties: SB 5354
Debtor identification system, to examine potential of devising centralized system: *SB 5579, CH 100 (1989)
Economic, revenue, and caseload forecast council, revision of name and duties of economic revenue forecast council: SB 5354
Subsistence and travel expenses, meeting expenses and mileage reimbursement, administration: HB 1703, SB 5661, SSB 5661

FINANCIAL PLANNING

Investment adviser defined, registration required: SB 5085, *SSB 5085, CH 391 (1989)
Registration of financial planners, investment counselors and others as investment advisers: SB 5085, *SSB 5085, CH 391 (1989)

FIRE FIGHTERS

Assault in the third degree, assault on fire inspectors and investigators included: SB 5811
Collective bargaining, police and fire communication personnel, coverage as uniformed personnel: SB 6096
Disability leave: *HB 1010, CH 21 (1989)
Pregnant fire fighters, limited duty and leave provisions established: SB 5598
Return to duty following recovery from disability, eligibility for other employment with city, county, or district: SB 5799

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- Uniformed personnel collective bargaining, police and fire communication personnel covered: SB 6096
- Volunteer fire fighters, departmental organization, compensation, disability, and retirement: HB 2103
- Volunteer firefighters' relief and pension fund, contributions, service, and eligibility for benefits: HB 2177
- Volunteer firefighters' relief and pension fund, technical amendments: *HB 1776, CH 194 (1989), *SB 5590, CH 91 (1989)
- Volunteer firefighters' relief and pension funds, creation of principal and administrative funds: *HB 1776, CH 194 (1989), SB 5590
- Volunteer firefighters' relief and pension principal fund created: SB 5724

FIRE PROTECTION

- Annexation of less than five percent of district area by city, no payment to city, exceptions: *SB 5907, CH 267 (1989)
- Electric fire alarm systems, inspector and installer certification required: SB 5406
- Fire and life safety systems advisory technical committee established: SB 5406
- Fire and life safety systems, duty of building owner to maintain: SB 5406
- Forest fire protection expenses, assessments and payments, duties of department of natural resources: *SHB 1569, CH 362 (1989), SB 5609
- Forest Service diversion of funds now being allocated to counties in lieu of taxes to fire suppression opposed: SCR 8414
- Formation of districts and changing of boundaries: *SHB 1639, CH 63 (1989)
- Hydrants, public water systems may not impose more stringent conditions than those required by local government: SB 5569
- Multi-county districts; identification, formation, mergers to create, governance, and reporting: *SHB 1639, CH 63 (1989)
- State buildings, study of method of payment: HB 1055

FIRE PROTECTION DISTRICTS

- Annexation of less than five percent of area by city, no payment to city: SB 5907
- Cities, annexation by district: *HB 1162, CH 76 (1989)
- Service charges, six-year limit on authorizations: *SB 5277, CH 27 (1989)

FIREARMS

- Air guns prohibited on school grounds: *HB 1072, CH 219 (1989)
- Antique firearms defined: *SB 5231, CH 132 (1989)
- Five-day waiting period required for purchase of firearms, approval of purchase procedure: SB 6035
- Forfeited firearms, destruction, retention as evidence, or law enforcement use as ordered by court: SB 6157
- Forfeited firearms, retention, sale, or destruction at discretion of agency holding firearm: SB 6156
- Forfeited firearms, sale at auction, frequency of sales, retention by law enforcement agencies: *HB 1043, CH 222 (1989)
- Forfeited, sale or retention by state patrol: *HB 1043, CH 222 (1989), SB 5119
- "Machine gun" redefined: SB 5844
- Machine guns, penalty for illegal possession or use increased: SB 5043
- State patrol, retention or sale of forfeited firearms: *HB 1043, CH 222 (1989), SB 5119
- Waiting period, five-day period required to purchase firearm, approval of purchase procedure: SB 6035

FISCHER, NANCY HELEN

Member, commission on judicial conduct, GA 9019..... p. 24

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Aquatic farmers, disposal of dead or diseased fish in public waters prohibited, to establish approved disposal methods: SB 5816

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- Commercial fishing license fees, adjustment by director: *SHB 2011, CH 316 (1989)
- Crab fishing, study and report on management of coastal crab fishing industry: HB 1648
- Dead or diseased fish, disposal in public waters prohibited, to establish approved disposal methods: SB 5816
- Department of natural resources, transfer of departments of fisheries and wildlife to: SB 6078
- Director, authority clarified: *HB 1027, CH 130 (1989)
- Fish, renaming and defining certain species of game fish: *HB 1772, CH 218 (1989)
- Fishing license, to develop combined recreational license with department of wildlife: SB 5256
- Mitigation agreements enforcement to protect fisheries on streams with hydro-electric dams, duties: SB 5477
- Recreational fishing plan development: SB 5141
- Recreational fishing resource enhancement, primary duty: SB 5141
- Regional fisheries enhancement groups, departmental support of: *SSB 5289, CH 426 (1989)
- Salmon production facilities, director to determine cost of operating state facilities at full capacity: *SSB 5288, CH 336 (1989)
- Salmon smolt, to let private contracts for production including use of underused state facilities: SB 5288, *SSB 5288, CH 336 (1989)
- Shellfish divers, minimum gear standards, duty to adopt: SHB 2031
- Smelt fishing, one-day derby by nonprofit community organizations: HB 1022
- Surgeon aquaculture, to assist in development of industry: SB 5062

FISHING, COMMERCIAL

- Bottom trawling prohibited in parts of Hood Canal and Puget Sound: SB 5348, *SSB 5348, CH 172 (1989)
- Drift area rights on the Columbia river established: SB 5780
- Fishery management, joint select committee established, organization and duties: SCR 8419
- Fishery management study committee created, organization and duties: SB 5915
- Herring spawn on kelp harvesting permit required: *SHB 1056, CH 176 (1989)
- Hood Canal, harvest to be phased out over four years: SB 5146, SSB 5146
- License fees, adjustment by the director of the department of fisheries: *SHB 2011, CH 316 (1989)
- License fees, rates set: *SHB 2011, CH 316 (1989)
- Licenses, changes in requirements: *HB 1025, CH 47 (1989)
- Licenses, vessels must be operated by the person listed on the license as operator: SB 5586, SB 5634
- Licenses, when required, fees, and triennial fee adjustment procedure: SHB 2011
- Marine fish enhancement research program: SHB 1037
- Nets, marking and identification: SB 5671
- Oregon charter boats, fishing in Washington waters permitted: SB 5419, *SSB 5419, CH 147 (1989)
- Oyster cultching permit required: *SHB 2011, CH 316 (1989)
- Salmon fishing in Columbia river prohibited until tributary escapement goals achieved: SB 6089
- Salmon fishing off the mouths of the Quinault, Queets, and Raft rivers authorized: SB 5913, SSB 5913
- Salmon, net fishing prohibited near the mouth of the Columbia river and its tributaries: SB 6089
- Sea urchin fishing regulated: *HB 1026, CH 37 (1989)
- Vessels must be operated by the person listed on the license as operator: SB 5586, SB 5634
- Violations, seizure and forfeiture proceedings, hearings, and penalties: SB 5818

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Smelt fishing, one-day derby by nonprofit community organizations: HB 1022

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Disabled persons fishing from boats, use of power fishing reels authorized: SSB 5688

Disabled persons, use of power fishing reels authorized: HB 1697, SB 5688

Fish and wildlife licenses, joint select committee established, organization and duties: SCR 8418

Fish identification cards: SB 5136

Fish, renaming and defining certain species of game fish: *HB 1772, CH 218 (1989)

Fisheries department, primary duty, enhancement of recreational fishing resource: SB 5141

Fishery management, joint select committee established, organization and duties: SCR 8419

Fishery management study committee created, organization and duties: SB 5915

Game fish, production to be doubled by the year 2000, department of wildlife to study feasibility: SSB 5845

License, eligibility of veterans for free license: SB 5087, SSB 5087

Licenses, changes in requirements: *SHB 1028, CH 305 (1989), SB 5044

Licenses, departments of wildlife and fisheries to develop combined license: SB 5256

Licenses, personal use, abolished: SB 5063

Marine fish enhancement research program: SHB 1037

Personal use licenses, abolished: SB 5063

Power fishing reels, use by disabled persons fishing from boats authorized: SSB 5688

Salmon punchcards, half fee charged to persons between sixty-five and seventy years of age: SB 5100

Search and rescue fund, to be funded by surcharge on hunting and fishing licenses: SB 6038

Smelt, personal use license not required: SB 5061

Steelhead punchcard, free to persons over the age of seventy: SB 5060

Steelhead punchcard, not required for persons under the age of fifteen: SB 5059

Veterans' free licenses, age restrictions eliminated: SB 5532

Violations, seizure and forfeiture proceedings, hearings, and penalties: SB 5818

Wildlife and fish stamps and art, joint select committee established, organization and duties: SCR 8420

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Parliamentary inquiry, clarification of ruling on
yielding of time p. 1380

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FLOOD CONTROL

Flood plain management, cities and counties may participate in state-wide program: SB 5956

Flood plain management, state requirements for specific areas, when they may exceed federal requirements: *SHB 1651, CH 64 (1989)

Flood plain management, state requirements to equal federal requirements: *SHB 1651, CH 64 (1989)

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FLOOR RESOLUTIONS, SENATE (See HISTORY OF FLOOR RESOLUTIONS)

- Adele Doran commended for her work on behalf of sexually abused children: SFR 8664
- Adjournment sine die, notice to house that legislature about to adjourn: SFR 8703
- Adjournment sine die, notice to house that legislature is about to adjourn: SFR 8716
- Adjournment sine die, notification to the house: SFR 8690
- Aki Kurose and Ralph St. Andre commended for outstanding teaching in science: Science Month observance urged: SFR 8661
- Arts, dance, music, and theater, appreciation for contribution to Washington cultural heritage: SFR 8625
- Castle Rock High School football team saluted as 1989 class A champions: SFR 8611
- Centennial Logging Show, steering committee established in senate, senate staff assistance extended to show: SFR 8687
- Cholesterol awareness week, February 12 through 19: SFR 8609
- Chris Henderson recognized on being named national high school soccer player of the year for 1988: SFR 8629
- Clam digging season, request that department of fisheries extend season to May 15: SFR 8701
- Common and contract carriers, utilities and transportation commission to conduct study on effects of state and federal regulation of: SFR 8688
- Congressional pay raises, urging the U.S. house of representatives to vote on: SFR 8624
- Crimes and law enforcement on state campuses, law and justice committee to conduct interim study and recommend legislation: SFR 8712
- Della M. Newman, Ambassador designate to New Zealand, honored: SFR 8662
- Dr. Martin Luther King, Jr. honored: SFR 8607
- Dr. William A. (Sandy) MacColl recognized for contributions and sympathy expressed at his death: SFR 8637
- Drug Abuse Resistance Education (D.A.R.E.) program supported, recommended, and endorsed: SFR 8621
- Earl Robinson, composer, honored for achievements and contributions to state and national musical history: SFR 8652
- Former presidents, members, and secretaries of the senate, courtesies of the senate extended to: SFR 8601
- Frank and Wanda Hansen, Troutlodge, Inc. to dedicate hatchery to Senator and Mrs. Hansen: SFR 8680
- Frau Annelies Clauson honored for organizing and directing her German Exchange Program for high school students: SFR 8665
- Glenn Rickert, coach of Burlington-Edison High School football team, honored on retirement after thirty-three seasons: SFR 8649
- Goldendale aluminum smelter employees and management saluted for cooperation in restarting smelter: SFR 8636
- Gordon Gaspard remembered for achievements and sympathy expressed at his death: SFR 8676
- Gordon Sandison, former senator and his wife, Muriel, saluted by senate for years of public service: SFR 8685
- Henning and Ragnhild Boe, owners of the Western Viking newspaper, recognized on newspaper's centennial: SFR 8697
- Ingraham Rams recognized for winning 1988 state AAA football championship: SFR 8615
- Interim work of senate, organization, procedures, and delegations of authority: SFR 8693
- International garden and greenery exposition in Osaka, Japan, participation by state of Washington encouraged: SFR 8620

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- John A. Cherberg, honoring his service as lieutenant governor for thirty-two years: SFR 8602
- Katherine Ann Pullen congratulated on academic excellence and as the 1989 University of Washington Sophomore Medalist: SFR 8678
- Keri Smalley, Washington State Dairy Princess, and Bill and Margaret Visser, Washington State Dairy Family of the Year recognized: SFR 8633
- Lakeside High School girls basketball team honored as 1989 class AA state champions: SFR 8673
- Laurie Wetzel recognized for being named to the NCAA All-American Women's Volleyball team: SFR 8614
- Legislative fitness day, promotion of importance of physical fitness and good health practices: SFR 8631
- Lewis and Clark trail run, participants and presenters recognized and honored: SFR 8658
- Lowell Peterson honored at his death for legislative service: SFR 8606
- Marine birds affected by oil spill, volunteers and the cities of Hoquiam and Ocean Shores recognized for their assistance: SFR 8622
- Maryhill museum of art and its board of trustees honored on special centennial showing: SFR 8657
- Memorial elm restoration project, Sea Tac task force commended and support expressed for project: SFR 8715
- Mitzi Mauldin commended on her achievements as vocational student in cosmetology: SFR 8623
- Montie Montana Day declared for April 29, 1989, when he will be at the Ellensburg Horse Festival: SFR 8700
- Nancy Hoff and Associated Ministries of Thurston County thanked for legislative chaplain program and other services: SFR 8704
- National Hockey League expansion team for Puget Sound area, hope expressed that one can be obtained: SFR 8674
- Notification to house that senate is organized and ready to transact business: SFR 8600
- Olympic National Forest timber harvest to be restored to former harvest levels to preserve economic and social stability: SFR 8619
- Orting recognized on its centennial and for its centennial celebration and bell tower project: SFR 8663
- Overtime and compensatory pay for department directors and exempt personnel, investigation of policy by senate committee on ways and means: SFR 8706
- Paul Friedlander and family recognized for civic leadership and services: SFR 8702
- Personnel detail report, governor requested to investigate dereliction of duty by office of financial management and to deliver report: SFR 8635
- President Bush and vice-president Quayle congratulated on their inauguration: SFR 8610
- Presidents day and the historic contributions of presidents Washington and Lincoln recognized: SFR 8630
- Raymond High School girls basketball team applauded as 1989 class B champions: SFR 8638
- Redmond High School boys basketball team commended as 1989 state AAA champions: SFR 8648
- Sealth High School boys basketball team commended as 1989 class AA state champions: SFR 8653
- Senate dining room staff commended on food and service: SFR 8689
- Senate Higher Education Committee to monitor, review, and study enumerated education issues and develop legislation on: SFR 8681
- Senate organized and ready to do business, notice to house: SFR 8698

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- Senate organized and ready to do business, notice to house: SFR 8714
- Senate select committee on Washington 2000 A.D. established to establish long-range goals and objectives: SFR 8618
- Senator Warren Magnuson, expression of sympathy at his death and remembrance of his career and life: SFR 8717
- Shadle Park High School girls basketball team congratulated as 1989 class AAA state champions: SFR 8642
- Sheryl Wilson, best wishes of senate extended to departing assistant director of department of retirement systems: SFR 8710
- Shorecrest High School Highlander marching band honored: SFR 8605
- Skagit Valley Tulip Festival, five valley communities saluted on sponsoring sixth annual festival: SFR 8659
- Small issue bond sales, Congress and administration urged to extend program: SFR 8660
- Soviet Union requested to expedite reunion between Elena Akhmilovskaya Donaldson and her daughter, Dana: SFR 8612
- St. Patrick's Day proclaimed a day of joy, peace, and frivolity: SFR 8647
- State reception room carpet to remain in place until wear makes it unsafe to use: SFR 8651
- Super Bowl, invitation to select Seattle as site for 1992 game, select committee selected to assist host committee: SFR 8691
- The Daily Globe News recognized for century of achievement in the city of Auburn: SFR 8650
- Thomas C. Van Eaton recognized on the one hundredth anniversary of the founding of Eatonville: SFR 8640
- Tom Hall saluted for his service to state and his career in the senate: SFR 8679
- Tom Winsor, Rufus Kiser, and the Boy Scouts of America applauded for service to the youth of Washington: SFR 8634
- University Heights School community recognized for pursuit of excellence through parental and community involvement: SFR 8671
- University of Washington Medical Center and Health Sciences Center recognized, open house attendance encouraged: SFR 8699
- Vocational education weeks, recognition and support of vocational education week: SFR 8628
- Washington scholars and their families commended: SFR 8655
- Windsurfing, recognition and support for the development of economic opportunities in the Columbia River Gorge: SFR 8677
- Yelm Lion's Club recognized for its contributions on its fiftieth anniversary: SFR 8641

FLUKE, JOHN

- Member, higher education coordinating board, GA 9020,
confirmed pp. 24, 446, 475

FOOD BANKS

- Defined: SB 6050
- Distributing agencies, immunity from civil liability for food fit for human consumption, limits of immunity: SB 6050
- Donors, immunity from civil liability for donations of food fit for human consumption, limits of immunity: SB 6050
- Restaurants included in definition of donor: SB 6050

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- Deeds of trust, procedure: *SB 5246, CH 361 (1989)

FOREST PRACTICES

- Burning of forest debris, reduction of air pollution, and consideration of reuse of debris: SB 5626

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Injunctions for violations, authorized for periods up to five years: SB 5500

Local wetlands regulations allowed when not more stringent than state forest practices regulations: SB 5388

Violations, injunctions authorized for periods up to five years: SB 5500

FOREST PRACTICES APPEALS BOARD

Dr. Martin R. Kaatz, reappointed member, GA 9031,

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FORMWAY, FIELDING

Member, board of trustees, Whatcom community college district

no. 21, GA 9101, confirmed pp. 147, 448, 591

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Alternative residential placements, role and duties of department of social and health services: *HB 1777, CH 269 (1989)

Attorney general to represent foster parents in actions arising from good faith performance of their duties: *SSB 5035, CH 403 (1989)

Citizen review board system: SB 5065, SSB 5065, *2SSB 5065, CH 17 E1 (1989)

Foster parents insurance program: SB 5035

Foster-family homes, on-site monitoring and probationary licenses: SB 5968, SSB 5968

Homosexuals prohibited from becoming foster parents: SB 5525

Insurance program for foster parent, department of social and health services to study: *SSB 5035, CH 403 (1989)

Insurance program for foster parents: SB 5035

Minority and ethnic heritage factors to be considered in making placements: SHB 1521, SB 5803

Placement guidelines to be developed by department of social and health services: SB 5968, SSB 5968

Reimbursement of foster parents, three level rate system to assist children with special problems: SB 5525

Sexually transmitted disease, disclosure to foster parent that child has tested positive for required: SB 5525

Task force created to study barriers to becoming foster parents and report to legislature: SB 5525

FRIEDLANDER, PAUL S.

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FUNERAL DIRECTORS

Contracts, prearranged funeral services contracts, contents and care of trust funds: SB 5850, *SSB 5850, CH 390 (1989)

Funeral homes, licensing requirements and permitted practices, penalties for violations: SB 5850; *SSB 5850, CH 390 (1989)

Licensing requirements: HB 1240, SB 5509

Prearrangement funeral service contracts, terms, trust funds, and consumer protection: *SSB 5850, CH 390 (1989)

FURS AND SKINS

Disposal, authority of director of the department of wildlife: *HB 1231, CH 197 (1989), SB 5238

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- Charitable fund raising events, net income from wagers not to exceed twenty-five thousand dollars: HB 1682
- Joint select committee on, establishment: SCR 8408
- Slot machines, authorization to operate, licensing, and revenue distribution: SB 5972

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- Thomas P. Keefe, reappointed member, GA 9035, confirmed pp. 26, 1633, 2530, 2657

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- Lien procedures: SB 5471

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- Tariff changes, proposed, suspension: *SB 5023, CH 152 (1989)

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GAVIN, JUDGE JAMES

- Reappointed member, sentencing guidelines commission, GA 9093, confirmed pp. 65, 2008, 2009, 2012

GAVIN, MICHAEL T.

- Member, board of pilotage commissioners, GA 9119 p. 399

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- Motor vehicles, state-owned, department to develop management system for use of: *SHB 1355, CH 57 (1989), SB 5335
- Nursing home depreciation base, calculation of fair market value: SB 5802, SSB 5802
- Risk management program created, claims to be filed with department: SSB 5658, *2SSB 5658, CH 419 (1989)
- Risk management program created, claims to be filed with department, liability fund administration: HB 1657, SB 5658

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Biotechnology advisory committee created to study release of organisms into the environment: SB 5448

Organisms, release, notification and approval requirements: SB 5448

Release of organisms, notification and approval requirements: SB 5448

GEODUCKS

Geoducks advisory committee created, membership and duties: SB 5951, SSB 5951

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Sale to highest responsible bidder, determination: SB 5623

GERSTLE, MARIAN MAY

Member, state board for community college education,

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GILLIE, JOYCE A.

Member, board of pharmacy, GA 9022,

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GOULD, SUSAN E.

Reappointed member, board of trustees, Central Washington

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Extraordinary session, reduction in appropriations for operation of office during:
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Legislative proposals with budgetary impact to be submitted with governor's
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Parents civilly liable for acts of children: SB 5267, SSB 5267

Spray paint, ownership, possession, transfer, or sale by minor unlawful: SB 5267

GRANT, JULIE A.

Member, board of trustees, South Puget Sound community college

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GRANT, MARY ANN

Member, board of trustees, Peninsula community college
 district no. 1, GA 9024, confirmed pp. 25, 366, 449

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GRAYS HARBOR COMMUNITY COLLEGE DISTRICT NO. 2

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Director, department of ecology, GA 9025,
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Washington state growth strategies commission established, membership, powers, duties, and goals: SHB 2140

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 Incapacitated persons, protective orders to be no more restrictive than necessary: SB 5162, SSB 5162
 Orders to implement least restrictive means of protecting incapacitated persons: SB 5162, SSB 5162
 Procedure modified to promote consideration of individual abilities and needs: SB 5162, SSB 5162

HAAS, CATHERINE M.

