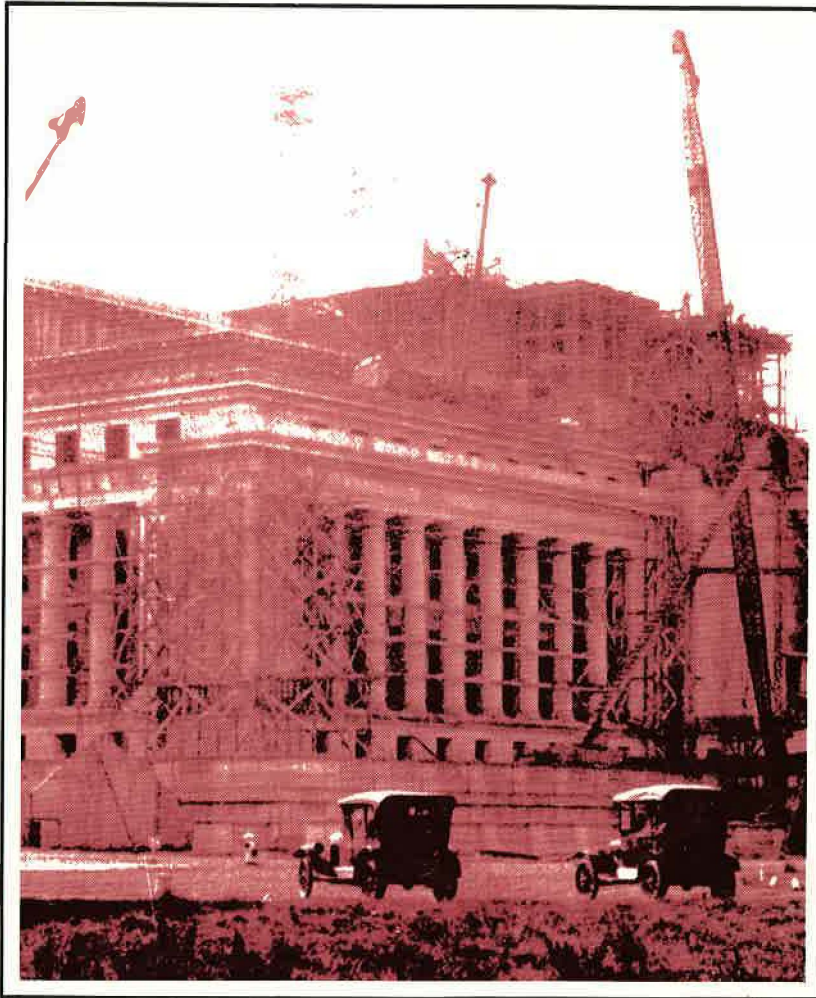


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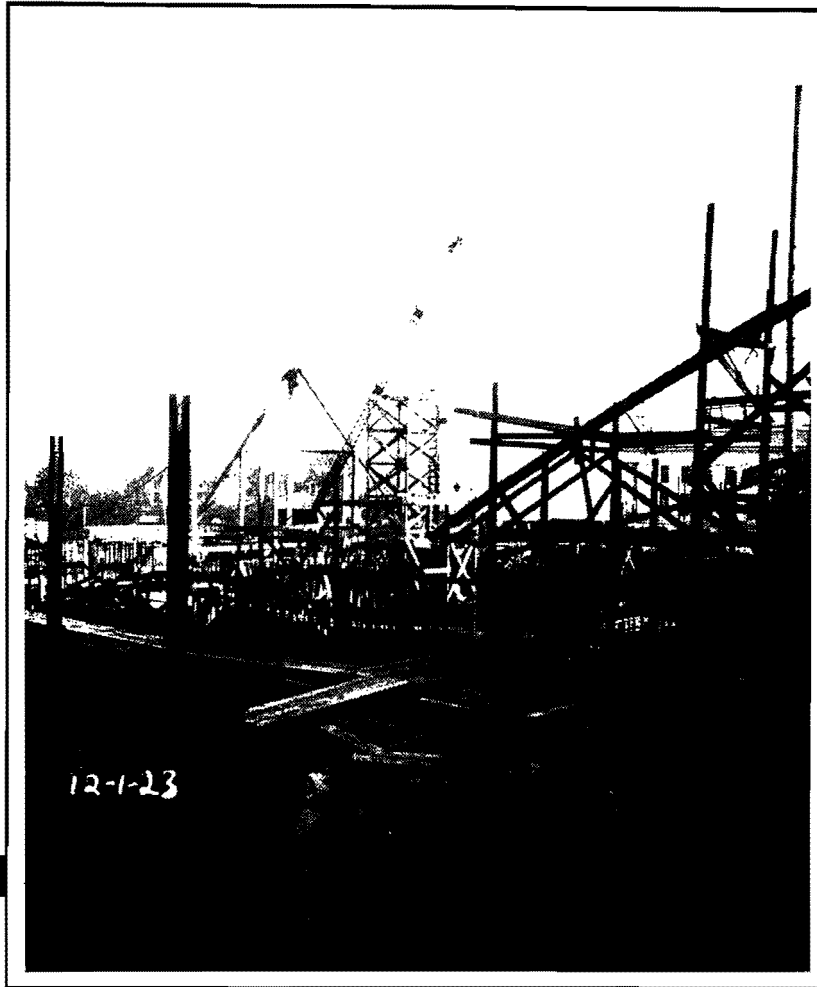


# LEGISLATIVE REPORT

1 ♦ 9 ♦ 8 ♦ 4

FORTY-EIGHTH LEGISLATURE OF WASHINGTON STATE

FINAL



# LEGISLATIVE REPORT

1 ♦ 9 ♦ 8 ♦ 4

FORTY-EIGHTH LEGISLATURE OF WASHINGTON STATE

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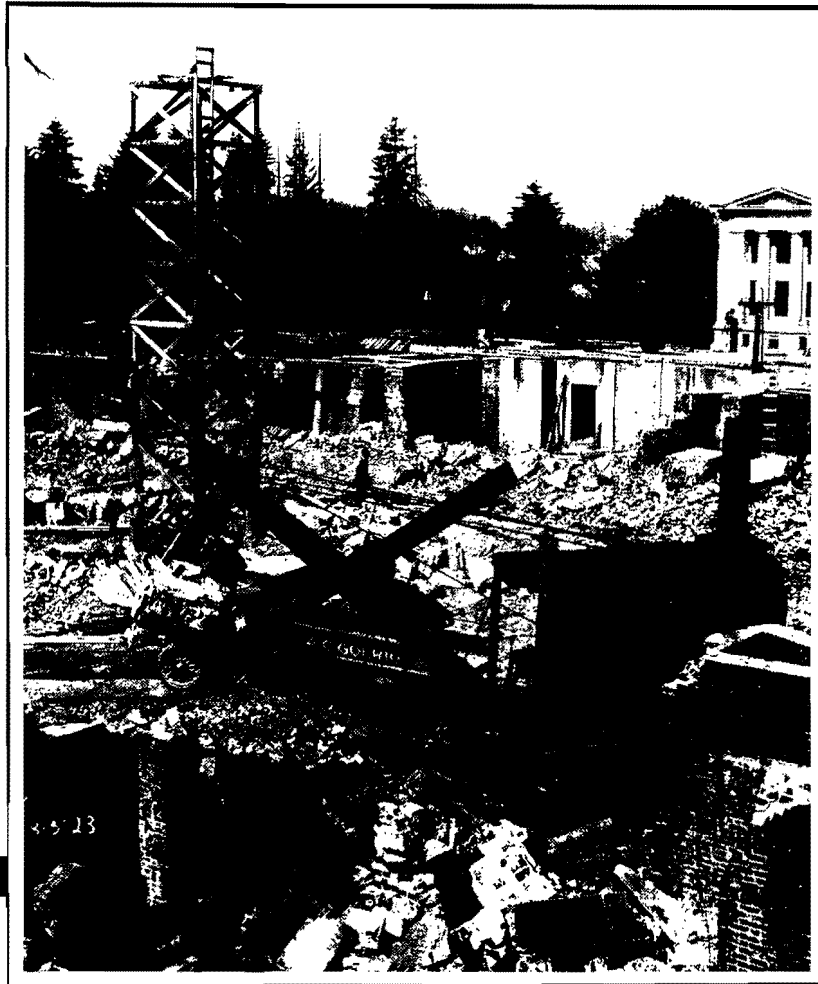
**The House Office of Program Research**

205 House Office Building  
Olympia, Washington 98504  
(206) 753-0520

**Senate Committee Services**

101 Senate Office Building  
Olympia, Washington 98504  
(206) 753-6826

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#### EDITOR'S NOTE

The pictures chosen to illustrate this year's edition of the **Legislative Report** were taken during the construction of the Legislative Building in the 1920's. These pictures are a few of the many available in the Washington Room of the Washington State Library, Olympia, Washington.





# WASHINGTON STATE LEGISLATURE

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

April, 1984

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

This final edition of the **Legislative Report** is a summary of legislative action during the 1984 Regular Session of the 48th Legislature. It provides summaries of legislation which passed the Legislature, budget highlights and a record of all gubernatorial actions.

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

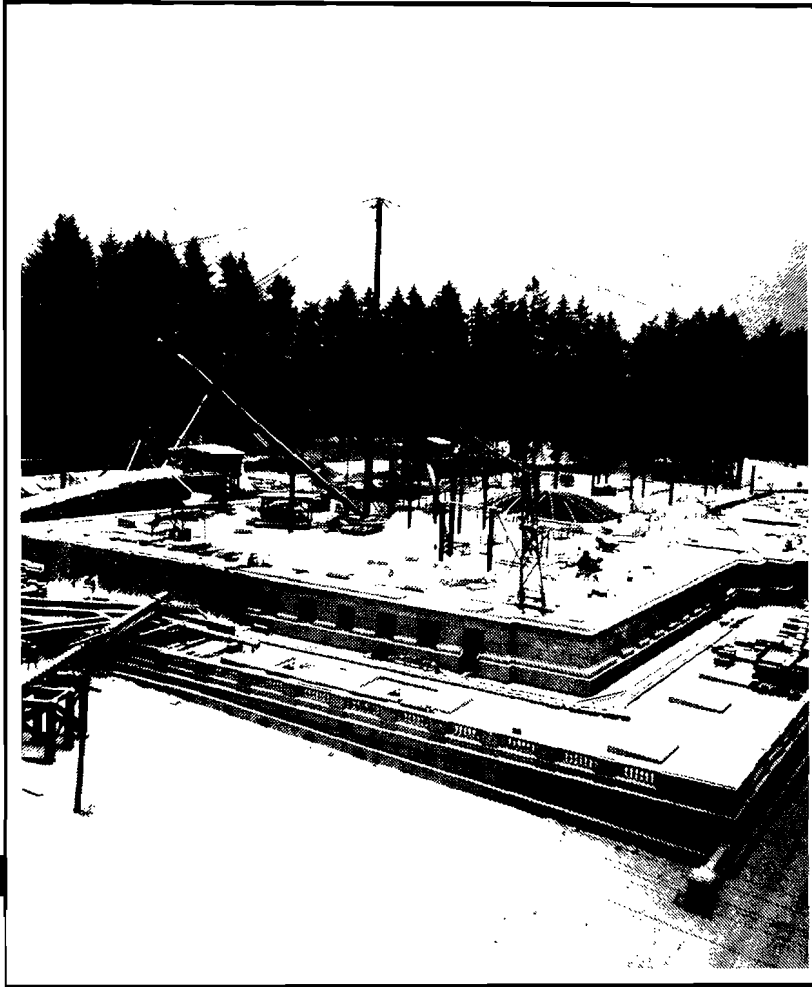
Sincerely,

R. Ted Bottiger  
Senate Majority  
Leader

Wayne Ehlers  
Speaker of the  
House of Representatives

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1984  
REGULAR SESSION  
OF THE  
48<sup>TH</sup> LEGISLATURE

Bills Before Legislature

	Introduced	Passed Legislature	Vetoed	Partially Vetoed	Enacted
<b>1984 REGULAR SESSION</b> (January 9 – March 8)					
House	678	147	4	14	143
Senate	593	150	4	11	146
<b>LEGISLATURE</b>	<b>1,271</b>	<b>297</b>	<b>8</b>	<b>25</b>	<b>289</b>
<b>TOTAL</b> (1983 & 1984 Sessions)					
House	1,778	364	14	32	350
Senate	1,871	341	8	23	333
<b>TOTAL</b>	<b>3,649</b>	<b>705</b>	<b>22</b>	<b>47</b>	<b>683</b>

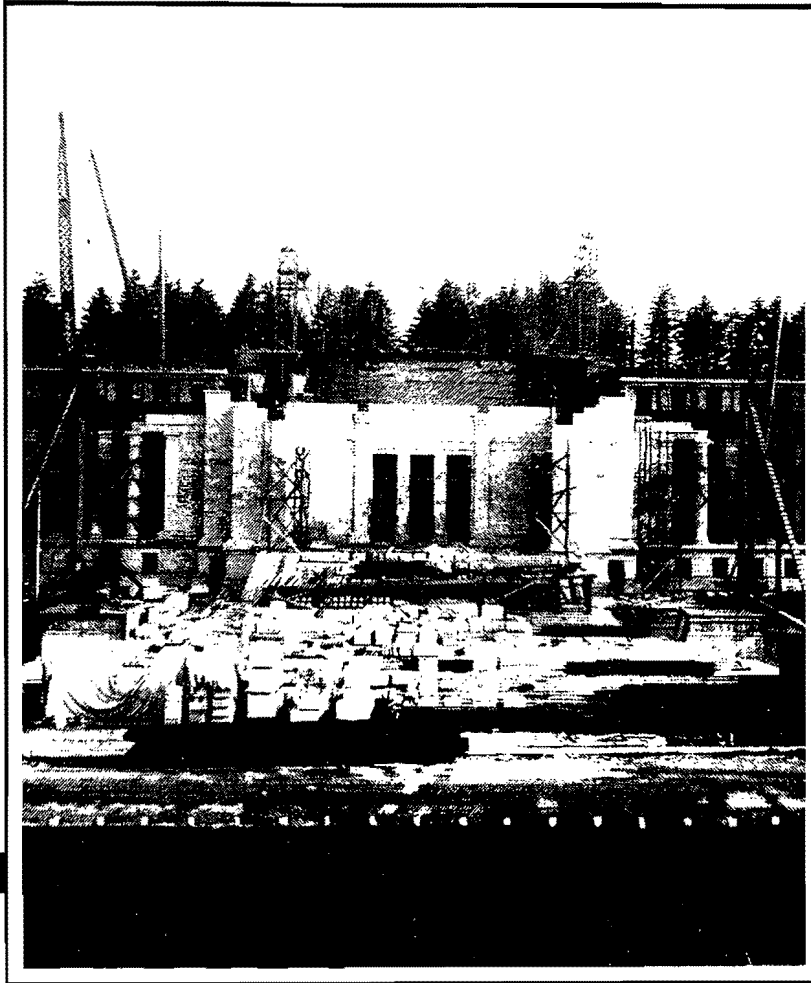
**Joint Memorials, Joint Resolutions and  
Concurrent Resolutions Before the Legislature**

	Introduced	Filed with Secretary of State
1984 REGULAR SESSION		
House	42	12
Senate	41	9
<b>LEGISLATURE</b>	<b>83</b>	<b>21</b>
<b>TOTAL (1983 &amp; 1984 Sessions)</b>		
House	145	31
Senate	127	25
<b>LEGISLATURE</b>	<b>272</b>	<b>56</b>

**Gubernatorial Appointments**

1984 REGULAR SESSION	Referred	94
	Confirmed	70
<b>TOTAL (1983 &amp; 1984 Sessions)</b>	Referred	204
	Confirmed	135

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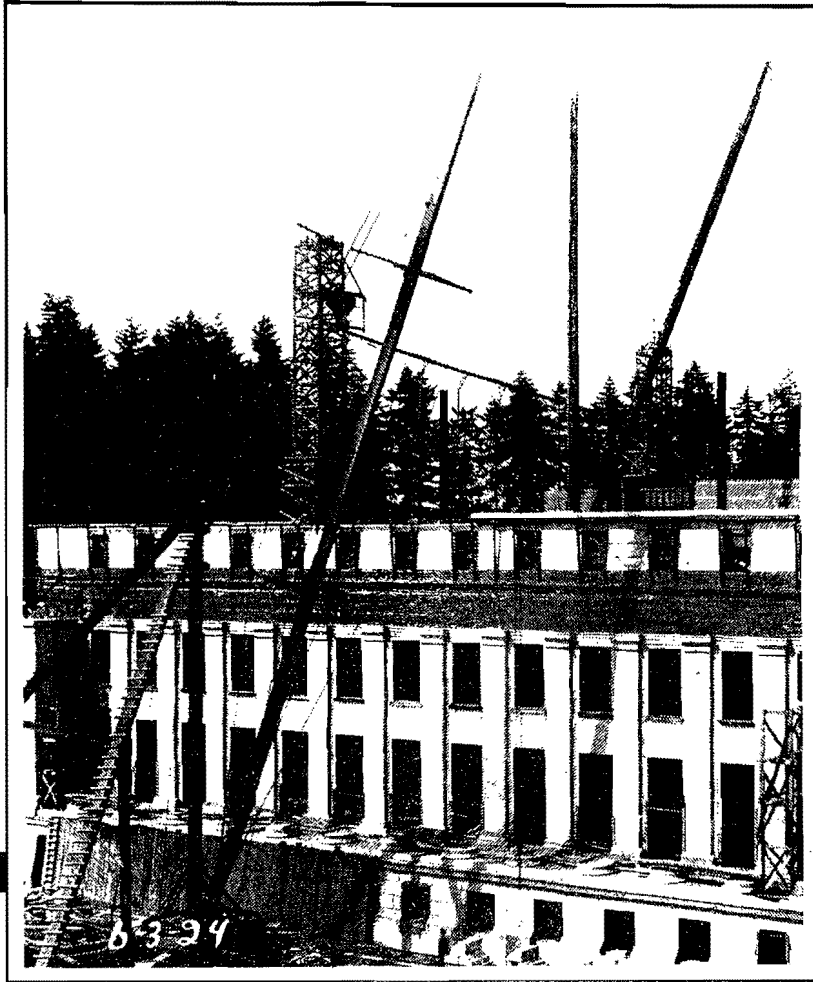
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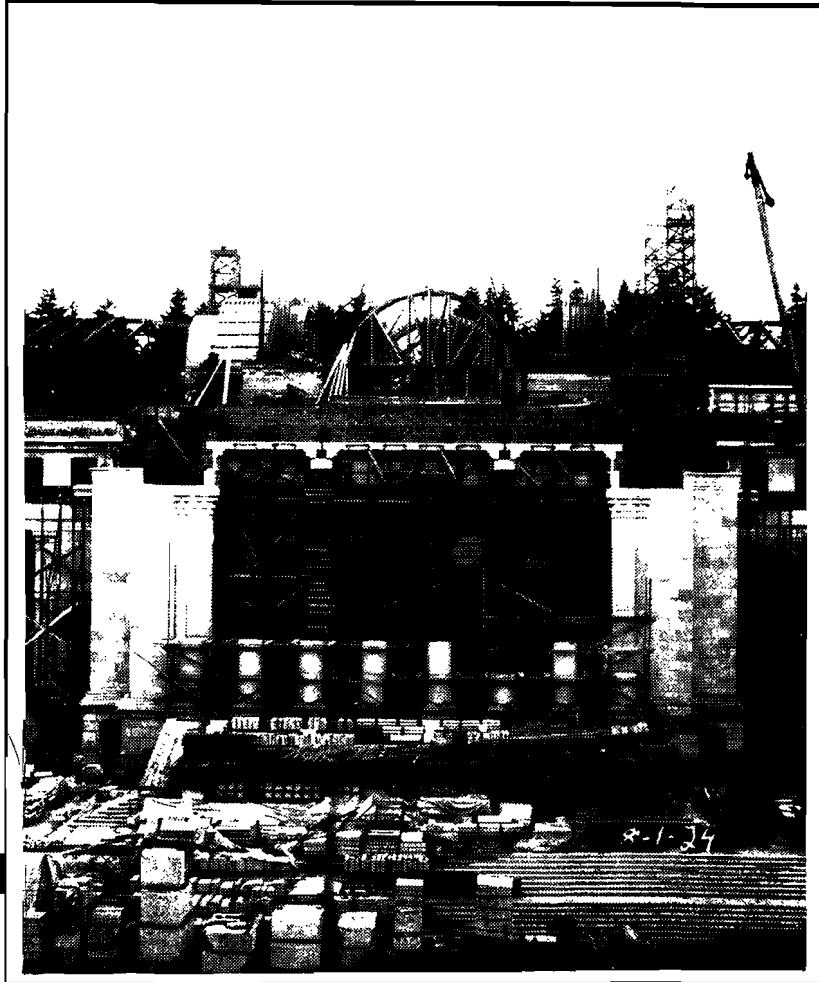
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# LEGISLATION



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**SHB 69**

C 92 L 84

By Committee on State Government (originally sponsored by Representatives Wang, Johnson, Burns, Niemi, Allen, Locke, Patrick, Smitherman, O'Brien, Fisher, D. Nelson, Belcher, Lux, Egger, Powers, Rust, Addison, Charnley, McClure and Lewis)

Providing for Martin Luther King, Jr.'s birthday as a state and school holiday.

House Committee on State Government

Senate Committee on Education

**BACKGROUND:**

For employees of the state and political subdivisions of the state, including school districts, the following are holidays: Sunday; the first day of January (New Year's Day); the third Monday in February (celebrated as the anniversary of the birth of George Washington); the last Monday in May (Memorial Day); the fourth day of July (anniversary of the Declaration of Independence); the first Monday in September (Labor Day); the eleventh day of November (Veterans' Day); the fourth Thursday in November (Thanksgiving Day); the day immediately following Thanksgiving Day; and the twenty-fifth day of December (Christmas Day). In addition, the twelfth day of February (celebrated as the anniversary of the birth of Abraham Lincoln) is a holiday for employees of the state and its political subdivisions but not for school districts and specified nonclassified employees of institutions of higher education. Saturday is also a school holiday.

In recent years the Washington State House of Representatives has approved House Floor Resolutions honoring the Reverend Dr. Martin Luther King, Jr. on his birthday, January 15.

Recent federal legislation established the third Monday in January as a holiday honoring Martin Luther King, Jr.'s birthday. Celebration of the federal holiday begins in 1986.