Member, human rights commission, GA 9026,
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 Hazardous waste, department of ecology to develop contingency plans, economic analysis based on differing rates of deposit: *SB 5926, CH 418 (1989)
 Leased lands, authorization for department of ecology to sublease: SSB 5993
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 Relocation of harbor lines in Oakland Bay, Gig Harbor, and in Puget Sound near
 Edmonds: SB 5786

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 ble for: SB 5810
 Clean up, transporters, responsible for hazardous materials incident, liability to
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 Real property, deposits of hazardous substances to be recorded with county
 auditor: SB 5601
 Release, persons responsible for causing release or potential release responsible
 for clean up: SB 5810
 State patrol, permanent working group to review transportation and use of
 radioactive materials and wastes, duties: SB 6061, SSB 6061
 Vessels carrying oil or hazardous substances, proof of financial responsibility for
 spills required: SHB 1828
 Workplace exposure, prospective employees must be told of substances that
 may affect pregnancy: SB 5410
 Workplace exposure to substances that may affect pregnancy, workers' rights: SB
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- Business and occupation tax rate on low-level radioactive waste disposal set: SB
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 Cleanup, remedial actions by state, procedures and liability for costs: SB 5629
 Disposal of mixed wastes, authorization for department of ecology to charge ser-
 vice fee for: SB 5997
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 Hanford low-level radioactive waste disposal facility closure, perpetual mainte-
 nance, fund created: *SB 5926, CH 418 (1989)
 Illegal drug manufacturing sites, cleanup and recovery of costs: SB 5333
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 1182, CH 13 E1 (1989), SB 5210
 Low-level radioactive waste disposal, business and occupation tax rate: SB 5294,
 SSB 5294

* - Measures Passed by Both House and Senate

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HAZARDOUS WASTE—cont.

- Low-level radioactive waste disposal surcharge, fifty percent to go to surveillance and maintenance costs: SB 5268, SSB 5268, 2SSB 5268
- Low-level radioactive waste, perpetual maintenance fund created, authorized uses: 2SSB 5268
- Low-level radioactive waste surveillance fee: SB 5126, *SSB 5126, CH 106 (1989)
- Medical waste disposal and transportation: SB 5446
- Northwest low-level waste compact committee, director, department of ecology, state representative to: SB 5936
- Northwest low-level waste compact, Washington may not pay meeting costs for other member states: SB 5927, SSB 5927, SB 5936
- Northwest low-level waste compact, Washington representative, authority to approve access to facilities: SB 5927, SSB 5927
- Nuclear affairs board, successor to nuclear waste board, duties revised: SB 6033
- Nuclear waste advisory council, termination by repeal: SB 5995
- Nuclear waste board and nuclear waste advisory council, terminated effective June 30, 1990: SSB 6033
- Nuclear waste board eliminated: *SSB 6033, CH 322 (1989)
- Nuclear waste board members, determination of voting and nonvoting members: SB 5994
- Nuclear waste board, termination date set at June 30, 1991: SB 5994
- Pollution prevention pays program to be developed to encourage reduction and recycling of: SB 5629
- Radioactive and hazardous mixed component waste, service charge on facilities handling authorized: *HB 2168, CH 376 (1989)
- Radioactive waste management, advisory council, organization and duties: *SSB 6033, CH 322 (1989)
- Radioactive waste management, department of ecology to be responsible agency: *SSB 6033, CH 322 (1989)
- Remedial action contractors, liability and indemnification by state: SB 5629
- Service charge on facilities handling waste with both radioactive and hazardous components authorized: *HB 2168, CH 376 (1989)
- Surveillance fee, low-level radioactive waste: SB 5126, *SSB 5126, CH 106 (1989)

HEALTH CARE

- Access to care a right, state to promote increased access to health care resources: 2SHB 1378, SB 5198
- Basic health plan, tax on employers authorized to partially fund: SB 6020
- Cancer centers, comprehensive cancer centers included in definition of health care facilities: *HB 2158, CH 65 (1989)
- Charity care, hospitals are to develop charity care policy, required elements: *SB 6152, CH 9 E1 (1989)
- Comprehensive health care act: SB 6020
- Costs, state to promote effective use of health care resources at reasonable cost: 2SHB 1378, SB 5198
- Diabetes self-management education coverage, when required: SB 5957, SSB 5957
- Durable power of attorney for health care decisions, requisites, creation, validity, and termination: *SHB 1952, CH 211 (1989), SB 5969
- Facilities, comprehensive cancer centers included in definition: *HB 2158, CH 65 (1989)
- Facilities, tobacco use prohibited: SHB 1941
- Health care professionals, transfer of licensing duties to department of health: *SB 6152, CH 9 E1 (1989)
- Health data collection, department of health duties: *SB 6152, CH 9 E1 (1989)
- Health insurance coverage access act revisions: *SHB 1067, CH 121 (1989)
- Health professional loan repayment program for those working in shortage areas: SB 5182, SSB 5182, 2SSB 5182, SB 6145, SSB 6145

* - Measures Passed by Both House and Senate

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HEALTH CARE—cont.

- Health resources panel created, membership, duties, and sponsorship of conferences: SB 5711
- Immunity from civil liability for providers, claim of lack of consent to treat minor, consent given by any parent or guardian: *SB 5492, CH 377 (1989)
- Immunity from civil liability for providers for care of minor child when consent given by any parent or guardian: SB 5492
- Inmates of city or county jails, inclusion in limited casualty program if otherwise eligible: SB 5854
- Insurance, coverage of involuntary infertility in plans providing for pregnancy-related expenses required: SB 5470
- Insurance, health coverage access act revisions: *SHB 1067, CH 121 (1989)
- Insurance, required coverage of mammograms in health plans: *SHB 1074, CH 338 (1989)
- Insurance, required coverage of neurodevelopmental therapy in employer-sponsored group plans: *HB 1085, CH 345 (1989)
- Involuntary infertility, insurance coverage in plans providing for pregnancy-related expenses required: SB 5470
- Limited casualty program, county or city jail inmates included when otherwise eligible: SB 5854
- Loan forgiveness for health professionals working in shortage areas: SB 5182, SSB 5182, 2SSB 5182, SSB 6145, SSB 6145
- Low fat and cholesterol awareness program: SB 5021, SSB 5021
- Mammograms, required coverage in health insurance plans: *SHB 1074, CH 338 (1989)
- Maternity care access act, assistance to low-income women, eligibility: SHB 1963, *HB 2244, CH 10 E1 (1989)
- Medical clinics owned by nonprofit organizations, property tax exemption: SB 5708
- Medicine, dentistry, and pharmacy careers, study on available training and career mobility: SB 5744, SSB 5744
- Neurodevelopmental therapy, required coverage in employer-sponsored group health insurance plans: *HB 1085, CH 345 (1989)
- Payment, checks jointly issued to provider and insured to list provider as first payee: *SB 5824, CH 122 (1989)
- Professional liability, joint select commission on, formation, organization, and duties: SCR 8413
- Providers, immunity from civil liability, claim of lack of consent to treat minor, consent given by any parent or guardian: *SB 5492, CH 377 (1989)
- Providers, immunity from civil liability for care of minor child when consent given by any parent or guardian: SB 5492
- School nurse health program established, primary responsibility for health care in schools: SB 5939
- Substance abuse programs, authorization for health professionals to contract with voluntary substance abuse monitoring programs: *SSB 5614, CH 125 (1989)
- Temporomandibular joint disorders, optional coverage to be included in medical and dental insurance plans: SB 5560, *SSB 5560, CH 331 (1989)

HEALTH CARE AUTHORITY

- Margaret T. Stanley, administrator, GA 9071,
confirmed pp. 33, 511, 733

HEALTH COMMISSION

- Washington state health commission created, organization and duties: SHB 2159

HEALTH, DEPARTMENT OF

- Created, agency to have comprehensive responsibility for public health matters: SB 5454, SSB 5454, 2SSB 5454
- Creation, organization, powers, and duties: *SB 6152, CH 9 E1 (1989)

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HEALTH, DEPARTMENT OF—cont.

Transfer of functions from department of social and health services and other agencies to department of health: *SB 6152, CH 9 E1 (1989)

HEALTH, STATE BOARD OF

Local improvement districts, cannot condition on-site sewer permits on membership in: SB 5135, SSB 5135

On-site sewer system permits, boards cannot condition on membership in local improvement district: SB 5135, SSB 5135

On-site sewer systems, residential use, limits power of health boards to refuse permits: SB 5129

Public water supply systems, health standards for, rulemaking authority: *SHB 1857, CH 207 (1989), SB 5611

HEALTH STUDIOS

Contracts, term of contract is thirty-six months when not specified in contract: SB 5538

Martial arts instruction included in definition: SB 5538

HEARING AIDS

Fitters and dispensers licensing requirements: *SHB 1250, CH 198 (1989), SB 5511

HEATING

Oil heat commission created: SB 5760

HERITAGE COMMISSION

Creation, membership, funding, and duties: SB 5697, SSB 5697, 2SSB 5697

HERRELL, KEITH

Reappointed trustee, Grays Harbor community college district
no. 2, GA 9027, confirmed pp. 25, 316, 401

HERRING

Spawn on kelp harvesting permit required: *SHB 1056, CH 176 (1989)

HIGH VOLTAGE LINES

Electric and magnetic fields, institute for public policy to review present studies:
*SSB 5275, CH 143 (1989)

Public exposure standards to be set by department of social and health services:
SB 5274, SB 5275

HIGHER EDUCATION COORDINATING BOARD

John Fluke, reappointed member, GA 9020,
confirmed pp. 24, 446, 475

Pearl McElheran, reappointed member, GA 9113,
confirmed pp. 330, 930, 1218

William Riley, reappointed member, GA 9083 p. 35

David Tang, member GA 9136 p. 2889

Branch campuses, board duties: *SB 6095, CH 7 E1 (1989)

Branch campuses, educational opportunity grants, demonstration project, board
duties: *SB 6095, CH 7 E1 (1989)

Clallam or Jefferson county, upper division college courses to be offered: SB 5293

Costs of higher education, to determine and report on: SB 5223

Demonstration projects, preparation and assistance to obtain higher education,
authority to develop: *SSB 5293, CH 306 (1989)

Educational cost study in conjunction with state schools, board duties: *SHB 1415,
CH 245 (1989)

Gender equality in intercollegiate athletics, biennial reporting requirement: *SHB
2020, CH 340 (1989)

Graduate teacher fellowship program administration: SB 5226

Higher education code, preparation and distribution: SB 5217

Nurses, state-wide plan for nursing education to be developed: SB 6145, SSB 6145

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HIGHER EDUCATION COORDINATING BOARD—cont.

Pacific Rim language teachers conditional scholarship program administration:

SB 5450, SSB 5450

Rural health practice, to develop training plan: SB 5175, SSB 5175, SB 6145, SSB 6145

Writing project for educators, administration of: SB 5227, SSB 5227

HIGHER EDUCATION FACILITIES AUTHORITY

Robert K. Powers, reappointed member, GA 9133 p. 2598

Reverend William J. Sullivan, reappointed member, GA 9074,
confirmed pp. 34, 367, 520

HIGHER EDUCATION TRUST

Creation: SB 5057

HIGHLINE COMMUNITY COLLEGE DISTRICT NO. 9

Thomas H. Nixon, trustee, GA 9112,

confirmed pp. 317, 930, 1173

G. S. Robinson, trustee, GA 9111 p. 316

HIRAI, PAUL

Reappointed trustee, Big Bend community college district no. 18,

GA 9087, confirmed pp. 36, 929, 1072

HISTORIC PRESERVATION

Historic graves defined, damage or destruction a class C felony: SB 5807, *SSB 5807, CH 44 (1989)

Indian graves and artifacts, damage or destruction, class C felony: SB 5807, *SSB 5807, CH 44 (1989)

Property tax exemption extended: SB 5699

Ships, sales tax exemption for public corporations building or rebuilding historic ships: SB 5707

HISTORICAL SOCIETIES

Maritime commemorative observance to be planned and executed by state historical society: *SB 5874, CH 82 (1989)

Publications, authority to issue: SB 5697, SSB 5697, 2SSB 5697

HITCHHIKERS

Local regulation allowed to control prostitution: *HB 1872, CH 288 (1989)

HOLDEN, WENDY

Director, department of general administration, GA 9028,

confirmed pp. 25, 163, 242

HOLIDAYS

Challenge Day created to honor persons with physical, sensory, or mental disabilities: SHB 1509

National Guard Day created: SB 5484

HOME DETENTION

Burglary in the second degree, eligibility of offenders for home detention, required conditions: *HB 1019, CH 394 (1989)

Drug offenders, those eligible and those not eligible for home detention: *HB 1019, CH 394 (1989)

HOMESTEADS

Exemption amount raised to thirty-five thousand dollars: SB 5798

HOMICIDE

Information and tracking system, authorization for continued operation: SB 5651, SSB 5651

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HOMOSEXUALS

Foster parents, prohibited from becoming: SB 5525

HONDA, JOSEPH M.

Reappointed member, board of pharmacy, GA 9029.

confirmed pp. 25, 341, 449

HONEY BEE COMMISSION

Creation: *HB 1138, CH 5 (1989)

HOOD CANAL

Fish preservation area established south of Hood Canal floating bridge: SB 5146, SSB 5146

HORSE RACING

Workers' compensation coverage extended to workers in horse racing industry: *HB 2060, CH 385 (1989)

HORSES

Equine activities, immunity for liability for inherent risks involved in: SB 5305, SSB 5305

Equine activity sponsors and equine professionals, limitations on civil liability: *SSB 5305, CH 292 (1989)

Immunity for liability for inherent risks involved in equine activities: SB 5305, SSB 5305

Immunity from liability, limitations on civil liability of equine activity sponsors and equine professionals: *SSB 5305, CH 292 (1989)

HOSPITAL COMMISSION

John R. Bencich, member, GA 9003 p. 21

Tom Byers, member, GA 9114 p. 398

V. Marc Droppert, member, GA 9013 p. 23

Evelyn J. Whitney, member, GA 9115 p. 398

Rural hospital rates, exemption from requirement of commission approval: SB 6145, SSB 6145

Washington state health commission created as successor agency, organization and duties: SHB 2159

HOSPITALS

Certification of hospitals for the delivery of tertiary services: SB 5386, SSB 5386

Charity care, admissions policy must not result in significant reduction in: SB 5385, SSB 5385

Collection and analysis of hospital data to be undertaken: SB 5385, SSB 5385

County hospitals, sales and use tax exemption: SB 5865

Data collection and analysis: SB 5385, SSB 5385

Emergency department, turning away, discharge, or transfer of patient, when allowed: SB 5385, SSB 5385

Hospital data and charity care information act: SB 5385, SSB 5385

Low-income patients, department of social and health services to consider disproportionate shares in payment rates: *SHB 1560, CH 260 (1989)

Physicians, hospital employing not engaged in the unlicensed practice of medicine: SB 5387

Standards of care: SB 5077

Tertiary services, certification required for hospitals to render: SB 5386, SSB 5386

Washington state health commission created, organization and duties: SHB 2159

HOTELS AND MOTELS

Motel liquor license, class M, issuance authorized: SB 5820, SB 5883

HOUSING

Aircraft noise areas, relocation assistance to renters: SB 5243

Authorities, powers and duties revised: SB 6073

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HOUSING—cont.

- Farmworker housing, grant and loan program, eligibility: SHB 1663
- Federally assisted housing, involuntary displacement of tenants, owners' obligations: *HB 2051, CH 188 (1989), SB 5795, SSB 5795
- Housing trust fund, excise tax on commercial property sales, revenues to go to trust fund: SB 5619
- Housing trust fund, funding from interest on rental security deposit accounts: SB 5831
- Housing trust fund, one dollar from driver's license fee to go to: SB 5245
- Housing trust fund to provide relocation assistance to renters displaced by development: SB 5258
- Housing trust fund to receive interest from deposit of professional sports team season ticket proceeds: SB 6014
- Housing trust fund, unclaimed lottery prizes to be deposited in: SB 5257
- Involuntary displacement of tenants from federally assisted housing, owners' obligations: *HB 2051, CH 188 (1989), SB 5795, SSB 5795
- Low-income housing, classification procedure: SB 5550, SSB 5550
- Low-income housing, property devoted to, to be taxed a current use value: SB 5550, SSB 5550
- Low-income, registry of public property available for development as: HB 1715
- Low-income rental construction and rehabilitation, eligibility for property tax exemption: SB 5551
- Property used for low-income housing to be valued at current use value: SJR 8212
- Public housing authorities, powers and duties revised: SB 6073
- Public housing authorities, powers, ownership, management, and sale of property: *HB 1618, CH 363 (1989)
- Public housing authorities, use of small works roster, projects of forty thousand dollars or less: *HB 1618, CH 363 (1989)
- Public property available for development of low-income housing, register created: HB 1715
- Relocation assistance to renters displaced by development, from housing trust fund: SB 5258
- Relocation assistance to tenants, authorization for cities and counties to require property owners to provide: SB 5546
- Rental security deposit accounts, interest to fund housing trust fund: SB 5831
- Renters, relocation assistance in aircraft noise areas: SB 5243
- Season ticket proceeds, interest-bearing deposit accounts required, interest to go to housing trust fund: SB 6014
- Tenants, involuntary displacement from federally assisted housing, owners' obligations: *HB 2051, CH 188 (1989), SB 5795, SSB 5795
- Unclaimed lottery prizes to be deposited in housing trust fund: SB 5257
- Valuation of property devoted to low-income housing at current use value for taxing purposes: SB 5550, SSB 5550

HOUSING FINANCE COMMISSION

- Dennis E. Chilberg, member, GA 9008,
confirmed pp. 22, 283, 309
- Larry Kowbel, reappointed member, GA 9040,
confirmed pp. 27, 283, 343

HOYDEN, ROBERT J.

- Reappointed member, child support schedule commission,
GA 9030, confirmed pp. 26, 2007, 2009, 2101

HUMAN RIGHTS COMMISSION

- Catherine M. Haas, reappointed member, GA 9026,
confirmed pp. 25, 2006, 2009, 2101

* - Measures Passed by Both House and Senate

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HUMAN RIGHTS COMMISSION—cont.

Statute of limitations, period between filing of complaint and decision does not count against for later action: SB 5649

HUMANE SOCIETIES

Legend drugs, animal control agency purchases authorized: *SHB 1115, CH 242 (1989)

HUMPHREY, HUBERT H. (FELLOWS)

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HUNTING

Big game permits, use during January of year following the year of issuance authorized: SB 5868

Big game permits, use permitted at any time during permit period with purchase of one hunting license: *SSB 5868, CH 153 (1989)

Disabled hunter permits, nonambulatory persons authorized to hunt from motor vehicles, conditions: *HB 2010, CH 297 (1989)

Fish and wildlife licenses, joint select committee established, organization and duties: SCR 8418

Hound stamp not required to hunt rabbits and hares: *SHB 1426, CH 365 (1989)

Hound stamp required for hunting with dogs: SB 5237

License, eligibility of veterans for free license: SB 5087, SSB 5087

Search and rescue fund, to be funded by surcharge on hunting and fishing licenses: SB 6038

Veterans' free licenses, age restrictions eliminated: SB 5532

Wildlife and fish stamps and art, joint select committee established, organization and duties: SCR 8420

HYDROELECTRIC DEVELOPMENTS

Plan emphasizing cost-effective electric power and conservation values to be developed: SB 5174, SSB 5174, *2SSB 5174, CH 159 (1989)

IMMIGRATION

Family relationships accepted by the United States immigration and naturalization service are presumed valid: SHB 1565

Immigration assistants practices act, registration, exemptions, services, and prohibited practices: *SB 5715, CH 117 (1989)

Immigration consultant practices act, registration, exemptions, services, and prohibited practices: SB 5715

IMMUNITY

Agricultural and farm products, on-site harvesting operations, immunity for operators: SB 5117

Equine activities, immunity from liability for inherent risks: SB 5305, SSB 5305

Equine activity sponsors and equine professionals, limitations on civil liability: *SSB 5305, CH 292 (1989)

Food banks, immunity of donors and distributors of food fit for consumption, limits of immunity: SB 6050

Good samaritan statute, does not extend to professional providers of emergency care: SHB 1388, SB 5773, SSB 5773

Health care providers, claim of lack of consent to care for minor, when consent given by any parent or guardian: *SB 5492, CH 377 (1989)

Landowners, immunity for landowners who allow volunteer groups to use land: SB 5424

Obstetrical emergency care for medicaid patients, physician immunity and indemnification: SB 6020

Persons who report potential wrongdoing to government agency, immunity from civil liability: *SHB 1254, CH 234 (1989), SB 5336, SSB 5336

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IMMUNITY—cont.