**SUMMARY:**

The third Monday in January is declared a school holiday in recognition of the anniversary of the birth of Martin Luther King, Jr.

**VOTES ON FINAL PASSAGE:**

House	70	25
Senate	33	15

EFFECTIVE: June 7, 1984

**2SHB 85**

C 150 L 84

By Committee on Labor (originally sponsored by Representatives R. King and Patrick)

Expanding number of counties subject to binding arbitration for law enforcement officers.

House Committee on Labor

Senate Committee on Local Government

**BACKGROUND:**

Law enforcement officers employed by the state's larger cities and by King County are now subject to the sections of the Public Employees' Collective Bargaining Act which provide for binding arbitration to resolve labor disputes involving "uniformed personnel." Firefighters in cities and counties of all sizes are also subject to these provisions.

Law enforcement officers employed by the smaller cities (under 15,000 population) and by all counties except King County are not subject to binding arbitration. They are, however, covered by the other provisions of the Public Employees' Collective Bargaining Act.

**SUMMARY:**

The binding arbitration provisions of the Public Employees' Collective Bargaining Act are extended to counties with populations of 70,000 or more. (Class 2 or larger).

The ten counties affected are: Pierce, Spokane, Snohomish, Clark, Yakima, Kitsap, Thurston, Benton, Whatcom and Cowlitz.

**VOTES ON FINAL PASSAGE:**

House	71	27
Senate	26	16 (Senate amended)
House	75	21 (House concurred)

EFFECTIVE: July 1, 1985

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## SHB 105

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### SHB 105

C 214 L 84

By Committee on Natural Resources (originally sponsored by Representatives Martinis, B. Williams and Stratton; by Department of Game Request)

Eliminating counties' option to collect in-lieu property taxes on game department lands.

House Committee on Natural Resources

Senate Committee on Natural Resources

#### BACKGROUND:

The State Game Department owns game lands which are used for wildlife habitat and recreational purposes. About 320,000 acres of these game lands are located in twelve counties of the state. Game land, like other publicly owned property is exempt from property tax.

In 1965, the Legislature established an "in-lieu" property tax for game lands equal to that which would be paid on similar parcels of real property. Counties have the option of either collecting the in-lieu tax or retaining one-half of fines and forfeitures resulting from game law violations in the county.

Twelve counties affected have opted for the in-lieu tax. Three of the twelve base the in-lieu tax on open space classification; the others charge payments based on fair market value.

The Game Department paid in-lieu taxes of \$223,142 to the counties in 1981.

#### SUMMARY:

Counties retain the option of collecting the in-lieu payments or retaining one-half of fines and forfeitures from Game violations. If the counties choose in lieu payments that payment shall be based on the open space value of the property or the greater of: (1) seventy cents/acre or (2) the amount actually paid in 1984 plus an assessment for noxious weed control. Lands purchased for Snake River mitigation purposes will be included in this in lieu program even if less than 100 acres in size.

The effect of the bill is that no county need suffer a reduction in collections of these in-lieu payments

from the Game Department while at the same time the rapid rate of increase will be halted.

#### VOTES ON FINAL PASSAGE:

House	93	1	
Senate	44	0	(Senate amended)
House	98	0	(House concurred)

EFFECTIVE: January 1, 1984

### SHB 145

C 40 L 84

By Committee on Education (originally sponsored by Representatives Galloway, P. King, Dickie, Schoon, Struthers and Holland; by Superintendent of Public Instruction request)

Revising certain laws regulating common schools.

House Committee on Education

Senate Committee on Education

#### BACKGROUND:

Miscellaneous sections of the school code have become obsolete or have been superseded by subsequent legislation.

#### SUMMARY:

The following provisions of the school code which have become obsolete or have been superseded by subsequent legislation are removed from the law: (1) Language requiring a report to the legislature regarding the approval process for private schools. The report was completed in 1975; (2) The duty of the State Board of Education to prepare courses of instruction in physical education; (3) References to the obsolete implementation dates for the immunization program; (4) References to third class school districts; (5) Language which transferred the SPI sick leave fund monies to the state general fund; (6) Sections pertaining to: (a) completion of terms by the Educational Service District Board members elected prior to September 21, 1977, and (b) Altered methods of election for these people; (7) Sections permitting legislative review of educational rules; and (8) A section that validated prior contracts or indebtedness in the provision of housing for a superintendent of a second or third class school district.

## VOTES ON FINAL PASSAGE:

House	91	2
Senate	46	0

EFFECTIVE: June 7, 1984

**2SHB 181**

C 222 L 84

By Committee on Ways & Means (originally sponsored by Representatives Stratton, B. Williams, Isaacson, Sanders, Martinis, McClure, McDonald and Mitchell)

Modifying provisions regarding public lands.

House Committee on Ways & Means

Senate Committee on Natural Resources

## BACKGROUND:

The Department of Natural Resources (DNR) is the state agency delegated responsibility for the management of state trust lands, the primary beneficiaries of which are the common schools. Some lands which were granted to or acquired by the State are located in or near urban areas. The 1981 Legislature commissioned a study by DNR of urban lands, including an inventory of those lands and a management plan.

In its study, the Department identified "transition lands" as those lands in transition from traditional forest or agricultural use because of their proximity to urban areas and subsequent potential value for other uses. The entire transition lands base consists of about 120,000 acres. Within that category, some 16,300 acres were identified as urban lands; those lands which are currently, or within the next ten years, will come under pressure for urban development (residential, commercial, or industrial).

The current estimated value of the 16,300 acres of urban lands (128 parcels in 24 counties) is about \$100 million. About 75 percent or 12,000 acres has potential for residential development only. The study contained a number of recommendations: (1) Single family residential property should be exchanged for other land; (2) DNR should make marginal capital investment in urban lands (commercial and residential) for planning, zoning, platting, and off-site infra-structure development;

(3) DNR should work with local governments in planning and zoning decisions affecting transition lands; and (4) Management of transition lands will require a combination of talents from DNR staff and the private sector.

DNR has identified residential use properties which will be uneconomical to develop and manage and should be sold. Outright sale of the land would result in deposit of proceeds to a permanent fund and a reduction of the state's land base. Direct exchange of such lands for other lands is impractical.

The State Constitution requires that the proceeds from the sale of trust lands must be deposited to irreducible permanent funds. The beneficiaries are able to use the interest earnings of these permanent funds on a current basis, but the principal must be maintained.

The resource management land bank, administered by the DNR, is a mechanism currently used to sell less productive lands and replace them with more productive land. To maintain the trusts' land base, productive land is purchased, placed in the land bank, then exchanged with the less productive trust land of equal value. The less productive land can then be sold without constitutional restrictions and the proceeds used to acquire other lands which can in turn be exchanged with trust lands. This process of purchase, exchange, and sale can continue indefinitely, meet constitutional and enabling act requirements, and maintain the trusts' land base. But the current land bank is restricted to lands used for natural resource production, such as forest and agriculture. The land bank cannot accommodate development property.

Sales of state lands must be by public auction and the terms require a 10 percent down payment and nine equal yearly payments plus interest, or at the purchaser's option, cash payment.

Initial leases of state lands require public bid; subsequent re-leases may be negotiated.

## SUMMARY:

The Department of Natural Resources is authorized to identify trust lands which are expected to convert to residential, commercial, or industrial uses within 10 years, in light of local comprehensive plans. Public hearings, with proper notification in the county where the lands are located, are required. Lands identified prior to the effective



date are subject to these same hearing and notification requirements.

Those lands which the Department cannot efficiently manage may then be exchanged for land with a greater potential for natural resource or income production. The existing land bank is renamed and the existing capacity is expanded from 1,000 to 1,500 acres to accommodate these urban land exchanges. This enables unproductive land to be sold, the land asset base to be maintained, and compliance with the Constitution.

Local and state governments will be afforded a reasonable opportunity to purchase land bank lands at fair market value.

Property purchased for development is subject to in-lieu of tax payments for the period the property is held in the land bank.

The Forest Development Account and Resource Management Cost Account are the repositories for income from the management and sale of land bank properties. The DNR will be reimbursed from these accounts for actual expenses incurred in managing the land bank lands, subject to the limits which apply to other state lands. Reimbursement from sale proceeds may not exceed outside marketing costs.

A Technical Advisory Committee consisting of 3 members appointed by the Commissioner of Public Lands, the Superintendent of Public Instruction and the State Treasurer is created to advise the Board of Natural Resources on urban property transactions. Members will serve 5-year terms and shall have education or experience in land-use planning, real estate, and financing.

State lands for sale shall first be offered by public auction. If not sold, they may be marketed through licensed real estate brokers at no less than their full fair market value. The terms of sale (cash or real estate contract) shall be established by the Board of Natural Resources.

Initial leases of state lands for commercial, residential or industrial uses may either be negotiated or publicly bid. Negotiated leases are subject to a 90-day public notice requirement.

VOTES ON FINAL PASSAGE:

House	98	0	
Senate	26	23	(Senate amended)
House	93	0	(House concurred)

EFFECTIVE: July 1, 1984

**HB 217**

C 146 L 84

By Representatives Moon and Gallagher

Modifying provisions on liens on public works.

House Committee on Local Government

Senate Committee on Local Government

BACKGROUND:

Existing law provides that whenever the state or a local government contracts for public improvements or work, other than professional services, the public entity must reserve up to 5% of the money earned by the contractor and place this money into a trust fund. The trust fund is designed to protect subcontractors of the project, persons performing work on the project, suppliers of materials to the project, and the state with respect to excise taxes imposed on the work. These entities have a lien on this trust account if they are not paid by the contractor.

SUMMARY:

Items protected by a trust fund, required to be established on public improvement projects, are expanded to include protection of the owner or owners of a public improvement commenced after the effective date of this act when specifically required by regulations of the farmers' home administration for the provision of grant or loan funds administered by that agency.

VOTES ON FINAL PASSAGE:

House	93	0	
Senate	45	0	(Senate amended)
House	92	0	(House concurred)

EFFECTIVE: June 7, 1984

**SHB 255**PARTIAL VETO

C 250 L 84

By Committee on Ways & Means (originally sponsored by Representatives Sommers, Tilly, Braddock, Struthers, Rust, Brekke, Vander Stoep, Fiske, Appelwick, Stratton, J. King, Halsan, Jacobsen, Locke, Lux, Haugen and Ristuben)

Modifying provisions on watercraft registration and taxation.

House Committee on Ways and Means

Senate Committee on Ways & Means

**BACKGROUND:**

Under 1983 legislation, boats are subject to state registration, titling, taxation, and safety requirements. As passed by the legislature, the registration program generally would have met the federal Boat Safety Act requirement that virtually all motor boats be subject to registration. This compliance would have made the state eligible to receive federal funds for the state boating safety program.

The Governor vetoed a portion of the 1983 boat registration law, in a manner which made all boats under 16 feet in length exempt from both registration and taxation. As a result of this veto, the state registration program does not meet federal requirements and the state is not eligible for federal boating safety funds. Also, most motor boats must be separately registered under the state and federal programs.

Before the 1983 legislation, boats were subject to state and local property taxes. Many boat owners did not pay these taxes when they came due.

Most commercial vessels are exempt from state registration and excise taxation, but are subject to the state property tax levy. Although these vessels are exempt from local property taxes, the property tax valuations used for determining the amount of the state tax due, are set by the county assessors.

Counties are also authorized to impose excise taxes on boats. Before enacting a local boat tax, the county must enter into an agreement with cities as to distribution of boat tax revenues. Local

boat tax revenues can be used only for boating safety, search and rescue, and boating patrols.

**SUMMARY:**

Motor boats under 16 feet in length are exempt from state registration if used only on waters for which federal registration is not required. All boats under 16 feet in length are exempt from state and local excise taxation. Other technical changes designed to bring the state registration program into compliance with federal requirements are made. Therefore, federal registration of motor boats will not be required.

Property taxes imposed but not collected on boats for the years 1980 through 1982 may not be collected.

Commercial vessels subject to the state property tax levy will be valued by the Department of Revenue rather than county assessors.

Local agreements covering the distribution of county boat tax revenues may provide for compensation of municipal corporations which provide fire suppression, rescue, and other boating safety services.

**VOTES ON FINAL PASSAGE:**

House	78	19	
Senate	36	6	(Senate amended)
House	79	19	(House concurred)

**EFFECTIVE:** March 29, 1984

**PARTIAL VETO SUMMARY:**

The Governor's partial veto repealed a previous exemption from boat registration. Prior to the veto, boats under sixteen feet in length which operated on state waters not subject to U.S. jurisdiction were exempted from registration. As a result of the veto, unless otherwise exempt by statute, registration is required for boats operating on all state waters, regardless of whether the waters are subject to U.S. jurisdiction. (See VETO MESSAGE)

**SHB 271**

C 206 L 84

By Committee on Ways & Means (originally sponsored by Representatives Vekich, Fiske, Charnley and Zellinsky; by Washington State Patrol request)

Modifying provisions relating to survivors' benefits under the state patrol retirement system.

House Committee on Ways & Means

Senate Committee on Ways & Means

BACKGROUND:

Surviving spouses of Washington State Patrol (WSP) employees receive a survivors' allowance from the WSP retirement system. The allowance is 50 percent of the employee's average final salary. If the surviving spouses die or remarry, they lose their benefits. Surviving children also receive a survivors' allowance. Each child receives five percent of the employee's average salary. The combined benefits to the surviving spouse and children cannot exceed 60 percent of the decedent's average final salary. If the surviving spouse dies, the children have no rights to the surviving spouse's benefit.

SUMMARY:

Three changes are made in the Washington State Patrol retirement system.

- (1) A surviving spouse may remarry without losing the survivors' benefits.
- (2) If the surviving spouse remarries another Washington State Patrol member who also dies before the spouse, the spouse shall receive the higher of the two survivors' allowances.
- (3) Unmarried orphaned children may receive larger benefits. If there is no surviving spouse or the surviving spouse should die, the children are entitled to a benefit, to be shared equally, of 30 percent of the former employee's average final salary for the first child and an additional 10 percent for each additional child up to a maximum of 60 percent. Benefits will not be paid retroactively.

VOTES ON FINAL PASSAGE:

House	94	12	
Senate	47	1	(Senate amended)
House	87	11	(House concurred)

EFFECTIVE: March 27, 1984

HB 392

C 203 L 84

By Representatives Ebersole, Smitherman and Fisher

Modifying the hearing procedures for the formation of local improvement districts.

House Committee on Local Government

Senate Committee on Local Government

BACKGROUND:

Existing law requires that a city or town council, or a committee of the council, hold a hearing on the proposed establishment of a local improvement district (LID) or utility local improvement district (ULID) and hear objections to the proposal. If the hearing is held before a council committee, the committee reports its recommendation on the proposed formation of the LID or ULID to the full council for its action.

The period within which a special election is to be called to determine if two or more cities should be consolidated under chapter 35A.05 RCW is not less than 90 days nor more than 180 days after the filing of the consolidation petitions.

No procedure exists in current law to remove territory from public hospital districts.

Counties, cities and towns are authorized to adopt ordinances that are not in conflict with state law. No state law exists concerning local governments engaging in historic preservation, using charge cards, or creating ad hoc advisory councils.

SUMMARY:

Cities with populations of 15,000 or more may appoint hearings' officers to hold public hearings on the proposed creation of LID's or ULID's. A hearings' officer would submit recommendations to the full council for its final action.

The period is altered within which a special election is to be called to determine if two or more cities should be consolidated under chapter 35A.05 RCW. The period is changed from not less than 90 days nor more than 180 days after the filing of the consolidation petitions, to not less than 60 days nor more than 220 days after the filing of the consolidation petition.

A new procedure is established to remove territory from public hospital districts.

Counties, cities and towns are expressly authorized to engage in historic preservation activities. Counties are expressly authorized to create ad hoc community councils for advisory purposes. Local governments are authorized to issue charge cards for their officials and employees to be used exclusively for authorized travel purposes.

#### VOTES ON FINAL PASSAGE:

House	92	0	
Senate	44	1	(Senate amended)
House			(House refused to concur)

#### Free Conference Committee

House	58	39
Senate	36	12

EFFECTIVE March 20, 1984

## 2SHB 448

C 154 L 84

By Committee on Social and Health Services (originally sponsored by Representatives Todd, Addison, Belcher, Lewis, D. Nelson, McDonald, Mitchell, Brekke, Ballard, Johnson, Crane, Lux, Charnley, McMullen, Fisher, Ebersole, Holland, Wang, Patrick, Garrett, Taylor, Jacobsen, Miller, Silver and Brough)

Modifying the disabled parking laws.

House Committee on Social & Health Services

Senate Committee on State Government

#### BACKGROUND:

Special parking privileges have been afforded for some time to individuals with specific disabilities. The privileges include parking in clearly marked spaces on both public and private property, primarily under standards of accessibility developed by the State Building Code Advisory Council.

Identification of vehicles transporting disabled persons takes three forms: a special license plate for one vehicle, a decal attached to the vehicle, or a special card to be clearly displayed inside the vehicle. The plates, decals and cards are

issued to eligible disabled persons by the Department of Licensing.

Several problems have come to light about disabled parking privileges: (1) some disabled persons have encountered hardships when they find marked parking spaces occupied by ineligible vehicles; (2) severely disabling heart conditions are not among those listed for special parking eligibility; (3) although ineligible persons can be cited for parking in the disabled zones, the authority to impound the offending vehicle, especially on private property, is unclear; (4) no specific fine is set for illegal parking, nor is it a crime to obtain a special permit fraudulently; (5) there is no uniform description of a disabled parking space; and (6) the special privilege does not extend to metered parking areas.

#### SUMMARY:

The physical conditions for which the special disabled parking privilege is granted are redrafted to include impairment by cardiovascular disease under standards accepted by the American Heart Association. Also rewritten are the provisions relating to the special parking permits and conditions concerning renewals and transfer of ownership of a vehicle for which a special plate or decal was issued.

Public transportation vehicles that transport handicapped persons may obtain a special parking permit.

The definition of a traffic infraction is revised to include any unauthorized use of a card, decal, or special plate. A monetary penalty from \$15 to \$50 is provided for unauthorized parking, although evidence of eligibility may entitle a person to have the charge removed. Wilfully obtaining a special permit in any unauthorized manner is a misdemeanor.

The law relating to impoundment of vehicles is specifically amended to cover unauthorized parking on both private and public property in a space for the disabled.

A special requirement for signs indicating disabled parking spaces is added to include a vertical sign with the international access symbol and the notice "State disabled parking permit required." The requirement does not apply to signs currently in use, but must be implemented within two years.

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**2SHB 448**

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Persons eligible for the disabled parking privilege may park in metered areas for unlimited periods, if a special permit is displayed.

The definitions of disability and the free parking in metered areas are incorporated into the Model Traffic Ordinance, and the older provisions repealed.

**VOTES ON FINAL PASSAGE:**

House	94	0	
Senate	46	0	(Senate amended)
House	96	0	(House concurred)

EFFECTIVE: June 7, 1984

**SHB 480**

C 215 L 84

By Committee on Natural Resources (originally sponsored by Representatives Belcher, McClure, B. Williams and Todd)

Modifying the provisions regulating surface mines.

House Committee on Natural Resources

Senate Committee on Natural Resources

**BACKGROUND:**

The Surface Mine Land Reclamation Act was enacted in 1970. Its purpose is to ensure that surface mined lands be protected and restored. The Act is administered by the Department of Natural Resources (DNR). Mine operators are required to get a permit and make annual reports, and pay a \$25 annual permit fee. Annual inspections by the DNR are required. Operators are required to have a performance bond, not exceeding \$2,500/acre, to cover costs of reclamation. Corrective action is required within 30 days of notification. Violations are reported to the Attorney General and are subject to injunction.

**SUMMARY:**

The annual permit fee is increased from \$25 to \$250. Fees are to be deposited in the General Fund. The \$2,500/acre maximum limit on performance bonds is removed. If the DNR determines an emergency exists, they may require corrective action in less than thirty days. Violations of the Act

carry civil penalties of up to \$500/violation. The chapter does not apply to coal mining when the federal government has preempted regulation of the activity and imposed more stringent standards.

As a result, those regulated will provide a larger proportion of the cost of regulation.

**VOTES ON FINAL PASSAGE:**

House	98	0	
Senate	44	0	(Senate amended)
House	98	0	(House concurred)

EFFECTIVE: June 7, 1984

**SHB 552**

C 217 L 84

By State Government (originally sponsored by Representatives Halsan, Martinis, Vander Stoep, Padden, Heck, Fiske, Grimm, Miller, Charnley, Silver, Zellinsky, Broback, Jacobsen, Brough, McMullen, Holland, Ristuben, Chandler, Egger, Ballard, Fisher, Schmidt, Ebersole, J. Williams, Powers, Allen, Smitherman, Rust, Belcher, Locke, Galloway, Appelwick, Braddock, Crane, Todd, Walk, Armstrong, P. King, Sutherland, Brekke, Kaiser, Dellwo, McClure, Vekich, O'Brien, Hine, Moon, Niemi, Johnson and Isaacson)

Permitting off-duty patrol officers to wear their uniforms while participating in public service educational programs.

House Committee on State Government

Senate Committee on State Government

**BACKGROUND:**

Officers of the Washington State Patrol are frequently invited to speak at or participate in educational or informational programs within the communities of the state. Officers participating in these programs do so in either off-duty or on-duty status, depending upon the program and the availability of funds.

Until 1981, the State Patrol administered a Traffic Safety Education Program in high schools. Officers participated in the program while on duty. This

program ended in 1981 when the legislature eliminated the 1.7 million dollars and 25.5 FTE's requested for its continued operation.

**SUMMARY:**

The Chief of the Washington State Patrol is required to designate 24 or more officers as traffic safety education officers. These designations are to be made so that traffic safety education officers are reasonably available in all areas of the state.

The Chief may permit traffic safety education officers to appear in their off-duty hours in uniform to give programs in schools or in communities regarding the duties of the State Patrol, traffic safety, or crime prevention. Officers participating in these programs may accept pay and reimbursement for expenses from the sponsoring organization if such payment or reimbursement is approved by the State Patrol.

**VOTES ON FINAL PASSAGE:**

House	89	1	
Senate	41	1	(Senate amended)
House			(House refused to concur)
<u>Free Conference Committee</u>			
Senate	43	0	
House	97	0	

EFFECTIVE: March 27, 1984

**SHB 571**

C 100 L 84

By Committee on Local Government (originally sponsored by Representatives Hankins, Isaacson, Sutherland, Dickie, Stratton, Lewis, Moon, Nealey, Clayton and Van Dyken)

Specifying procedure for removal of territory from public hospital districts.

House Committee on Local Government

Senate Committee on Local Government

**BACKGROUND:**

Existing law does not provide a process to withdraw territory from public hospital districts.

**SUMMARY:**

Territory can be withdrawn from public hospital districts in the same procedure that territory is withdrawn from water districts.

**VOTES ON FINAL PASSAGE:**

House	94	0
Senate	47	0

EFFECTIVE: June 7, 1984

**HB 596**

C 101 L 84

By Representatives Todd, Isaacson, D. Nelson, Long, Gallagher and Miller

Modifying provisions on the state building code.

House Committee on State Government

Senate Committee on State Government

**BACKGROUND:**

Local governments are responsible for the enforcement of building codes within their jurisdictions. However, the legislature has established a state building code which consists of a set of minimum standards which must apply throughout the state. The state has adopted the 1976 editions of the Uniform Building Code, the Uniform Mechanical Code, the Uniform Fire Code and the Uniform Plumbing Code (excluding the chapter relating to fuel piping). In addition, the state's building code includes standards for accessibility of facilities to the handicapped and the elderly, established by the State Building Code Advisory Council, and thermal performance and design standards specified in statute.

The Uniform Building Code, the Uniform Mechanical Code, and the Uniform Fire Code are comprehensive sets of technical standards reflecting the "state of the art" in building technology. They are published by the International Conference of Building Officials and are intended for use as a baseline for building standards in Western states and Pacific Rim countries. Amendments are published annually, and a new edition is produced every three years. Revisions are intended to make the codes easier to use, and to reflect research

and technological advances. The Uniform Plumbing Code is a similar set of technical guidelines published by the International Association of Plumbing and Mechanical Officials.

Local jurisdictions may adopt amendments to the state building code, including updating it according to the revisions recommended by the International Conference of Building Officials, as long as the amendments do not weaken the state standards. Many local governments have updated their building codes since the state adopted the 1976 editions. Approximately three-quarters of the building permits currently being issued in the state are being issued according to the latest, 1982, edition of the Uniform Building Code. The differences between the 1976 and 1982 codes are many and complex. There are new categorizations of occupancy, and criteria for fire zones are significantly altered. Malls are now covered explicitly. Earthquake-proofing regulations are one area in which the newer code may be more restrictive. On the other hand, by recognizing new building materials, the newer addition of the codes may in certain instances allow for a less expensive construction technology.

SUMMARY:

The state building code will include the 1982 rather than the 1976 editions of the Uniform Building Code, the Uniform Mechanical Code, the Uniform Fire Code, and the Uniform Plumbing Code. The sections of the Uniform Plumbing Code relating to fuel piping (chapter 12) and sewage disposal (chapter 11) are not adopted.

VOTES ON FINAL PASSAGE:

House 95 1  
Senate 39 1

EFFECTIVE: June 7, 1984

**SHB 626**

C 155 L 84

By Committee on Judiciary (originally sponsored by Representative Grimm)

Modifying provisions concerning adoption.

House Committee on Judiciary

Senate Committee on Judiciary

BACKGROUND:

Adoption proceedings are governed by statute. Since the original adoption act was enacted in 1943, there have been a number of amendments to accommodate changes in judicial thinking. The result of these changes has been a confusing array of provisions with no logical connection. In 1979, a major amendment was incorporated into the adoption act. However, the changes made were not adapted to take into account the existing law. The result has been a set of adoption procedures that either duplicates other provisions of the act or in some places conflicts with the act. In addition to these complexities, provisions governing adoptions appear in at least three different chapters of the code. There are also provisions relating to orphan, homeless, and neglected children which have been effectively repealed by the juvenile code.

Parents may terminate their parent-child relationship even though there is no other person willing to take responsibility for the child. This has resulted in instances where parents, wishing to get out of responsibility for a child who is difficult to care for, use the adoption act to relieve themselves of responsibility for their child.

The adoption act provides different standards of proof and elements that must be shown to terminate the parental rights of different categories of parents. An alleged father's parental rights may be terminated for different reasons than an established natural father's rights may be terminated. A special set of procedures applies in those cases in which a step-parent seeks to adopt a child of his or her spouse and the other natural parent objects.

Petitions authorized by the adoption code may be filed at any time, whether before or after the child's birth. The hearing on the petition may not be held until after the child's birth. There is no limitation on how soon after the child's birth an adoption hearing may be held.

Prior to placing a child with prospective adoptive parents, the parents must have a preplacement report prepared by an agency, the Department of Social and Health Services, or a court employee. After the child is placed with the prospective adoptive parents, a "next-friend" or post-placement report must be prepared. If the proposed adoption is by a step-parent, the preplacement

report is not necessary and a short form of the next-friend report may be prepared.

Special provisions for notice of proceedings is established in the adoption code. Publication to an unidentified parent must be given in a newspaper of general circulation. Publication may also be required to be made in foreign countries.

The adoption code provides for the issuance of certificates of birth showing the adoptive parents as the parents of the child. There are no procedures for establishment of a date or place of birth when the child's records do not provide sufficient information.

If the natural parent seeks to set aside an adoption, he or she must post a bond with the court. The bond must be in the amount of \$100 for each 30 days the child has been with the adoptive parents. If the natural parent successfully sets aside the adoption, the adoptive parent is entitled to the costs incurred in rearing the child.

#### SUMMARY:

The existing adoption code is replaced by a reorganized code. The new adoption code retains many of the features of the current adoption code, but eliminates the duplicative and confusing features of the current code. All provisions relating to adoptions are placed within a single chapter. Provisions relating to orphan, homeless, or neglected children, which have been replaced by the juvenile code, are repealed.

Parents may only terminate their parental rights if there is either an adoption agency, the Department, or prospective adoptive parents willing to take custody of the child.

Petitions authorized under the adoption code may be filed at any time, but no hearing on a petition may be held until at least 48 hours after the child's birth. Any natural parent signing a consent to adoption prior to the child's birth must be notified of this fact.

The standards of proof and the elements which must be shown to terminate the parental rights of a natural parent or an alleged father who does not consent to adoption are the same. In all cases, there must be clear, cogent, and convincing evidence to support the termination of parental rights.

A post-placement report is required in all adoptions, even if the petitioner is the step-parent of the

adoptive child. Preplacement and post-placement reports may be prepared by individuals approved by the court in addition to adopting agencies, the Department and court employees.

The general civil rules governing notice of proceedings applies to adoption proceedings. If publication of notice is necessary, it is given in a legal newspaper. Publication is not required outside of the United States.

If the child to be adopted has been born outside the United States, procedures are established to determine the date and place of birth when this information is unknown. Procedures are also established to issue a new birth certificate or modify an existing birth certificate to reflect the adoption.

If a natural parent petitions to set aside an adoption, the parent need not post a bond. If the parent does not prevail, he or she must pay costs and reasonable attorney's fees to the adoptive parent. If the natural parent succeeds in setting the adoption aside, the natural parent is liable to the adoptive parent for the costs incurred by the adoptive parent in rearing the child. The natural parent may not bring an action to set aside an adoption more than one year after a consent to adoption has been accepted by the court. The parent must be advised of this limitation at the time he or she signs a consent to adoption.

#### VOTES ON FINAL PASSAGE:

House	97	0	
Senate	45	0	(Senate amended)
House	96	0	(House concurred)

EFFECTIVE: January 1, 1985

## 2SHB 689

### PARTIAL VETO

C 282 L 84

By Committee on Commerce & Economic Development (originally sponsored by Representatives Silver, J. King, B. Williams, Tanner, Schmidt, Schoon, Brough, Padden, Johnson, Tilly, Long and Sanders)

Establishing the small business assistance coordinating council.



House Committee on Commerce & Economic Development

Senate Committee on Commerce & Labor

BACKGROUND:

In past years there has been a proliferation of programs designed to assist small businesses. Programs are offered in areas of financing, management, regulations and licensing. There is a concern that while these programs are well-designed and effective that the breadth of information does not efficiently reach those small businesses which need them. The ability to respond to the needs of small businesses is based on receiving assistance which is current, centralized and representative of the types of information available to small business. Duplication, the lack of coordination of information and assistance, and a variety of providers often hamper a quick and effective response to the needs of small business.

SUMMARY:

The Small Business Assistance Coordinating Council is created. The Council is charged with reviewing: (1) small business assistance programs now offered by units of state government; (2) the contract between the Small Business Administration and the Small Business Development Center at Washington State University, and the contract between the small Business Development Center and the Federal Economic Development Administration; and (3) the coordination of all small business assistance programs. In addition the Council is charged with making recommendations to reduce duplication and increase efficiency of programs.

The council will consist of nine persons. Three members shall be appointed by the governor. The council shall also include the director of Commerce and Economic Development and the director of the Planning and Community Affairs Agency or their successor agencies; two members from the House of Representatives and two members from the Senate.

By September 1, 1984 every unit of state government which provides small business assistance shall report to the council with information on its program including a description, amount of state funds, sources and amounts of other funds, delivery method and benefits derived from the program.

The council is required to report to the legislature and governor by December 31, 1984 on recommendations to improve the dissemination of small business assistance in the state. The report shall include:

1. A description of the types, quantity and benefits of small business assistance available in the state including federal, state and local programs.
2. A description of the available services and unmet needs in the following areas:
  - a. General small business management and technical assistance;
  - b. Community development assistance including loan packaging, proposal writing, development planning and commercial development;
  - c. Entrepreneurial development and innovation assessment; and
  - d. Export assistance and financing.
3. A set of recommendations to improve the delivery and efficiency of small business assistance and to reduce duplication of effort where possible.

The Small Business Improvement Council is created. The Small Business Improvement Council is assigned the task of identifying regulatory, administrative, and legislative proposals which will improve the entrepreneurial environment for small businesses. These proposals are submitted to the Governor and the Legislature prior to the convening of each regular legislative session.

The Council consists of at least 15 and up to 30 members appointed by the Governor. Minority groups and agribusiness concerns shall be represented among the membership. The Department of Commerce and Economic Development is required to provide staff and administrative assistance to the Council.

The Council is composed of at least three subcommittees; as follows:

- (1) The subcommittee on small business taxation is assigned to study tax incentives and similar alternatives which will attract and encourage small businesses.
- (2) The subcommittee on small business venture and management education is assigned to encourage implementation of entrepreneurial education programs in community colleges and vocational-technical institutes.

(3) The subcommittee on private sector contract services is assigned to identify government service areas which should be contracted out to the private sector.

Other subcommittees may be established on appropriate subjects.

The Small Business Assistance Coordinating Council and the Small Business Improvement Council are subject to sunset review and scheduled for termination on December 31, 1984 and on June 30, 1988 respectively.

An appropriation of \$45,000 is made to the Small Business Assistance Coordinating Council and \$37,500 is made to the Small Business Improvement Council.

VOTES ON FINAL PASSAGE:

House	98	0	
Senate	38	3	(Senate amended)
House			(House refused to concur)
<u>Free Conference Committee</u>			
House	95	2	
Senate	45	3	

EFFECTIVE: March 29, 1984

PARTIAL VETO SUMMARY:

The governor vetoed the section creating the Small Business Assistance Coordinating Council, but left its objectives and mission intact. The internal organization structure of the Small Business Improvement Council was also vetoed, however its appointment process was retained. In effect, the Small Business Improvement Council was approved with the Coordinating Council's objectives. (See VETO MESSAGE)

**SHB 699**

C 54 L 84

By Committee on Constitution, Elections & Ethics  
(originally sponsored by Representatives  
D. Nelson, Pruitt and Barnes)

Facilitating citizen participation in the political process.

House Committee on Constitution, Elections & Ethics

Senate Committee on Judiciary

BACKGROUND:

State law requires the Secretary of State to publish voters' pamphlets regarding state ballot measures and to publish candidates' pamphlets containing photographs and campaign statements of eligible nominees for state and federal offices.

For ballot measures, state law prescribes the method by which committees of advocates and committees of opponents of the measures are to be appointed for preparing the statements that subsequently appear in the pamphlets. During the year prior to a presidential election year, the voters' pamphlet is to contain information describing the processes by which major and minor political parties nominate candidates or select delegates to national presidential nominating conventions.

SUMMARY:

An eligible nominee may submit, with the nominee's photograph and campaign statement for the state's official candidates' pamphlet, a campaign mailing address and telephone number. The Secretary of State shall publish the addresses and telephone numbers submitted with the nominees' statements in the pamphlet.

The Secretary of State shall also prepare and include a section in the candidates' pamphlet containing: (a) a brief explanation of how voters may participate in the election campaign process; (b) the name, address and telephone number of each political party with one or more nominees in the pamphlet if, and as, the information is filed with the Secretary; (c) the address and telephone number of the Public Disclosure Commission; (d) a summary of disclosure requirements for contributions to candidates and political committees; and (e) an explanation of the federal income tax credits and deductions available to persons who make such contributions.

Following each argument or rebuttal statement that is to appear in the state's official voters' pamphlet regarding a ballot measure, the Secretary of State shall list, at the option of the committee submitting the argument or statement, a telephone number that may be called for information on the measure. Any such number must be submitted by August 15th prior to the election.

VOTES ON FINAL PASSAGE:

House	97	0
Senate	48	0

**SHB 699**

EFFECTIVE: June 7, 1984

**HB 706**

C 185 L 84

By Representatives Todd, Miller, Tilly, Lux, Isaacson, Garrett, Brough, Crane, McDonald, Walk, Taylor, Holland and Barrett

Requiring notice of taxes due on real property before assessing penalties for delinquent taxes.

House Committee on Local Government

Senate Committee on Local Government

**BACKGROUND:**

Existing law establishes interest and penalties for delinquent property taxes regardless of whether a new purchaser was actually notified of the delinquency.

**SUMMARY:**

Interest and penalties for delinquent property taxes imposed in the year of conveying real estate are waived if a purchaser was not notified of the taxes due to error of the county treasurer and the records conveying the real estate were filed with the county auditor on or before November 30 of the year the taxes were imposed. Failure of the purchaser to pay such delinquent taxes within 30 days of being notified shall reinstate the full interest and penalty. County treasurers are required to adopt administrative procedures to implement the Act.

**VOTES ON FINAL PASSAGE:**

House	94	0	
Senate	45	0	(Senate amended)
House	98	0	(House concurred)

EFFECTIVE: June 7, 1984

**2SHB 713**

C 25 L 84

By Committee on Social & Health Services (originally sponsored by Representatives Charnley, Brough, Wang and Kreidler)

Providing procedures for contributions by cities and towns to county or city-county health departments.

House Committee on Social & Health Services

Senate Committee on Local Government

**BACKGROUND:**

Existing law requires the "local health officer" of a county board of health, and the "director" of public health of a combined city-county health department, to be a physician with a master's degree in public health, or its equivalent, and have at least three years of public health administrative experience. Local health officers administer boards of health, and directors of public health administer combined city-county health departments.

Cities and towns are prohibited from licensing vendors of butter, fish, milk, poultry and meat.

**SUMMARY:**

Qualifications for the administrators of county boards of health and combined city-county health departments are altered.

In lieu of having the local health officer (who must be a physician) act as the county board of health's administrator, a county board of health is authorized to appoint an administrative officer to administer its operations. There are no education or experience requirements for the administrative officer. The appointment of an administrative officer in a county with home-rule charter is made as provided in the charter.

The director of a combined city-county health department must meet either of the following qualifications: (1) A B.A. in business, management, health, or administration, plus five years administrative experience in a community-related field; or (2) a graduate degree in one of these fields, or in medicine or osteopathy, plus three years administrative experience in a community-related field. If the director is not a physician with

an M.A. in public health, a person with such qualifications must be employed by the director.

Cities and towns may license vendors of dairy, meat, poultry and seafood products.

VOTES ON FINAL PASSAGE:

House	94	0
Senate	44	0

EFFECTIVE: June 7, 1984

### HB 739

C 93 L 84

By Representatives Clayton, Ellis, Wilson, Martinis, Hankins, C. Smith, Dickie and Barrett

Authorizing special operating permits to be granted for antique boilers.

House Committee on Labor

Senate Committee on Commerce & Labor

BACKGROUND:

State law generally prohibits the operation of boilers and pressure vessels unless they conform to certain construction code requirements. Special permits may be granted by the Board of Boiler Rules in limited circumstances.

The state law governing the operation of boilers was enacted in 1951.

SUMMARY:

A special permit may be granted by the Board of Boiler Rules for boilers and pressure vessels which do not meet standard boiler construction code requirements. However, the permit may only be granted if the boiler or pressure vessel:

- a) was manufactured before 1951;
- b) is operated exclusively for public exhibition; and
- c) is not unsafe for the purposes of exhibition.

VOTES ON FINAL PASSAGE:

House	96	0
Senate	41	0

EFFECTIVE: June 7, 1984

### SHB 791

C 26 L 84

By Committee on Local Government (originally sponsored by Representatives Charnley, Addison and Sommers)

Modifying provisions concerning county hospitals.

House Committee on Local Government

Senate Committee on Local Government

BACKGROUND:

Counties are authorized to establish hospitals for the care and treatment of the indigent, sick, or injured, and for maternity cases. Counties may jointly operate such hospitals.

County hospitals are run by a six member board of trustees appointed by the county legislative authority. The trustees appoint a general superintendent to operate the hospital.

Property taxes may be imposed and general obligation bonds issued for hospital purposes.

The only county hospital is Harborview Hospital in King County. The University of Washington, by contract with the county, operates the Harborview Hospital.

SUMMARY:

The statutes relating to county hospitals are generally rewritten.

The board of trustees of a county hospital is enlarged from six members serving staggered six year terms to 13 members who serve staggered four year terms. Provision is made for appointment of the new members. Restrictions are removed on the permissible background of trustees. Provisions are made concerning the removal of a trustee for cause.

Limitations are eliminated on the number of beds in a county hospital.

Rules adopted by a county hospital will not become effective unless they are first approved by the county legislative authority.

Language is clarified concerning the ability of the county hospital to secure payment from a person's estate or from persons or organizations legally liable for a patient's care.

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## SHB 791

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Language is deleted that permits the board of trustees from establishing the terms under which noncounty residents will be extended care in the hospital.

The board of trustees is required to appoint or remove the hospital superintendent at a regular meeting by majority vote.

### VOTES ON FINAL PASSAGE:

House	96	0
Senate	44	1

EFFECTIVE: June 7, 1984

## SHB 827

C 41 L 84

By Committee on Constitution, Elections & Ethics (originally sponsored by Representatives Pruitt, Lewis, Belcher, Long, Miller, Tilly, Halsan and Silver; by Secretary of State request)

Prohibiting counterfeit voters' and candidates' pamphlets

House Committee on Constitution, Elections & Ethics

Senate Committee on Judiciary

### BACKGROUND:

State law requires the Secretary of State to publish voters' pamphlets regarding state ballot measures and to publish candidates' pamphlets containing photographs and campaign statements of eligible nominees for state and federal offices.

### SUMMARY:

No person or entity may publish or distribute campaign material that is deceptively similar in design or appearance to a voters' or candidates' pamphlet published by the Secretary of State during the ten years before such an action is taken.

The Secretary of State is required to take reasonable measures, including seeking injunctive relief, to prevent or stop violations. The superior court may levy and recover from each violator a civil fine not to exceed the greater of two dollars for each copy of the deceptive material distributed, or \$1,000. The violator is liable for state costs resulting from the violation. Any funds recovered are to be deposited in the general fund.

### VOTES ON FINAL PASSAGE:

House	94	0
Senate	47	0

EFFECTIVE: June 7, 1984

## SHB 843

C 184 L 84

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

Modifying provisions relating to retirement from public services.

House Committee on Ways & Means

Senate Committee on Ways & Means

### BACKGROUND:

Many Washington state employees and local government employees upon retiring are granted lump sum payments for accumulated leave and other items. These lump sum payments increase the compensation base used to calculate pensions.

The Director of the Department of Retirement Systems uses administrative funds to pay for legal expenses in defending the trust funds of each retirement system.

Public Employee Retirement System (PERS) members who were formally members of the Statewide City Employee Retirement System (SCERS) have received PERS credit for SCERS service, regardless of whether they were active members of SCERS on January 1, 1972 as the current law requires.

Former SCERS members who are now members of PERS have not received service credit for their initial six month probationary period served.

Existing law prohibits state government or any subdivision of state government from cashing out vacation leave when an employee terminates employment. The state Supreme Court has held this law unconstitutional for PERS Plan I state members because the members were unable to use lump sum vacation payments in the calculation of their retirement benefit.

When a consolidation occurs between the city of Seattle, Spokane, or Tacoma and another political

subdivision of the state to perform a service, it is unclear in which retirement system an employee is a member.

SUMMARY:

The Department of Retirement Systems will charge employers for increased costs to a state pension system resulting from any excess compensation granted to retiring employees. Excess compensation costs are defined as lump sum payments for any form of leave, personal expenses, or severance pay. Local governments who are under previously negotiated labor agreements are exempt from paying increased pension costs until their labor contracts are renegotiated.

A new funding mechanism will permit the Director of the Department of Retirement Systems to use investment earnings of a particular retirement system trust fund to pay for legal expenses incurred in defending that retirement system.

Public Employee Retirement System members may transfer any credit earned under SCERS to their PERS service. The credit transferred may include the six month probationary period under SCERS which was not originally credited as service into the retirement system.

The legislation prohibiting accumulated vacation leave cash out for a terminating employee is repealed.

Employees who are part of a local government consolidation may remain in their existing retirement system or transfer prospectively into the retirement system of the consolidated employer

VOTES ON FINAL PASSAGE:

House	97	0	
Senate	42	0	(Senate amended)
House			(House refused to concur)

Free Conference Committee

Senate	97	1
House	46	1

EFFECTIVE: March 15, 1984

SHB 857

C 144 L 84

By Committee on Energy & Utilities (originally sponsored by Representatives D. Nelson, Isaacson, Gallagher, Todd and West)

Defining responsibility for protection of underground utility facilities during excavation.

House Committee on Energy & Utilities

Senate Committee on Energy & Utilities

BACKGROUND:

Excavation contractors report being obliged to accept contracts assigning them full risk for encountering any underground facilities whether known or unknown. They report that this situation makes them either take chances, with attendant risks and liabilities, or dig in a slow and uneconomical manner. Damage to underground facilities causes monetary loss and may create a hazard to public health and safety as well as possibly cutting off service to utility or cable TV customers.