Pharmacists, civil liability limited to acts of willful or negligent conduct in filling prescription: HB 1702, SB 5597

Skiing, operators not liable for inherent risks of sport: SB 5719

Transit workers who do not normally provide emergency care or transportation, coverage under good samaritan act: *SHB 1388, CH 223 (1989)

Whistleblowers, immunity for persons reporting possible wrongdoing to government agencies: *SHB 1254, CH 234 (1989), SB 5336, SSB 5336

IMPAIRED PHYSICIAN PROGRAM

Education and prevention services to be included, funding from license renewal fee surcharge: SB 5481, *SSB 5481, CH 119 (1989)

Education and prevention services to be provided: HB 1453

INCOME TAX (See TAXES - INCOME TAX)**INDETERMINATE SENTENCING REVIEW BOARD**

Existence extended until 1998: *SHB 1457, CH 259 (1989), SB 5412

Mandatory life sentences, board duties: *SHB 1457, CH 259 (1989), SB 5412

INDIANS

Graves and artifacts, damage or destruction, class C felony, tribes authorized to bring civil actions: SB 5807, *SSB 5807, CH 44 (1989)

Land claims settlements, local improvement districts may be organized to finance settlement costs: *SHB 1788, CH 4 E1 (1989)

INDIGENTS

Defense services: SB 5960, SSB 5960, *2SSB 5960, CH 409 (1989)

Indigent defense task force reinstated and continued, membership and duties revised: *2SSB 5960, CH 409 (1989)

Legal assistance fund created, funding and distribution of funds: SHB 1237

INDUSTRIAL DEVELOPMENT AUTHORITIES

Boundary revision, industrial development districts: *HB 1286, CH 167 (1989), SB 5068

INDUSTRIAL DEVELOPMENT CORPORATIONS

Formation authorized: SB 5204

INDUSTRIAL INSURANCE APPEALS BOARD

Disputes between employers over responsibility for payment of benefits, appeal to board authorized: SB 5751

INDUSTRIAL SAFETY AND HEALTH

Ferry system employees covered by department of labor and industry regulations: HB 1488

INFORMATION SERVICES, DEPARTMENT OF

Video, state-wide video telecommunications system development, administrative duties: SB 5977, SSB 5977

INGRAHAM HIGH SCHOOL

Championship football team introduced..... p. 149

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INITIATIVE AND REFERENDUM

Ballot titles, preparation and appeals procedure: SSB 5723

Broadcast of campaign materials for free under federal law, characterization and reporting of: SB 5426

Captions, titles, and summaries, preparation and approval: SB 5425

Legislative alternative proposed, voting procedure: SB 5425

Petitioners' names to remain confidential: SHB 1669

Petitions, form of: SB 5425

Voting procedure, initiative and legislative alternative: SB 5425

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INSTITUTE FOR PUBLIC POLICY

Electric and magnetic fields associated with high voltage lines, to review present studies: *SSB 5275, CH 143 (1989)

INSTITUTIONS

Standards of care: SB 5077

INSURANCE

Boards of directors of domestic insurers, nationality requirements: *SB 5037, CH 24 (1989)

Bodily injury premium reductions when motor vehicle safety devices are used: SB 5391

Bonds, limits on the use of bonds to provide coverage: SB 5654, SSB 5654

Business and occupation tax, commissions as measure of tax on agents, brokers, and solicitors: SB 5078

Cancellation of policies: HB 1196

Commissions of agents, brokers, and solicitors as a measure of business and occupation tax: SB 5078

Defensive driving courses, rate reductions for persons taking: SB 5495

Diabetes self-management education coverage required: SB 5957, SSB 5957

Domestic insurers, composition of board of directors, nationality: *SB 5037, CH 24 (1989)

Education providers defined and approval required: SB 5357, *SSB 5357, CH 323 (1989)

Fees, brokerages, and commissions, person in insurer's holding company system may accept for services rendered: *SHB 2088, CH 228 (1989)

Form filing requirements: *SB 5152, CH 25 (1989)

Health care plans cannot require patient to use only a designated pharmacy: SB 5596

Health, checks jointly issued to provider and insured to list provider as first payee: *SB 5824, CH 122 (1989)

Health, diabetes self-management education coverage: SB 5957, SSB 5957

Health, mammograms, required coverage: *SHB 1074, CH 338 (1989)

HIV testing for insurance purposes, counseling and consent requirements: *SSB 6048, CH 387 (1989)

HIV testing for insurance purposes, insurance commissioner to adopt rules regulating: SB 6048, SSB 6048

HIV testing for insurance purposes, insurers' duties, notice and consent: *SSB 6048, CH 387 (1989)

Holding company system, persons in system may accept fees, brokerages, and commissions for services rendered insurer: *SHB 2088, CH 228 (1989)

Homeowners, issuance, cancellation, or rate reduction, differences based on size of city prohibited: SB 6141

Infertility, involuntary, coverage in plans providing for pregnancy-related expenses required: SB 5470

"Insurer" defined for purposes of merger or changes in insurance entities: *HB 1385, CH 151 (1989)

Issuance, cancellation, or rate reductions, homeowners' insurance, differences based on size of city prohibited: SB 6141

Licensing examination questions to remain secret: SB 5357, *SSB 5357, CH 323 (1989)

Mammograms, required coverage in state health benefit plans: *SHB 1074, CH 338 (1989)

Medicare supplemental health, age not to be used as a basis for rating cost to any individual: HB 1505

Motor vehicle, bodily injury premium reductions when safety devices are used: SB 5391

Motor vehicle liability coverage required: SHB 1041, SB 5380, SB 5392

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INSURANCE—cont.

- Motor vehicle liability insurance or alternative form of financial responsibility required: SB 5499, *SSB 5499, CH 353 (1989), SB 5778
- Motor vehicle, no-fault insurance, policy requirements, exclusions, and recoveries: SB 6060
- Nationality requirements, boards of directors of domestic insurers: *SB 5037, CH 24 (1989)
- Neurodevelopmental therapy, required coverage in employer-sponsored group plans: *HB 1085, CH 345 (1989)
- No-fault automobile insurance, policy requirements, exclusions, and recoveries: SB 6060
- Pharmacies, health care plans cannot require patient to use only a designated pharmacy: SB 5596
- Professional liability, joint select commission on, formation, organization, and duties: SCR 8413
- Public liability insurance for motor vehicle common carriers, state preemption of statutory and regulatory power: SB 5812, SSB 5812
- Public liability insurance requirements, motor vehicle common and contract carriers, state preemption: *SSB 5812, CH 264 (1989)
- Rate filings, information to be included in proposed rate change filing: *SB 5152, CH 25 (1989)
- Sex discrimination in policies and rates prohibited: SB 5914
- State health benefit plans, required coverage of mammograms: *SHB 1074, CH 338 (1989)
- Temporomandibular joint disorders, optional coverage to be included in medical and dental plans: SB 5560, *SSB 5560, CH 331 (1989)
- Underinsured motorist coverage, availability and priority of coverage: SB 5982
- Washington guarantee association members, immunity from liability for payments from guarantee fund: SJR 8207, SSJR 8207

INSURANCE COMMISSIONER

- HIV testing for insurance purposes, to adopt rules regulating: SB 6048, SSB 6048
- Sex discrimination in policies and rates, report to legislature on necessary action to prevent: SB 5914
- Temporomandibular joint disorders, reporting duties, rulemaking authority: *SSB 5560, CH 331 (1989)
- Workers' compensation responsibilities transferred to department of labor and industries: HB 1791, *SB 5679, CH 190 (1989)

INTEREST RATES

- College loans, nonprofit corporations may set at rate allowed federally chartered banking institutions: *HB 1485, CH 166 (1989)
- Credit cards, not be assessed until thirty days after purchase: SB 5747
- Variable rate as stated rate of interest for negotiable instrument under uniform commercial code: HB 1215, *SB 5079, CH 13 (1989)

INTERLOCAL COOPERATION

- Agreements need not be filed with secretary of state: HB 1223

INTERNATIONAL MARKETING INTERNSHIP PROGRAM

- Establishment: SB 5007, SSB 5007

INTERNATIONAL POLICY ADVISORY COUNCIL

- Establishment: SB 5002, SSB 5002, 2SSB 5002

INTERNATIONAL SCIENCE, EDUCATION, AND MARKETING EXCHANGE PROGRAM

- Establishment: SB 5003

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INTERNATIONAL TRADE

- Federation of Washington ports organization authorized, trading and marketing functions: SB 5648, *SSB 5648, CH 425 (1989)
 Idaho and Oregon, requesting that they join in joint trade compact: SJM 8010
 Pacific Northwest interstate compact on international trade enacted: SB 5631
 Trade offices to be established in various cities: SB 5449

INVESTMENT, STATE BOARD

- James Cason, member, GA 9122,
 confirmed..... pp. 519, 533, 850, 899
 Gary Moore, reappointed member, GA 9049,
 confirmed..... pp. 29, 511, 613
 James F. Ryan, member, GA 9058,
 confirmed..... pp. 31, 511, 644

INVESTMENTS

- Broker-dealers, registration requirements and disciplinary procedure: SB 5414, SSB 5414
 Investment adviser representative, registration requirements and disciplinary procedure: SB 5414, SSB 5414
 Investment advisers, registration requirements and disciplinary procedure: SB 5414, SSB 5414

INVOLUNTARY COMMITMENT

- Developmentally disabled, accused of felony crimes when incompetent or not guilty by reason of insanity: *SHB 1051, CH 420 (1989)
 Release of involuntarily committed persons, temporary unsupervised leave, required notices: *HB 2054, CH 401 (1989)

IRRIGATION DISTRICTS

- Directors, maximum compensation rate set at four thousand eight hundred dollars per year: HB 1881

ISLANDS

- Regulations, special regulations may be passed to reflect unique natural conditions: SB 5389

JACKSON, ERICKA

- 1989 Capital Lakefair queen introduced and welcomes senators
 to Olympia..... p. 16

JACKSON, JOE W.

- Reappointed trustee, Eastern Washington University,
 GA 9109, confirmed..... pp. 205, 449, 698

JAILS

- Criminal defendants, when able, required to pay costs of jail processing: SB 5547, SSB 5547
 Drug offenses committed within, sentence enhancement: SHB 1393, *SB 5040, CH 124 (1989)
 Early release credits earned, to set standard procedure: SB 5191, *SSB 5191, CH 248 (1989)
 Limited casualty program, county or city jail inmates included when otherwise eligible: SB 5854
 Processing costs, defendant, when able, required to pay costs: SB 5547, SSB 5547
 Telephone conversations, monitoring and recording of inmate calls, procedure and limitations: SB 5912
 Washington intrastate corrections compact, cooperative use of facilities and programs: *SHB 1458, CH 177 (1989)

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JAMES, CAROL B.

Reappointed trustee, Bellevue community college district
no. 8, GA 9088, confirmed pp. 36, 367, 545

JOHNSON, SENATOR STANLEY C.

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Appointed financial institutions and insurance,
vice chair; health care and corrections, and
ways and means committees p. 38

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appliance energy conservation act: HJM 4018
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neers implement agreement on: SJM 8013, SHJM 4017
County boundary alteration procedure: SJR 8208
Cyprus, requesting that the United States assist the United Nations in finding a
solution to the Cyprus problem: HJM 4023
Energy policy, request for comprehensive national energy policy: SJM 8015
Greenhouse and sea level use funding, congressional support requested: SJM
8011
Hanford as national energy center: HJM 4000
Highway trust fund and airport and airway trust fund, removal from unified fed-
eral budget requested: HJM 4001
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Marine transportation of oil, petitioning congress to examine safety and boat
construction issues: HJM 4014
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Outer continental shelf act amendment to require consultation with states prior to
oil and gas lease sales: HJM 4002, SJM 8009
Outer continental shelf act amendment to share revenues from mineral produc-
tion with states: HJM 4003, SJM 8008
Park fires, opposing the policy of letting naturally caused fires to burn: SJM 8004
Poll closing, asking federal government to adopt uniform poll closing law: HJM
4006
Railroad holding tank dumping on right of way to be discontinued: SJM 8003
Sales tax, authority to collect from out-of-state direct marketers requested: SHJM
4016
Sales tax deductibility from federal income tax, requesting that congress restore:
HJM 4012
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state salmon: SJM 8001, SSJM 8001
Social security notch adjustment act, requesting enactment of: SJM 8007
Steelhead, elk, and deer, requesting that commercial sales be prohibited: SJM
8014, SSJM 8014
Student loans, authority for schools to deny loan certification to students likely to
default on loans: HJM 4015
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passes and parking requested: HJM 4019
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Western states recycling coalition requested: SJM 8002
Wild and scenic rivers, exclusion of additional Washington land requested: SJM
8012

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- Common school construction fund, constitutional amendment to allow for retirement of bonds from fund: SJR 8222, SSJR 8222
- Congressional pay raise constitutional amendment ratification: SJR 8204
- County boundary changes, requirements amended: HJR 4203
- County charters, alternative method for framing, constitutional amendment: HJR 4200
- Current use taxation of owner-occupied single family and duplex residences, constitutional amendment: SJR 8223
- Current use valuation for commercial property abutting urban inland waterways: SJR 8217
- Emergency reserve fund, constitutional amendment to create: SJR 8219
- Fiscal reform, constitutional declaration of its paramount importance: SJR 8226
- Gubernatorial appointments, special sessions for purpose of confirming, constitutional amendment: SJR 8215
- Judicial conduct commission, constitutional amendment to reorganize: SJR 8202, SSJR 8202
- Judicial conduct commission, constitutional amendment to repeal: SJR 8203
- Leases of wharves, docks, etc. in harbor areas up to fifty-five years, constitutional amendment: SJR 8201
- Local government, review and modification: SHJR 4204
- Local government review and restructuring: SJR 8205
- Motor vehicle fees and gas tax revenue to be used to support public transportation: SJR 8220
- Pension systems to be funded on actuarially sound basis: SJR 8214
- Property used for low-income housing to be valued at current use value: SJR 8212
- Public employee collective bargaining, joint select committee on established: SCR 8403
- Public sector competition, joint select committee on established: SCR 8404, SSCR 8404
- School construction funds, constitutional amendment allowing additional twenty-year property tax levy: SJR 8224
- State offices and executive department branches, location, constitutional amendment: SSJR 8221
- State offices and executive departments, location, constitutional amendment: SJR 8221
- State offices, authorization to locate at other places than Olympia: SHJR 4220
- Tax creation or increase, constitutional amendment to require two-thirds vote of legislature: SJR 8218
- Tax reform constitutional amendment: SJR 8213
- Taxes, imposition or increases, approval requires a three-fifths legislative majority: SJR 8211
- Trust fund investments, constitutional amendment: SJR 8216
- Valuation of real property to be based on its current use: SJR 8206
- Victims' rights, constitutional amendment: SJR 8200
- Washington guarantee association members, immunity from liability for payments from guarantee fund: SJR 8207, SSJR 8207
- Water sales or distribution entities allowed to undertake conservation assistance financing: SJR 8210

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Judicial retirement system, investment of funds and clarification of effective dates of earlier amendments: *HB 1885, CH 139 (1989)

Judicial retirement system, refund of contributions upon ceasing to be judge: SB 5753

Judicial retirement system, restoration of contributions and resumption of participation following withdrawal from system: SB 5753

JUDGMENTS

Public employees acting within scope of official duties, satisfaction to be sought from state only: *SHB 1889, CH 413 (1989)

Recording, when necessary, required contents, and responsibility for filing: SB 5864, SSB 5864

JUDICIAL CONDUCT, COMMISSION ON

Ruth V. Coffin, member, GA 9009..... p. 22

Nancyhelen Fischer, member, GA 9019..... p. 24

Abolishment: SB 5190

Authority: SB 5186, *SSB 5186, CH 367 (1989)

Confidentiality of papers and records, public disclosure following a public hearing on complaint: *SSB 5186, CH 367 (1989)

Constitutional amendment to reorganize commission: SJR 8202, SSJR 8202

Constitutional amendment to repeal commission: SJR 8203

Legislative oversight: SB 5186, SSB 5186

Open public meetings law, commission subject to, exceptions: *SSB 5186, CH 367 (1989)

Organization: SB 5186, *SSB 5186, CH 367 (1989)

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Jury source list, defined to include licensed drivers: SB 5017, SB 5953, SSB 5953

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Disposition and sentencing standards, duty to study and make recommendations to legislature: SHB 2151

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Assaults on juvenile corrections officers, hearing, transfer to adult correctional facility: *SB 5991, CH 410 (1989)

Boot camp program: SB 5158, SSB 5158

Corrections officers, assaults on, hearing, transfer of juvenile to adult correctional facility: *SB 5991, CH 410 (1989)

Disabilities land trust, lands and facilities used for juvenile offenders to be inventoried and added to trust: SSB 5516

Disposition and sentencing standards: *SB 5833, CH 407 (1989)

Facilities defined as public works: SB 5630

Fingerprinting, authorization for juvenile court administrator to order, conditions: *HB 1912, CH 6 (1989)

High-risk youth, definition of and services to: SB 5624, 2SSB 5624

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- Juvenile disposition standards commission, duties: *SB 5833, CH 407 (1989)
 Juvenile disposition standards committee, membership and duties revised: SB 5833
 Minor or first offender category, child molestation in first degree makes offender ineligible for category: SHB 2151
 Minor or first offender category, child molestation in second degree, offender ineligible for category: SHB 2151
 Minor or first offender category, second-degree manslaughter, juvenile ineligible for category: SB 6041
 Proceedings, venue: *SB 5668, CH 71 (1989)
 Sentencing guidelines commission, membership revised to address juvenile issues: SB 5833
 Sentencing standards, standard sentence ranges to be adopted effective July 1, 1990: SHB 2151
 Substance abuse or chemical dependency, court to determine whether defendant's acts were directly related to: SB 5974
 Substance abuse or chemical dependency, placement in treatment facility authorized, conditions: SB 5974

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- Reappointed member, forest practices appeals board, GA 9031,
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KALICH, ROY M.

- Reappointed member, lottery commission, GA 9032,
 confirmed pp. 26, 1633, 2530, 2597

KAUFFMANN, STEVE

- Shorecrest high school band president introduced p. 89

KEEFE, THOMAS P.

- Reappointed member, gambling commission, GA 9033,
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KEGERREIS, PENNY

- Auxiliary fraternal order of eagles, Washington State madam
 vice president, introduced p. 259

KENNEDY, W. JAMES.

- Member, child support schedule commission, GA 9034,
 confirmed pp. 26, 2007, 2009, 2114

KENNEY, PHYLLIS G.

- Reappointed trustee, Seattle community college district no. 6,
 GA 9103, confirmed pp. 147, 448, 629

KILLEEN, LAWRENCE M.

- Member, small business export financial assistance center board
 of directors, GA 9035, confirmed pp. 27, 1946, 1949

KIMURA, ALMA MISAKO

- Member, public disclosure commission, GA 9128,
 confirmed pp. 990, 2009, 2530

KING, WAYNE M.

- Member, child support schedule commission, GA 9036,
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- District court judges, twenty-four positions authorized: *SHB 1455, CH 227 (1989)

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State route 509 extension, environmental impact statement, sale of state property to fund: SB 5777

KISER, RUFUS

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KOBLER, THOMAS

Director, basic health plan agency, GA 9037,
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KOKJER, DONALD E.

Member, marine employees' commission, GA 9038 p. 27

KORTH, BERNARD

Member, small business export financial assistance center board
of directors, GA 9039, confirmed pp. 27, 1633, 2530, 2698

KOWBEL, LARRY

Member, housing finance commission, GA 9040,
confirmed pp. 27, 283, 343

KOZUKI, Robert

Trustee, Pierce community college district no. 11,
GA 9121, confirmed pp. 474, 930, 1335

KREIDLER, SENATOR MIKE

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KUROSE, AKI

1989 National honor roll science teacher introduced p. 1036
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Agricultural, industrial welfare law coverage extended to: HB 1073, SB 5460

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Asbestos projects regulation: *SSB 5681, CH 154 (1989)
Confidential information, confidentiality to be maintained on information dis-
closed by health care contractors: *HB 1709, CH 189 (1989), SB 5722
Crime victims' compensation program, departmental duties: *SHB 1737, CH 5 E1
(1989)
Family and medical leave insurance compensation program, department to
conduct study: SB 5934
Family and medical leave, to administer and enforce program: *SHB 1581, CH 11
E1 (1989), SB 5932
Family leave for parents to care for children, administrative duties: SB 6016
House-to-house sales, registration of employers using minor sales persons,
administrative duties: *HB 1844, CH 216 (1989)
Indoor air quality in state buildings, to coordinate policy and recommendations
with other agencies: *SHB 1504, CH 315 (1989)
Prevailing wage improvements, to report to legislature on: SB 5822, SSB 5822
Temporary total disability, notice to employment security department after
worker receives benefits for thirteen weeks: SHB 1452
Temporary total disability, notice to employment security department after
worker receives benefits for twelve weeks: SB 5604
Video display terminals, health and safety standards to be established: SB 6025

* - Measures Passed by Both House and Senate

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LABOR AND INDUSTRIES, DEPARTMENT OF—cont.

Workers' compensation responsibilities transferred from insurance commissioner:
HB 1791, *SB 5679, CH 190 (1989)

LABOR RELATIONS

Labor-management cooperation program established: SB 5539

Strikes and lockouts, prohibited conduct by persons and businesses not directly involved: SB 5458

Unemployment compensation, disqualification, workers unemployed due to labor dispute: SB 6158

Unemployment compensation, eligibility, workers unemployed due to lockout, requirements: SB 6158

LACASSE, MICHEL E.

Member, child support schedule commission, GA 9097,
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LIDLAW, MARGARET

Member, sentencing guidelines commission, GA 9094;
confirmed pp. 65, 2009, 2522

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LAKE SAWYER

Appropriation to clean up lake by connecting Black Diamond with Seattle sewage facilities: SB 5801

LAMB, ISABELLE S.

Member, small business export financial assistance board of
directors, GA 9041, confirmed pp. 28, 1946, 1981

LAND USE PLANNING

Farm land, protection measures: SB 5861

Regional planning agency may designate treasurer and auditor other than county treasurer or auditor: HB 1383

Subdivision regulation, applications for final plat approval: SB 5435, SSB 5435

Subdivision regulations, approval, disapproval, or modification of proposed final plat, procedure: SB 5435, SSB 5435

LANDLORD AND TENANT

Landlord's duties, tenant's remedies for breach of duty: *SHB 2041, CH 342 (1989)

Rent deposit in escrow, when authorized, notice, procedure, and release of rent:
*SHB 2041, CH 342 (1989)

Substandard or dangerous conditions, rent deposit in escrow until repairs have been made: *SHB 2041, CH 342 (1989)

Tenant's duties, landlord's remedies for breach of duty: *SHB 2041, CH 342 (1989)

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LaPOLD, GEORGE W.