SUMMARY:

When there is to be underground excavation, other than shallow (less than 12 inches) agricultural and private property work, the following procedures are to be followed:

- (1) a project owner (person having work done which includes excavation) shall indicate the presence of underground facilities known to be within the area of proposed excavation;
- (2) two to ten days before digging, an excavator shall notify the local one-stop locator service. If the excavation is to occur in one of the three counties not having a locator service, the excavator will notify all known and suspected owners of underground facilities;
- (3) underground facility owners shall place surface markings at the site of the planned excavation within two days. Facilities, the location of which is obvious, do not have to be marked;
- (4) excavators will not dig until underground facilities are marked; Compensation would be due either to excavators or utility facility owners if time limits are not met.

(5) emergency excavations are exempt from the time requirements; and Emergency includes customer service outage.

(6) excavators shall use reasonable care, including precisely locating known underground facilities.

(7) if an excavator encounters an unidentified underground facility, the excavator shall cease digging in the vicinity and notify the one-stop locator service or the affected facility owner. In case there is damage, the excavator shall, additionally, take public safety measures, if required. Damaged underground facilities shall not be buried until relocated or repaired. The facility owner shall arrange for repairs or relocation.

If violations of the required procedures results in damages, the violator is susceptible to a fine of up to \$1,000 for each occurrence. A wilful or malicious excavator is liable for treble the costs of repairing a damaged facility. Failure to notify regarding a known underground facility is wilful and malicious.

Notification and marking provisions may be waived for one or more designated persons by an underground facility owner for all or part of that owner's facilities.

Parties are authorized to depart from notification requirements by mutual agreement. The concept of "changed or differing site conditions" is introduced and defined. This facilitates modification of liability provisions, enabling parties freedom to contract with respect to "allocation of risk for changed or differing site conditions" rather than to contract "regarding unforeseen risks."

VOTES ON FINAL PASSAGE:

House	81	8	
Senate	38	5	(Senate amended)
House	79	17	(House concurred)

EFFECTIVE: June 7, 1984

**HB 880**

PARTIAL VETO

C 283 L 84

By Representative Heck

Regulating payment procedures for certain health care providers not participants in a health services contract.

House Committee on Social & Health Services

Senate Committee on Financial Institutions

BACKGROUND:

Health care service contractors (HCSC's) negotiate contracts with health care providers for the benefit of HCSC members. Whenever a member obtains treatment from a provider who has contracted with an HCSC, the provider is paid directly for these services by the HCSC.

Prior to 1982, if a member received treatment from a non-contracting provider, the HCSC issued a reimbursement check to the member only. The member was then responsible for paying the provider. Legislation enacted in 1982 requires HCSC's to issue reimbursement checks jointly to a non-contracting provider and the member, if the member has not already paid the provider for the services. These provisions, however, apply only to dentists, podiatrists, optometrists, chiropractors, and dental hygienists. They do not apply to other health care providers.

SUMMARY:

The provisions of state law governing payments by HCSC's to non-contracting health care providers is expanded to include payments to: (1) physicians; (2) physical therapists; (3) osteopathic physicians; (4) psychologists, and (5) registered nurses.

In addition, liability is imposed on financial institutions which cash reimbursement checks requiring dual endorsement. If the dual endorsement has not actually been made, the financial institution will be liable for the value of the check, collection costs, and attorneys' fees.

## VOTES ON FINAL PASSAGE:

House	96	0	
Senate	31	16	(Senate amended)
House			(House concurred in part)

Free Conference Committee

Senate	32	17
House	95	0

EFFECTIVE: June 7, 1984

## PARTIAL VETO SUMMARY:

The governor vetoed the section which imposed liability on financial institutions which cash reimbursement checks absent the dual endorsement. (See VETO MESSAGE)

**SHB 914**

C 202 L 84

By Committee on Judiciary (originally sponsored by Representatives West and Dellwo)

Changing the mechanics' and materialmen's lien laws to provide increased protection for subcontractors and lien claimants.

House Committee on Judiciary

Senate Committee on Judiciary

## BACKGROUND:

A mechanic's lien is a claim upon property to secure priority of payment of the price or value of work performed and materials furnished in building on or improving the property. A mechanic's lien normally provides little protection for a subcontractor's claim that the general contractor has not paid the subcontractor, because the lien is usually junior to a first recorded construction mortgage. In response to this, the law provides a subcontractor or other potential mechanic's lien claimant on a private and unbonded construction project, with a priority on certain construction loan funds disbursed by a lender after notice from the subcontractor of an unpaid bill. The priority may be claimed by serving a notice of claim -- a stop notice -- on the construction lender when a payment on the subcontractor's purchase order or contract is more than 20 days overdue. The subcontractor must obtain the information needed to serve a stop notice for each job. A lender who

receives a stop notice withholds funds to satisfy the notice from any future draws on the construction loan funds. If the lender allows further draws without withholding, then the lender's mortgage is subordinated to the subsequent mechanics lien.

Under the law, notice of intent to claim a materialmen's lien is given to the owner or reputed owner of the property.

## SUMMARY:

The time period a potential lien claimant must wait for payment on an overdue bill before serving a stop notice on the construction lender is reduced from 20 to five days.

Provisions are added which make certain information available to subcontractors and lien claimants so they can exercise rights available to them under existing law. Prime contractors at construction projects costing more than \$5,000 are required to post a sign at the worksite which identifies the property, the owner, and the prime contractor. Prime contractors at residential construction projects are required to provide additional information on the sign including the identification of the lender administering the interim construction financing, or the details of a payment bond for 50 percent of the amount of the construction project.

Notice of the intent to claim a materialmen's lien is required to be given to a prime contractor who has complied with the sign posting requirement, as well as the owner of the property.

## VOTES ON FINAL PASSAGE:

House	67	29	
Senate	42	1	(Senate amended)
House	96	0	(House concurred)

EFFECTIVE: June 7, 1984

**SHB 915**

C 137 L 84

By Committee on Higher Education (originally sponsored by Representative Burns)

Establishing procedures and providing certain immunities to faculty peer review committees.

House Committee on Higher Education



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**SHB 915**

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Senate Committee on Education

**BACKGROUND:**

Peer review is considered an important aspect of the personnel practices of colleges and universities. For the peer review process to be successful, it is essential that the faculty who participate as reviewers are able to express their honest judgments without fear of retaliation. Otherwise, the faculty who are reviewing a colleague's credentials for awarding tenure, promotion, or other positive personnel action may be reluctant to express their true evaluations. Faculty sitting on disciplinary committees are under even more pressure to render a favorable judgment for fear that an adverse decision might result in a lawsuit.

**SUMMARY:**

Employees, agents or students of institutions of higher learning serving on peer review committees determining certain personnel decisions, are immune from civil action arising from the good faith performance of their duties.

Peer review procedures shall be conducted privately under rules adopted by the institution. Procedures are outlined for providing the evaluated person with a statement of findings, including a list of reasons for any unfavorable decision.

If the committee's findings are challenged, the institution initiating the proceedings shall defend members of the review committee, and any individuals who in good faith and at the institution's request, have provided the committee with written or oral statements.

**VOTES ON FINAL PASSAGE:**

House	92	0	
Senate	45	0	(Senate amended)
House	96	0	(House concurred)

EFFECTIVE: June 7, 1984

**HB 939**

C 213 L 84

By Representatives Appelwick and Hine

Modifying modification and enforcement procedures used by municipalities regarding uninhabitable dwellings.

House Committee on Local Government

Senate Committee on Local Government

**BACKGROUND:**

Existing law allows counties, cities and towns to cause the demolition of buildings that are unfit for human habitation or for other uses due to disrepair, structural defects, fire hazards, accidents, overcrowding, or other conditions unfavorable to the health and welfare of the residents of the county, city or town. The process involves: (1) investigation of the building; (2) preliminary findings of unfitness; (3) notification of the building owner; (4) final determination after a hearing; (5) further notice to property owners; (6) possible appeals to an appeal body, and (7) finally demolition. An assessment for demolition costs is made against the property. Appeal to the superior court is possible.

**SUMMARY:**

The procedure is altered to notify the owners of buildings subject to potential demolition under the unfit dwellings, buildings and structures act. Notice is to be by personal service or mailing to each person appearing on tax roll records as an owner of the building at the address of the building. Notice of potential demolition of a building would also have to be made to each person with any recorded right, title, lien or interest in the building. Requirements are stricken concerning notice being published in a newspaper and posted in three places around the city, town or county.

**VOTES ON FINAL PASSAGE:**

House	94	0	
Senate	44	0	(Senate amended)
House			(House refused to concur)

Free Conference Committee

Senate	44	1
House	98	0

EFFECTIVE: June 7, 1984

**SHB 977**

C 219 L 84

By Committee on Judiciary (originally sponsored by Representatives Armstrong and Isaacson)

Delaying the effective date of administrative revocation of driver's licenses for DWI violations and instituting an interim system of temporary licenses.

House Committee on Judiciary

Senate Committee on Transportation

**BACKGROUND:**

In 1983, the legislature enacted an "administrative per se" provision in the "driving while intoxicated" (DWI) laws. This provision is to go into effect January 1, 1985. The administrative procedure allows the Department of Licensing (DOL) to revoke or suspend the driver's license of a person arrested for DWI if the person refuses to take or takes and fails the breathalyzer test. Conviction for DWI is not necessary before DOL may act.

Upon conviction of DWI, driver's license suspension or revocation is mandatory.

**SUMMARY:**

The effective date of the "administrative per se" portion of the DWI laws is delayed until January 1, 1986.

Police are directed to confiscate the driver's license of anyone arrested for DWI. The arresting officer will issue a temporary license and send the original to DOL. If charges are dropped or the defendant acquitted, DOL will return the original license.

The act expires December 31, 1985.

**VOTES ON FINAL PASSAGE:**

House	96	0	
Senate	41	0	(Senate amended)
House			(House refused to concur)

Free Conference Committee

Senate	43	0
House	93	0

EFFECTIVE June 7, 1984

**SHB 1017**

C 104 L 84

By Committee on Education (originally sponsored by Representative Galloway)

Changing the axle requirements for school buses.

House Committee on Education

Senate Committee on Education

**BACKGROUND:**

A law enacted in 1977 required that any school bus whose length exceeded 36 feet 6 inches must be equipped with three axles. The third axle was required to assure that large school buses could safely carry the bus and passenger weights. At that time there were no standard specifications for the weight that bus components could bear.

Since 1977, federal regulatory standards have been adopted which require bus manufacturers to certify that all bus components meet certain weight specifications. These specifications set standards to permit 40 foot school buses to operate safely with two axles. Washington is now one of four states which do not permit 40 foot school buses to be equipped with two axles.

**SUMMARY:**

School buses up to 40 feet in length, may be equipped with two axles.

**VOTES ON FINAL PASSAGE:**

House	92	0
Senate	45	0

EFFECTIVE: March 5, 1984

**SHB 1083**

C 138 L 84

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

Establishing the state economic and revenue forecasting council.

House Committee on Ways & Means

Senate Committee on Ways & Means

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## SHB 1083

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### BACKGROUND:

In 1976, the forecasting process in the State of Washington was upgraded by contracting with Data Resources Incorporated to provide their economic consulting services to the state. Since that time, the forecasting structure has been increasingly centralized within the Office of Financial Management. This process has improved the consistency in the forecasting methods.

Before the March, 1983 forecast, there were six downward adjustments relative to the December, 1980 forecast. During 1981-83, they totaled \$1,587 million. These adjustments required legislative actions which have increased taxes and reduced the state budget.

As a result of this experience, legislative interest in the forecast has increased. The Legislative Evaluation and Accountability Program Committee has prepared a study of the forecasting process. The Office of Financial Management has increased the accessibility of the legislature and has involved legislative staff members in the forecasting process. However, the legislature is still limited in its access to information on a timely basis.

### SUMMARY:

The responsibility for making state revenue estimates is placed with a newly formed State Economic and Revenue Forecasting Council. This six member council is responsible for making the state forecasts. Its membership is comprised of one member from each party in the House and Senate and two members appointed by the Governor.

The council's staff is located in the Department of Revenue. The forecast supervisor is hired by the director of the Department with the approval of five members of the council. The supervisor serves for a three year term and may be rehired subject to the same provisions. The forecast supervisor is responsible for hiring additional staff.

A forecast work group is created. This group has access to all collection and forecast information. The group consists of staff members from legislative fiscal committees, the Department of Revenue and the Office of Financial Management.

An official forecast is approved by the council by a majority vote. In addition, optimistic and pessimistic forecasts are approved. A member disagreeing with the majority view may submit an alternative forecast. These forecasts form the substance of quarterly forecast publications which

are issued on specific dates. If the council cannot reach a majority view by these dates, the supervisor shall submit a forecast.

The administrator of the LEAP committee may request additional forecasts. These forecasts are not part of the published report.

These provisions follow the recommendations of the Legislative Evaluation and Accountability Program Committee's report.

### VOTES ON FINAL PASSAGE:

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

EFFECTIVE: March 7, 1984

## SHB 1101

C 27 L 84

By Committee on Constitution, Elections & Ethics (originally sponsored by Representatives Tilly, Pruitt, Barnes, Brough, Crane, Dellwo, Fisch, J. King, Lewis, McMullen, Mitchell, Sanders, Sutherland, P. King, Hine, Miller, Halsan and L. Smith)

Permitting persons hospitalized on election day to vote by absentee ballot.

House Committee on Constitution, Elections & Ethics

Senate Committee on Judiciary

### BACKGROUND:

To vote by absentee ballot, a registered voter must apply in writing to the county auditor during the period of 45 days to one day prior to an election or primary. An application for a primary ballot serves as the application for a ballot for the following election if so indicated on the application. The ballot may be mailed to the voter, or the voter or a member of the voter's family may pick it up at the elections office. No absentee ballot may be issued on the day of the primary or election.

### SUMMARY:

A voter, who is admitted to a hospital no earlier than five days before a primary or election and is

confined to it on election day, may apply by messenger for an absentee ballot on the day of the primary or election. A signed statement of the hospital administrator, or the hospital administrator's designee, verifying the date of admission and the voter's status as a patient in the hospital on the primary or election day must be attached to the application.

A provision of law authorizing only the voter or a member of the voter's family to pick up the absentee ballot is altered to allow the messenger of such a hospitalized voter to pick up the absentee ballot.

VOTES ON FINAL PASSAGE:

House 97 0  
Senate 39 6

EFFECTIVE: June 7, 1984

**HB 1103**

C 4 L 84

By Representatives Wang, Lux, Sanders, Ballard, Kreidler, Brough, Lewis, Mitchell, Van Luven, Barrett and Schoon

Modifying health insurance coverage for newborn infants.

House Committee on Financial Institutions & Insurance

Senate Committee on Financial Institutions

BACKGROUND:

Insurance companies, health care service contractors (HCSC's) and health maintenance organizations (HMO's) may require persons covered under a health insurance plan or policy to notify the insurer, HCSC or HMO of the birth of a child covered by the plan or policy. Insurers must allow the covered person 60 days in which to notify the insurer. HCSC's and HMO's must allow the covered person 90 days in which to notify the HCSC or HMO.

These notification requirements were adopted during the 1983 legislative session. The time periods for notification were intended to be 60 days for HCSC's and HMO's as well as 60 days for insurers.

SUMMARY:

The time period during which persons covered by a health care service contract or a health maintenance agreement must notify the HCSC or HMO of the birth of a covered child is reduced from 90 days to 60 days.

VOTES ON FINAL PASSAGE:

House 93 0  
Senate 44 0

EFFECTIVE: February 20, 1984

**SHB 1105**

C 156 L 84

By Committee on Social & Health Services (originally sponsored by Representatives Ebersole, Kreidler, Dellwo, Miller, Braddock, Stratton, Crane and Fisch)

Requiring the reporting of sentinel birth defects and the surveillance of environmental hazards.

House Committee on Social & Health Services

Senate Committee on Social & Health Services

BACKGROUND:

Congenital birth defects can be identified at birth and may signify the presence of environmental hazards, genetic disease, poor quality health care, or other factors. A growing number of infants are being born outside of hospitals. Congenital birth defects are not always identified and recorded in out of hospital births and this results in some infants not receiving necessary treatment.

SUMMARY:

The term "congenital" birth defects is dropped from the law, and replaced by the term "sentinel" birth defects. The person filling out the birth certificate of an infant born out of the hospital is required to report the presence of any sentinel birth defects to the Department of Social and Health Services. A process to safeguard the privacy and identity of children with sentinel birth defects is created. The Department is prohibited from disclosing the identity of a child with a sentinel birth defect unless specific criteria are met. The Department is required to prepare and

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## SHB 1105

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update information on sentinel birth defects and public and private services for those afflicted with them. An advisory committee is charged with the responsibility to determine what information is to be prepared and furnished on sentinel birth defects and on public and private services for the disabled with sentinel birth defects. The Department is required to develop procedures to monitor sentinel birth defects caused by environmental hazards.

### VOTES ON FINAL PASSAGE:

House	90	0	
Senate	41	2	(Senate amended)
House	96	0	(House concurred)

EFFECTIVE: June 7, 1984

## SHB 1106

C 273 L 84

By Committee on Judiciary (originally sponsored by Representatives Halsan, Appelwick, Tilly, P. King, Crane, Schmidt, Wang, Cantu, Locke, West, Betrozoff, Broback, Brough, Charnley, Ebersole, Padden, Patrick, Sanders, Silver, Tanner, Walk, Stratton, Barrett, Ballard, Hine, Schoon, Clayton, Todd, Miller, L. Smith and Powers)

Creating the crime of computer trespass.

House Committee on Judiciary

Senate Committee on Judiciary

### BACKGROUND:

A number of crimes may be committed by a person who enters a computer system. Among those crimes are theft, fraud and malicious mischief. However, if nothing in the system is taken, altered, or damaged, it may be that no crime has been committed.

### SUMMARY:

The crime of computer trespass is created. The intentional, unauthorized entry into a computer system is a gross misdemeanor. If the entry is also made with intent to commit an additional crime or is made into a government computer, then the crime is a class C felony. A person convicted of

computer trespass may also be punished for any other crimes committed during the trespass.

### VOTES ON FINAL PASSAGE:

House	90	1	
Senate	42	0	(Senate amended)
House	98	0	(House concurred)

EFFECTIVE: June 7, 1984

## HB 1107

C 28 L 84

By Representatives Ebersole, Hankins, Niemi, J. King, Lewis, Tanner, P. King, O'Brien, Todd and Halsan (by Planning and Community Affairs request)

Extending the bond allocation formula for the housing finance commission.

House Committee on State Government

Senate Committee on State Government

### BACKGROUND:

The 1983 Legislature created the Housing Finance Commission for the purpose of assisting in making affordable and decent housing available throughout the state. In addition to providing housing, the Commission's activities are intended to stimulate the wood products industry and reduce unemployment in the state.

The Housing Finance Commission, like other housing authorities in the state (local governments), is authorized to issue tax-exempt revenue bonds and to use the proceeds to provide low-cost housing assistance. Tax-exempt revenue bonds may be issued to finance both single-family and multiple-family housing. While the federal government has placed no ceiling on the amount of tax-exempt bonds which may be issued for multiple-family housing, it does place an annual ceiling on the amount of tax-exempt bonds which may be issued for single-family housing.

Federal law requires that the amount of tax-exempt bonds available for single-family housing be allocated between the state and local housing authorities. In the absence of a state allocation plan, these monies are to be split 50-50 between the state and local authorities.

RCW 43.180, which authorizes the activities of the Housing Finance Commission, establishes an allocation plan for calendar years 1983 and 1984. This allocation provides that 80 percent of the state ceiling will be allocated to the Housing Finance Commission and 20 percent of the ceiling will be allocated to the other issuing authorities in the state. Any portion of the ceiling allocated to other issuing authorities which remains unused will be added to the allocation of the Commission.

The allocation for housing authorities other than the Housing Finance Commission is to be distributed by, and according to the rules of, the Planning and Community Affairs Agency. The Housing Finance Commission is authorized to assign a portion of its allocation to another issuing authority.

The state ceiling on tax-exempt single-family housing bonds for 1983 was 200 million dollars. The Seattle Housing Authority, the only authority which requested an allocation, requested and received 6.7 million dollars. Of the 6.7 million dollars, it actually used 5.2 million dollars.

The federal law authorizing the issue of tax-exempt revenue bonds for single-family housing was sunsetted on December 31, 1983. However, Congress is expected to consider reauthorization when it convenes on January 23, 1984. The Treasury Department has not addressed the state ceiling for 1984 due to the sunset of the single-family tax-exempt bond issues.

SUMMARY:

The allocation established in RCW 43.180 (80 percent of the state ceiling goes to the Housing Finance Commission and 20 percent to the other issuing authorities) is extended through calendar year 1986.

VOTES ON FINAL PASSAGE:

House	96	0
Senate	41	3

EFFECTIVE: June 7, 1984

HB 1108

C 29 L 84

By Representatives Heck, Sommers and B. Williams  
(by Legislative Budget Committee request)

Repealing the veterans' loan insurance program.

House Committee on State Government

Senate Committee on State Government

BACKGROUND:

The Veterans' Loan Insurance Program was created by the Washington State Legislature in 1945 to assist returning World War II veterans obtain loans for their economic rehabilitation and adjustment to civilian life. The Department of General Administration, which assumed the powers and duties of the Department of Finance, Budget and Business, has statutory authority for the program. The program consists of two funds, the Veterans Loan Reserve Fund (RCW 73.12.030) and the Veterans Loan Insurance Reserve Fund (RCW 73.12.040), which are supposed to be invested by the State Investment Board.

The Veterans' Loan Insurance Program was never implemented, and for 39 years the authorizing chapter has remained in the Revised Code of Washington. Proposed legislation to repeal this program, submitted by Legislative Budget Committee request, was passed by the Senate in 1981 and 1982 Regular Sessions.

SUMMARY:

The statutes authorizing the Veterans' Loan Insurance Program are repealed and other references to its provisions are deleted.

VOTES ON FINAL PASSAGE:

House	96	0
Senate	43	0

EFFECTIVE: June 7, 1984

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**HB 1110**

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**HB 1110**

C 30 L 84

By Representatives Heck, Tilly, Sommers, Vander Stoep, B. Williams, Egger and P. King (by Legislative Budget Committee request)

Abolishing the governor's council on criminal justice.