Elected sergeant at arms of the senate p. 15

LAW ENFORCEMENT

Abuse cases, report to department of social and health services, time limits: SB 5214, *SSB 5214, CH 22 (1989)

Assault on officers, assault in the third degree: *HB 1258, CH 169 (1989)

Basic training requirement: SB 5776, *SSB 5776, CH 299 (1989)

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Collective bargaining, police and fire communication personnel, coverage as uniformed personnel: SB 6096

Criminal justice drug training account, funds to be used for training related to illegal drug activity: SB 5776

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- DNA identification system established: SB 5375, SSB 5375, *2SSB 5375, CH 350 (1989)
- Drug investigation and training account to receive proceeds from civil actions on controlled substances violations: SB 5421
- Drug investigation and training account to receive proceeds of mandatory fines collected on controlled substances violations: SB 5422
- Drug-related conversations, interception or recording: SB 5337
- Firearms, forfeited, retention, sale, or destruction at discretion of agency holding firearm: SB 6156
- Firearms purchases, approval procedure for sheriffs and chiefs of police: SB 6035
- Forfeited firearms, sale at auction, frequency of sales, retention by law enforcement agencies: *HB 1043, CH 222 (1989)
- Interception and recording of conversations concerning illegal controlled substances authorized: SB 5028, SB 5638
- Law enforcement medal of honor established: SB 5072
- Law enforcement officer pool created: SB 5058, SSB 5058
- Medal of honor: SB 5072
- Officers, return to duty following recovery from disability, eligibility for other employment with city, county, or district: SB 5799
- Officers, transfer to city or county classified civil service positions: SB 5587
- Pregnant officers, limited duty and leave provisions established: SB 5598
- Seattle police relief and pension system, transfer of service credit to public employees' retirement system, eligibility: SB 5946
- Sex crimes against children, officers charged, defense that conduct took place during an investigation: *SHB 1658, CH 32 (1989)
- Telephone tax, counties may use revenue to support law enforcement operations: SB 5571
- Uniformed personnel collective bargaining, police and fire communication personnel covered: SB 6096

LAW ENFORCEMENT OFFICERS

- Disability leave: *HB 1010, CH 21 (1989)

LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' RETIREMENT SYSTEM

- Disabled members, when service credits continue: *SB 5353, CH 88 (1989)
- Excess benefits, distribution on death of recipient: *HB 1719, CH 191 (1989), SB 5696
- Funding, contribution rates to amortize unfunded liability and fully fund programs in future: SB 5461
- Funding of benefits process established: SHB 1321, SB 5418, *SSB 5418, CH 273 (1989)
- Prior service, retirement credit for, payment of contribution withdrawn or which would have been made, June 30, 1990, deadline: SB 6086
- Retirement credit for prior service, payment of contributions withdrawn or which would have been made, June 30, 1990, deadline: SB 6086
- Return to duty following recovery from disability, eligibility for other employment with city, county, or district: SB 5799
- Service credits for disabled members, when continued: *SB 5353, CH 88 (1989)
- Supplemental rates for new pension benefits, date of initial application: *SB 6150, CH 1 E1 (1989)

LAWRENCE, EDITH A.

- Trustee, Edmonds community college district no. 23, GA 9042, confirmed pp. 28, 928, 995

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- Appointed economic development and labor, chair; education,
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- Appointed interim member joint select sunset and
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- Vouchers, legislative budget committee may grant authority to issue: *HB 1033,
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LEGISLATIVE BUDGET COMMITTEE

- Vouchers, authority to issue may be given legislative auditor: *HB 1033, CH 137
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- Adjournment of 1989 first special session: HCR 4421
- Adjournment of 1989 second special session, sine die, notice to governor that
legislature is about to adjourn: HCR 4424
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special session: SCR 8424
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- Adoption, select committee on adoption created, organization and duties: SCR
8422
- Campaign financing, joint select committee established, organization and duties:
HCR 4418
- Cutoff dates for consideration of legislation set: HCR 4404
- Domestic timber processing, joint select committee on, organization and duties:
*SSB 5911, CH 424 (1989)
- Extraordinary session, reduction in legislative per diem during: SB 6149
- Fish and wildlife licenses, joint select committee established, organization and
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- Fishery management, joint select committee established, organization and duties:
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- Fund raising restrictions during legislative session for candidate serving as legis-
lator: SB 5526
- Governor notified that legislature is ready to conduct business: HCR 4401
- Gubernatorial appoints requiring senate confirmation, appoints requiring, addi-
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- Joint session: HCR 4400
- Joint session set for April 11, 1989, to receive message from prime minister of Brit-
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- Juvenile standard sentence ranges to be adopted effective July 1, 1990: SHB 2151
- Legislation from 1989 regular session, reintroduction: HCR 4419
- Legislative fiscal organization, joint select committee on, establishment and
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- Local government infrastructure financing needs, committees to study and pre-
pare any needed legislation: SHB 1329
- Marine and ocean resources, joint select committee on, authority extended: *HB
2242, CH 2 E1 (1989)
- Memorial service for former legislators: HCR 4406
- Natural resource enforcement, joint select committee established, organization
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- Notifying governor that the legislature is organized and ready to conduct business: HCR 4422
- Organized and ready to conduct business, notification to governor: SCR 8421
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- Redistricting plans: HB 1890
- Reintroduction of bills, resolutions, and memorials from 1989 regular and first special sessions: SCR 8426
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- Transmittal of bills, resolutions, and memorials on adjournment of 1989 second special session: HCR 4423
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- Wildlife and fish stamps and art, joint select committee established, organization and duties: SCR 8420

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- Coverage extended to any vehicle registered to Washington resident: SB 5255
- Motorcycles included in coverage: SHB 1013
- Revisions: *HB 1103, CH 347 (1989), SB 5287

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- Western library network, change to private nonprofit corporation authorized: SB 5168, *SSB 5168, CH 96 (1989)

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- College mascot license plate programs for state colleges and universities: SB 5420, SSB 5420
- Guadalcanal veterans, special plates authorized: SB 6043
- Military affiliate radio system license plates authorized: SB 5494
- Pearl Harbor survivors, special plate may be issued to surviving spouse: SB 5284
- Purple Heart recipients, special plates authorized for: SB 5612
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- Land development, review of offering statements no longer required: HB 1656
- Master license delinquency fee set: *SB 5329, CH 170 (1989)

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- Employment agencies, out-of-state or country applicants for license, conditions for granting license: SB 5804

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- Manufactured housing, title procedure when home is affixed to real property:
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- Motor vehicle and drivers' licenses, changes in programs administered by: *SSB 5443, CH 337 (1989)
- Motor vehicle regulation, changes in programs administered by: SB 5443, *SSB 5443, CH 337 (1989)
- Nursing assistants, examination, registration, and certification, departmental duties: *HB 1253, CH 300 (1989)
- Ocularists, licensing, advisory committee to advise on: SHB 1608
- Overpayment of licensing fees, automatic refunds: *HB 1689, CH 68 (1989)
- Policies and procedures, department to conduct study and report to legislature: SB 5702
- Real estate appraiser certification, departmental duties: *HB 1917, CH 414 (1989)
- Refund of overpayments of licensing fees: *HB 1689, CH 68 (1989)
- Securities, director to make rules relating to arbitration agreements between customer and broker: SB 5787
- Vessel registration, information to be supplied boaters, oil dumps and holding tank pump sites: *SHB 1039, CH 17 (1989)

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- Professional licensing recovery fund established: SB 5201

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- Construction liens for persons supplying labor, professional services, materials, or equipment, creation and enforcement: SB 5728
- Defense to foreclosure of lien on residence that full contract price was paid before lien claim filed: SB 5540
- Farm labor liens, to be filed within twenty days following completion of harvest:
 - *HB 2135, CH 229 (1989)
- Livestock liens, attachment, priority, and notice requirements: SB 5838, *SSB 5838, CH 67 (1989)
- Prime contractors, corporate officers, personal liability for indemnification for lien claims: SB 5726
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- Child sexual abuse, actions to be commenced within three years after child becomes eighteen or seven years after commission: *SB 5950, CH 317 (1989)
- Child sexual abuse, period tolled for child until child reaches the age of eighteen: *SB 5950, CH 317 (1989)
- Claims against noncharter cities to be presented within statutory period: *HB 1163, CH 74 (1989)

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Review and modification: SHJR 4204
Review and restructuring of: SJR 8205
Service agreements among governments, procedure for implementation: 2SHB 1174, SB 5272
Submittal deadline, local government designation of hazardous waste disposal zones: *HB 1182, CH 13 E1 (1989), SB 5210
Targeted fiscal assistance account created in custody of state treasurer: SB 5459
Tax distributions, allocation criteria: SB 5459
Wetlands regulation allowed when not more stringent than state forest practices regulations: SB 5388

LOCAL IMPROVEMENT DISTRICTS

Assessments may be paid on a monthly basis: SB 5344
Assessments not be raised solely for addition of omitted property: SB 5131, SSB 5131
Assessments on specially benefited property: SB 5134

* - Measures Passed by Both House and Senate

E1 - 1st Special Sess.

E2 - 2nd Special Sess.

LOCAL IMPROVEMENT DISTRICTS—cont.

- Assessments, petition to create district to give notice that rates may vary from estimates: SB 5128, *SSB 5128, CH 243 (1989)
- Convention center construction, special assessments on property specially benefited authorized: HB 1631
- Convention center facilities, special assessment to cover funding shortfalls: *HB 1631, CH 277 (1989)
- Estimated assessment rates, petition to create district to give notice that actual rate may vary: SB 5128, *SSB 5128, CH 243 (1989)
- Health boards may not require membership as condition for on-site sewer permits: SB 5135, SSB 5135
- Indian land claims settlements, district may be organized to finance settlement costs: *SHB 1788, CH 4 E1 (1989)
- Notice on petition for formation, estimated assessment rates may vary from actual rate: SB 5128, *SSB 5128, CH 243 (1989)
- Notices to contain legal description of property affected: SB 5132, SSB 5132
- Omitted property, assessments not to be raised solely for addition of: SB 5131, SSB 5131
- Property affected, notices to contain legal description of: SB 5132, SSB 5132
- Specially benefited property, assessments on: SB 5134

LODGING TAX (See TAXES - LODGING TAX)**LONG-TERM CARE**

- Adult services, chore services, medical assistance, and institutionalized spouses: SSB 5682, 2SSB 5682
- Community-based services delivery system development: *SHB 1968, CH 427 (1989)
- Joint select commission established: SCR 8409, SSCR 8409
- Services for chronically functionally disabled persons of all ages, delivery system development: *SHB 1968, CH 427 (1989)

LOTTERY

- Common school construction fund and common school fund, moneys to be deposited in: SB 5159
- Housing trust fund, unclaimed prizes to be deposited in: SB 5257
- Unclaimed prizes to be deposited in housing trust fund: SB 5257

LOTTERY COMMISSION

- Barbara Bryant, member, GA 9006, confirmed pp. 21, 1946, 1949
- Roy M. Kalich, reappointed member, GA 9032, confirmed pp. 26, 1633, 2530, 2597
- Carl M. Ooka, reappointed member, GA 9052, confirmed pp. 29, 1634, 2530, 2660

LOW FAT AND CHOLESTEROL AWARENESS PROGRAM

- Provisions: SB 5021, SSB 5021

LOWER COLUMBIA COMMUNITY COLLEGE DISTRICT NO. 13

- Bruce L. Cardwell, trustee, GA 9124 p. 920
- Myrna J. Emerick, reappointed trustee, GA 9126, confirmed pp. 920, 2135, 2271

LUX, SENATOR GENE

- Appointment to unexpired term p. 2

MADSEN, SENATOR KEN

- Oath of office p. 12
- Appointed agriculture, law and justice and transportation committees p. 38

* - Measures Passed by Both House and Senate

E1 - 1st Special Sess.

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MADSEN, SENATOR KEN—cont.

- Point of order, amendment to committee amendment,
 ESHB 1864 p. 2099
 Appointed interim member LEAP and legislative transportation committees..... p.
 2974

MAGNUSON, FORMER U. S. SENATOR WARREN G.

- Moment of silence..... p. 2970
 President Pritchard gave tribute to former U. S. Senator
 Warren G. Magnuson..... p. 2970
 SFR 1989-8717 p. 2970

MALPRACTICE

- Certificate of merit, filing by claimant's attorney required in professional negli-
 gence cases: SB 6148

MANUFACTURED HOUSING

- Factory-assembled structures and recreational vehicle account established: SB
 5813
 Inspection fees to go to dedicated account: SB 5813
 Manufactured home real property act: *SHB 1630, CH 343 (1989)
 Property status, establishes when home is real or personal property: *SHB 1630,
 CH 343 (1989)
 Title procedure when home is affixed to real property: *SHB 1630, CH 343 (1989)

MARINE EMPLOYEES' COMMISSION

- Donald E. Kokjer, member, GA 9038 p. 27

MARINE FISH ENHANCEMENT RESEARCH PROGRAM

- Created: SHB 1037

MARITIME COMMEMORATIVE OBSERVANCE

- Celebration in honor of Robert Gray, George Vancouver, and the Spanish out-
 post at Neah Bay authorized: SB 5874

MARKETING

- Washington marketplace program, to encourage in-state purchasing by
 Washington buyers: *2SHB 1476, CH 417 (1989)

MARRIED PERSONS

- Allocation of assets between institutionalized spouse and community spouse: SB
 5011, SSB 5011, *2SSB 5011, CH 87 (1989)
 Institutionalized spouse, division of income and resources for determining medi-
 cal assistance eligibility: SB 5682, SSB 5682, 2SSB 5682
 Marital deduction gifts, survival by spouse of common disaster resulting in decen-
 dent's death, six-month time limit does not apply: *HB 1350, CH 35 (1989)

MARTIN LUTHER KING, JR. DAY

- SFR 1989-8607 p. 96
 Educational activities: SB 5171

MASSART, JAMES E.

- Reappointed trustee, Shoreline community college district
 no. 7, GA 9043, confirmed pp. 28, 446, 475

MASS TRANSIT

- Motor vehicle fuel tax, additional tax imposed to fund mass rail transit develop-
 ment: SB 5646
 Rail, mass rail transit, additional motor vehicle fuel tax imposed to support: SB
 5646

MATERNITY CARE

- Maternity care access act, assistance to low-income women, eligibility: SHB 1963,
 *HB 2244, CH 10 E1 (1989)

MATSON, SENATOR JIM

- Oath of office p. 13
 Appointed economic development and labor, financial institutions
 and insurance, rules, and ways and means committees p. 38

MATTINGLY, CORALEE

- Reappointed trustee, Yakima Valley community college district
 no. 16, GA 9044, confirmed pp. 28, 446, 485

MCCASLIN, SENATOR BOB

- Oath of office p. 12
 Appointed governmental operations, chair; law and justice,
 vice chair; and financial institutions and
 insurance committees p. 38
 Remarks, John A. Cherberg Day pp. 46, 50
 Personal privilege, explains beard to visiting group p. 740
 Parliamentary inquiry, other kind of roll call
 other than oral p. 985
 Personal privilege, two clocks have two different times p. 1071
 Personal privilege, requests explanation be made clearer p. 2076

MCDONALD, SENATOR DAN

- Nomination of Senator Alan Bluechel, president pro tempore p. 13
 Appointed ways and means, chair; and economic development
 and labor committees p. 38
 Point of Order, amendment to SJR 8200 p. 375
 Point of order, amendment to SSB 5866 p. 628
 Point of order, amendments (2) to committee amendment
 ESHB 1864 pp. 2041, 2042
 Appointed interim member LEAP committee p. 2974

McELHERAN, PEARL

- Reappointed member, higher education coordinating board,
 GA 9113, confirmed pp. 330, 930, 1218

McKIBBEN, NORMAN V.

- Member, transportation commission, GA 9045,
 confirmed pp. 28, 341, 496

McMULLEN, SENATOR PATRICK R.

- Oath of office p. 12
 Appointed economic development and labor, financial institutions
 and insurance and transportation committees p. 38
 Appointed member select committee on Washington 2000 A.D. p. 262
 Point of order, amendment to SSB 5499 p. 801
 Appointed on committee to escort Governor Gardner and
 British Columbia Premier William Vander Zalm to
 joint session p. 1351
 Appointed interim member legislative transportation
 committee p. 2974

MEAT

- Labeling requirements, when retail dealers may use information from federal
 inspection on store labels: SB 5916
 Retail dealers, information from federal inspection, when it may be used on store
 labels: SB 5916

MEDAL OF MERIT

- Recipients recognized: HCR 4405

* - Measures Passed by Both House and Senate

E1 - 1st Special Sess.

E2 - 2nd Special Sess.

MEDIATION

Agricultural assistance and consultation program to aid financially distressed farmers: SB 5919

Natural resources disputes, grants to finance mediation services: HB 1620

MEDICAID

Obstetrical emergency care for medicaid patients, physician immunity and indemnification: SB 6020

MEDICAL ASSISTANCE

Copayment and deductible requirements: SB 5879

Cost saving measures: SB 5879

Drugs and wheelchairs for recipients in nursing homes, authorization to contract for: SB 5879

Income and resources, division between spouses for determining eligibility of institutionalized spouse: SB 5682, SSB 5682, 2SSB 5682

Institutionalized spouse, division of income and resources between spouses for determining eligibility: SB 5682, SSB 5682, 2SSB 5682

Managed health care systems, recipients to be enrolled in: SB 6020

Maternity care for low-income women and infants: SHB 1963, *HB 2244, CH 10 E1 (1989)

Prenatal care, eligibility of low-income and high-risk women for: SSB 6080

Special education for handicapped children programs, reimbursement from medical assistance funds: *SHB 2014, CH 400 (1989)

MEDICAL EXAMINERS, BOARD OF

Surgical assistants, to establish rules governing: HB 2126

MEDICARE

Supplemental health insurance, age not to be used as a basis for rating cost to any individual: HB 1505

MEDICINE

Imprinting of nonprescription medications with individualized identification marks required: *SHB 1337, CH 247 (1989)

Medical test sites licensure required: SB 5713, *SSB 5713, CH 386 (1989)

Nonprescription medications to be imprinted with individualized identification marks: *SHB 1337, CH 247 (1989)

Training and career mobility, study and report to legislature: SB 5744, SSB 5744

MENTAL HEALTH

Community mental health services contractors to adopt policy regarding patients' rights: SB 6049

County-based services utilizing regional support networks: SB 5400, SSB 5400, 2SSB 5400

Fiscal and program incentives to improve mental health system: SB 5200

Minority, age for treatment without parental consent raised to sixteen: SB 5973, SSB 5973

Patients' rights, contractors providing community mental health services to adopt policy: SB 6049

Records, registration and treatment records to remain confidential, when disclosure is allowed: *2SSB 5400, CH 205 (1989)

Records, treatment records to remain confidential, when disclosure allowed: SB 5400, SSB 5400, 2SSB 5400

Regional mental health networks, pilot project for providing adult residential care at Sedro Wooley: SB 5505

Regional networks, authority for counties with combined population of six hundred thousand to establish: SB 5504

Regional networks, to provide residential services to adults: SB 5504

* - Measures Passed by Both House and Senate

E1 - 1st Special Sess.

E2 - 2nd Special Sess.

MENTAL HEALTH—cont.

- Regional support networks, counties encouraged to establish to provide resource management services: *2SSB 5400, CH 205 (1989)
- Regional support networks, implementation and funding provisions: *2SSB 5400, CH 205 (1989)
- Regional support networks to be established and provide resource management services: SB 5400, SSB 5400, 2SSB 5400
- Residential services, authorization to issue general obligation bonds for planning, design, and construction: SB 5949
- School-based early intervention projects, screening and staffing requirements: SB 5976
- State hospitals, advisory boards created at each to facilitate change in hospital roles: *2SSB 5400, CH 205 (1989)
- State hospitals, institutes for study and treatment of mental disorders created at each hospital: *2SSB 5400, CH 205 (1989)
- Superior court may appoint mental health commissioners to assist court: SB 5350, *SSB 5350, CH 174 (1989)
- Superior court, mental health commissioners may be appointed to assist court: SB 5350

MENTALLY ILL PERSONS

- Antipsychotic medication, involuntary administration: SHB 1197, SB 5200, SB 5362, *SSB 5362, CH 120 (1989)
- Disabilities land trust created to maximize use of funds from use of lands acquired to provide institutional services: SB 5516, SSB 5516

METCALF, SENATOR JACK

- Oath of office p. 12
- Appointed environment and natural resources, chair; education, and energy and utilities committees p. 38
- Remarks, John A. Cherberg Day..... p. 45
- Parliamentary inquiry, clarification of motion, HB 1354..... p. 2119

METROPOLITAN MUNICIPAL CORPORATIONS

- Capacity charges on users of sewage systems authorized, computation of charge formula: SB 6013, *SSB 6013, CH 389 (1989)
- Home rule counties may assume duties of corporation: SHB 2030
- Sewage connection charges authorized, limits on amount of charge, and lien on property served: SB 5840
- Sewage systems, authorized to impose capacity charges on users, computation of charge formula: SB 6013, *SSB 6013, CH 389 (1989)

METROPOLITAN MUNICIPAL COUNCILS

- Members, number and election, filling of vacancies: SB 5863
- Members, number, selection procedures, and organization: SHB 2030
- Organization and operation: SHB 2030
- Temporary review boards, organization and duties: SHB 2030

METROPOLITAN PARK DISTRICTS

- General indebtedness not to exceed one-eighth of one percent of value of taxable property: SSB 5843
- General indebtedness not to exceed three-eighths of one percent of value of taxable property: SB 5843
- Revenue bonds, issuance and sale: *SHB 2036, CH 319 (1989)
- Surplus property, sale or disposal, consent of donor or dedicator, procedure when unlocatable: SB 5843, SSB 5843

MICHENER, CHARLES K.

- Reappointed trustee, Columbia Basin community college district
no. 19, GA 9047, confirmed pp. 29, 447, 496

* - Measures Passed by Both House and Senate
E1 - 1st Special Sess.
E2 - 2nd Special Sess.