House Committee on State Government

Senate Committee on State Government

**BACKGROUND:**

The Governor's Council on Criminal Justice and the Division of Criminal Justice were created in order to comply with provisions of the Federal Omnibus Crime Control and Safe Streets Act of 1968. This federal legislation required a statutorily authorized state planning agency as a condition for the state's participation in the Federal Law Enforcement Assistance Administration (LEAA) program.

The Federal Law Enforcement Assistance Administration ceased to exist as of April 15, 1982.

The Governor's Council on Criminal Justice, the Division of Criminal Justice and their respective powers and duties were scheduled for termination on June 30, 1983.

The Legislative Budget Committee (LBC) conducted a sunset review of the Governors Council on Criminal Justice and the Division of Criminal Justice. In its September, 1982 report, LBC recommended that these two groups terminate as scheduled on June 30, 1983 and that legislation be initiated to repeal the appropriate statutes. The Office of Financial Management concurred with the LBC recommendations. As per LBC recommendation, neither entity was reauthorized.

**SUMMARY:**

The statutes pertaining to the Governor's Council on Criminal Justice and the Division of Criminal Justice are repealed.

**VOTES ON FINAL PASSAGE:**

House	96	0
Senate	45	0

EFFECTIVE: June 7, 1984

**SHB 1118**

C 42 L 84

By Committee on Ways & Means (originally sponsored by Representatives Heck, B. Williams, Kreidler, Johnson, Sutherland, Tanner, Dellwo, Ebersole, Galloway, J. King, McClure, Silver, Taylor, Tilly, West, Stratton, Egger, P. King, Barrett, Ballard, Braddock, Holland, Clayton, Cantu, L. Smith and Struthers)

Authorizing pollution control tax credits for certain approved pollution control facilities.

House Committee on Ways & Means

Senate Committee on Ways & Means

**BACKGROUND:**

The pollution control tax credit program was enacted in 1967 and was subsequently repealed by the Legislature in November, 1981. Two tax exemptions were available to industries under the program. (1) A tax credit was provided against the B&O tax, public utility tax or use tax for up to 50 percent of the cost of a pollution control facility. No more than two percent of the total credit could be claimed each year. (2) A sales tax exemption was provided for costs associated with acquisition of pollution control facilities.

Certain criteria had to be met in order to qualify for pollution control credits, including: (1) application for pollution control credit made in response to a specific requirement of a pollution agency, and (2) application had to be made within one year of the requirement and no later than November 30, 1981.

**SUMMARY:**

The pollution control credit program is reenacted under specified criteria. Application must be filed: (1) following receipt of agency approval of plans and specifications, or (2) in anticipation of specific pollution control requirements. In addition, application for pollution control credits must have been made during the month of November, 1981, the application must have been denied, and the denial must have been appealed in a timely manner. If application is filed in anticipation of agency requirements, credit is granted only after

the requirement is issued. Application in anticipation of requirements is limited to water pollution control facilities.

No credit may be claimed prior to July 1, 1985, and credits are not available for projects funded by industrial revenue bonds.

VOTES ON FINAL PASSAGE:

House 71 16  
Senate 48 0

EFFECTIVE: June 7, 1984

**HB 1119**

C 102 L 84

By Representatives Walk, Sayan and Todd

Clarifying provisions of emergency purchases by state agencies.

House Committee on State Government

Senate Committee on State Government

BACKGROUND:

The Purchasing Division of the Department of General Administration is responsible for ensuring that state agencies comply with overall state purchasing policy.

State law requires that state purchases be made through a formal, sealed bidding procedure. However, formal sealed bids are not required for (1) purchases that are less than twenty-five hundred dollars, and (2) emergency purchases, if the sealed bidding procedure would prevent or hinder the emergency from being met appropriately. State law requires individuals who make emergency purchases to immediately report their reasons for making the purchase to the Director of General Administration.

There is no concise statutory definition of what constitutes an emergency. However, the Department of General Administration has more concisely defined the term by rule (WAC 236-48-003). There have been allegations that some agencies have occasionally bypassed the competitive, sealed bid procedure by declaring emergencies in cases where a true emergency may not have existed.

SUMMARY:

The statutes relating to emergency purchases are clarified by (1) placing in statute a concise definition of what constitutes an emergency, (2) requiring that the notification of emergency purchases be submitted by the agency head, and (3) providing legislative and executive branch oversight.

The definition of emergency purchases which is currently in WAC is placed in statute. Specifically, agencies are authorized to make emergency purchases "in response to unforeseen circumstances beyond the control of the agency which present a real, immediate, and extreme threat to the proper performance of essential functions or which may reasonably be expected to result in excessive loss or damage to property, bodily injury, or loss of life".

When an emergency purchase is made, the agency head is required to submit written notification to the Director of General Administration. The notification is to contain (1) a description of the purchase, (2) a description of the emergency, and (3) an explanation of why the circumstances required an emergency purchase.

The Director of General Administration is required to submit the written notifications to the Legislative Budget Committee (LBC) and the Director of Financial Management on an annual basis. The LBC is required to review the notifications for compliance with legislative intent.

VOTES ON FINAL PASSAGE:

House 89 0  
Senate 44 0

EFFECTIVE: June 7, 1984

**HB 1120**

C 43 L 84

By Representatives Armstrong, Padden, Brough, Crane, Fuhrman, Tanner, P. King, Barnes and L. Smith

Requiring release of juvenile records under certain circumstances.

House Committee on Judiciary

Senate Committee on Judiciary



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**HB 1120**

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**BACKGROUND:**

Under the new criminal sentencing law, a defendant's history of prior offenses is an important element in setting his or her sentence for a current offense. The juvenile offense records of a person being charged with an adult crime "may" be released to the prosecution and defense counsel. Likewise, after a conviction those records "may" be released to the adult corrections system.

**SUMMARY:**

Upon request of the prosecution or defense counsel in an adult criminal trial, the juvenile offense records of the defendant "shall" be released. Likewise, following a conviction, those records "shall" be released to the adult corrections system if the defendant has been placed in that system.

**VOTES ON FINAL PASSAGE:**

House	97	0
Senate	46	0

**EFFECTIVE:** June 7, 1984**HB 1121**

C 55 L 84

By Representatives Armstrong, Padden, Tanner, P. King and Clayton

Revising penalties for crimes involving explosives.

House Committee on Judiciary

Senate Committee on Judiciary

**BACKGROUND:**

Under the new criminal sentencing law, beginning in July, 1984 defendants will be sentenced to "determinate" sentences within a "presumptive" range. As part of this new law, most felonies are being placed on a grid which identifies an appropriate range of sentences for each crime. For the most part, mandatory minimum sentences for felonies are being repealed as inconsistent with the new law. Most felonies have been classified as "A", "B", or "C" with corresponding placement on the sentencing grid.

Title 70 RCW contains two provisions which are inconsistent with the new sentencing scheme. One provision sets a mandatory minimum sentence of

five years for unlawful possession of an explosive device. Another provision makes it a "felony" punishable by 25 years in prison to place an explosive device so as to damage certain property. Endangering a person by the placement is punishable by 25 years in prison.

**SUMMARY:**

The mandatory minimum sentence for unlawful possession of an explosive device is eliminated. The maximum sentence is changed to 20 years which is consistent with classification as a class A felony. The maximum penalty for endangering a person by placement of an explosive device is set at 20 years also. Placement of the device so as to damage certain property is punishable by up to five years in prison, the equivalent of a class C felony.

**VOTES ON FINAL PASSAGE:**

House	97	0
Senate	45	0

**EFFECTIVE:** June 7, 1984**SHB 1123**FULL VETO

By Committee on Ways & Means (originally sponsored by Representatives Monohon, Grimm, J. King, Wang and Halsan)

Permitting the state employees' insurance board to expand its methods for providing insurance coverage.

House Committee on Ways &amp; Means

Senate Committee on Ways &amp; Means

**BACKGROUND:**

The State Employees' Insurance Board (SEIB) is not specifically authorized to self-fund, self-insure or utilize other methods of providing insurance coverage. All programs must be put out to bid and then be contracted for.

The 1983 Legislature passed legislation which would have permitted the SEIB to self-fund its insurance programs. The legislation was vetoed by the Governor. The veto message indicated the Governor's concern about the risks associated with

self-insurance and the need to study self-insurance and self-insurance alternatives. The biennial budget as enacted directed the Office of Financial Management to undertake such a study.

SUMMARY:

The State Employees' Insurance Board is authorized to self-fund, self-insure, or enter into other methods of providing insurance coverage for programs under its jurisdiction. The SEIB can continue to offer the traditional insured programs or may contract for the payment of claims or other administrative services. Should the Board elect a method of providing insurance which does not require prepayment of reserves to a third party the Board must establish such reserves as are normally required for that type of insurance. Reserves so established shall be held in separate accounts within the employees insurance fund. The state investment board is to act as the investor for the fund and for the separate accounts which can be created with all earnings from such investments accruing directly to the fund and its accounts.

If the SEIB does self-insure the employee health program, the board must offer conversion rights for terminating employees. In addition the board is required to provide coverage for the same services as would be required of insurance companies for group disability plans when the service covered is then performed by a specialist rather than a physician.

Any savings realized as a result of changing from an insured program to an alternative method of providing insurance may not be used to increase benefits unless authorized by statute.

The SEIB must file annual reports covering actuarial information regarding reserves, the financial condition, transactions, and affairs of programs under its jurisdictions. Reports are to be filed with the House, Senate, and State Auditor's Office.

VOTES ON FINAL PASSAGE:

House	56	38	
Senate	29	14	(Senate amended)
House	61	37	(House concurred)

FULL VETO: (See VETO MESSAGE)

SHB 1124

C 186 L 84

By Committee on Local Government (originally sponsored by Representatives Moon, Van Dyken, Brough, Isaacson, D. Nelson and Miller)

Simplifying government borrowing.

House Committee on Local Government

Senate Committee on Local Government

BACKGROUND:

Laws of 1983 authorized local governments to issue and sell all types of bonds pursuant to uniform, simplified and flexible processes. This legislation was drafted in such a manner to authorize this uniform, simplified and flexible processes, or permit local governments, at their option, to conform with older statutes that contained specific requirements. These older specific requirements varied between different local governments.

Local governments are authorized to issue refunding bonds used to refund outstanding G.O. or revenue bonds. Refunding bonds are not authorized to refund outstanding LID bonds.

SUMMARY:

The existing optional, simplified and flexible process for local governments to issue and sell general obligation (G.O.) bonds becomes the only process by which local governments issue G.O. bonds. The old statutory language containing varying and detailed requirements for the issuing of general obligation bonds is deleted or repealed.

Local governments are authorized to issue refunding LID bonds.

VOTES ON FINAL PASSAGE:

House	94	0	
Senate	40	0	(Senate amended)
House	98	0	(House concurred)

EFFECTIVE: June 7, 1984

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**SHB 1125**

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**SHB 1125**

C 157 L 84

By Committee on Social & Health Services (originally sponsored by Representatives McClure, Lewis, Sayan, Smitherman, Braddock, Niemi, Dellwo, Ballard, Wang, Brough, Ebersole, Fisher, Jacobsen, J. King, Patrick, Tanner, Vekich, Brekke, Ellis, Barrett, Miller, Halsan and L. Smith)

Mandating a study of children's mental health services.

House Committee on Social &amp; Health Services

Senate Committee on Social &amp; Health Services

**BACKGROUND:**

Currently, there is no comprehensive state policy on the mental health needs of children. Further, there is a great deal of service fragmentation and little coordination among childrens' mental health and related services.

**SUMMARY:**

The House and Senate Social and Health Services Committees, Senate Judiciary Committee, and the Legislative Budget Committee shall conduct a study of children's mental health and related services and report to the legislature by December 15, 1984.

**VOTES ON FINAL PASSAGE:**

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

EFFECTIVE: March 8, 1984

**SHB 1127**

C 147 L 84

By Committee on Local Government (originally sponsored by Representatives Hine, Brough, Ballard and Clayton)

Providing a means to transfer sewer or water system operations from a county to a sewer or water district.

House Committee on Local Government

Senate Committee on Local Government

**BACKGROUND:**

Existing law establishes a process by which various municipal corporations may transfer systems of water or sewerage, or combined water and sewerage systems, to counties.

Any sewer district may apply to the county commissioners of the county within which it is located to authorize a name change. The name change must reflect all the services provided by the district. This process by which a district may change its name is not available to water districts.

**SUMMARY:**

Counties are allowed to transfer systems of water or sewerage, or combined water and sewerage systems, to sewer districts or water districts. This transfer is accomplished in the same manner of such transfers from municipal corporations to counties. Notice of the hearing before the county legislative authority on this matter must be mailed to ratepayers of the system. The county and the water or sewer district may provide that the area served by the sewer or water system be annexed into the sewer or water district. Such annexations are not subject to review by the boundary review board.

The name change of a sewer district need not be reflective of the services it provides. Any water district is authorized to have its name changed by the county legislative authority of the county within which the district lies.

**VOTES ON FINAL PASSAGE:**

House	90	0	
Senate	44	1	(Senate amended)
House	95	0	(House concurred)

EFFECTIVE: June 7, 1984

**HB 1128**

C 44 L 84

By Representatives Charnley and Brough

Filling vacancies of special purpose district representatives.

House Committee on Local Government

Senate Committee on Local Government

**BACKGROUND:**

A metropolitan municipal corporation (metro) is governed by a metropolitan council composed of a variety of persons, including county council members and executives, mayors and city council members, and other appointees. If a metro is authorized to perform water pollution abatement, the metro council includes two water district or sewer district commissioners.

**SUMMARY:**

A process is established to appoint persons to fill vacant sewer or water district members' positions on metro councils. These vacancies are filled in the same manner as the original appointments are made.

**VOTES ON FINAL PASSAGE:**

House	96	0
Senate	45	0

EFFECTIVE: June 7, 1984

**HB 1133**

C 216 L 84

By Representatives Sommers, Long, Jacobsen, Fisher, Miller, Barnes, Pruitt and Schoon

Specifying requirements for political advertising.

House Committee on Constitution, Elections & Ethics

Senate Committee on Judiciary

**BACKGROUND:**

State law requires all political advertising to identify one of its sponsors, if sponsored by other than

the candidate listed. The sponsor must warrant the truth of the advertising. If a candidate is running for partisan political office, the advertising shall also designate the party to which the candidate belongs. The use of assumed names is unlawful. At least one picture of the candidate used in such advertising must have been taken within the last five years and must be no smaller than the largest picture used. If a corporation sponsors the advertising, the name and address of its president shall be listed.

Violations of the requirements regarding campaign pictures constitute misdemeanors; violations of the remaining provisions constitute gross misdemeanors.

**SUMMARY:**

A person shall not sponsor political advertising which contains information the person knows or should know to be false. A person or candidate shall not make, directly or indirectly, a false claim stating or implying the support or endorsement of a person or organization. No political advertising may falsely represent a candidate as being the incumbent.

Written political advertising shall include the sponsor's name and address. Political yard signs, with dimensions no greater than 8 feet by 4 feet, are exempt from this requirement. Political advertising on radio and television shall include the sponsor's name. Advertising for a candidate for partisan office shall clearly identify the party of the candidate. The Public Disclosure Commission shall exempt certain specified forms of advertising from these identification requirements as well as other forms where identification is impractical.

The use of an assumed name is unlawful. At least one picture of the candidate used in political advertising must have been taken within the last five years and must be no smaller than the largest picture used.

Responsibility for complying with these provisions on political advertising rests with the sponsor of the advertising unless the content of the advertising has been changed by a broadcasting station or other medium. The station or medium is responsible for any noncompliance resulting from such a change.

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## HB 1133

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These provisions regarding political advertising are added to the public disclosure statutes administered by the Public Disclosure Commission. Current law specifically regulating political advertising is repealed.

A person who removes or defaces lawfully placed political advertising without authorization is guilty of a misdemeanor. The defacement or removal of each item is a separate violation.

### VOTES ON FINAL PASSAGE:

House	96	0	
Senate	41	5	(Senate amended)
House			(House refused to concur)

### Free Conference Committee

House	90	0
Senate	42	5

EFFECTIVE: June 7, 1984

## HB 1135

C 148 L 84

By Representatives Hine, Wang, Sutherland, Armstrong and Crane

Revising the notice requirements for motor vehicle warranties.

House Committee on Judiciary

Senate Committee on Judiciary

### BACKGROUND:

In 1983, the legislature enacted a procedure for handling new car warranty disputes. One provision of this act deals with notification by a customer to the car manufacturer and the car dealer whenever the customer wishes to have a warranty defect corrected. Other provisions of the act require the manufacturer to pay back the purchase price of the car if after a "reasonable number" of attempts the defect has not been corrected. The act presumes four to be a "reasonable number" of attempts.

Taken together, these provisions have been construed to mean that a customer must provide written notice of a defect before each of four successive repair attempts. Under this interpretation, a customer who notifies the manufacturer

and dealer after four unsuccessful repair attempts would not be entitled to a refund of the purchase price.

### SUMMARY:

New car buyers are no longer required to protect their interests by giving prior written notice to both the car manufacturer and dealer before each attempt to have defects repaired. Instead, the buyer discovering a defect must report to either the manufacturer or dealer that a repair is needed. The buyer must notify the manufacturer of the defect in writing at least once before the manufacturer becomes liable for a refund following four unsuccessful repair attempts.

### VOTES ON FINAL PASSAGE:

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

EFFECTIVE: June 7, 1984

## 2SHB 1137

C 158 L 84

By Committee on Ways & Means (originally sponsored by Representatives Kreidler, Fiske, Dellwo, Stratton, Wang, McClure, Braddock, Ballard, Niemi, Belcher, Broback, Johnson, R. King, Lewis, Mitchell, Silver, Van Dyken, West, Wilson, Long, Brekke, Barrett, Lux, Miller and Addison)

Authorizing demonstration projects on respite care services.

House Committee on Social & Health Services

Rereferred House Committee on Ways & Means

Senate Committee on Ways & Means

### BACKGROUND:

Most of the care provided to functionally disabled adults is provided by family members or friends. The Department of Social and Health Services (DSHS) does not provide any assistance to family members or friends to help them care for the disabled adult relatives. In seven public hearings held around the State by the House Social and Health Services Committee and the State Council

on Aging, senior citizens and others identified the lack of respite care services for the families and friends of functionally disabled as a serious gap in services to senior citizens and other functionally disabled adults.

**SUMMARY:**

DSHS is authorized to establish at least two respite care demonstration projects to provide relief and support to families or other unpaid caregivers of functionally disabled adults. The Department is required to report to the legislature on the respite care demonstration projects before January 9, 1985. \$500,000 is appropriated to the Department to carryout the respite care demonstration projects.

**VOTES ON FINAL PASSAGE:**

House	96	0	
Senate	41	1	(Senate amended)
House	96	0	(House concurred)

EFFECTIVE: March 8, 1984

**HB 1138**

C 253 L 84

By Representatives Ebersole, Rust, Allen, Brekke, Burns, Brough, Charnley, Crane, Fisher, Galloway, Wang, Kaiser, Lux, Nealey, Todd and Miller

Requiring comprehensive plans to provide for protection of ground water.

House Committee on Environmental Affairs

Senate Committee on Parks & Ecology

**BACKGROUND:**

Counties and cities have the option of preparing comprehensive plans. These plans are intended to provide policies and goals for long range local development. The zoning ordinance provides the interpretation and methods of implementing the comprehensive plan.

**SUMMARY:**

Cities and counties are directed to address the protection of ground water used for public water supplies in their comprehensive plans.

The protection of aquifers that provide the sole drinking water source for a given area shall be the highest priority of all state and local agencies with jurisdiction over the area.

**VOTES ON FINAL PASSAGE:**

House	90	0	
Senate	39	7	(Senate amended)
House	98	0	(House concurred)

EFFECTIVE: June 7, 1984

**HB 1142**

C 159 L 84

By Representatives Dellwo, R. King, Belcher, Sayan, Fisher, Fisch, Brekke, McMullen and Lux

Modifying procedures for filing claims for occupational disease.

House Committee on Labor

Senate Committee on Commerce & Labor

**BACKGROUND:**

Current law requires that workers' compensation claims involving occupational diseases be filed within one year of the date the worker is provided notice by a physician as to the existence of the disease.

This one year time limit has been interpreted by the courts as not beginning to run, however, until two events have occurred:

(1) the worker has been given notice by a physician that the disease is "occupational" in nature and causation; and

(2) the disease has reached the state where it is deemed "compensable" (e.g. requiring medical treatment or causing absence from work).

The law is not entirely clear as to when a disease reaches the stage where it is "compensable" for the purposes of applying the time limit.

**SUMMARY:**

Workers' compensation claims involving occupational diseases must be filed within two years of the date the worker receives written notice from a physician

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**HB 1142**

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(1) that the worker has an occupational disease; and

(2) that a claim for disability benefits may be filed.

This written notice must also contain language advising the worker that the claim must be filed within two years. The physician is required to file the notice with the Department of Labor and Industries. The Department is then required to send a copy of the notice to the worker, and also to the worker's employer, if the employer self-insurers for workers' compensation purposes.

A claim for a death resulting from an occupational disease may be filed within two years of the death.

The Department of Labor and Industries is required to provide physicians with a manual describing how workers' compensation claims involving occupational diseases should be handled.

**VOTES ON FINAL PASSAGE:**

House	89	5	
Senate	44	2	(Senate amended)
House	96	0	(House concurred)

EFFECTIVE: June 7, 1984

**SHB 1146**

C 7 L 84

By Committee on Transportation (originally sponsored by Representatives Walk, Wilson, Van Luven and Clayton)

Correcting obsolete references to agencies consolidated in the department of transportation.

House Committee on Transportation

Senate Committee on Transportation

**BACKGROUND:**

In 1977, the Transportation Commission and Department of Transportation were created. Transferred to the new commission and department were the powers, duties and functions of the Department of Highways, the State Highway Commission, the Director of Highways, the Washington Toll Bridge Authority, the Aeronautics Commission,

the Director of Aeronautics, and the Canal Commission and the transportation-related powers, duties, and functions of the Planning and Community Affairs agency. The 1977 law amended fifty-one sections of law and repealed twenty more to reflect this transfer, but left untouched more than five hundred other sections that contained references to the transferred agencies.

The 1977 law provides that whenever in Title 47 RCW or any provision of the Revised Code of Washington there appeared references to the Highway Commission, Highway Department, Toll Bridge Authority or Aeronautics Commission, the references are to mean the Department of Transportation. Likewise, references to the Director of Highways or Director of Aeronautics are to mean the Secretary of Transportation.

Since 1977, whenever any of the unamended RCW sections have been included in bills for the purpose of other, substantive, amendment, the Code Reviser has made the name changes as directed by the original legislation.

However, there remain some 400 RCW sections still containing the outdated references.

**SUMMARY:**

References in the RCW to the Highway Commission, Department of Highways, Toll Bridge Authority, Aeronautics Commission, Director of Highways, and Director of Aeronautics are amended, as appropriate, to read the Transportation Commission, Department of Transportation, or Secretary of Transportation.

In addition, numerous amendments have been made to improve the grammar, sentence structure, and word usage of the Code.

Three hundred eighty-six sections are amended, thirteen sections are decodified, and eight sections are repealed. The sections decodified and repealed no longer meet the criteria expressed in RCW 1.08.015 of being "laws of a general and permanent nature" to be included in the Revised Code of Washington.

**VOTES ON FINAL PASSAGE:**

House	91	0
Senate	44	0

EFFECTIVE: June 7, 1984

**HB 1147**

C 45 L 84

By Representatives Haugen, McMullen, McClure, Fisch, Smitherman, Jacobsen, Zellinsky, Schmidt, Fiske, Wilson, Powers, Fisher, Tanner, J. Williams and P. King

Authorizing bed and breakfast facilities to serve beer or wine.

House Committee on Commerce & Economic Development

Senate Committee on Commerce & Labor

**BACKGROUND:**

Bed and breakfast establishments are prohibited from serving beer and wine without authorization from the State Liquor Control Board.

**SUMMARY:**

Bed and breakfast establishments are permitted under a special permit to serve beer and wine without charge to their guests. Bed and breakfast establishments eligible for the special permit are limited to those with eight or fewer units.

**VOTES ON FINAL PASSAGE:**

House	91	0
Senate	41	5

EFFECTIVE: June 7, 1984

**HB 1149**

C 207 L 84

By Representatives Monohon, Barrett, Fisch, Lewis, McClure, Vekich, Sayan, Struthers, Brough, R. King, McMullen, Padden, Tanner, Holland, Todd and Powers

Authorizing certain members of affiliated organizations and their auxiliaries to assist other chapter or units with gambling activities.

House Committee on Commerce & Economic Development

Senate Committee on Commerce & Labor

**BACKGROUND:**

Presently gambling is prohibited except when specifically allowed for by law. Fund raising by nonprofit organizations is one such exception. Auxiliary chapters to an organization presently cannot participate in the organization's fund raising gambling activities, such as casino nights.

Fund raising by nonprofits is limited to five thousand dollars (\$5,000) after deductions for winnings and prizes.

**SUMMARY:**

The authority of a nonprofit organization to conduct gambling activities changes in several respects. First, members of auxiliaries may assist in gambling activities of the nonprofit principal organization or other chapters and units of the organization.

Second, the dollar limit on nonprofit organization's fund raisers increases from five thousand dollars (\$5,000) to ten thousand dollars (\$10,000). The \$10,000 limit is computed by taking, during the total calendar days of the event, gross wagers and bets received less winnings and cost of prizes.

Third, the definition of "fundraising events" must meet several requirements. Fundraising events by nonprofit organizations must be approved by the gambling commission. Net receipts from the fundraising events must be counted against the statutory limit. The commission may issue joint licenses for joint fundraising events.

**VOTES ON FINAL PASSAGE:**

House	69	28
Senate	35	11 (Senate amended)
House	72	23 (House concurred)

EFFECTIVE: June 7, 1984

**SHB 1153**

C 96 L 84

By Committee on Environmental Affairs (originally sponsored by Representatives Ellis and Lewis)

Modifying provisions on radioactive materials.

House Committee on Environmental Affairs

Senate Committee on Energy & Utilities



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## SHB 1153

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### BACKGROUND:

The Department of Social and Health Services (DSHS) issues licenses for the handling of radioactive materials. This includes medical, industrial, and experimental uses as well as the disposal of radioactive materials. In issuing a license, DSHS determines that the applicant can comply with all the rules and regulations relating to safe management practices for radioactive materials.

### SUMMARY:

Before DSHS issues a license, they will give notice of the application to the appropriate local governmental entity. The local government will then have the opportunity to file objections against the applicant or against the requested activity. DSHS may then decide to hold a public hearing pursuant to the Administrative Procedures Act.

Once a license has been issued, DSHS will supply a copy of the license to the appropriate local governmental entity.

Activities conducted within the boundaries of the Hanford Reservation are exempted.

### VOTES ON FINAL PASSAGE:

House	90	5
Senate	48	0

EFFECTIVE: June 7, 1984

## SHB 1156

### PARTIAL VETO

C 285 L 84

By Committee on Ways & Means (originally sponsored by Representatives Grimm and Cantu; by Governor Spellman request)

Adopting the supplemental budget.

House Committee on Ways & Means

Senate Committee on Ways & Means

### BACKGROUND:

See 1983-85 supplemental budget summary.

### SUMMARY:

Supplemental operating appropriations are provided for the 1983-85 biennium. Total new appropriations amount to \$56.3 million General Fund State and \$81.1 million Non-General Fund. See 1983-85 supplemental operating budget summary.

### VOTES ON FINAL PASSAGE:

House	53	44
Senate	28	19 (Senate amended)
House	54	35 (House concurred)

EFFECTIVE: March 30, 1984

### PARTIAL VETO SUMMARY:

The governor vetoed all of Subsection 5 in Section 501. Appropriations in this subsection provided funds and allocation direction for House Bill 1660. As House Bill 1660 did not pass, this appropriation cannot be spent and is an unnecessary authorization. The governor's veto, therefore, has no substantive impact. (See VETO MESSAGE)

## SHB 1157

C 182 L 84

By Committee on Ways & Means (originally sponsored by Representatives Grimm, Cantu and Braddock; by Governor Spellman request)

Adopting the supplemental capital budget.

House Committee on Ways & Means

Senate Committee on Ways & Means

### BACKGROUND:

See 1983-85 supplemental capital budget summary.

### SUMMARY:

Supplemental capital appropriations are provided for the 1983-85 biennium. Total new appropriations amount to \$44.7 million; this is \$7.5 million lower than the amount requested by the Governor. See 1983-85 supplemental capital budget summary.

VOTES ON FINAL PASSAGE:

House	80	14	
Senate	35	14	(Senate amended)
House			(House refused to concur)
<u>Free Conference Committee</u>			
Senate	31	18	
House	84	9	

EFFECTIVE: March 14, 1984

**HB 1159**

PARTIAL VETO

C 287 L 84

By Representatives Niemi, Hankins, Sommers, Johnson, Galloway, Sayan, Walk and Miller (by Office of Financial Management request)

Establishing uniform compensation for boards and commissions.

House Committee on State Government

Senate Committee on State Government

BACKGROUND:

The compensation for members of state boards and commissions is established in the Revised Code of Washington. There appear to be some discrepancies between the compensation received by members of certain boards and commissions and the functions performed. Members of some boards and commissions appear to be overcompensated for the type of duties they carry out, whereas others appear not to be paid enough to compensate for the enormity of the responsibilities their positions demand.

The activities of escrow agents and escrow officers are regulated by the Department of Licensing. Prior to June 1978, there existed the Escrow Commission which served in an advisory capacity to the Director of Licensing. The Escrow Commission was terminated under the Sunset Act on June 30, 1978.

It is a misdemeanor for any person who is not a member of the state bar to practice law.

SUMMARY:

Existing boards and commissions are each placed into one of four different classes (class one through

four) depending upon their level of responsibility or authority. A compensation level, also based upon degree of responsibility and authority, is established for each class.

Members of boards and commissions may not receive the compensation authorized by this proposal if they a) occupy a position, normally regarded as full-time in nature, in any agency of the federal government, Washington State government, or a Washington State local government; and b) are compensated by that government for working that day. The compensation authorized by this proposal is in addition to travel expenses already authorized by law.

The four classes established by this proposal are as follows:

CLASS ONE: This group serves in advising, planning and coordinating functions. No compensation is authorized besides travel expenses already authorized by law. Examples of boards and commissions in this class include the following: Driver Instructor Advisory Committee, Advisory Council on Historic Preservation, Snowmobile Advisory Committee, and Veterans Affairs Advisory Committee.

CLASS TWO: This group consists of the agricultural commodity commissions. Eligible members are compensated \$35 per day. Examples of commissions in this class include the following: Dairy Products Commission, Fruit Commission, and Wheat Commission.

CLASS THREE: This group has rule-making authority, performs quasi-judicial functions, is responsible for administrative or policy direction, or performs regulatory or licensing functions. Eligible members are compensated \$50 per day. Examples of boards and commissions in this class include the following: Correction Standards Board, Data Processing Authority, Housing Finance Commission, and Board of Medical Examiners.

CLASS FOUR: This group is similar to the Class Three group, except that their responsibilities demand in excess of 100 hours of meeting time and their duties must be of great sensitivity and importance to the public welfare and the operation of the state. Eligible members are compensated \$100 per day. Examples of boards and commissions in this class include the following: Hospital Commission, State Lottery Commission, Public Disclosure Commission, and Transportation Commission.

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**HB 1159**

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The act takes effect on July 1, 1985, the beginning of the next fiscal biennium, and requires the Office of Financial Management to review compensation levels every four years and report back to the legislature.

An Escrow Commission is created to advise the Director of Licensing. The Commission consists of the Director of Licensing and five persons appointed by the Governor. The Commission is designated a "class three group" for the purposes of compensation (receives up to \$50 per day).

Escrow agents and officers are exempted from an existing statute which makes it a misdemeanor to practice law without being a member of the state bar. This exemption is consistent with rules of the State Supreme Court providing for the licensing of real estate closing officers and permitting them to engage in a limited practice of law.

**VOTES ON FINAL PASSAGE:**

House	94	0	
Senate	44	3	(Senate amended)
House	98	0	(House concurred)

**EFFECTIVE:** July 1, 1985**PARTIAL VETO SUMMARY:**

The veto removes provisions pertaining to compensation of members of existing barbering and cosmetology boards. These boards have been sunsetted and their duties transferred to the Department of Licensing.

**HB 1162**

C 80 L 84

By Representatives Stratton, Mitchell, Halsan and Van Dyken

Correcting double amendments and making other technical corrections in the fisheries code.

House Committee on Natural Resources

Senate Committee on Natural Resources

**BACKGROUND:**

In 1983, the Legislature rewrote and reorganized Title 75 RCW, the Fisheries Code. Other 1983 enactments resulted in double amendments to the

same sections or in improper references to statutes.

**SUMMARY:**

Double amendments are eliminated for single delivery permits and goosuck clam harvesting; references to inappropriate aquatic land statutes are corrected, and format changes are made.

**VOTES ON FINAL PASSAGE:**

House	96	0
Senate	45	0

**EFFECTIVE:** June 7, 1984**SHB 1163****PARTIAL VETO**

C 280 L 84

By Committee on Financial Institutions & Insurance (originally sponsored by Representatives Lux, Pruitt, D. Nelson, Burns and Todd)

Prohibiting consumer credit charges on new transactions before the next billing cycle.

House Committee on Financial Institutions &amp; Insurance

Senate Committee on Financial Institutions

**BACKGROUND:**

The Washington Retail Installment Sales Act governs most consumer credit transactions involving retailers. The act distinguishes among several different kinds of credit transactions. Among these are retail installment contracts, which are usually for a single purchase, and retail charge agreements, which are usually open-end credit agreements. The act also recognizes the existence of "lender credit cards" which are issued by those not in the retail business but which may be used to purchase goods and services through credit provided by the card issuer.

The act sets forth terms and conditions which must be included in retail installment transactions. Purchasers are entitled to certain kinds of notice both at the time the agreement is entered and at regular periods thereafter. The act also limits that amount of interest that may be charged on retail

installment transactions. Retail installment contracts may have a maximum interest rate of six percentage points over quarterly treasury bill rates. Retail charge agreements may have a maximum interest rate of 18 percent.

Lender credit card agreements are not subject to the act. They are subject to the usury statute which contains some similar provisions to those contained in the act. The maximum interest rate on most non-commercial transactions under the usury statute is four percentage points over the monthly treasury bill rate.

The federal truth-in-lending act and its implementing regulations contain provisions governing the procedure that must be followed by a retailer and a credit card issuer when a consumer returns a purchase to a retailer for credit. Washington has no similar provision.

**SUMMARY:**

Lender credit cards are those cards issued by entities which are not financial institutions. Lender credit card agreements are subject to the provisions of the Washington Retail Installment Sales Act. These credit card agreements may not contain provisions for taking a security interest in any goods purchased with these cards. Financial institution credit cards are those cards issued by those entities which are financial institutions as defined in the act and which are not retailers. Financial institution credit card agreements are not subject to the Retail Installment Sales Act, except as specifically provided in the act.

A retailer is required to notify the issuer of a lender credit card or a financial institution credit card that a customer has returned for credit a purchase made under the credit card agreement. The retailer must transmit this notice to the credit card issuer in an agreed upon manner within seven working days of the credit transaction. The credit card issuer must credit the consumer's account within three working days of receipt of the credit statement. If the retailer fails to notify the credit card issuer within the required period of time, the retailer is liable to the card issuer for the amount of interest accruing on the account. The consumer may not be charged interest due to failure of the retailer or the card issuer to comply with the terms of the act. Lender credit card agreements and financial institution credit card agreements must contain provisions notifying the consumer of his or her rights under the act.

**VOTES ON FINAL PASSAGE:**

House	93	2	
Senate	45	2	(Senate amended)
House			(House refused to concur)

Free Conference Committee

Senate	44	1
House	97	1

EFFECTIVE: June 7, 1984

PARTIAL VETO SUMMARY:

The Governor vetoed the provision in section 11(4) making a retailer liable to a credit card issuer for the amount of interest accruing to a charge account due to the retailer's failure to notify in a timely manner the card issuer of a credit to the account. The customer is not liable for this interest.

**SHB 1164**

PARTIAL VETO

C 123 L 84

By Committee on Environmental Affairs (originally sponsored by Representatives Heck, Sutherland, Allen, Rust, Dellwo, J. King, Tanner and D. Nelson)

Revising solid waste management procedures.

House Committee on Environmental Affairs

Senate Committee on Parks & Ecology

**BACKGROUND:**

Currently, the Department of Ecology (DOE) has the authority to adopt, by rule, minimum functional standards for solid waste handling. This includes transport, storage, disposal or any other aspect of solid waste management. These standards are then reviewed by the Solid Waste Advisory Committee.

Local governments are responsible for preparing a comprehensive solid waste management plan. All plans must be submitted to DOE for review and approval. DOE may require that the plans be periodically reviewed and revised by local governments. Local governments must also adopt regulations or ordinances to govern the implementation of the plan.

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## SHB 1164

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No solid waste disposal facilities may be sited or expanded unless a permit has been issued by the jurisdictional health department. Before issuing a permit, the health department must determine that the site conforms with existing laws, plans and zoning requirements.

### SUMMARY:

A priority system for the management of solid waste is added to the Solid Waste Management Act. Waste reduction and waste recycling are the top two priorities and landfill is the lowest priority.

DOE is required to adopt minimum functional standards for solid waste handling which provide "maximum feasible protection" of the environment and human health. These standards are subject to the approval of the Solid Waste Advisory Committee. The department is also required to periodically revise these standards to reflect new technology and information. In addition, the department is directed to establish standards for the siting of solid waste facilities. These standards must address certain enumerated factors relevant to siting facilities.

Each county must establish a local Solid Waste Advisory Committee to assist in developing solid waste policies.

Solid waste management plans must include a review of potential disposal sites which meet the siting criteria established by the department.

Cities and counties are required to review and revise their solid waste management plans within 5 years of the effective date of this legislation. Thereafter, plans must be reviewed at least once every 5 years.

DOE will review siting permits and renewals by the jurisdictional health department. DOE may appeal a permit or a renewal of a permit to the pollution control hearings board.

### VOTES ON FINAL PASSAGE:

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

EFFECTIVE: June 7, 1984

### PARTIAL VETO SUMMARY:

The Governor vetoed the section requiring the adoption of minimal functional standards for solid waste handling, subject to the approval of the

Solid Waste Advisory Committee. (See VETO MESSAGE)

## HB 1166

C 46 L 84

By Representatives Locke, Padden, Armstrong and Crane

Authorizing courts to set conditions on probation and specifying length of term.

House Committee on Judiciary

Senate Committee on Judiciary

### BACKGROUND:

In 1983, the legislature extended the authority of district court judges to impose probation. The prior limit had been the maximum jail sentence imposable for the crime for which the defendant was convicted. District courts handle misdemeanors and gross misdemeanors. The maximum sentences imposable are typically 90 days in jail for misdemeanors and one year in jail for gross misdemeanors. Probationary periods were therefore subject to the same maximums. The 1983 law gave district courts the authority to impose probation for up to two years regardless of the length of jail sentence imposable for the crime.

Superior courts and district courts share jurisdiction over misdemeanors and gross misdemeanors. The 1983 act did not change the probationary authority of superior courts. They are still limited in imposing probation to the length of the maximum jail sentence imposable. Because misdemeanants and gross misdemeanants may be tried in either superior or district court, and because the probation imposable by the two courts differs, the current situation creates a serious "equal protection" problem. That is, the punishment given a defendant may vary simply on the basis of which level of court tries his or her case.

Courts are also authorized to impose fines as a part of probation. There is some ambiguity in the statutes as to the maximum fine imposable.

### SUMMARY:

The superior courts are given authority to impose probation for up to two years, or for up to the maximum imposable prison term, whichever is

longer. This change has the effect of putting superior and district courts on an equal basis with respect to probationary authority for those crimes for which they share jurisdiction. The maximum fine imposable as part of probation is set at the maximum imposable for the offense committed.

## VOTES ON FINAL PASSAGE:

House	97	0
Senate	46	1

EFFECTIVE: February 29, 1984

**2SHB 1174**

C 277 L 84

By Committee on Ways & Means (originally sponsored by Representatives Rust, Allen, Kreidler, Van Dyken, Lux, Fisher, Todd, Charnley and Jacobsen)

Regulating acid deposition pollution

House Committee on Environmental Affairs

Rereferred House Committee on Ways &amp; Means

Senate Committee on Parks &amp; Ecology

## BACKGROUND:

Acid deposition refers to the release of acid particles from the atmosphere either through precipitation or through dry deposits, such as gases settling onto the land. Certain environments are more sensitive to acid deposition because they do not have the capability to neutralize the acid. Western Washington has been noted as one of the nation's most sensitive areas. Therefore, if acidification occurred over a long period of time, fish, forest and agricultural environments of the state could be damaged.

Sulphur dioxide and nitrogen oxide emissions have been identified as the primary human contribution to the acid deposition problem. The Clean Air Act does not currently address the issue of acid rain and therefore regulations are directed toward the local effects of air pollution and do not generally address the problem of emissions once they are dispersed and transported in the atmosphere away from their immediate locality.

## SUMMARY:

The joint committee on science and technology is directed to establish a consultant selection committee to select a consultant. The consultant will evaluate current information and determine what data is necessary to provide good base-line information on acid deposition in the northwest. The science and technology committee may also execute an interagency agreement with the department of ecology to provide \$25,000 to \$50,000 for an evaluation of acid rain.

The results of the consultant's study will be reported to the legislature by January 1, 1985.

The Department of Ecology is responsible for periodic monitoring of the alpine lakes of the state in order to detect acidification.

The Department of Ecology is directed to prepare an evaluation of acid deposition in the state, including evaluating the presence of acid rain and its effect on land and water, and the potential impacts on the economic and environmental welfare of the state. The study will also evaluate means for reducing acid rain and potential funding mechanisms.

There is an appropriation of \$100,000 to the Senate and the House of Representatives to implement this act.

## VOTES ON FINAL PASSAGE:

House	97	0
Senate	44	0 (Senate amended)
House	96	2 (House concurred)

EFFECTIVE: March 29, 1984

**SHB 1178**PARTIAL VETO

C 279 L 84

By Committee on Social & Health Services (originally sponsored by Representatives Kreidler, Lewis, Wang and B. Williams)

Regulating health and health-related professions and businesses.

House Committee on Social &amp; Health Services

Senate Committee on Social &amp; Health Services

BACKGROUND:

There are 21 separately licensed health professions under the administration of the Department of Licensing, each with its own disciplinary procedures. These disciplinary acts vary considerably.

The law establishing the Health Professions Account requires that the costs of administering the licensure laws for health related professions be borne by fees paid by the members of the profession.

Dental hygienists are limited in their practice to working under the supervision of licensed dentists.

Nursing home administrators seeking licenses are required to have at least two years post-high school education or an associate degree. However, administrators of religious affiliated nursing homes are exempt from these requirements. There is no requirement for continuing education for nursing home administrators, nor is there immunity from legal liability for actions of the members of the board of examiners for nursing home administrator.

The director of the Department of Licensing may refuse to grant, suspend or revoke psychologist licenses on specified grounds. A Board of Psychologist Examiners examines candidates for licensure. Grounds for unethical practice are defined.

SUMMARY:

The Uniform Disciplinary Act is created for those licensed professional health disciplinary authorities which elect to adopt them. Consumer representation is added to those boards which do not currently have it.

Funeral directors, nursing home administrators, veterinarians and massage practitioners are included in the Health Professions Account.

The Department of Licensing is required to report to the Legislature on the extent of conformity with the provisions of the Act.

The disciplinary authorities are required to report to the Legislature biennially on the number and disposition of complaints and investigations.

The Department is further required to make recommendations on the propriety of separating investigative and adjudicative functions of all health and health related boards and alternatives for maintaining continuing competence.

Dental hygienists with two years experience may practice in specified health facilities without dental supervision, limited to routine oral hygiene. The Department is given authority to vary licensure periods for economic or efficiency reasons.

The associate degree educational requirement for a nursing home administrator license may be waived upon a showing of sufficient practical experience. After January 1, 1987, administrators will be required to have at least four years post-high school education or a B.A., B.S., or equivalent degree. The exemption from education qualifications for administrators of religious affiliated nursing homes is repealed. Licensees must meet continuing educational requirements set by the board of examiners for nursing home administrators. Board members are immune from legal liability for acts performed in good faith.