MILITARY

- Code of military justice, revised provisions: *HB 1062, CH 48 (1989), SB 5192
- Discharges, free recordation by county auditor: *HB 1205, CH 50 (1989)
- Korean conflict memorial: *HB 1189, CH 235 (1989)
- Militia, revised provisions: SB 5097, *SSB 5097, CH 19 (1989)
- Tuition and fees waived at state institutions for children of personnel killed or disabled on duty: SB 5360

MILWAUKEE ROAD

- Transfer of portions of road from department of natural resources to parks and recreation commission: SB 5644, *SSB 5644, CH 129 (1989)

MINORITY AND WOMEN'S BUSINESS ENTERPRISES, OFFICE OF

- Local governments, office to identify barriers to equal participation by minority and women's businesses: SB 6058

MINORITY TEACHER RECRUITMENT PROGRAM

- Established: *SB 5054, CH 146 (1989)

MOBILE HOME PARKS

- Abandoned mobile home in park, landlord's lien: SB 5465
- Abandoned mobile home in park, when so considered: SB 5465
- Closure, notice and compensation process to allow tenants to relocate: *SHB 2136, CH 201 (1989), SB 5559, SSB 5559
- Covenant not to convert space to other use or alternative statement to appear in rental agreement: *SHB 2136, CH 201 (1989), SB 5244
- Guests, contract may not include provision raising rent for presence of person necessary to tenant's care: SB 5875
- Housing project, parks included in definition: *HB 1618, CH 363 (1989)
- Landlord's lien on abandoned mobile home in park: SB 5465
- Landlord-tenant act, portions apply only to mobile homes in parks, others to any lot: SHB 1797
- Low-income housing, property devoted to, to be taxed at current use value: SSB 5550
- Low-income persons, property tax deferral for parks serving: SB 5365
- Mobile home rental space availability commission created, reporting duties: SB 5369, SSB 5369
- Mobile home space availability and affordability task force, organization and duties: *SSB 5369, CH 294 (1989)
- Need and demand for, cities and counties to conduct review of: *HB 2167, CH 274 (1989)
- Property tax deferral for parks serving low-income persons: SB 5365
- Public works relocation assistance programs to include residents: SB 5557
- Relocation assistance, landlords' obligation to assist: *SHB 2136, CH 201 (1989)
- Relocation assistance, mobile home relocation fund created, funding and administration: *SHB 2136, CH 201 (1989)
- Relocation assistance programs for public works to include residents: SB 5557
- Rent control authority, municipalities to regulate: SB 5428
- Rent, decrease in facilities or services affecting rental value, rent must be reduced in proportion: SB 5875
- Rent increase disputes, settlement procedures established: SB 5621
- Rent increases, landlords allowed reasonable return on investment and pass through of cost of government-mandated capital improvements: SB 5621
- Rental agreements, covenant not to convert space to other use or alternative statement: *SHB 2136, CH 201 (1989), SB 5244
- Rules must be reasonable, changes in rules, when allowed, hearing required: SB 5875
- Sale of parks, opportunity for owner to purchase homes in the park, negotiations and agreements: SB 5558

* - Measures Passed by Both House and Senate

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MOBILE HOME PARKS—cont.

- Sale of parks, opportunity for tenant organizations to purchase, negotiations and agreements: SB 5558
- Siting and zoning policies, cities and counties to conduct need and demand review, when required: HB 2167
- Tenant fees, landlord's obligation to collect on behalf of department of revenue limited: HB 1552
- Tenants, rental increase dispute resolution procedures available: SB 5621
- Termination of tenancy because of change in land use required length of notice to tenant: *SHB 2136, CH 201 (1989)
- Termination of tenancy, landlord may terminate only for reasons specified: *SHB 2136, CH 201 (1989)
- Transfers of park ownership, new owner subject to terms, rent, rules, and conditions of unexpired leases: SB 5875
- Valuation of property devoted to low-income housing at current use value for taxing purposes: SSB 5550

MOBILE HOMES

- Electrical inspections, compliance with all relevant local codes required: HB 2131
- Electrical inspections, proof of current building permit, prerequisite for approval or connection of power: *HB 2131, CH 344 (1989)
- Landlord-tenant act, portions apply to any lot used to locate a mobile home, others only in parks: SHB 1797

MOLDSTAD, W. KELLEY

- Reappointed trustee, Skagit Valley community college
district no. 19, GA 9048, confirmed pp. 29, 316, 512

MOMENT OF SILENCE

- Former Senator Lowell Peterson p. 1
- Gordon Gaspard (father of Senator Gaspard) pp. 1481, 1611
- Former U. S. Senator Warren G. Magnuson p. 2970

MOORAGE FACILITIES

- Private facilities to have same rights and remedies accorded port districts: SHB 1891
- Public facilities to set fees to recover the costs normally incurred by private facility operators: SB 5578
- Rental and use, contracts and collection: SHB 1891

MOORE, GARY

- Reappointed member, state investment board, GA 9049,
confirmed pp. 29, 511, 613

MOORE, SENATOR RAY

- Appointed financial institutions and insurance, and
ways and means committees p. 38
- Remarks, John A. Cherberg Day p. 47

MORTGAGES

- Lender to disclose to mortgagor at closing whether servicing of loan is subject to sale, transfer, or assignment: SB 5790, *SSB 5790, CH 98 (1989)
- Recording perfects security interest in: *SB 5771, CH 73 (1989)
- Servicing of loan, when sold, transferred, or assigned, duties of purchasing lender: SB 5790, *SSB 5790, CH 98 (1989)

MOTOR FREIGHT CARRIERS

- Permits, financial responsibility, and operational safety requirements: SB 5920
- Regulatory changes to promote competitive and efficient motor freight services: SB 5920

MOTOR VEHICLE FUEL TAX (See TAXES - MOTOR VEHICLE FUEL TAX)

* - Measures Passed by Both House and Senate
E1 - 1st Special Sess.
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MOTOR VEHICLES

- Alternative fuels, field testing of alternative fuels in state vehicles authorized: *SB 5987, CH 113 (1989)
- Annual inspection of all vehicles required: SB 5038
- Auction companies, defined, place of business and bonding requirements, authorization to sell motor vehicles: *SHB 1221, CH 301 (1989)
- Auctioneers, licensed auctioneer may sell vehicles at auction under motor vehicle dealer's license: *SHB 1221, CH 301 (1989)
- Auctioneers, licensed auctioneers exempt from established place of business requirement: *SHB 1221, CH 301 (1989)
- Automobile rental, liability limited: SHB 1068, SB 5148, SSB 5148
- Blind, parking privileges for those transporting: SB 5433
- County auditors and subagents, license and permits fees to be collected adjusted: SB 5568, SSB 5568
- Damages, measure of damages established for damage to or destruction of a vehicle: SHB 1475
- Dealers, limits manufacturers' ability to change or terminate dealership agreements: *HB 1645, CH 415 (1989), SB 5653
- Dealers, rights of existing dealers when new, competing dealership established: HB 1645, SB 5653
- Diesel-powered, department of ecology to study and report on effects of emissions from: HB 1950
- Drivers' licenses, special requirements not applicable to persons using horse trailers for recreational use: SB 5276
- Emergency vehicles, issuance of excess weight permits authorized for: *HB 1348, CH 52 (1989)
- Emissions control, certification of cars failing to meet standard: *SHB 1104, CH 240 (1989), SB 5640
- Emissions control, support to local government planning: *SHB 1104, CH 240 (1989), SB 5640
- Escort drivers to accompany oversize loads, certification required: SHB 1257
- Excise tax, initial registration, rate adjustment for partial month: SB 5103
- Excise tax not to be levied for registration month after fifteenth day of the month: SB 5251
- Excise tax, rates, collection, and distribution: SSB 5338
- Excise tax, valuation, assessment, collection, and distribution: SB 5873
- Farm vehicles licensed on monthly basis, authorization to operate on a trip permit: SB 5895
- Fees set for special permits for overlegal loads: *HB 1502, CH 398 (1989)
- Fraudulent registration in another state, penalties increased: *HB 1545, CH 192 (1989)
- Fuel quality testing and enforcement program established: SHB 1450
- Gross weight fee revisions: SB 5338, SSB 5338, SB 6161
- Horse trailers, special driver's license requirements not applicable to recreational use: SB 5276
- Initial year registration to be for full year: SB 5534
- Inspection and maintenance program, 1967 model year and older vehicles exempt: *SHB 1104, CH 240 (1989)
- Inspection and maintenance program, 1975 and older vehicles exempt: SHB 1104, SB 5640
- Inspection fees for vehicles when physical examination is required: SB 5138, *SSB 5138, CH 110 (1989)
- Insurance, bodily injury premium reductions when safety devices are used: SB 5391
- Insurance, defensive driving courses, rate reductions for person taking: SB 5495
- Insurance, liability coverage required: SHB 1041, SB 5380, SB 5392

* - Measures Passed by Both House and Senate

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MOTOR VEHICLES—cont.

- Insurance, liability insurance or alternative form of financial responsibility required: SB 5499, *SSB 5499, CH 353 (1989), SB 5778
- Insurance, no-fault insurance, policy requirements, exclusions, and recoveries: SB 6060
- Insurance, underinsured motorist coverage, availability and priority of coverage: SB 5982
- Length requirements modified to accord with federal law: SB 5593
- License fees, local option charge authorized: SSB 5338, SB 6161
- Licenses and permits, fees collected by county auditors and subagents adjusted: SB 5568, SSB 5568
- Licenses, changes in programs administered by department of licensing: *SB 5443, CH 337 (1989)
- Licensing fees, vehicles owned by state or political subdivision, exemption removed, rates set: SB 6098
- Licensing, public transportation vehicles, fees set based on gross vehicle weight: SB 6088
- Licensing, technical corrections to licensing laws: HB 1465, SB 5442
- Limousine service operators, certificate required: SB 5184, *SSB 5184, CH 283 (1989)
- Manufacturers, limits power to modify dealership agreements, prohibited practices: *HB 1645, CH 415 (1989)
- New car warranties, revisions: *HB 1103, CH 347 (1989), SB 5287
- No-fault insurance, policy requirements, exclusions, and recoveries: SB 6060
- Nonpneumatic spare tires, use authorized: SB 6030
- Overlegal loads, fees set for special permits: HB 1502
- Overlegal loads, permits, fees, width limits, and appointment of agents: *HB 1502, CH 398 (1989)
- Oversize loads, escort drivers to accompany, certification of escort drivers required: SHB 1257
- Parking privileges for those transporting the blind: SB 5433
- Pedestrian safety rules: SB 5183
- Previously registered in another state or country, inspection fee: SB 5138, *SSB 5138, CH 110 (1989)
- Public transportation vehicle licensing fees set based on gross vehicle weight: SB 6088
- Reckless, negligent, and inattentive driving, penalties increased: SB 5882, SSB 5882
- Records, access restricted: SB 5070, SSB 5070
- Registration, fraudulent, registration in another state, penalties: *HB 1545, CH 192 (1989)
- Registration, initial year registration for full year: SB 5534
- Registration, tire disposal fee to be collected annually: SHB 2076
- Regulation, changes in programs administered by department of licensing: SB 5443, *SSB 5443, CH 337 (1989)
- Rental agencies, advertising, unfair practices: SB 6036
- Rental car, liability limited: SHB 1068, SB 5148, SSB 5148
- School buses, licensing fees, exemption removed, rates set: SB 6098
- Scrap metal recycling account, fee to be collected on sale of new cars: SB 5898
- Spare tires, use of nonpneumatic spare tires authorized: SB 6030
- Special fuel tax, computation based on miles per gallon, weight/consumption rates modified: *HB 2045, CH 142 (1989)
- Special permits for overlegal loads, fees set: *HB 1502, CH 398 (1989)
- State or political subdivision owned vehicles, licensing fees, exemption removed, rates set: SB 6098
- State-owned, department of general administration to develop management system for: *SHB 1355, CH 57 (1989), SB 5335

* - Measures Passed by Both House and Senate

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MOTOR VEHICLES—cont.

- Tinted glass, uses restricted: *HB 1664, CH 210 (1989)
- Tinting and coloring of windows and windshields, restrictions and standards: *HB 1664, CH 210 (1989)
- Trip permits, farm vehicles licensed on a monthly basis, authorization to operate on: SB 5895
- Triple trailer rig operation allowed on state route 90 within thirty miles of Idaho border: SB 5323
- Twenty-four hour headlight policy, cities and counties may request from department of transportation: *HB 2075, CH 195 (1989)
- Unattended child under five in car, violation whether or not motor is running: SB 6046
- Warranties, coverage extended to any new vehicle registered to Washington resident: SB 5255
- Warranties, new cars, revisions: *HB 1103, CH 347 (1989), SB 5287
- Waste containment, control of loads on highways: SB 5211

MOTORCYCLES

- Endorsement examination and renewal fees, rates set, deposit in motorcycle safety education account: *SB 6076, CH 203 (1989)
- Lemon Law coverage: SHB 1013
- Motorcycle public awareness advisory board, organization and duties: SB 6076
- Public awareness program to be implemented: SB 6076
- Safety education, use of funds in public safety and education account authorized for: HB 1596
- Speeding or equipment violation, erasure from driving record, conditions: SB 6076

MOUNT ST. HELENS

- Recovery operations, expiration date extended to June 30, 1995: *HB 2037, CH 213 (1989), SB 5888

MUNICIPAL COURT

- Court consolidation program, voluntary incentive-based consolidation with district courts: SB 5415

MUNICIPALITIES

- Annexation by petition, city may accept, reject, or geographically modify proposal: *SHB 1251, CH 351 (1989)
- Annexation of less than five percent of area of fire protection district, no payment to city: SB 5907
- Annexation of less than five percent of fire protection district area, no payment to city, exceptions: *SB 5907, CH 267 (1989)
- Annexation of portions of counties by cities, procedure: *SHB 1251, CH 351 (1989), SB 6024
- Annexation of unincorporated islands, procedure: *SHB 1251, CH 351 (1989)
- Attorneys' fees and costs, may reimburse prevailing party when judgment entered against city: *HB 2142, CH 285 (1989)
- Boundary review boards, power of approval, incorporation or disincorporation, may not prevent public vote on issue: *SSB 5127, CH 84 (1989)
- Boundary revisions: SHB 1078
- Building codes, power to amend limited: SB 5797
- Building permit exemptions for projects of less than fifteen hundred dollars, requirements: *SB 5466, CH 246 (1989)
- Building permits, exempt construction: SB 5123
- Cities of the first class may own and operate electrical utilities: *HB 1198, CH 249 (1989)
- City officials, election in optional code cities, terms and procedures: HB 1570

* - Measures Passed by Both House and Senate

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MUNICIPALITIES—cont.

- Claims against noncharter cities to be presented within statutory period: *HB 1163, CH 74 (1989)
- Courts of limited jurisdiction, use of collection agencies may be authorized by ordinance or resolution: SB 6085
- Curb ramp construction requirements: *HB 1077, CH 173 (1989)
- Day care homes, mini-day care, and day care centers, zoning restrictions, review of need and demand for child care facilities: *SB 5185, CH 335 (1989)
- Day care, to review zoning laws relating to child care facility siting: HB 1587
- Edgestripping, to place visible stripe at edge of certain paved roads: SB 5491, SSB 5491
- Election of city officials, optional code cities, terms and procedures: HB 1570
- Electrical utilities, cities and towns to set terms and conditions for placement: SHB 1661
- Electrical utilities, ownership and operation by first class cities authorized: SB 5355, SSB 5355
- Energy utilities may assist equipment owners in financing acquisition of energy conserving materials and equipment: *SB 5172, CH 268 (1989)
- Farm land development an authorized use of capital improvement fund revenues: SB 5862
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- Premises unfit for human habitation may be abated: SB 5252, *SSB 5252, CH 133 (1989)
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- Street and road repair may be financed with use and availability charges: SB 5086
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- Hardwood forests, to conduct study of state-owned forests: *SSB 5911, CH 424 (1989)
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Trustee, Highline community college district no. 9, GA 9112,
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Reappointed member, lottery commission, GA 9052,

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Reappointed member, sentencing guidelines commission,

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- Member, child support schedule commission, GA 9053, confirmed pp. 30, 2007, 2009, 2138

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- Waterfront residence owners who upgrade sewer systems to standard allowed to remodel or replace the residence: *SHB 1369, CH 349 (1989), SB 5356

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- Harold S. (Hal) Zimmerman, member, GA 9086, confirmed pp. 36, 64, 193

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- Land improvements, restriction on types of development deleted: *SHB 2012, CH 298 (1989)
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- Presiding officer, joint sessions pp. 386, 1358
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Judicial conduct commission, confidentiality of records, disclosure following public hearing on complaint: *SSB 5186, CH 367 (1989)

Pharmacy board, records obtained by board to remain confidential and exempt from disclosure: *HB 1478, CH 352 (1989)

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- Vacation and sick leave for exempt employees, rules: SB 6079
- Veterans' preferences in public employment increased: SB 5160

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- Cost-of-living adjustments authorized: *SHB 1322, CH 272 (1989), SB 5417
- Cost-of-living adjustments, calculation of benefits: SB 5928
- Disability retirement, applications, eligibility, and publications: SB 5430, SSB 5430
- Excess retirement benefits, distribution formula to be used upon death of recipient: *HB 1719, CH 191 (1989), SB 5696
- Funding, contribution rates to amortize unfunded liability and fully fund programs in future: SB 5461
- Funding of benefits process established: SHB 1321, SB 5418, *SSB 5418, CH 273 (1989)
- Military service, method for determining PERS retirement credit: SB 5074
- Minimum retirement allowance for each year of service increased: SB 5929
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- Service credit, all hours worked in eligible positions in a month combined to determine: *SHB 1408, CH 309 (1989)
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- Spokane district, reappropriation for district purposes: SB 6074
- Tax, authority to tax without voter approval of creation of district, repeal: *SSB 6074, CH 8 E1 (1989)
- Tax revenues to be used only for acquisition and construction of sport and entertainment facilities: *SSB 6074, CH 8 E1 (1989)

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- Safe drinking water act: SB 5566, *SSB 5566, CH 422 (1989)
- Water supply systems, changes to assure compliance with health standards: *SHB 1857, CH 207 (1989), SB 5611

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Gifts, disclosure and reporting requirements: SB 5166

Misrepresentation of daily operations to inspectors prohibited: SB 5677

Public office funds, filing and reporting requirements: SB 5166

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- Funding, comprehensive program, state-wide system with provisions for local flexibility: SB 5906
- Local option funding authority: SB 5906
- Multimodal plans in metropolitan areas, voter-approved local funding authorized: SB 5906
- Municipalities to develop six-year transit development and finance program: *HB 1438, CH 396 (1989)
- Sales tax, local, limit on amount considered for apportionment of motor vehicle excise tax: SB 5924
- Vehicles, licensing, fees set based on gross vehicle weight: SB 6088

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- Conservation programs, water utilities authorized to conduct, limitations: SB 5889, *SSB 5889, CH 421 (1989)
- Defrauding a public utility, first, second, and third degree, defined: SB 5782, *SSB 5782, CH 109 (1989)
- Energy conservation and efficiency investments, return on investment: SHB 2198
- Water utilities authorized to conduct conservation programs, limitations: SB 5889, *SSB 5889, CH 421 (1989)

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- Credit may be loaned to equipment owners to further an energy conservation plan: HB 1177, SB 5172
- Energy conserving materials and equipment, may assist equipment owners in financing acquisition of: *SB 5172, CH 268 (1989)
- Public employment relations commission jurisdiction does not extend to: SB 5339
- Telecommunications services, authorization to provide: SB 5986
- Utilities and transportation commission, districts subject to commission jurisdiction and control: SB 5909

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- Chemicals not to be introduced into systems: SB 5282
- Health standards, changes to assure compliance with: *SHB 1857, CH 207 (1989), SB 5611
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- Appropriations for projects recommended by the public works board: SB 5506, *SSB 5506, CH 181 (1989)
- Bids, safety records may be considered in determination of lowest and most responsible bidder: SB 5945
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- Day care facilities, one percent of appropriation for state buildings to go to: SB 6040
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- Emergency public works projects loans, appropriations for: SB 5507
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Radiation machines, inspection of facilities operating: SB 5988

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READ, DENISE

- Member, child support schedule commission, GA 9054, confirmed..... pp. 30, 2007, 2009, 2247

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- Commercial property sales, excise tax on, revenues to go to housing trust fund: SB 5619
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Guide dogs, discrimination prohibited in real estate transactions with physically disabled persons using: *HB 1762, CH 61 (1989), SB 5622

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Landowners, immunity from civil liability for volunteer groups allowed to use land: SB 5424

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Parental status, discrimination in transactions prohibited on account of: SB 5727

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Realtors, referral fees, cannot be taken from lending institution: HB 1646

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REANDEAU, DOLORITA K.

Reappointed trustee, state school for the blind, GA 9055,

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Cities and counties may defend officials only in proceedings to determine sufficiency of the charge: *SSB 5663, CH 250 (1989)

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Business records to be retained for three-year period unless modified by law or regulation: SB 6023

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Right-hand lane of multi-lane highway to be used: SB 5788

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Interstate highways, recycling receptacles to be placed in rest areas: SB 5784

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Scrap steel, scrap metal recycling account created, to be used to promote recycling of scrap vehicles: SB 5898

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- Western states recycling coalition requested: SJM 8002

REKDAL, DR. CYNTHIA K.

- Trustee, Seattle community college district no. 6, GA 9056, confirmed pp. 30, 928, 1029

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- Assignments, recording perfects security interest in: *SB 5771, CH 73 (1989)

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- Rights of residents, requires that each receive copy of house rules: SHB 1496

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- Food banks, included in definition of donor: SB 6050

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- Vessels, service charge rates set: SB 5641, *SSB 5641, CH 112 (1989)

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- Loans from pension plans, when not subject to usury law: *HB 1239, CH 138 (1989)
- Seattle, Tacoma, and Spokane city retirement systems may elect coverage under state employees' retirement systems: HB 1323, SB 5416
- Teachers' retirement system, cost-of-living adjustments: SB 5261

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- Pensions systems to be funded on actuarially sound basis: SJR 8214

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- George E. Northcroft, director, GA 9129, confirmed pp. 995, 1277, 2099, 2523
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- Internal references, correction or amendment: HB 1002, *SB 5031, CH 8 (1989)
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 Edgestriping, cities and counties to place visible stripe at edge of certain paved roads: SB 5491, SSB 5491
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- Member, clemency and pardons board, GA 9057, confirmed pp. 31, 2008, 2009, 2356

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- Trustee, Highline community college district no. 9, GA 9111 p. 316

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- Rural affairs advisory committee created: SB 5599
- Rural revitalization interagency committee established: SB 5872, SSB 5872
- Rural revitalization pilot projects authorized, goals, application evaluation,
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- Health departments duties in increasing availability of services to rural citizens:
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- Health professional loan repayment program for those working in health care
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- Loan forgiveness for health professionals working in rural areas: SB 5182, SSB
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- Rural health system project established, organization and duties: SB 6145, SSB
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- Training for rural practice, higher education coordinating board to develop
plan: SB 5175, SSB 5175, SB 6145, SSB 6145
- Washington rural health system project established, organization and duties: SB
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RYAN, JAMES F.

- Member, state investment board, GA 9058,
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RYLES, RUBY N.

- Trustee, state school for the blind, GA 9059,
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Personal privilege, sings happy birthday to Senator Nelson p. 1335

Appointed on committee to escort Governor Gardner and British Columbia Premier Vander Zalm to joint session p. 1351

Appointed interim member legislative budget committee p. 2974

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Cedar river sockeye salmon enhancement project: *SB 5156, CH 85 (1989), SSB 5156

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Columbia river and tributaries, commercial net fishing prohibited near mouths of rivers: SB 6089

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Enhancement planning for the year 2000, public hearings and advise from salmon advisory council: SB 5669

Enhancement programs, revenue from state sales of salmon and salmon parts to benefit: SSB 5306

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Punchcards, half fee charged to persons between sixty-five and seventy years of age: SB 5100

Regional fisheries enhancement groups formation authorized: SB 5289, *SSB 5289, CH 426 (1989)

Retail market identification program created: SB 5292

Revenue from state sales of salmon and salmon parts to benefit salmon enhancement programs: SSB 5306

Revenue from state sales of salmon and salmon parts to benefit to volunteer programs: SB 5306

Salmon advisory council, reporting duties: SB 5290

Sanctions requested against foreign nations which harvest Washington state salmon: SJM 8001, SSJM 8001

Seals and sea lions, removal or destruction of those preying on salmon and steelhead authorized: SB 5533, SSB 5533

Senior citizen salmon and steelhead bank fishing recreation area created, year-round fishing allowed: SB 5625

Smolt production, director of fisheries to let private production contracts: SB 5288, *SSB 5288, CH 336 (1989)

Spawning channel to be built in the Cedar river for sockeye salmon: SSB 5156

Volunteer programs, revenue from state sales of salmon and salmon parts to benefit: SB 5306

* - Measures Passed by Both House and Senate

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SANTOY, ANTONIO

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SCHMIDLI-SUTHERLAND, TRUDY

Reappointed member, clemency and pardons board, GA 9061,
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SCHOOLS AND SCHOOL DISTRICTS

Administrative staff, each district must have at least one certificated administrator: SB 5483
Air guns prohibited on school grounds: *HB 1072, CH 219 (1989)
Allocation for insurance benefits reduced if employees released without proportional reduction in enrollment or services: SB 5346
Alternative programs for or waivers of required courses, district to have written policy: SSB 5530
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At-risk students, project DREAM to assist: HB 1573, SB 5616
At-risk students, revision of programs to assist: *SHB 1444, CH 233 (1989), SB 5341
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Capital expenditures, exemption from sales tax and use of savings from exemption: SB 6011
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- Collaborative projects with colleges and universities, board of education to develop program: SB 5519
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- Common school construction fund, constitutional amendment to allow for retirement of bonds from fund: SJR 8222, SSJR 8222
- Community review teams to advise instructional materials committees, appointment: HB 1841
- Community school facilities, definition, authorization to make joint agreements to construct: SB 5885
- Competency testing required, high school core curriculum: SB 5447
- Compulsory courses, alternative classes to be provided for children excused from class at parental request: SB 5530
- Construction, additional property tax to be levied from 1990 to 2010, rate set: SB 6059
- Construction, authorization for sale of general obligation bonds: SB 5981
- Construction funds, constitutional amendment allowing additional twenty-year property tax levy: SJR 8224
- Construction projects, local funding requirements: SHB 1326, *SB 5736, CH 321 (1989)
- Corporal punishment in schools prohibited: SB 5693, SSB 5693
- Counseling, prevention, and intervention services for elementary students: SB 5249, SSB 5249, 2SSB 5249
- Crimes against children, persons convicted prohibited from holding public school employment: SB 5314, *SSB 5314, CH 320 (1989)
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- Cultural diversity in-service training grant program, applications and eligibility for grants: SHB 1814
- Curriculum, model curriculum programs and guidelines to be integrated with other subject areas: SB 5311
- Day care, on-site day care may be provided for educational employees: SB 5522, SSB 5522
- Debt service fund, revenue derived from real property to be deposited in debt service or capital projects fund: *SB 6012, CH 86 (1989)
- Directors' association, authority to contract for services, information, and consultants: SB 5859, SSB 5859
- Directors, board of directors meetings to be held within district boundaries: *SB 5858, CH 232 (1989)
- Directors, campaign expenditures limits in elections for seats on board of directors: SB 5260
- Directors, meetings may be held elsewhere than directors' office: SB 5858
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- Drop-out prevention assistance authorized: SB 5310
- Drop-out prevention programs revised: *SHB 1444, CH 233 (1989), SB 5341
- Early entrance program at the University of Washington, funding: SB 5615
- Education for empowerment programs to be included in school curriculum: SB 6021
- Educational paraprofessionals, associate of arts degree program: *SHB 1759, CH 370 (1989)
- Educational program, to adopt policy to implement open public records act in regard to: SSB 5530

* - Measures Passed by Both House and Senate

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SCHOOLS AND SCHOOL DISTRICTS—cont.

- Educational research center to conduct research and field testing of innovations in teaching and school management: SB 5758
- Educational service districts, job sharing arrangements authorized: *HB 1980, CH 206 (1989)
- Educational service districts, leave policies to be developed: *SB 5737, CH 208 (1989)
- Educational staff diversification act: SHB 1759
- Elementary school instruction in Japanese and Spanish, pilot program, eligibility for grants: SB 5633, SSB 5633
- Elementary schools, adult crossing guards at heavily-traveled sites: SB 5149, SSB 5149
- Eleventh grade assessment, content of examination: SHB 1741, SB 5740
- Emergency school building fund created, eligibility for loans from fund: SB 5851, SSB 5851, 2SSB 5851
- Energy information program established: SB 5835, SSB 5835
- Enrollment options program, agreements among districts and student applications: SB 6022
- Excellence in education award programs, grant and stipend to be given recipients, alternative grant also available: SB 5531, *SSB 5531, CH 77 (1989)
- Excellence in education awards, five teachers and five principals or administrators to receive: *HB 1468, CH 75 (1989)
- Excuse from class or program, district to have written policy regarding: SSB 5530
- Fair start program created: SB 5249, SSB 5249, 2SSB 5249
- Field-based teacher preparation model grant program: SB 5758
- First aid instruction for school employees to be provided at least once a year: SB 5770
- First and second class districts, redesignated large and small districts: SB 5309
- Food service employees, salary increases: SB 5672
- Foreign languages, pilot program in elementary school instruction in Japanese and Spanish, eligibility for grants: SB 5633, SSB 5633
- Health education, comprehensive program: SB 5055, SSB 5055
- High school core competency testing required: SB 5447
- Highly capable students programs, districts required to provide: SB 6140
- Homeless children, district not to require proof of residency for enrollment: *SB 6057, CH 118 (1989)
- Indoor air quality, model program to be established in one district: *SHB 1504, CH 315 (1989)
- Instructional materials committee, parents and guardians of students may be members: HB 1841, SB 5084
- Instructional materials committee, parents of students may be included at board's discretion: *HB 1841, CH 371 (1989)
- Instructional materials committees, appointment of community review teams to advise committees: HB 1841
- Investigation and evaluation of districts not providing an adequate education by superintendent of public instruction: SB 5447
- Job sharing arrangements authorized: *HB 1980, CH 206 (1989)
- Kindergarten through grade three, class size limit, twenty-five students per teacher: HB 1865
- Large and small districts, first and second class districts redesignated as: SB 5309
- Leased facilities, to use facilities of other schools or colleges where possible: SB 5885
- Leases of surplus property, recapture of property for school use provision no longer required: SB 6012
- "Levy reduction funds" redefined: *HB 1573, CH 141 (1989), SB 5616
- Local education enhancement program, eligibility for enhancement grants: SB 5524, SSB 5524

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SCHOOLS AND SCHOOL DISTRICTS—cont.

- Locker searches, principal may search based on reasonable grounds, scope of and limits on search: *2SHB 1793, CH 271 (1989)
- Lottery moneys to be deposited in common school construction fund and common school fund: SB 5159
- Magnet school grant program established, to reduce minority isolation in public schools: SB 5967
- Martin Luther King, Jr. Day educational activities: SB 5171
- Mental health, school-based early intervention projects, screening and staffing requirements: SB 5976
- Minority students, basic educational allocation formula, extraordinary costs to be considered: SB 6097
- Minority teacher recruitment program: *SB 5054, CH 146 (1989)
- Model curriculum programs and guidelines to be integrated with other subject areas: SB 5311
- Municipality grant program established, allows districts to apply for funds other than those allocated to education: SB 5575
- Nurses may transfer city retirement accounts to teachers' retirement system: HB 1021, *SB 5137, CH 116 (1989)
- Omnibus education act: SB 5447
- Open public records act, to adopt policy to implement in regard to educational program: SSB 5530
- Pacific Rim languages, districts encouraged to develop exchange programs with Pacific Rim nations: SB 5450, SSB 5450
- Parental right to review materials, to be notified of classes, and to have children excused from classes established: SB 5530
- Parents and guardians of students may be members of instructional materials committee: HB 1841, SB 5084
- Parents may be included on instructional materials committee at discretion of board: *HB 1841, CH 371 (1989)
- Parents' rights in education, roles and responsibilities of parents and schools: SB 5793
- Pay equity and job analysis, school and educational service district assessment project: HB 1406
- Post-retirement medical benefits, may be provided as compensation for unused sick leave: SB 6003, *SSB 6003, CH 69 (1989)
- Prevailing wage coverage extended to workers under transportation contracts: SB 5910
- Private schools, church-approved private school defined: SB 5262
- Private schools, regulation of state-approved private schools: SB 5262
- Program hour requirements, basic education, sunset review required: SB 5971
- Program hour requirements, basic education, waiver of requirements for requesting districts: SB 5970
- Project DREAM created: SB 5316
- Project DREAM, requirements for participation in project: SB 5901
- Real property, revenues derived from real property, deposit in debt service or capital projects fund: *SB 6012, CH 86 (1989)
- Required courses, alternative programs for or waivers of, district to have written policy: SSB 5530
- Residence of eighteen-year-old students for purposes of school assignment: HB 1156
- Residency, homeless children, district not to require proof of residency for enrollment: *SB 6057, CH 118 (1989)
- Salary allocations, determination, no more than ninety post-baccalaureate credit hours may be used beginning in 1992, exceptions: *HB 2245, CH 16 E1 (1989)
- Salary increases, food service employees: SB 5672

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SCHOOLS AND SCHOOL DISTRICTS—cont.

- Sales tax exemption for capital expenditures and use of savings from exemption: SB 6011
- School and educational service district pay equity and job analysis assessment project: HB 1406
- School assignment, residence of eighteen-year-old students: HB 1156
- School directors' association contract filing requirements: HB 1158
- School directors' association, duty to provide advice and assistance to local boards: *SSB 5859, CH 325 (1989)
- School directors' association existence extended: HB 1158
- School directors' association, power to lease property and incur debt for office facilities: *SSB 5859, CH 325 (1989)
- School nurse health program established, staffing standards and duties: SB 5939
- School-based early intervention projects, screening and staffing requirements: SB 5976
- Second class districts may return to electing directors at-large: SB 5013, SSB 5013
- Self-study procedures and time limits: *SB 5370, CH 83 (1989)
- Senior citizens encouraged to volunteer as teachers' aides: *HB 1334, CH 310 (1989)
- Serving district, eligibility for contributions to building program from nonhigh district: *SB 5736, CH 321 (1989)
- Serving district, high school district serving nonhigh district students, designation as: *SB 5736, CH 321 (1989)
- Sick leave, post-retirement medical benefits may be provided for unused sick leave: SB 6003, *SSB 6003, CH 69 (1989)
- Six-plus-sixty aide program created, senior citizens as volunteer teachers' aides: *HB 1334, CH 310 (1989)
- Slot machine revenue to be deposited to common school special revenue fund for construction purposes: SB 5972
- Small districts in distressed economic areas, assistance: SB 5396
- Special education for handicapped children programs, reimbursement from medical assistance funds: *SHB 2014, CH 400 (1989)
- Special needs grant program, eligibility and reporting requirements: SB 5901
- Student motivation, retention, and retrieval programs, funding and funding eligibility: *SB 5738, CH 209 (1989)
- Student teaching pilot projects program, extension to December 1, 1990, advisory group to be formed: SB 5826
- Student teaching pilot projects program, extension to December 31, 1990, advisory group to be formed: *SB 5826, CH 253 (1989)
- Student transportation safety, interim task force created to evaluate, membership and duties: *SHB 2066, CH 330 (1989)
- Students, revision of programs to assist students at risk of dropping out: SHB 1444, SB 5341
- Substance abuse awareness programs, funding and implementation: SB 5739
- Substitute teachers, second class districts, employment of spouse of district officer, conditions: *HB 1757, CH 263 (1989)
- Surplus property, leases, recapture of property for school use provision no longer required: SB 6012
- Tax levies, "levy reduction funds" redefined: *HB 1573, CH 141 (1989), SB 5616
- Teachers' aides, senior citizens encouraged to volunteer: *HB 1334, CH 310 (1989)
- Technology in education program: SB 5735
- Technology to be integrated into curriculum: SB 5269, SSB 5269, 2SSB 5269
- Tobacco, use on school ground prohibited: *SHB 1444, CH 233 (1989)
- Tobacco use prohibited on public school property: SB 5921
- Transportation contracts, prevailing wage coverage extended to workers: SB 5910

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SCHOOLS AND SCHOOL DISTRICTS—cont.

- Transportation systems safety, interim task force created to evaluate, membership and duties: *SHB 2066, CH 330 (1989)
 Vacation child care may be provided by districts: SB 5254
 Voter registration of high school students: HB 1109
 Washington history and government, high school course required for graduation: SB 5852

SCHUT, NORM

- Trustee, South Puget Sound community college district no. 24,
 GA 9089, confirmed pp. 36, 238, 375

SCIENCE TEACHERS, NATIONAL HONOR ROLL

- Award winners Aki Kurose and Ralph St. Andre introduced p. 1036

SCRIBNER, DR. BEIDING

- Medal of merit award winner introduced and addressed
 joint session p. 182

SEA GRANT PROGRAM

- Ocean, coastal, and fisheries resources research and public service act, duties:
 SB 6019

SEA URCHINS

- Fishery regulated: *HB 1026, CH 37 (1989)

SEALS AND SEA LIONS

- Removal or destruction of those preying on salmon and steelhead authorized: SB
 5533, SSB 5533

SEALTH HIGH SCHOOL

- Championship boys' basketball team and coaches introduced p. 883
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SEAT BELTS

- Enforcement, primary action as to those under 18: SB 5015
 Passengers and operators under 18 to wear: SB 5015

SEATTLE

- Buses, driver and rider safety, to conduct study: SB 5067
 Police relief and pension system, transfer of service credit to public employees' retirement system, eligibility: SB 5946

SEATTLE COMMUNITY COLLEGE DISTRICT NO. 6

- Phyllis G. Kenney, reappointed trustee, GA 9103,
 confirmed pp. 147, 448, 629
 Dr. Cynthia K. Rekdal, trustee, GA 9056,
 confirmed pp. 30, 928, 1029

SECRETARY OF THE SENATE (See also GORDON A. GOLOB)

- Gordon A. Golob nominated and elected p. 15

SECRETARY OF STATE

- Certification of elections pp. 3-12
 Messages on Governor's veto and partial vetoed
 1988 bills pp. 75, 76
 Message and provisional certification of initiative to the
 legislature 102 p. 76
 Message and provisional certification of initiative to the
 legislature no. 99 p. 80
 Certification of signatures, initiative to the
 legislature no. 102 p. 129
 Certification of signatures, initiative to the
 legislature no. 99 p. 249

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Transmitting Governor's partial veto of SSB 5293	p. 2948
Transmitting Governor's partial veto of SSB 5443, 2SSB 5375 and SSB 5474	p. 2949
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Transmitting Governor's partial veto of SSB 5776	p. 2957
Transmitting Governor's veto of SB 5916, SB 5121 and SSB 5221	p. 2958

SECURITIES

Arbitration, agreements between broker and customer to arbitrate future dis- putes, required terms: SB 5787	
Business and occupation tax on stock brokers, broker-dealers, and security houses, rate set: SB 6015	
Offerings and sales practices: SB 5414, SSB 5414	
Registration requirements, financial statements required: SB 5414, SSB 5414	
Salespersons and investment adviser salespersons, multiple employment, liability agreements: SB 5955	

SECURITY INTERESTS

Assignments, mortgages, and pledges of unpaid rents and profits of real prop- erty, recording perfects: *SB 5771, CH 73 (1989)	
Crops, determination of priority among conflicting interests governed by crop lien law: *HB 1047, CH 251 (1989)	
Priority among conflicting interests in crops to be governed by crop lien law: *HB 1047, CH 251 (1989)	
Recording perfects interests in assignments, mortgages, and pledges of unpaid rents and profits of real property: *SB 5771, CH 73 (1989)	

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Consumer protection and dispute resolution procedures: SB 5781	
Standards and label requirements for agricultural, flower, and vegetable seeds: SB 5781	

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SELF DEFENSE

Defense of person or property from heinous crime, revisions: SB 5066, *SSB 5066, CH 94 (1989)

SELLAR, SENATOR GEORGE L.

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SENIOR CITIZENS

Leasehold excise tax, partial exemption: SB 5405, SSB 5405
 Park passes: SB 5101, SB 5151, *SSB 5151, CH 135 (1989)
 Salmon and steelhead bank fishing recreation area created, year-round fishing allowed: SB 5625
 Six-plus-sixty aide program created, seniors as volunteer teachers' aides: *HB 1334, CH 310 (1989)
 Teachers' aides in schools, volunteer program: *HB 1334, CH 310 (1989)

SENTENCING

Abuse of defendant or defendant's children by victim may be considered in mitigation: *SSB 5947, CH 408 (1989)
 Abuse of defendant, pattern of abuse may be considered as mitigating factor: SB 5947
 Burglary in the second degree, seriousness level raised: *SB 5233, CH 1 E2 (1989)
 Burglary, seriousness levels set for residential burglary and burglary in the second degree: SB 6159
 Community confinement sentences, conditions and supervision: SB 5742
 Community placement, persons convicted of vehicular homicide or assault: HB 1081
 Confinement, place of, for sentences over six months: SB 5278, SB 5321
 Confinement, place of, sentences over nine months: SB 5762
 Cost of supervision, offenders' responsibility for costs: *SHB 1542, CH 252 (1989)
 Death penalty, jury at special sentencing proceedings, two-thirds affirmative vote required to impose: SB 6154

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SENTENCING—cont.

- Delivery of controlled substance to a minor, twenty-year minimum sentence: SB 5283
- Drug offenders, first time offenders forfeit state benefits for ninety days following conviction: SB 5528
- Drug offenders to be imprisoned for seven consecutive days and have driver's license suspended for ninety days: SB 5529
- Drug offenses in correctional facilities and jails, sentence enhancement: SHB 1393, *SB 5040, CH 124 (1989)
- Drug sales near schools, penalties increased: SB 5248, SSB 5248
- Drug-related crimes, seriousness level raised: SB 5029
- Drugs, manufacture or delivery, seriousness level of offenses raised: SB 5497
- Early release credits earned, facilities to set standard procedure: SB 5191, *SSB 5191, CH 248 (1989)
- Early release, persons convicted of vehicular homicide or assault: HB 1081
- Juvenile offenders, computation of offense points revised: *SB 5833, CH 407 (1989)
- Livestock theft, mandatory fine of two thousand dollars for every animal killed or possessed: *SSB 5488, CH 131 (1989)
- Livestock theft, mandatory fine to be used for training in livestock theft and rural crime prevention: SB 5488
- Mandatory life sentences, duties of indeterminate sentencing review board: *SHB 1457, CH 259 (1989), SB 5412
- Mitigation, abuse of defendant or defendant's children by victim may be considered in mitigation: *SSB 5947, CH 408 (1989)
- Mitigation, pattern of abuse of defendant may be considered as mitigating factor: SB 5947
- Omnibus alcohol and controlled substance act: *2SHB 1793, CH 271 (1989), SB 5832, SSB 5832
- Penalty assessment upon conviction, penalty amounts raised: *SHB 1542, CH 252 (1989)
- Reckless, negligent, and inattentive driving, penalties increased: SB 5882, SSB 5882
- Residential burglary, seriousness level set: *SB 5233, CH 412 (1989), *SB 5233, CH 1 E2 (1989)
- Restitution, offenders to be held accountable for their legal financial obligations: *SHB 1542, CH 252 (1989)
- Review of sentences, department of corrections may petition for review: *HB 1342, CH 214 (1989)
- Seriousness level table amended: HB 1082, *SB 5090, CH 99 (1989)
- Seriousness levels established for unranked felonies: HB 1082, *SB 5090, CH 99 (1989)
- Terms of confinement set for drug offenses: SB 5334
- Unranked felonies, seriousness levels established: HB 1082, SB 5090
- Vehicular homicide involving drunken or reckless driving, penalty increased: *SB 5381, CH 405 (1989)
- Vehicular homicide or assault, community placement and early release: HB 1081
- Vehicular homicide or assault, offender scores: HB 1081
- Violent offenses, points to be added to offender score: SB 5589

SENTENCING GUIDELINES COMMISSION

- Doug Blair, member, GA 9092,
confirmed..... pp. 65, 2008, 2009, 2012
- Eileen P. Farley, member, GA 9016,
confirmed..... pp. 23, 2006, 2009, 2101
- Judge James Gavin, reappointed member, GA 9093,
confirmed..... pp. 65, 2008, 2009, 2012
- Margaret Laidlaw, member, GA 9094,
confirmed..... pp. 65, 2009, 2522

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SENTENCING GUIDELINES COMMISSION—cont.