A new examining board of psychology is created. The board's duties include examining candidates for licenses, adopting a code of ethics and creating a disciplinary committee. The board is authorized to deny, revoke or suspend, or restrict licenses for specified conduct. The disciplinary committee of the board is authorized to investigate complaints of unprofessional conduct, to hold hearings, impose sanctions, to grant or deny license applications among other duties. The powers of the board are terminated June 30, 1988. New grounds for unethical practice are specified, as well as additional reasons for license refusal, revocation, and suspension.

VOTES ON FINAL PASSAGE:

House	94	0	
Senate	41	0	(Senate amended)
House			(House concurred in part)
Senate	45	1	(Senate receded in part)
House	97	0	

EFFECTIVE: June 7, 1984

PARTIAL VETO SUMMARY:

The governor vetoed the exemption from all regulation for administrators of nursing homes operated by churches teaching healing by faith alone. The veto also included the necessity for administrators possessing bachelors degrees, after 1987, as a condition for licensure. (See VETO MESSAGE)

**SHB 1179**

C 56 L 84

By Committee on Social & Health Services (originally sponsored by Representatives Kreidler, Dellwo, Lewis, Stratton, Ballard, Fiske, B. Williams and West)

Providing assessment procedures for the cost analysis of mandated health coverages.

House Committee on Social & Health Services

Senate Committee on Financial Institutions

**BACKGROUND:**

The legislature has from time to time required third-party payors, such as insurance carriers, health care service contractors and health maintenance organizations, to cover or offer coverage of certain health benefits or coverage of health services by certain professions. Presently, there are 13 such mandates in the law. The Governor's Task Force on Health Cost Containment has issued a report expressing a concern about the growing number of mandated coverages having an adverse affect on the costs of health care. The report recommends that the legislature conduct a systematic review and analysis of any proposed mandated coverage in accordance with established criteria.

**SUMMARY:**

Persons or organizations seeking sponsorship of any legislative proposal which would mandate a health coverage shall submit a report to legislative committees having jurisdiction, assessing both the social and financial impacts of this coverage in accordance with specified criteria, including the efficacy of the treatment proposed.

**VOTES ON FINAL PASSAGE:**

House 94 0  
Senate 36 10

EFFECTIVE: June 7, 1984

**SHB 1187**

C 208 L 84

By Committee on Commerce & Economic Development (originally sponsored by Representatives Tanner, Ebersole, Vekich, Kaiser and Powers)

Regulating the practice of cosmetology.

House Committee on Commerce & Economic Development

Senate Committee on Commerce & Labor

**BACKGROUND:**

State regulation of cosmetology and barbering is scheduled for sunset on June 30, 1984. Presently the Department of Licensing administers separate licensing programs for barbers and cosmetologists.

**SUMMARY:**

The licensing programs for cosmetologists and barbers are combined. Persons licensed as cosmetologists provide the full range of services and persons licensed as barbers provide hair care services. Barbers and manicurists are subclasses of cosmetology. The definition of "the practice of cosmetology" covers some, but not all, of the elements of the present definition of the practice of cosmetology. Applying make-up, doing manicures or pedicures, or use of tonics, lotions or creams are no longer considered elements of the licensed activity. Any lay person can perform these activities without a license. The practice of manicuring covers many elements of the present practice of manicuring. Removal and application of false nails and skin care requiring hot compresses and chemicals remain included within the scope of manicuring.

Hourly requirements are 1600 hours to qualify for a cosmetology license and 500 hours of instruction for cosmetology instructors. Hourly requirements for a barber's license are 800 hours. A manicurist license requires 500 hours of training. Students are no longer licensed and must be at least 16 years old. No high school diploma is necessary.

The Department of Licensing (DOL) retains several duties, including: (a) Administering examinations, (b) Investigating alleged violations of the chapter.



## SHB 1187

(c) Setting minimum safety and sanitation standards for schools, (d) Establishing minimum instruction guidelines for training of students, (e) Adopting rules and regulations to implement the hairstyling provisions.

Specific penalties for violations of any provisions of the chapter are set out. The penalties include denial of a license or renewal, revocation or suspension of a license, a fine of up to \$500/violation or other penalties subject to discretionary use by the Director of DOL. Practice without a license is a misdemeanor.

All cosmetologists, manicurists and barbers presently licensed enjoy "grandfather" rights. These grandfather rights apply to both individual persons and to schools or colleges licensed under Chapters 18.18 and 18.15 of the RCW. Since shops will no longer be subject to licensure under the proposal, presently licensed shops would not obtain the grandfather rights.

DOL is allowed to require surety bonds up to twenty thousand dollars from schools except community colleges and vocational technical schools.

The appeal process changes to allow review to the superior courts when an applicant has been denied a license or renewal.

An advisory board is created and consists of five members appointed by the Director.

An exception is created to the rule that licensees who fail to renew for three years must undergo reexamination. The exception allows the director of the department of licensing to waive this rule if the former licensee shows good cause.

Students have a civil cause of action against the surety bond. The statute of limitations is one year from the date of cancellation of the bond.

### VOTES ON FINAL PASSAGE:

House	95	2	
Senate	41	7	(Senate amended)
House	95	0	(House concurred)

EFFECTIVE: July 1, 1984

## SHB 1188

C 31 L 84

By Committee on Financial Institutions & Insurance  
(originally sponsored by Representatives Lux,  
Sanders, Kreidler, Belcher, Garrett and Patrick)

Revising the credit union laws.

House Committee on Financial Institutions & Insurance

Senate Committee on Financial Institutions

### BACKGROUND:

Credit unions are financial institutions with membership limited to a geographic region or to persons having a common bond of occupation or association. The credit union is intended to promote thrift among its members and to provide a source of credit at fair and reasonable rates of interest. Credit unions may be chartered by the state or federal government. The State Supervisor of Savings and Loans has supervisory powers over state-chartered credit unions.

The credit union is directed by a board of at least five members. An auditing committee is appointed by the members to follow the affairs of the credit union. An investment committee supervises the investment of the credit union's funds.

The credit union must hold annual meetings for all of its members. Members may not vote by proxy at annual meetings.

Loans are generally authorized by a credit committee. Credit unions with sufficient assets may use a loan officer to approve loans. Loans for personal purposes are generally limited to five year periods. With sufficient security, the period may be extended to ten years.

Credit unions not having sufficient reserves are not permitted to pay more than seven percent per annum as dividends on share deposits.

No specific authority is given credit unions to establish branches. Credit unions established under the laws of another state may not operate in Washington.

State credit unions may as a matter of right exercise any authority given to federal credit unions as of May 8, 1981. Any powers granted federal credit unions after May 8, 1981 may be exercised by state credit unions only upon approval by the

state supervisor of savings and loans. No procedure is established in order for a state credit union to begin exercising federal credit union powers.

The supervisor of savings and loans may suspend a director or officer of a credit union. The suspension is not effective until the credit union board of directors acts on the supervisor's determination.

**SUMMARY:**

The credit union code is repealed and replaced by a revised code. The revision is largely a reorganization, retaining many of the provisions of the existing code. Some additional definitions are included. The terminology of some of the credit union committees is changed.

Members may vote at annual meetings by proxy.

Any credit union may use a loan officer to approve loans to members. Personal loans may be for up to a 12 year period. Loans secured by an interest in real estate may be up to a 15 year period.

There is no limitation on the dividends a credit union may pay on share deposits.

Credit unions may establish branches anywhere within the state upon 30 days written notice to the supervisor of savings and loans. Out-of-state credit unions may operated in Washington if the laws of the state in which the credit union is chartered permit Washington credit unions to operate in that state.

State credit unions may as a matter of right exercise any authority given federal credit unions as of the effective date of this act. The supervisor of savings and loans may authorize state credit unions to exercise any power given federal credit unions after the effective date of this act. A state credit union may only exercise a power given to federal credit unions after the credit union board of directors adopts an appropriate resolution.

A decision of the supervisor of savings and loans to suspend an officer or director of a credit union is immediately effective, unless otherwise ordered by the supervisor.

**VOTES ON FINAL PASSAGE:**

House	95	0
Senate	45	0

**EFFECTIVE:** July 1, 1984

**HB 1190**

C 271 L 84

By Representatives Grimm and Cantu (by Office of Financial Management request)

Authorizing the issuance of general obligation bonds for the department of corrections.

House Committee on Ways & Means

Senate Committee on Ways & Means

**BACKGROUND:**

The supplemental capital budget (ESHB 1157) appropriated funds for projects within the Department of General Administration and Department of Corrections. These projects range from building repair caused by fire damage to the construction of Intensive Management Units at the Correction Center in Shelton. The fund source used for the appropriation is the state building construction account. This is an account which requires the authorization and sale of new bonds to support the capital appropriation.

**SUMMARY:**

Reduces the bond authorization requested by the Governor by \$9,943,000 to make the bond amounts consistent with the capital budget as passed by the Legislature.

The state finance committee is authorized to issue general obligation bonds in the sum of \$12,820,000. Proceeds from the sale of the bonds are to be deposited into the state building construction account. Appropriations for projects from these funds are contained within the supplemental capital budget and include the following projects (\$000): (1) Northern state multi-service center repair - \$1,065, (2) State Office Building No. 2, fire damage repair - \$3,482, (3) State Office Building No. 2, first & third floor fire damage repairs - \$1,687, (4) McNeil Island Ferry \$150, (5) Co-located housing units - Walla Walla - \$11,600 and (6) 62 Intensive Management Units - Washington State Reformatory - \$3,264.

The bond authorization is reduced by \$9,943,000 to make the bond amount consistent with the capital budget as passed by the Legislature.

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**HB 1190**

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## VOTES ON FINAL PASSAGE:

House 96 0  
Senate 34 14 (Senate amended)  
House 96 0 (House concurred)

EFFECTIVE: March 28, 1984

**SHB 1191**

C 187 L 84

By Committee on Environmental Affairs (originally sponsored by Representatives Ebersole, Wang, Lux, Rust, Todd, Fisher, Grimm, Haugen and Hine)

Mandating water quality testing by public water supply systems.

House Committee on Environmental Affairs

Senate Committee on Parks &amp; Ecology

## BACKGROUND:

The Environmental Protection Agency (EPA) establishes standards for maximum contaminant levels of chemicals in drinking water. The state Board of Health must enforce these minimum standards and may also establish more stringent standards. The State Board of Health may also require monitoring for chemical and bacteria levels in water supply systems. The State Board of Health has not yet established any standards in addition to those established by the EPA, and monitoring is only required for those EPA standards.

## SUMMARY:

The State Board of Health is directed to establish, by rule, standards and monitoring requirements for chemical contaminants in drinking water.

Local health departments of large counties may establish water quality standards more stringent than those established by the state board of health.

Public water supply systems that do not comply with the standards must prepare a corrective plan. Compliance must occur within one year unless earlier compliance is necessary to abate an immediate public health threat. The water supply system must also notify customers of standards that have been exceeded, and inform them of the amount by which a standard is exceeded.

The state board of health shall consider economic impacts, as well as public health risks, in developing monitoring requirements.

## VOTES ON FINAL PASSAGE:

House 95 2  
Senate 41 1 (Senate amended)  
House 94 4 (House concurred)

EFFECTIVE: June 7, 1984

**HB 1192**

C 47 L 84

By Representatives Walk, Schmidt, Sutherland, Mitchell, Van Dyken and Wilson (by Department of Transportation request)

Requiring notice to the department of transportation of short plats next to highway right of way.

House Committee on Transportation

Senate Committee on Transportation

## BACKGROUND:

Present statutes do not require that proposed short plats abutting state highways be furnished to the Department of Transportation (DOT) for review. The Department of Transportation sometimes purchases the access rights to adjacent property in order to limit highway access. This enhances the highway's safety and minimizes traffic flow disruptions.

When an application for a subdivision (five or more lots) is filed with the local authority, the city, town, or county is required by law to furnish DOT with a notice of the preliminary plat (including a location map and legal description) if the subdivision is adjacent to state highway right of way.

When a short plat application (four or fewer lots) is filed, there is no requirement for the local authority to furnish DOT with a copy of the application. The Department does not receive notice and therefore cannot comment on the proposed division.

Occasionally, the local legislative body has approved a short plat when the Department legally owns the access rights. This results in two to four short-platted lots having only one access. The

new owners are normally not aware of this limitation.

**SUMMARY:**

Local governments are required to furnish the Department of Transportation (DOT) with a copy of a filed short plat application when the property is adjacent to state highway right of way.

The Department of Transportation must, within 14 days of notification, submit a statement on the effect the proposed subdivision will have on the legal access, traffic carrying capacity and safety of the highway

**VOTES ON FINAL PASSAGE:**

House	97	1	
Senate	48	0	

EFFECTIVE: June 7, 1984

**HB 1194**

C 269 L 83

By Representatives Braddock and Cantu (by Office of Financial Management request)

Authorizing the issuance of bonds for the department of social and health services.

House Committee on Ways & Means

Senate Committee on Ways & Means

**BACKGROUND:**

The supplemental capital budget (ESHB 1157) appropriated funds for projects within the Department of Social and Health Services. The fund source used for the appropriation is the DSHS Construction Account. This is an account which requires the authorization and sale of new bonds to support the capital appropriation.

**SUMMARY:**

The bond authorization for DSHS projects is increased by \$34,000 to conform with the capital budget.

The state finance committee is authorized to issue general obligation bonds in the sum of \$14,660,000. Proceeds from the sale of the bonds are to be deposited into the DSHS construction

account in the general fund. Appropriation of these funds is contained within the supplemental capital budget for the following projects (\$000): (1) Mission Creek facility renovation - \$60, (2) DSHS Fire Safety Improvements - \$1,500, (3) Yakima Valley School Renovation/Equipment \$6,032, (4) Eastern State Hospital - Ward renovation - \$2,792, (5) Western State Hospital - Ward renovation - \$3,628, (6) DSHS Miscellaneous Repairs - \$163, and (7) Planning funds for a pool to serve the residents of Interlake School - \$30.

**VOTES ON FINAL PASSAGE:**

House	90	0	
Senate	39	9	(Senate amended)
House	96	0	(House concurred)

EFFECTIVE: March 28, 1984

**SHB 1200**

C 2 L 84

By Committee on Transportation (originally sponsored by Representatives Walk, Cantu and Wilson; by Governor Spellman request)

Adopting the supplemental transportation budget.

House Committee on Transportation

Senate Committee on Transportation

**BACKGROUND:**

Adjustments in the 1983-85 appropriation authority for transportation-related agencies requires legislative approval.

**SUMMARY:**

An additional \$11.8 million for the Marine Division capital construction program is appropriated from the Motor Vehicle Fund -- Puget Sound Capital Construction Account -- State. This \$11.8 million additional revenue comes from the sale of the depreciation rights on the new Issaquah-class ferries. This revenue was deposited in a non-appropriated operating account (same as ferry fares) which means appropriation authority to expend these funds for operating purposes is not required. Therefore, the transfer of revenue from the Motor Vehicle Fund -- Puget Sound Capital Construction Account -- State has been reduced from \$17.7

million to \$5.9 million; and the appropriation authority from the Motor Vehicle Fund -- Puget Sound Operations Account -- State has been reduced by \$11.8 million. The net combined effect on the operating and capital appropriation authority for the ferry system is zero.

The Motor Vehicle Fund -- Puget Sound Capital Construction Account -- Federal appropriation authority is increased by \$3,325,000 based on a lawsuit settlement. Tug and barge service across Hood Canal was provided by Marine Leasing from December 8, 1979 to February 22, 1980. On February 22, 1980, the tug capsized and sank. Marine Leasing sued for \$11.8 million in damages. On January 9, 1984, an out-of-court settlement of \$3,325,000 was made. The Federal Highway Administration will reimburse the state for the settlement through emergency relief funds.

Eight hundred thousand dollars is provided for fire safety improvements to the Transportation Building. These improvements must be consistent with the findings of the Governor's Fire Review Task Force.

The source of funds for the Category "A" construction program is changed. Motor Vehicle Fund -- State is increased by \$5 million and the Motor Vehicle Fund -- Federal is reduced by \$5 million. The total appropriation authority remains unchanged. With the passage of the fuel tax, it was assumed there would be a reduction in federal aid secondary (FAS) funds distributed to the Department of Transportation (DOT). Historically, FAS funds were split 50 percent -- 50 percent between DOT and local government. Under the new policy, DOT will receive only 20 percent of FAS funds or \$5 million less. This change was not reflected in the appropriations bill when it passed the Legislature during the 1983 Session.

The amount of bonds to be sold for interstate matching purposes from the different bond authorizations are specified. The total appropriation for the sale of bonds remains unchanged. In 1979, the Legislature authorized the sale of up to \$100 million of bonds specifically for the state's share of I-90 construction costs. An additional \$225 million bond sale was authorized in 1981 for all interstate matching requirements. The 1983-85 budget did not specify the amount of bonds to be sold from these two separate bond authorizations.

The 1983-85 appropriation to the Marine Employees Commission is increased from \$50,000 to \$125,000. When the Commission was established

last Session, the \$50,000 appropriation was at best a gross estimate. Workloads, etc., were unknown and not predictable. Based on actual experience for six months, plus the need for some unforeseen contingencies, the Governor requested a supplemental appropriation of \$75,000.

An appropriation of \$40,000 is made from the Motor Vehicle Fund to the Department of Personnel and the Office of Financial Management to undertake a study of exempt positions within DOT and make recommendations to the Legislative Transportation Committee by September 1, 1984.

**VOTES ON FINAL PASSAGE:**

House	95	0
Senate	37	10

**EFFECTIVE:** February 15, 1984

**HB 1201**

C 220 L 84

By Representatives Grimm and Tilly (by Department of Revenue request)

Modifying provisions on property tax exemptions and deferrals.

House Committee on Ways & Means

Senate Committee on Ways & Means

**BACKGROUND:**

Property tax exemptions have been enacted as separate laws for many years. As a result of these many separate enactments, there has not been consistency in the application, rollback, qualification and eligibility requirements. These inconsistencies have created considerable confusion in the administration of the senior citizen property tax exemption and deferral programs. They have also created inequity in the transfer, lease or rental of property between exempt entities.

A 1981 law provided that foreclosure proceedings may not be taken against persons 62 years or older for failure to pay property taxes on their principal residence.

Property tax exemptions are permitted for non-profit schools offering a broad curriculum.

SUMMARY:

Property tax exemption statutes are modified to create consistency for most exemptions (excepting churches). The changes include the following:

- (1) An exempt owner is allowed to apply for an immediate exemption when property is acquired.
- (2) The Department of Revenue is permitted to accept late applications for exemption.
- (3) Clarification of rollback provisions is provided.
- (4) The Department of Revenue is allowed greater flexibility in the physical schedule of physical reappraisal of exempt property.

A simplified one-step application procedure is created for retired homeowners eligible for both the property tax exemption and deferral. This will relieve senior citizens of the dual filing burden by allowing them to use their tax exemption affidavit, by reference, in lieu of duplicating the information. It will also apply the same income qualifications for the two types of tax relief, a further simplification.

Senior citizens are subject to foreclosure for failure to pay property taxes unless a specific income test is met.

Non-profit cultural and arts schools are granted a property tax exemption, even if they do not offer a broad curriculum.

VOTES ON FINAL PASSAGE:

House	98	0	
Senate	42	0	(Senate amended)
House	97	0	(House concurred)

EFFECTIVE: June 7, 1984  
July 1, 1984 (Section 23)

**SHB 1205**

C 139 L 84

By Committee on Commerce & Economic Development (originally sponsored by Representatives Appelwick, Barrett, Powers, Silver, Ellis, Brough, McClure, Sommers, Brekke, Sayan, Braddock, Smitherman, Ebersole, Fisher, Johnson, Tanner, Van Dyken, B. Williams, J. Williams, Wilson, Van Luvan, Hine, Kaiser, Niemi, Schoon, Stratton, Todd, Miller and Halsan)

Establishing a provisional center for international trade in forest products.

House Committee on Commerce & Economic Development

Senate Committee on Commerce & Labor

BACKGROUND:

The health of the forest products industry in the State of Washington is being increasingly linked to international markets. Reduction in wood products manufacturing in the Northwest has been attributed to highly cyclical demand, high transportation costs to the Midwest and East Coast markets, higher labor costs than the southeast United States, and increasing Canadian competition. Greater access to international markets in the Pacific Rim, Latin America and Europe may provide the forest products industry with a long-term basis for continued growth. The softwoods produced in the Northwest are a preferred species for the fiber products and structural materials used in these international markets.

The federal government with the passage of the Export Trading Company Act has facilitated the entry of small and medium-sized businesses into the export markets. Small and medium-sized businesses have less access than larger corporations to laws on international trade, market leads and to the development of technology essential to the manufacture of products which will meet the needs of international customers.

SUMMARY:

A provisional center for international trade in forest products is created at the University of Washington. The center will terminate on June 30, 1985. The center will be administered by a director appointed by the Dean of the College of Forest Resources.

The center is charged with completing a series of activities by December 1, 1984, including:

- (1) a comprehensive analysis of international trade problems, preliminary strategies to resolve them and current and future research and scholarship needs relating to international marketing in forest and manufactured wood products;
- (2) research on trade policies and barriers in Washington, Pacific Rim nations and the United States;

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## SHB 1205

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(3) a report on the development of a forest products trade data base at the center;

(4) further development of a cooperative graduate program in international trade with other academic units, federal and state agencies;

(5) assisting in the preparation of the second annual symposium in world trade in forest products, and

(6) a report to the Governor and the Legislature on the activities of the center and the desirability of continuing the center past June 30, 1985, and its efforts to solicit private sector contributions.

The center is required to coordinate its activities with the Washington State Department of Natural Resources, Department of Commerce and Economic Development, Washington State University, the Export Assistance Center, various other state agencies, and the U.S. Forest Service.

The center is to solicit private contributions and to use previously appropriated funds of the University of Washington as much as possible to further the center's activities.

The center is appropriated \$48,500 for the biennium and may not employ more than one FTE.

### VOTES ON FINAL PASSAGE:

House	92	0	
Senate	44	5	(Senate amended)
House	95	1	(House concurred)

EFFECTIVE: March 7, 1984

## SHB 1207

C 57 L 84

By Committee on Commerce & Economic Development (originally sponsored by Representatives Ellis, Silver, Braddock, Barrett, Dellwo, J. King, Brough, Haugen, Johnson, R. King, Sayan, Tilly, Van Dyken, West, B. Williams, J. Williams, Wilson, Ballard, Hine, Kaiser, Stratton, Clayton, Todd, Miller and Powers)

Establishing a provisional international marketing program for agricultural commodities and trade.