Jon Ostlund, reappointed member, GA 9046,
 confirmed pp. 30, 2007, 2009, 2138
 Mandatory treatment for sex offenders, to evaluate effectiveness: *SHB 1065, CH
 332 (1989)

SERGEANT AT ARMS (See also GEORGE LaPOLD)

George LaPold nominated and elected p. 15

SEVERANCE PAY

Employer's obligation when business is relocated, closed, or transferred: SB 6081
 Relocation, closure, or transfer of business, employer's obligation: SB 6081

SEVERANCE TAX (See TAXES - SEVERANCE TAX)**SEWAGE**

Black Diamond sewage treatment system failure, appropriation to connect with
 Seattle sewage facilities: SB 5801
 Capacity charges on users, metropolitan municipal corporations authorized to
 charge: SB 6013, *SSB 6013, CH 389 (1989)
 Marina and boat launch sewage facilities: SB 5427
 Metropolitan municipal corporations authorized to impose capacity charges on
 users: SB 6013, *SSB 6013, CH 389 (1989)
 Metropolitan municipal corporations may assess service charge, limits on
 amount of charge and lien on property served: SB 5840
 On-site system permits, health boards cannot condition on membership in local
 improvement district: SB 5135, SSB 5135
 On-site systems, residential use, limits power of health boards to refuse permits:
 SB 5129
 Sludge disposal site approval, no new permits to be issued after June 1, 1989: SB
 5978, SSB 5978
 Sludge study task force formed, membership and duties: SB 5978, SSB 5978
 Waterfront residence owners who upgrade sewer systems to standard allowed to
 remodel or replace the residence: *SHB 1369, CH 349 (1989), SB 5356

SEWER DISTRICTS

Additions to and betterment of systems, when required to develop financing
 plan: *SSB 6013, CH 389 (1989)
 Annexation of islands: HB 1053
 Assessment reimbursement contracts: SB 5436
 Connection charges, equitable share determination, factors to be considered: SB
 5436
 Connection charges to be based on pro rata share of specified costs: *SSB 6013,
 CH 389 (1989)
 Consolidation and merger of districts: *SHB 1217, CH 308 (1989)
 Contract projects of greater than \$50,000, bid procedure: *HB 1220, CH 105 (1989)
 Contract projects of less than \$50,000 may be awarded to contractors on small
 works roster: *HB 1220, CH 105 (1989)
 Contracts with landowners for water and sewer projects required as condition of
 development: SB 5436
 Electorate expansion in districts with fifty or fewer residents, procedure: SB 5900
 Extensions of system, financing conditions and contingencies: *SSB 6013, CH 389
 (189)
 Islands, annexation: HB 1053
 Powers, procedure: *SHB 1217, CH 308 (1989)

SEWERS

Cities and towns may compel property owners outside city limits to connect to
 sewer: SHB 1979

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SEX DISCRIMINATION

- Athletics, gender equity in athletics conference to be held in 1990, purposes enumerated: *HB 2016, CH 339 (1989)
- Gender equality in intercollegiate athletics, goals for state institutions of higher education: *SHB 2020, CH 340 (1989)
- Gender equality mandated for all state institutions of higher education: *SHB 1430, CH 341 (1989)
- Intercollegiate athletics, tuition and fee waivers to achieve gender equality: *SHB 2020, CH 340 (1989)
- Intercollegiate athletics, tuition and fee waivers to be offered on a gender-equal basis: SHB 2020

SEX OFFENDERS

- Community custody, periodic follow-up required for duration of maximum statutory sentence for offense: SSB 5674
- Community custody, periodic follow-up required for duration of offender's life: SB 5674
- Crimes against children, penalties increased: *SHB 1065, CH 332 (1989)
- Penalties increased, crimes against children: *SHB 1065, CH 332 (1989)
- Post-release psychiatric evaluation and treatment required: SB 5673, SSB 5673
- Pretrial agreements or diversions to be avoided, treatment provided in correctional institution preferred: *SHB 1065, CH 332, (1989)
- Public school employees, revocation of certificate or permit, conviction of crimes against children: *SSB 5314, CH 320 (1989)
- Public school employment prohibited for persons convicted of crimes against children: SB 5314, *SSB 5314, CH 320 (1989)
- Registration: SB 5114

SEXUALLY TRANSMITTED DISEASES (See also AIDS)

- Confidentiality of information, exceptions, child under fourteen, when information may be released to caretaker: SB 5886, *SSB 5886, CH 123 (1989)
- Confidentiality of information, exceptions, release of information by patient: SB 5886, *SSB 5886, CH 123 (1989)

SHELLFISH

- Geoduck recreational harvesting areas created: SB 5479, SSB 5479
- Geoducks sales, department of natural resources, sale to highest responsible bidder: SHB 1624
- Handicapped, razor clam digging permits, holder not required to be present at digging site: SB 5796
- Harvesting and processing, sanitary control of commercial operations: SHB 1562, *SB 5154, CH 200 (1989)
- Razor clam digging permits, handicapped holder not required to be present at digging site: SB 5796
- Sanitary control of commercial harvesting and processing: SHB 1562, *SB 5154, CH 200 (1989)
- Violations, seizure and forfeiture proceedings, hearings, and penalties: SB 5818

SHERIFFS

- Employees laid off by annexation, transfer to city police department, eligibility, conditions: SB 5876
- Search and rescue fund, reimbursement for search and rescue expenses: SB 6038

SHERMAN, VAUGHN

- Reappointed trustee, Edmonds community college district no. 23,
GA 9090, confirmed pp. 37, 447, 555

SHERRILL, JAMES E.

- Trustee, Centralia community college district no. 12,
GA 9062, confirmed pp. 31, 366, 512

SHOPPING CENTERS

Directional signs on state highways, criteria for placement: SB 5809

SHORECREST HIGH SCHOOL

Band director Ken Noreen and band president

Steve Kauffmann introduced..... p. 89

SFR 1989-8605..... p. 88

SHORELINE COMMUNITY COLLEGE DISTRICT NO. 7

James E. Massart, reappointed trustee, GA 9043,

confirmed..... pp. 28, 446, 475

SHORELINE HEARINGS BOARD

Floating aquaculture permits, review of board actions: SB 5815

SHORELINE MANAGEMENT

Shoreline master plan review, ocean use guidelines and policies to be developed and applied to: *HB 2242, CH 2 E1 (1989)

SIMONIS, KATHY

Trustee, Centralia community college district no. 12,

GA 9063, confirmed..... pp. 32, 367, 512

SIMS, CODY

Little Miss Tulip introduced and addressed senate..... p. 1227

SFR 1989-8659..... p. 1227

SIMS, RON

Member, juvenile disposition standards commission, GA 9064..... p. 32

SKAGIT COUNTY

Transfer of fairgrounds property from department of natural resources to county: SB 5709

SKAGIT VALLEY COMMUNITY COLLEGE DISTRICT NO. 4

W. Kelley Moldstad, reappointed trustee, GA 9048,

confirmed..... pp. 29, 316, 512

SKAGIT VALLEY TULIP FESTIVAL ROYALTY

Little Miss Tulips, Stephanie Dix and Cody Sims introduced

and addressed senate..... p. 1227

SFR 1989-8659..... p. 1227

SKIING

Inherent risks of sport, ski area operators not liable for: SB 5719

Injuries, ski area operators not liable for injuries to skiers outside marked trails and runs: *SHB 1774, CH 81 (1989)

Ski area operators, duties and limit on liability for inherent risks of sport: SB 5719

Ski area operators, duties, not liable for injuries to skiers outside marked trails and runs: *SHB 1774, CH 81 (1989)

SKINNER, PAUL W.

Member, board of regents, University of Washington, GA 9098,

confirmed..... pp. 116, 447, 577

SKJEIE, TARA

Senate page introduced after calling roll call vote by memory

on HB 1885..... p. 1274

SMALL BUSINESS EXPORT FINANCIAL ASSISTANCE CENTER BOARD OF DIRECTORS

Henry M. Aronson, member, GA 9002..... p. 21

M. Toby Bouchey, member, GA 9005,

confirmed..... pp. 21, 1633, 2530, 2596

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SMALL BUSINESS EXPORT FINANCIAL ASSISTANCE CENTER BOARD OF DIRECTORS—cont.

- Lawrence M. Killeen, member, GA 9035,
confirmed pp. 27, 1946, 1949
- Bernard Korth, member, GA 9039,
confirmed pp. 27, 1633, 2530, 2698
- Isabelle S. Lamb, member, GA 9041,
confirmed pp. 28, 1946, 1981

SMALL BUSINESSES

- Administrative rules, small business economic impact statements, preparation and review: *SHB 2024, CH 374 (1989)
- Investment opportunities office created: SB 5241, *SSB 5241, CH 312 (1989)
- Linked deposit program for investment in distressed areas: SB 5205
- Local training matching fund program, cooperation with community colleges in providing training for businesses: SB 6026
- Regulatory fairness, small business economic impact statements, preparation and review: *SHB 2024, CH 374 (1989)
- Small business administration's 7(a) loan guaranty program, lender participation: *SHB 1858, CH 212 (1989), SB 5647, SSB 5647
- Training needs, local training matching fund program to provide in cooperation with community colleges: SB 6026

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- Conditional scholarship program obligation, repayment by five years teaching or over ten-year period: SB 5216
- Cost-of-living adjustments to retirement benefit rates: SB 5261
- Cultural diversity in-service training grant program to enhance sensitivity to a variety of cultural values: SHB 1814
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- Reckless, negligent, and inattentive driving, penalties increased: SB 5882, SSB 5882

TRANSPORTATION

- Budget for 1989-91 biennium: SB 5373, *SSB 5373, CH 6 E1 (1989)
- Funding, comprehensive program, state-wide system with provisions for local flexibility: SB 5906
- High capacity transportation, local taxing options, voter approval required: SHB 1825
- High occupancy vehicle lane development program, employer tax and motor vehicle excise tax surcharge authorized: SHB 1825
- Motor vehicle fees and gas tax revenue to be used to support public transportation: SJR 8220
- Public transit authorities, general managers to be appointed, powers and duties established: SB 5366, SSB 5366

* - Measures Passed by Both House and Senate

E1 - 1st Special Sess.

E2 - 2nd Special Sess.

TRANSPORTATION—cont.

- Public transit development and finance program to be prepared by municipalities: SB 5367, SSB 5367
- Public transportation systems annual report to be prepared by department of transportation: SB 5367, SSB 5367
- Transit passes and parking, equal income tax treatment of employer-provided passes and parking requested: HJM 4019
- Transportation capital facilities account created: *HB 1467, CH 397 (1989), SB 5445
- Urban arterials, selection of priority projects, movement of persons a consideration: *SB 5368, CH 160 (1989)

TRANSPORTATION BENEFIT DISTRICTS

- Governing board, made up of city or county legislative authority acting ex officio: *HB 1454, CH 53 (1989)
- Governing body, organization and powers: SB 5498, SSB 5498
- Improvements, how ownership is to be determined: *HB 1454, CH 53 (1989)
- Improvements, ownership of improvements in governmental jurisdictions, determination: SB 5498, SSB 5498
- Property tax, authorization to levy tax beyond one percent limit: SSB 5498
- Street maintenance, authorization to contract with local governments for: SB 6077, SSB 6077

TRANSPORTATION BUDGET

- Appropriations for 1987-89 biennium: SHB 1442

TRANSPORTATION COMMISSION

- Norman V. McKibben, member, GA 9045,
confirmed pp. 28, 341, 496

TRANSPORTATION, DEPARTMENT OF

- Overlegal loads, permits, fees, width limits, and appointment of agents: *HB 1502, CH 398 (1989)
- Project cost evaluation methodology pilot program, bid and day labor limits suspended: *HB 1976, CH 182 (1989)
- Public transportation systems, to prepare annual report on: *HB 1438, CH 396 (1989), SB 5367
- Recycling receptacles to be placed in rest areas along interstate highways: SB 5784
- Rent, rates to be set and charges made for use of real property, buildings, and structures, exceptions: *HB 1467, CH 397 (1989)
- Spokane river toll bridge, reversion of ownership to city of Spokane, duties of department: SB 6161
- Transportation capital facilities account, deposit and expenditure of receipts derived from capital facilities transactions: *HB 1467, CH 397 (1989)
- Twenty-four hour headlight policy at request of cities and counties, administrative duties: *HB 2075, CH 195 (1989)
- Vehicle weighing instruments, joint study with state patrol on future needs: SB 5794

TRANSPORTATION IMPACT FEES

- Credit for off-site transportation improvements, word "improvements" substituted for word "facilities": *HB 1904, CH 296 (1989)

TRANSPORTATION IMPROVEMENT BOARD

- Membership expanded: SHB 1278, SB 5326, SSB 5326

TRI-CITIES

- Economic diversification efforts extended: SB 5242

* - Measures Passed by Both House and Senate

E1 - 1st Special Sess.

E2 - 2nd Special Sess.

TRUCKING

- Agricultural commodities, carriers exempt from motor freight carrier regulations, registration required: SB 6055
- Interstate tariffs, filing with utilities and transportation commission no longer required: *SB 5552, CH 186 (1989)
- Lumber haulers, exemption from motor freight regulations: SB 5588
- Motor carrier freight brokers and forwarders, definitions and bonding requirements: *HB 1282, CH 60 (1989)
- Motor freight regulations, exemption for lumber haulers: SB 5588
- Permits, financial responsibility, and operational safety requirements: SB 5920
- Regulatory changes to promote competitive and efficient motor freight services: SB 5920
- Special fuel tax, computation based on miles per gallon, weight/consumption rates modified: *HB 2045, CH 142 (1989)

TRUCKS

- Brake requirements: *HB 1042, CH 221 (1989), SB 5139
- Identification markings, when required, size and content of markings: SB 5878
- Length requirements modified to accord with federal law: SB 5593
- Licensing fees increased, annual fees and fees based on gross weight of vehicle: *SB 5452, CH 156 (1989)
- Overweight loads, duty to obey directions of police officer in regard to: SB 5877
- Overweight loads, permitted to proceed if not more than ten percent overweight: SB 5877
- Right-hand lane of multi-lane highway to be used: SB 5788

TRUE, DOUGLAS L.

- Member, public disclosure commission, GA 9127..... p. 921

TRULOVE, WILLIAM T.

- Reappointed member, Pacific northwest electric power and conservation planning council, GA 9095 p. 75

TRUSTEES

- Investment in government obligations authorized when permitted by trust document: *SB 5731, CH 97 (1989)

TRUSTS

- Marital deduction gifts, survival by spouse of common disaster resulting in decedent's death, six-month time limit does not apply: *HB 1350, CH 35 (1989)
- State trust fund investments, constitutional amendment: SJR 8216

TUCKER, JENNY

- Senate page introduced after calling roll call vote by memory of HB 1885..... p. 1274

UNCLAIMED PROPERTY

- State patrol, procedure, retention or disposition: *HB 1043, CH 222 (1989), SB 5119

UNDERGROUND FACILITIES

- Service laterals connected to facility, owner must indicate location: SB 5279

UNDERGROUND STORAGE TANKS

- Insurance, pollution liability reinsurance program: *2SHB 1180, CH 383 (1989), SB 5280
- Oil leaks, owner's and operator's liability, state pollution liability reinsurance program: *2SHB 1180, CH 383 (1989), SB 5280
- Pollution liability reinsurance program: *2SHB 1180, CH 383 (1989), SB 5280
- Regulation by department of ecology: *SHB 1086, CH 346 (1989), SB 5281, SSB 5281

UNEMPLOYMENT COMPENSATION

- Agricultural labor provisions repealed: HB 1629, SB 5476
- Agricultural workers, coverage extended to: *HB 2222, CH 380 (1989)

* - Measures Passed by Both House and Senate

E1 - 1st Special Sess.

E2 - 2nd Special Sess.

UNEMPLOYMENT COMPENSATION—cont.

- Agricultural workers over age eighteen, coverage extended to: SB 5830, SSB 5830, SB 5918
- Aliens, eligible for benefits only if lawfully present for performing the qualifying services: *SB 5636, CH 92 (1989)
- Confidential information supplied employment security department to remain confidential: *SB 5636, CH 92 (1989)
- Employer contributions, quarterly payment allowed: SB 5019
- Fraternal societies and lodges, employees, coverage extended to: SB 5869, SSB 5869
- Labor disputes, disqualification for unemployment due to labor dispute, exceptions: SB 6158
- Lockouts, eligibility for workers unemployed because of a lockout, necessary conditions: SB 6158
- Overpayments, assessment for, appeal period extended to thirty days: *SB 5636, CH 92 (1989)
- Repayment of benefits to another state, collection by employment security department: *SB 5636, CH 92 (1989)

UNIFORM COMMERCIAL CODE

- Financing statements, amendment to change name or address of secured party, debtor's signature not required: *HB 1047, CH 251 (1989)
- Financing statements, change of debtor name, amendment allowed in lieu of new statements: *HB 1047, CH 251 (1989)
- Variable interest rate as stated interest rate for negotiable instruments: HB 1215, *SB 5079, CH 13 (1989)

UNIVERSITY OF WASHINGTON

- Branch campuses at Tacoma and in Bothell-Woodinville area authorized: SHB 1822, *SB 6095, CH 7 E1 (1989)
- Branch campuses established: SB 5230, SSB 5230
- Early entrance program, funding: SB 5615
- High-technology center, duties expanded: SHB 2023
- Mediation, committee for mediation established in graduate school of public affairs, membership: HB 1620
- Placebound students in central Puget Sound area, courses in Tacoma and Bothell-Woodinville area: SB 5975, SSB 5975, 2SSB 5975
- Placebound students, to provide baccalaureate and graduate courses in central Puget Sound area: 2SSB 5975

UNIVERSITY OF WASHINGTON BOARD OF REGENTS

- Edward E. Carlson, reappointed member, GA 9100,
confirmed pp. 147, 929, 1098
- Paul W. Skinner, member, GA 9098,
confirmed pp. 116, 447, 577

USURY

- Pension plan loans, when not subject to usury law: *HB 1239, CH 138 (1989)

UTILITIES

- Conservation investments, capitalization of carrying costs until included in rate-making base: SB 5948, SSB 5948
- Conservation investments, public utility tax credits, 1990 limit on new facilities deleted: SB 5948
- Conservation investments, public utility tax credits, 1991 limit put on addition of new facilities: SSB 5948
- Conservation investments, rate of return: SB 5948, SSB 5948
- Easements to be recorded: SB 5130, SSB 5130
- Energy utilities may assist equipment owners in financing acquisition of energy conserving materials and equipment: *SB 5172, CH 268 (1989)

* - Measures Passed by Both House and Senate

E1 - 1st Special Sess.

E2 - 2nd Special Sess.

UTILITIES—cont.

- Light and power company tax rate modified: *SHB 1305, CH 302 (1989)
 Municipal utilities may lend credit to equipment owners to further an energy conservation plan: HB 1177, SB 5172
 Overhead electric lines, duty to notify utility before beginning work near line: SB 5989
 Recording of easements: SB 5130, SSB 5130

UTILITIES AND TRANSPORTATION COMMISSION

- Budget filings by public service companies, exempt companies, to establish criteria by rule: *SB 5022, CH 107 (1989)
 Common carriers no longer required to file interstate tariffs: *SB 5552, CH 186 (1989)
 Elimination of multiparty lines and mileage charges, to conduct feasibility study: *SHB 1756, CH 282 (1989)
 Energy conservation and efficiency investments, authority to encourage extended: SHB 2198
 Exchange area boundaries for telecommunication companies, procedure for setting: SB 5577
 Excursion buses, regulation as charter buses: *SSB 5553, CH 163 (1989)
 Multiparty telephone lines and mileage charges, to study feasibility of elimination: SB 6032
 Petroleum products, price regulation, wholesale refiner-suppliers: SB 6087
 Public utility districts subject to commission jurisdiction and control: SB 5908
 Railroad crossing inspection fees to be set by rule: SB 5555
 Reporting dates for public service companies to be set by rule: *SB 5022, CH 107 (1989)
 Tariff changes, proposed, power to suspend: *SB 5023, CH 152 (1989)
 Telecommunications companies, rate-setting procedure: SB 5098, *SSB 5098, CH 101 (1989)
 Telephone company exchange areas and territorial boundaries, changes, when authorized, procedure: SB 5806, SSB 5806
 Truck identification markings, to establish rules relating to: SB 5878

UTILITY LOCAL IMPROVEMENT DISTRICTS

- Assessments on specially benefited property: SB 5134
 Exclusion of property of petition signers from district: SB 5133
 Inclusion of property of petition signers in district: SB 5133
 Petition signers, exclusion or inclusion of property in district: SB 5133
 Specially benefited property, assessments on: SB 5134

UTTER, THE HONORABLE JUDGE ROBERT

- Introduced and administered oath of office to newly elected and reelected senators p. 1

VANCE, DAVID

- Eagle scout introduced and addressed senate p. 519

VANDERKOLK, BARBARA

- Reappointed member, board of pharmacy, GA 9078, confirmed pp. 34, 341, 545

VERNIER, HARVEY

- Reappointed member, board of trustees, Central Washington University, GA 9107, confirmed pp. 148, 448, 686

VESSEL DEALERS

- Cash deposit in lieu of surety bond allowed: SB 5006, SSB 5006
 Watercraft registration, exemption from dealers' requirements for specified craft: SB 5472, SSB 5472

VESSELS (See BOATS)**VETERANS**

- Disabled, property tax exemption: SB 5361
- Guadalcanal veterans, special license plates authorized: SB 6043
- Hunting and fishing licenses, eligibility for free licenses: SB 5087, SSB 5087
- Hunting and fishing licenses provided free, age requirement eliminated: SB 5532
- Korean conflict memorial: *HB 1189, CH 235 (1989)
- License plates, honoring and recognizing veterans through remembrance strip attached to plates, method to be developed: HCR 4425
- License plates, remembrance tabs authorized: HB 1412, SB 5954
- Property tax exemption for disabled veterans: SB 5361
- Veterans' assistance fund: SB 5890
- Veterans' assistance fund, levy rate increased: SB 5890
- Vietnam veterans, payment of two hundred fifty dollars to veterans or survivors, eligibility: SB 5998
- Vietnam veterans, tuition and fees at state colleges set at rate paid by veterans on October 1, 1977: *SSB 5293, CH 306 (1989)

VETERINARIANS

- Impaired veterinarian program created: HB 1292
- Substance abuse program, contracting with voluntary substance abuse monitoring program authorized: SB 5614, *SSB 5614, CH 125 (1989)

VICE PRESIDENT PRO TEMPORE (See also SENATOR ELLEN CRASWELL; also PARLIAMENTARY INQUIRIES; also RULINGS AND REPLIES)

- Senator Ellen Craswell, nominated and elected p. 14

VICTIMS OF CRIMES

- Adult entertainment materials tax, revenues dedicated to crime victim compensation: SSB 6052
- Compensation program, eligibility for benefits, limitations on benefits: *SHB 1737, CH 5 E1 (1989), SB 5729, SSB 5729
- Compensation program, payment of medical expenses, fee schedule to be set: *SHB 1737, CH 5 E1 (1989), SB 5729, SSB 5729
- Compensation program to operate within limits of appropriation: *SHB 1737, CH 5 E1 (1989), SB 5729, SSB 5729
- Drunk driving, persons convicted of drunk driving to meet panel in addition to other penalties: SB 6082
- Interest, payment on properly billed medical charges: SB 5961
- Medical aid to, payment of interest on properly billed charges: SB 5961
- Release of defendants during stay of execution on appeal or awaiting sentence, conditions may be attached to protect victims: *HB 1070, CH 276 (1989)
- Restitution, offenders to be held accountable for their legal financial obligations: *SHB 1542, CH 252 (1989)
- Rights, constitutional amendment to provide: SJR 8200
- Rights, revision of provisions relating to: SB 5036, SSB 5036
- Sex offenders, notification of escape, release or furlough: *HB 1024, CH 30 (1989)
- Survivors of victims, rights: SB 5036, SSB 5036
- Victims' impact panel, persons convicted of drunk driving to meet panel in addition to other penalties: SB 6082
- Victim's rights constitutional amendment: SJM 8000

VIDEO COMMUNICATIONS

- State-wide video telecommunications system development: SB 5977, SSB 5977

VIDEO DISPLAY TERMINALS

- Health and safety standards to be established: SB 6025

* - Measures Passed by Both House and Senate

E1 - 1st Special Sess.

E2 - 2nd Special Sess.

VIRANT, RICHARD A.

Reappointed member, tax appeals board, GA 9079,
confirmed pp. 35, 511, 791

VISSER, BILL AND MARGARET

Dairy family of the year introduced p. 441
SFR 1989-8633 p. 440

VITAL RECORDS

Local registrars' duties: SHB 1264

VOCATIONAL EDUCATION

Baccalaureate degree equivalencies to be established for certification of
instructors: SB 5266, *SSB 5266, CH 29 (1989)

Competitive bidding requirements, exempt in case of sole source supplier: HB
1157

Innovations for the twenty-first century program: SB 5269, SSB 5269, 2SSB 5269

Local advisory councils: SB 5269, SSB 5269, 2SSB 5269

Master's degree equivalencies to be established for certification of instructors
after August 31, 1992: SB 5266, *SSB 5266, CH 29 (1989)

Sole source supplier, exemption from competitive bidding requirements: HB 1157

Staff to student ratio established: SB 5269, SSB 5269, 2SSB 5269

State board for vocational education established, successor to commission for
vocational education: SB 5545

State council on vocational education created to comply with federal vocational
education funding laws: SB 5545

VOCATIONAL REHABILITATION

Expenditures for services, conditions for supervisor of industrial insurance's
authorization: HB 1118, SB 5303

Expenditures up to six thousand dollars per year authorized to implement meri-
torious plans: SB 5730

Supervisor of industrial insurance may authorize expenditures for services, con-
ditions: HB 1118, SB 5303

VOGNILD, SENATOR LARRY L.

Appointed children and family services and
rules committees p. 38

Remarks, John A. Cherberg Day p. 41

Parliamentary inquiry, status of amendments to ESB 5558 p. 557

Request for minority report p. 561

Parliamentary inquiry, status of amendments, ESB 5233 p. 588

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before senate p. 676

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ruling, ESB 5558 p. 677

Personal privilege, clarification of remarks on motion
to reconsider ESB 5558 p. 678

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Parliamentary inquiry, 2SSB 5225 to survive cut-off p. 806

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Motion to suspend senate rule 53 p. 935

Withdraws all amendments by democrats to SSB 5352 p. 935

Parliamentary inquiry, question if motion will be
considered after recess p. 1009

Parliamentary inquiry, question ruling going to ninth order
of business to move a bill p. 1106

Parliamentary inquiry, clarification of ruling, SSB 5691
properly before senate p. 1118

* - Measures Passed by Both House and Senate

E1 - 1st Special Sess.

E2 - 2nd Special Sess.

VOGNILD, SENATOR LARRY L.—cont.

- Motion to move SHB 1952 to bottom of second reading calendar..... p. 1130
- Motion to move SHB 1952 to bottom of second reading calendar withdrawn..... p. 1172
- Parliamentary inquiry, votes needed to pass HB 1682..... p. 1406
- Request to have record show sufficient votes to pass SSB 5315 without getting members working on conference committees..... p. 2205
- Parliamentary inquiry, new bill can be introduced at any time..... p. 2896
- Objection to motion to adjourn until Friday, May 19..... p. 2961

von REICHBAUER, SENATOR PETER

- Appointed financial institutions and insurance, chair; transportation, vice chair; and higher education committees..... p. 38
- Point of order, amendment to SSB 5149..... p. 738
- Appointed interim member legislative transportation committee..... p. 2974

VOLUNTEERS

- Immunity from civil liability for landowners who permit groups to use land for projects: SB 5424

VOTING

- Absentee ballot, qualified voter can register in person up to fifteen days before election and vote by: HB 1433
- Cancellation of voter registration, inquiry and notice procedures: *HB 1996, CH 261 (1989)
- Driver's license application or renewal, may register to vote at same time: SHB 1666, SB 6031
- High school students, voter registration: HB 1109
- Precinct boundaries, precinct maps are public records open to inspection: *HB 1698, CH 278 (1989), SB 5657
- Precinct boundaries, restrictions on locating and changing boundaries, preparation of precinct maps: *HB 1698, CH 278 (1989)
- Registration by mail: HB 1129
- Registration, information required on application form, insertion by applicant or registration officer: HB 2035
- Registration of high school students: HB 1109
- Registration, qualified voter can register in person up to fifteen days before election and vote by absentee ballot: HB 1433
- Voter registration, cancellation, inquiry and notice procedures: *HB 1996, CH 261 (1989)

VULNERABLE ADULTS

- Abuse or exploitation, protection proceeding record information, state patrol collection and disclosure duties: *SSB 5107, CH 334 (1989)
- Abuse or exploitation protection services: SB 5161
- Abuse or exploitation, register of convictions and civil judgments: SB 5107, SSB 5107
- Legal assistance to be provided: SB 5161
- Prospective caretaker employees, abuse or exploitation convictions and civil judgments to be disclosed: SB 5107, *SSB 5107, CH 334 (1989)

WADE, ANNE M.

- Reappointed trustee, Tacoma community college district no. 22, GA 9116, confirmed..... pp. 398, 930, 1254

* - Measures Passed by Both House and Senate

E1 - 1st Special Sess.

E2 - 2nd Special Sess.

WAGES AND HOURS

- Overtime, interstate truck drivers exempted from coverage of overtime wage requirements: *SSB 5746, CH 104 (1989)
 Truck drivers, interstate drivers exempted from coverage of overtime wage requirements: SB 5746, *SSB 5746, CH 104 (1989)

WALLA WALLA COMMUNITY COLLEGE DISTRICT NO. 20

- Patrick F. Donohue, trustee, GA 9131 p. 2227

WALDO, JAMES C.

- Reappointed trustee, Western Washington University, GA 9105,
 confirmed pp. 148, 929, 1124

WALTON, JAMES G.

- Trustee, Spokane community college district no. 17, GA 9080,
 confirmed pp. 35, 237, 374

WARKE, SENATOR FRANK J.

- Appointed economic development and labor, rules, and
 ways and means committees p. 38
 Parliamentary inquiry, clarification of votes needed
 to pass HB 1682 p. 1406
 Appointed interim member legislative budget committee p. 2974

WARTNIK, JUDGE ANTHONY

- Reappointed member, child support schedule commission,
 GA 9081, confirmed pp. 35, 2008, 2009, 2519

WASHINGTON AMBASSADOR PROGRAM

- Data collection and dissemination: SB 5001, SSB 5001

WASHINGTON PUBLIC POWER SUPPLY SYSTEM EXECUTIVE BOARD OF DIRECTORS

- Sam J. Farmer, Jr., member, GA 9017 p. 23
 Sam J. Farmer, Jr., reappointed member, GA 9134 p. 2888
 Sydney Steinborn, reappointed member, GA 9072 pp. 33, 2889
 John F. Cockburn, member, GA 9135 p. 2889

WASHINGTON STATE UNIVERSITIES

- Branch campuses in southwest Washington, Spokane area, and tri-cities area:
 SHB 1822

WASHINGTON STATE UNIVERSITY

- Branch campuses at Spokane and in the southwest Washington and Tri-cities
 areas authorized: *SB 6095, CH 7 E1 (1989)
 Branch campuses established: SB 5230, SSB 5230
 Placebound students in Spokane, southwest Washington area, and tri-cities area,
 courses to be offered: SB 5975, SSB 5975, 2SSB 5975
 Upper division and graduate courses, to provide in Spokane area with Eastern
 Washington University: SHB 1822
 Waste management education program feasibility study: SB 5996, SSB 5996

WASHINGTON STATE UNIVERSITY BOARD OF REGENTS

- William R. Wiley, member, GA 9106,
 confirmed pp. 148, 448, 667

WASHINGTON-OREGON OFFICE OF ASIAN AFFAIRS

- Establishment: SB 5004

WASHINGTON-OREGON OFFICE OF STATE-FEDERAL REGULATIONS

- Establishment: SB 5005

* - Measures Passed by Both House and Senate

E1 - 1st Special Sess.

E2 - 2nd Special Sess.

WASTE

- Discharges, penalties increased for unpermitted discharges and falsification of information related to them: SB 5467
- Loads of waste materials transported on highways must be secured to prevent spillage: HB 1222
- Medical waste disposal and transportation: SB 5446

WASTE DISPOSAL

- Fin fish rearing facilities, waste disposal permits, applications and standards: SB 5561, *SSB 5561, CH 293 (1989)
- General obligation bonds for public waste disposal, authority of state finance committee to issue: SB 5374
- Waste management education program, feasibility study to be done by Washington State University and Columbia Basin College: SB 5996, SSB 5996

WATER

- Conservation and efficient use of water to be emphasized in water resource policy: SB 5438
- Conservation programs, water utilities authorized to conduct, limitations: SB 5889, *SSB 5889, CH 421 (1989)
- Conservation, state agencies to administer programs to maximize: SB 5438
- Efficiency and conservation to be emphasized in management of the state's waters: *SHB 1397, CH 348 (1989), SB 5195, SSB 5195
- Public water systems, purveyors may not impose more stringent conditions on fire hydrants than those required by local government: SB 5569
- Resources policy, joint select committee, policy consideration functions expanded: SB 5891, SSB 5891
- Resources policy, technical and public advisory groups appointed to assist joint select committee: SB 5891, SSB 5891
- Safe drinking water act: *SSB 5566, CH 422 (1989)
- Sole source aquifers supplying drinking water to receive first priority in protection programs: SB 5253
- Utilities providing water authorized to conduct conservation programs, limitations: SB 5889, *SSB 5889, CH 421 (1989)
- Water sales or distribution entities allowed to undertake conservation assistance financing: SJR 8210

WATER COMPANIES

- Tariff changes, proposed, suspension: *SB 5023, CH 152 (1989)

WATER DISTRICTS

- Additions to and betterment of systems, when required to develop financing plan: *SSB 6013, CH 389 (1989)
- Approval procedure for sale of surplus property: SB 5092
- Assessment reimbursement contracts: SB 5434
- Connection charges, equitable share determination, factors to be considered: SB 5434
- Connection charges to be based on pro rata share of specified costs: *SSB 6013, CH 389 (1989)
- Consolidation and merger of districts: *SHB 1217, CH 308 (1989)
- Contract projects of greater than \$50,000, bid procedure: *HB 1220, CH 105 (1989)
- Contract projects of less than \$50,000 may be awarded to contractors on small works roster: *HB 1220, CH 105 (1989)
- Contracts with landowners for water and sewer projects required as a condition of development: SB 5434
- Electorate, expansion in districts with fifty or fewer residents, procedures: SB 5900
- Extensions of system, financing conditions and contingencies: *SSB 6013, CH 389 (1989)
- Powers, procedure: *SHB 1217, CH 308 (1989)

* - Measures Passed by Both House and Senate

E1 - 1st Special Sess.

E2 - 2nd Special Sess.

WATER DISTRICTS—cont.

Property, approval procedure for sale of surplus property: SB 5092

WATER POLLUTION

Damages collected for violations of the water pollution control act, deposit and use: *SHB 1854, CH 262 (1989)

Fish culture units, department of ecology entry, notice and sterilization requirements: SSB 5075

Fish hatcheries, waste discharge permits, not required if not required under federal law: SB 5720

Investigations by department of ecology, power to compel witnesses to appear: SB 5075

Measure of damages for violations of the water pollution control act: *SHB 1854, CH 262 (1989), SB 6028

Oil spills compensation, deposit in coastal protection fund, steering committee to authorize expenditures: *SHB 1853, CH 388 (1989)

Oil spills, compensation, schedule development, assessment of compensation, and preassessment screening: *SHB 1853, CH 388 (1989)

Oil spills, damage assessment and recovery: SHB 1853, SB 6027

Violations of the water pollution control act, assessment of damages: *SHB 1854, CH 262 (1989), SB 6028

Witnesses in investigations by department of ecology, power to compel appearance: SB 5075

WATER QUALITY

Waste discharge, penalties increased for unpermitted discharges and falsification of information related to them: SB 5467

WATER RIGHTS

Drought emergencies, temporary changes in water rights, powers of department of ecology: *SSB 5196, CH 171 (1989)

Efficiency and conservation to be emphasized in management of the state's waters: *SHB 1397, CH 348 (1989), SB 5195, SSB 5195

Hatcheries, upland fin fish hatcheries may divert water without permit: SB 5721

Superior court may retain cases involving more than one thousand named defendants, conditions for retention: *SB 5983, CH 80 (1989)

Surface water runoff, landowner causing discharge liable, irrigators of agricultural land exempted from liability: SB 5846, SSB 5846

Yakima river basin, rights placed in trust account not to be lost for nonuse: SB 5984

Yakima river basin trust water rights program, department of ecology administrative duties: *SSB 5984, CH 429 (1989)

WATER SKIING

Safety: *SHB 1007, CH 241 (1989)

WATKINSON, LARRY

Trustee, state school for the blind, GA 9082,

confirmed pp. 35, 850, 917

WENATCHEE VALLEY COMMUNITY COLLEGE DISTRICT NO. 15

T. W. Small, Jr., reappointed trustee, GA 9065,

confirmed pp. 32, 447, 520

WESTERN LIBRARY NETWORK

Private nonprofit corporation status, change authorized: SB 5168, *SSB 5168, CH 96 (1989)

WESTERN WASHINGTON UNIVERSITY BOARD OF TRUSTEES

Mary Kay Becker, member, GA 9099,

confirmed pp. 147, 447, 590

WESTERN WASHINGTON UNIVERSITY BOARD OF TRUSTEES—cont.

James C. Waldo, reappointed member, GA 9105,
confirmed pp. 148, 929, 1124

WEST, SENATOR JAMES E.

Appointed health care and corrections, chair; economic development and
labor, and financial institutions and insurance
committees p. 38
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Point of order, amendment to SB 5204 p. 649
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Appointed interim member legislative transportation
committee p. 2974

WESTRENDS

Report by western legislative conference of state
governments p. 902

WETLANDS

Conservation and management: SB 5856
Local regulation allowed when not more stringent than state forest practices
regulations: SB 5388
Management and protection of: SHB 1392, SB 5378, SSB 5378, 2SSB 5378
Regulated activities, permit process: SB 5856
Wetland management act of 1989: SHB 1392, SB 5378, SSB 5378, 2SSB 5378
Wetlands commissions created: SB 5856

WHATCOM COMMUNITY COLLEGE DISTRICT NO. 21

Fielding Formway, member, board of trustees, GA 9101,
confirmed pp. 147, 448, 591

WHISTLEBLOWERS

Auditor's duties regarding disclosure of improper governmental actions: SHB
1263, SB 5173, SSB 5173
Disclosure of improper governmental actions : SHB 1263, SB 5173, SSB 5173
Immunity from civil liability for persons who report possible wrongdoing to gov-
ernment agency: *SHB 1254, CH 234 (1989), SB 5336, SSB 5336
State auditor, employees providing information of improper governmental
action, to notify auditor of reprisal actions: *SSB 5173, CH 284 (1989)

WHITNEY, EVELYN

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- Publications, advertising may be solicited, sold, and printed in: SB 5839
- Search and rescue fund, to be funded by surcharge on hunting and fishing licenses: SB 6038

WILEY, WILLIAM R.

- Reappointed member, higher education coordinating board,
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- Member, board of regents, Washington State University,
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WILLIAMS, TERRY

- Reappointed member, Puget Sound water quality authority,
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WILSON, MAJEL A.

- Reappointed trustee, Edmonds community college district no. 23,
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- Law enforcement interception or recording of drug-related conversations: SB 5337
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* - Measures Passed by Both House and Senate

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- Trustee, South Puget Sound community college district no. 24, GA 9091, confirmed pp. 37, 367, 577

WOODS, BETTY

- Member, personnel board, GA 9110, confirmed pp. 205, 1612, 1632, 2102

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- Program modifications: SB 5111, SSB 5111, *SSB 5111, CH 89 (1989)

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- Agricultural workers, coverage extended to: HB 2222
- Attorneys' fees on appeal, written application to be submitted within one year of final decision: SB 5685
- Bad faith conduct by employers: SB 5607
- Benefit payments, when resumed following recovery from third party, determination: SB 6090
- Benefits, payment in disputed cases: HB 1343, SB 5602, SSB 5602
- Benefits rates set: SB 6017
- Claimant's file, when claimant may review: SB 6017
- Common and contract carriers, coverage to be provided unless similar coverage in another state covers Washington employees: *HB 1518, CH 368 (1989)
- Disability claims by self-insurers: SB 5748
- Disputes between employers over responsibility for payment of benefits, appeal to board of industrial insurance appeals: SB 5751
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- Employers, bad faith conduct: SB 5607
- Employers, group participation in retrospective rating program: *HB 1117, CH 49 (1989), SB 5302
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- Health care information, release to employer, department, and claimant by health care providers: SB 5754, SSB 5754
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- Industrial insurance labor-management cooperation program established: SB 5870

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- Lien on third party recovery by worker, state or self-insurer, no lien to be asserted: SB 5792
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- Medical aid fund premium rate in each risk classification to have employer and employee component: SB 5468
- Medical aid premiums and medical aid fund portion of retrospective rating program, experience rating prohibited: SB 5603
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- Payments, when terminated: SB 5606
- Pension benefits, self-insurers authorized to purchase annuities to pay: SB 5749
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- Recoveries from third parties, benefit payments, when resumed, determination: SB 6090
- Repayment of benefits in disputed cases, responsibility for repayment: HB 1343, SB 5602, SSB 5602
- Responsibilities of insurance commissioner transferred to department of labor and industries: HB 1791, *SB 5679, CH 190 (1989)
- Resumption of benefit payments following recovery from third party, determination: SB 6090
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- Self-insurers, claims procedure: HB 1267, SB 5608
- Self-insurers, disability claims, closure by employer: SB 5748
- Self-insurers, employee-purchased businesses, qualification as: SB 6010
- Self-insurers, irrevocable letter of credit as proof of financial ability, use authorized: SB 5808
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- Third party recovery by worker, state or self-insurer may not assert lien: SB 5792
- Underinsured motorist policy recovery by worker, state or self-insurer has no statutory interest in: SB 5791
- Underinsured motorist policy recovery by worker, when state or self-insurer may assert lien: SB 5792

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- Causes of action limited: SB 5125, SSB 5125

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- Conservation projects, authorization to spend public funds, contracts with water users, and preservation of water rights: SB 5984

* - Measures Passed by Both House and Senate

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Water conservation projects, department of ecology authorized to enter into contracts with water users: *SSB 5984, CH 429 (1989)

Water rights, acquisition by department of ecology of trust rights authorized: *SSB 5984, CH 429 (1989)

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YAKIMA VALLEY COMMUNITY COLLEGE DISTRICT NO. 16

Coralee Mattingly, reappointed trustee, GA 9044.

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YAMASHITA, ROBERT

Reappointed trustee, Tacoma community college district no. 22.

GA 9117, confirmed pp. 399, 930, 1279

ZIMMERMAN, HAROLD (HAL) S.

Member, pollution control hearings board, GA 9086.

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Family day care as residential use: SB 5185

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