House Committee on Commerce & Economic Development

Rereferred House Committee on Ways & Means

Senate Committee on Commerce & Labor

### BACKGROUND:

Currently, Washington State University does not have an organization which focuses on marketing and utilizes the expertise of scientists in the Agricultural Research Center. The College of Agriculture and Home Economics has a long tradition of research and teaching in the technology, economics and sociology of agriculture with strong linkages to commodity commissions.

### SUMMARY:

A provisional center for an international marketing program for agricultural commodities and trade is created at WSU. The center shall terminate on June 30, 1985. The center will be administered by a director appointed by the Dean of the College of Agriculture at WSU.

The major duties of the center are to: develop strategies to expand Washington's agriculture products in the international markets; disseminate marketing of that information; identify impediments to increased exports and methods to overcome them; prepare and present curricular education and information on international trade and agricultural commodities; and link itself through cooperative agreements with state agencies, higher education and other federal agencies involved with international trade.

By December 1, 1984, the center shall have:

(1) consulted with agriculture industry to identify international marketing problems;

(2) identified resources to support the center's research;

(3) determined which agricultural products can be exported;

(4) examined and prioritized obstacles to the expansion of agricultural exports and policy alternatives;

(5) determined the need for advanced degree programs at WSU in international marketing;

(6) reported to the Governor and Legislature on the center's activities during 1984, amount of private sector contributions, and desirability of continuing the center's work past June 30, 1985.

The center is appropriated \$48,500 from the general fund. An emergency clause is included.

VOTES ON FINAL PASSAGE:

House	91	0
Senate	43	3

EFFECTIVE: March 1, 1984

**SHB 1210**

C 48 L 84

By Committee on Transportation (originally sponsored by Representatives Walk, Schmidt, Sutherland, Betrozoff, Mitchell, Wilson, Clayton, Brough and Schoon; by Department of Transportation request)

Adding twelve civil service exempt positions for ferry management.

House Committee on Transportation

Senate Committee on Transportation

BACKGROUND:

The 1983 revision of ferry system labor laws pertaining to employees of the Marine Division of the Department of Transportation (DOT) has resulted in the placement within the State Personnel System of certain Marine Division administrative employees. The State Department of Personnel's classification of these employees identified twelve executive/management positions that should be exempt from the civil service system. Because the DOT had no exempt positions for allocation to the Marine Division, the Department received and is using six authorized exempt positions from other agencies under authority granted the Governor. The DOT requested legislative authorization for twelve exempt positions. The six authorized positions currently being used will be returned to the Governor for reallocation to other agencies.

Historically, toll bridge employees of the Marine Division have been covered under civil service law. Under the new law their status is unclear.

SUMMARY:

The Secretary of Transportation is authorized to exempt up to twelve of the Marine Division management positions. Toll bridge employees will continue to be covered by state civil service law.

VOTES ON FINAL PASSAGE:

House	93	0
Senate	33	13

EFFECTIVE: June 7, 1984

**SHB 1213**

C 149 L 84

By Committee on Judiciary (originally sponsored by Representatives Armstrong, Padden, McMullen, Schmidt and Dellwo)

Reorganizing and revising Washington trust law.

House Committee on Judiciary

Senate Committee on Judiciary

BACKGROUND:

The law of trusts and related matters is scattered throughout several different titles in the RCW. Some provisions of this law are archaic, duplicative or ambiguous. The state law also may not allow some older trusts to avoid certain federal tax liabilities that are otherwise avoidable under federal law.

Many activities affecting trusts require the parties involved to go to court. Judicial intervention is generally required to change trustees or to resolve other disputes over trust administration. The probate law, on the other hand, has for some time allowed "nonintervention" wills as a means of avoiding costly and time-consuming court procedures with respect to wills. Also, provisions relating to powers of attorney have been inconsistently applied. Some financial institutions have taken the position that what purports to be a grant of a complete power of attorney still does not authorize the person with the power to conduct certain banking business. On the other hand, a general grant of a power of attorney may sometimes inappropriately be used to change the grantor's estate planning.



Rules of conduct for fiduciaries, including trustees and guardians, have not been substantially changed in many years. The current law contains a general direction that a fiduciary behave toward each asset he or she controls in the same manner as a "prudent" person would with respect to that person's own assets. Management of assets is not to be speculative.

A recent state supreme court decision, the Allard case, imposes certain duties on trustees. Allard requires trustees to notify beneficiaries of a trust before taking "nonroutine" actions which "significantly" affect the trust. The facts in Allard include a trust comprised solely of one piece of real estate, beneficiaries who had made clear their desire not to have the property sold without their knowledge, and a trustee who sold the property without giving notice to the beneficiaries. The sale itself was done privately and without an independent appraisal. The court did not reach the issue of whether the sale itself violated any fiduciary duty. Instead, the court held in favor of the beneficiaries because of the lack of notice prior to the sale. Therefore, the Allard decision leaves many questions unanswered. With respect to the notice requirement, these questions include the meaning of "nonroutine" actions and "significant" affects, as well as the question of which beneficiaries are to receive what kind of notice. Furthermore, Allard does not address the question of the sale procedures themselves.

#### SUMMARY:

Virtually all of the law relating to trusts is consolidated in Title 11 RCW. Some provisions are moved without substantive change. Many internal cross-references are included between related provisions. Some duplicative and out-of-date material is deleted.

Many substantive changes are also made. These changes provide for simplified management of trusts and estates, modernization of powers of trustees and clarification of fiduciary duties in response to the Allard decision.

Among the changes simplifying trust and estate management is creation of an informal procedure for testamentary disposition of certain personal property. A will may refer to another writing which disposes of the personal property. Thereafter, only the other writing need be changed to keep the testator's wishes current. The will itself

need not be amended. This procedure applies only to tangible personal property listed in the writing. It does not apply to real property or mobile homes, business or trade property, or money, bank accounts, title documents or securities. The list must be referred to in a valid will, and it must be in the testator's handwriting or signed by the testator. Expanded authority for a power of attorney is also provided. A grant of power of attorney over "all" of a person's ownership rights includes authority to conduct banking business. It is made clear that a grant of "all" powers also includes the power to convey or encumber the principal's homestead. Certain powers, however, are not included in a general grant of "all" powers. To be exercisable, these powers must be explicitly mentioned in the grant of a power of attorney. They include powers to affect the principal's will, life insurance beneficiary designation, trust, or community property agreement.

Trust administration may also be simplified by new procedures allowing extra-judicial resolution of trust disputes. Interested parties in a trust or estate may enter into a binding agreement for resolution of a dispute pertaining to the administration of the trust or estate. A "special representative" may be appointed by the court if the personal representative or trustee requests that one be named for any incompetent, unborn or unknown beneficiary. The special representative has authority to enter into a binding agreement on behalf of those for whom he or she is appointed. The special representative is to be a lawyer or an individual having special skill or training in trust administration. The agreement or a memorandum of its terms can be filed with the court if any interested party elects to do so. Unless the agreement is objected to within thirty days after the parties have been notified of its filing, it will have the effect of a final order.

Many additional express powers are granted trustees for the administration of trusts. In particular, explicit authorization is granted for handling business decisions when part of the body of the trust is a business. Trustees are also allowed to engage agents for performance of discretionary acts under a trust. Delegation of authority does not in itself expose the trustee to liability for exercise of discretion by the agent. The trustee has no duty to make an independent investigation of the agent's proposed actions. However, the trustee is liable for the negligent acts of an agent and for

negligence in picking an agent. Professional service corporations comprised solely of attorneys are also authorized to act as trustees.

The duties of fiduciaries, including trustees, are defined more precisely than previously. Fiduciaries are directed to consider the effect on the total portfolio of assets in determining actions regarding any particular asset. Particular factors are identified for consideration in asset management. These factors include income potential, risk, future marketability, length of investment, duration of the trust, liquidity, needs of beneficiaries, other assets of the beneficiaries, and tax liability. A trust instrument may expand or restrict this list of factors to be considered. The existing "prudent" person standard remains. However, if a trustee holds itself out to be an "expert" in the field of trust management, then the trustee will be held to a higher duty to perform as an expert.

In response to Allard, specific provisions are added regarding notice to beneficiaries before sale of certain trust assets. A "significant nonroutine transaction" includes sale of real estate or tangible personal property amounting to 25 percent or more of the trust's assets, sale of 25 percent or more of the stock of a corporation whose stock is not traded on the open market, or sale of controlling interest in a corporation. Twenty days prior notice to income beneficiaries of the trust is required. A significant nonroutine sale of real estate must also be made on the open market and must be preceded by an independent appraisal.

Trusts and wills created prior to a September 12, 1981 change in federal tax law will be construed so as to take advantage of that change. References in such instruments to the maximum marital deduction allowable under the pre-change law will be deemed to refer to the post-change unlimited deduction.

VOTES ON FINAL PASSAGE:

House	96	0	
Senate	47	0	(Senate amended)
House	95	0	(House concurred)

EFFECTIVE: March 7, 1984 (Sections 1 - 9; 100 - 138 and 147 - 178) January 1, 1985 (Remainder of the Act)

HB 1218

C 189 L 84

By Representatives Todd, Egger, Haugen, Nealey, Ebersole, Smitherman, Clayton and Crane

Altering the regulation of auctioneers.

House Committee on Agriculture

Senate Committee on Commerce & Labor

BACKGROUND:

State law requires a person who sells goods or real estate at public auction for another for compensation, as well as a person who conducts an auction for another for compensation, to be licensed. A bond or trust account of \$5,000 is required for licensure.

Other statutes specifically authorize various local governments to license auctioneers.

SUMMARY:

A city or town shall not license auctioneers that are licensed by the state as auctioneers other than by: (1) requiring a general city or town business license; and (2) subjecting an auctioneer to a city or town business and occupation tax. A city or town shall not require auctioneers licensed by the state to obtain bonding in addition to that required by the state.

Counties shall not license auctioneers that are licensed by the state as auctioneers.

The amount of the bond or trust account required for obtaining a state auctioneer's license is altered. It shall be not less than \$5,000 nor more than \$25,000 based upon the value of goods and real estate sold at auctions conducted by the auctioneer during the previous year. Estimates of sales are to be used in determining the amount required for new auctioneers. The Department of Licensing shall establish by rule the procedures to be used in determining the amount required for licensure.

All newspaper advertising for auctions that is purchased by a licensed auctioneer shall include the auctioneer's name and license number.

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**HB 1218**

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## VOTES ON FINAL PASSAGE:

House	94	2	
Senate	45	0	(Senate amended)
House			(House refused to concur)
Senate	46	0	(Senate receded)

EFFECTIVE: June 7, 1984

**HB 1219**FULL VETO

By Representatives R. King, Allen, Fisher, Miller, Sayan, Brekke, Fisch, Burns, Lux, McMullen and D. Nelson

Establishing collective bargaining procedures for community college employees.

House Committee on Labor

Senate Committee on Education

## BACKGROUND:

State law gives academic employees at community colleges (e.g. teachers, counselors, librarians) the right to "meet, confer and negotiate" with a community college's board of trustees. This "meet and confer" statute does not grant full collective bargaining rights to these employees. Instead, the stated purpose of the statute is to provide for "orderly methods of communication" between academic employees and the boards of trustees.

Note: Most non-academic employees at community colleges and universities are covered by the State Higher Education Personnel Law, which is similar to the state civil service law. These employees are commonly referred to as "classified employees."

## SUMMARY:

Academic employees at community colleges are granted the right to bargain over wages, hours, and working conditions. The collective bargaining rights are not extended to: a) the chief executive or administrative officers of an institution; b) "confidential" employees (e.g. employees involved in the collective bargaining process on behalf of the institution; c) "casual" employees; and d) supervisors.

"Classified" employees will continue to be covered by the Higher Education Personnel Law. The community college "meet and confer" statute is repealed.

The Public Employment Relations Commission (PERC) is empowered to prevent unfair labor practices by a community college. PERC is also granted the authority to determine the appropriate bargaining unit and to certify the exclusive bargaining representative.

The employer and bargaining representative are authorized to include a provision for an agency shop in the bargaining agreement (i.e. an employee may be required to pay fees to an employer organization as a condition of employment, but cannot be required to actually join the organization.

Either the employer or bargaining representative may request mediation or fact-finding.

The right to strike is not authorized.

Existing lawful agreements between an employer and an employee organization are binding.

Wage and benefit increases in community collective bargaining agreements are not permitted to exceed those specified in the biennial operating budget.

## VOTES ON FINAL PASSAGE:

House	57	40	
Senate	30	18	(Senate amended)
House	58	38	(House concurred)

## FULL VETO

(See VETO MESSAGE)

**SHB 1227**

C 82 L 84

By Committee on Environmental Affairs (originally sponsored by Representatives Jacobsen, Allen, Charnley, Rust and Belcher)

Providing for management of state park land.

House Committee on Environmental Affairs

Senate Committee on Parks &amp; Ecology

## BACKGROUND:

Under current law, the State Parks and Recreation Commission is given the authority to harvest damaged or dead trees, or trees which must be removed to accommodate recreational facilities. Under existing regulations, trees may be removed only for certain reasons. These reasons include the salvage of merchantable forest products that interfere with park utility.

## SUMMARY:

The State Parks and Recreation Commission may remove trees and sell timber only under certain specified conditions. Whenever feasible, felled timber shall be left on the ground for natural purposes.

The policy of the state with regard to public park lands is outlined. This includes the preservation and maintenance of mature and old-growth forests.

The State Parks and Recreation Commission is directed to prepare a budget request for funds to prepare management plans for each state park.

## VOTES ON FINAL PASSAGE:

House	96	0
Senate	46	0

EFFECTIVE: June 7, 1984

**2SHB 1231**

C 221 L 84

By Representatives Belcher, Wilson, Stratton, Sayan, Miller, Locke, Mitchell, Halsan, McClure, Fiske, Vekich, McMullen, Sommers, Sutherland, Haugen, Niemi, Burns and Powers

Modifying provisions relating to aquatic lands.

House Committee on Natural Resources

Rereferred House Committee on Ways & Means

Senate Committee on Ways & Means

## BACKGROUND:

Aquatic lands include shorelands, tidelands, harbor areas and beds of navigable waters. The State of Washington owns approximately 2.2 million

acres of aquatic lands which are managed by the Department of Natural Resources (DNR). The Department leases some of these lands for a variety of uses including aquaculture, shipping, marinas, boat construction and repair, manufacturing and natural resource products processing. Some aquatic lands are leased for hotels, restaurants and retail stores as well.

Legislative direction for the management of the state's aquatic lands has been mixed over the years as have Department goals concerning these lands. Significant rent increases by DNR which began in the late seventies have resulted in a series of temporary rent increase limitations enacted by the Legislature. The most recent limitation expires in September of 1984.

## SUMMARY:

MANAGEMENT PHILOSOPHY -- Water-dependent uses are identified as priority uses of state aquatic lands. Aquatic lands are to be managed to balance the following public benefits: public access, environmental protection, utilization of renewable resources, promotion of water-dependent uses. The generation of revenue is recognized as a public benefit.

PORT DISTRICT MANAGEMENT -- Management of certain aquatic lands may be transferred to the public port districts, subject to a management agreement between DNR and the local port district. These lands must abut or be used in conjunction with port property. Port districts are to manage these state aquatic lands in conformance with state aquatic land policy and DNR regulations. Ports will not pay rent to the state for use of these lands unless they are used for a nonwater-dependent use in which case 85 percent of lease rent will be remitted to the state. Management of waterways and freshwater harbor areas previously managed by ports will be transferred to DNR.

LEASE RATES -- Water-dependent uses (shipping piers, marinas, launching facilities, etc.) are given a special lease rate computed by a formula based on 30 percent of the unimproved upland assessed value and a capitalization rate which will begin at five percent the first years and later fluctuate based on the mortgage and inflation rates. Traditional waterfront uses such as timber, fish or oil processing, which have been historically located on the waterfront are not technically water-dependent uses but are grandfathered at

water-dependent use rates. The lease rates for log storage will be based on a statewide per-acre rate which will start at about \$180/acre and increase at the same rate as water-dependent rates. Aquaculture lease rates and royalties are unchanged. Nonwater-dependent uses (hotels, restaurants, etc.) are to be charged rent based on fair market value. Public recreation is exempt from lease payments.

Water-dependent and log storage rents will be phased-in over a three-year period and after that, they may not be increased by more than 50 percent in any year.

REVENUE DISTRIBUTION -- After the DNR management fee is subtracted 40% of the revenues will be distributed to the aquatic land enhancement account and 60 percent to the capitol purchase and development account. The aquatic land enhancement account is to be used solely for aquatic land improvements and fish and game enhancement.

LEASE MANAGEMENT -- An informal appeals process from rent determinations is established. Delinquent rent payments are subject to an interest penalty of one percent per month. Security for two years' rent may be required. Rent may be paid on a quarterly or monthly basis. Mixed uses of a single parcel will be charged rent on a pro-rated basis.

The Department of Natural Resources' geoduck program will be reviewed by the Legislature in 1990 and the seaweed program will be reviewed in 1987.

The act is effective on October 1, 1984.

VOTES ON FINAL PASSAGE:

House	95	1	
Senate	44	2	(Senate amended)
House	97	1	(House concurred)

EFFECTIVE: October 1, 1984

**SHB 1246**

C 278 L 84

By Committee on Education (originally sponsored by Representatives Galloway, P. King and Taylor)

Providing programs for educational excellence.

House Committee on Education

Rereferred House Committee on Ways & Means

Senate Committee on Education

BACKGROUND:

The need to improve the school curriculum, to better evaluate student progress, to recognize student excellence and to coordinate college entrance requirements has been emphasized by national and state studies on improvement of educational quality.

SUMMARY:

Established are a number of programs and studies designed to: (1) improve curriculum and goal setting; (2) improve assessment of student achievement; (3) help retain students in school; (4) recognize student excellence; and (5) standardize college entrance requirements.

Improvement of Curriculum and Goal Setting

The State Board of Education is required to establish minimum high school graduate requirements or equivalencies for students who begin ninth grade after July 1, 1985. These requirements or equivalencies shall meet or exceed the following: three years of english, two years of mathematics, two and one-half years of social studies, two years of science, and one year of occupational education. Physical education requirements shall be determined by the State Board of Education. A minimum of 48 credits must be earned. Procedures shall be developed authorizing exemptions and permitting students to meet equivalencies for courses required for graduation. The procedures may include competency testing in lieu of courses.

By July 1, 1986, all public high schools shall provide a program to help students meet minimum college entrance requirements.

School districts are required to identify and offer courses that meet or exceed basic education goals, graduation requirements and minimum college entrance requirements.

The Superintendent of Public Instruction (SPI) is directed to prepare model curriculum programs or guidelines in three subject matter areas each year. Certificated employees with expertise in the subject area under consideration shall be chosen by SPI to prepare the program. Additional experts may also be used to provide technical assistance.

Participants will be paid travel and per diem expenses.

School districts, when reviewing the student learning objectives program, are encouraged to give specific attention to improving the depth of course content within courses and to coordinate the sequence in which subject matter is presented.

School districts are encouraged to establish an annual goal setting process that is measurable and that is directed toward improving local educational excellence.

#### Assessment of Student Achievement and Retention of Students

The SPI shall prepare and conduct an annual assessment of all eighth grade students. The assessment shall include tests in reading, mathematics and language arts and a student interest inventory. The purposes of the assessment are to assist students, parents and teachers in planning and selecting appropriate high school programs and to facilitate comparisons within the district, state, and, if applicable, the nation. The results shall be made available to students, parents and teachers in a timely fashion.

The frequency of the state achievement test of 11th graders is increased from once each four years to once each two years. This test includes a sample of 2,000 11th graders.

The SPI shall study the need for the annual assessment testing of all tenth grade students. School districts are encouraged to periodically administer assessment tests to students as they progress from the eighth through 11th grades.

The SPI is required to develop a model test to determine students' abilities to perform a variety of tasks commonly experienced in adult life. The "Washington Life Skills Test" may be used at the discretion of school districts and for such purposes as may be determined locally, including use as a graduation requirement. The test shall include questions on English, mathematics, communications and other skills in relation to consumer health, economics and other subjects. The SPI is directed to periodically review the test and make changes as needed.

School districts are authorized to establish student grading policies which permit teachers to consider a student's attendance in determining the student's overall grade or deciding whether the student should be granted or denied credit.

#### Student Retention

The SPI is authorized to grant funds to assist in the development of innovative programs for the retention of students in the schools.

#### Recognition of Student Excellence

School districts that choose to conduct a program for highly capable students must use specified identification and selection procedures. Any funding for such programs which may be provided by the Legislature shall be based on not more than three percent of students enrolled in each district.

Recipients of the Washington scholars award will receive a two-year tuition and fee waiver at any public college or university.

#### College Entrance Requirements

The public colleges and universities shall mutually establish uniform minimum entrance requirements by July 1, 1986. The entrance requirements shall be disseminated to all high schools. Special admission procedures shall be available to applicants who may be unable to meet the requirements. The colleges and universities may establish entrance requirements at their respective institutions that exceed the minimum entrance requirements.

The public colleges and universities shall mutually set academic transfer policies for students who complete community college degrees.

#### VOTES ON FINAL PASSAGE:

House	73	24	
Senate	30	16	(Senate amended)
House			(House refused to concur)

#### Free Conference Committee

House	76	20
Senate	33	11

EFFECTIVE: June 7, 1984  
July 1, 1986 (Sections 16, 18 and 19)

## SHB 1247

C 209 L 84

By Committee on Judiciary (originally sponsored by Representatives Armstrong, Padden, Appelwick, Struthers, Barrett, Brough and Crane)

Revising criminal sentencing.

House Committee on Judiciary

Senate Committee on Judiciary

**BACKGROUND:**

The Sentencing Reform Act of 1981 requires the sentencing guidelines commission to propose felony sentencing standards for adoption by the legislature. When adopted, those standards become a part of the presumptive and determinate sentencing scheme which will take effect July 1, 1984. In 1983, the legislature enacted the first of the sentencing guidelines commission's proposals. That enactment creates a grid which ranks various felonies according to seriousness. Rankings range from Level I (relatively minor offenses) to Level XIV (capital offenses). The grid also provides a method for determining an offender's criminal history. By using the grid to combine an offender's criminal history with the seriousness of his or her crime, a sentencing judge can identify the sentence range within which a determinate sentence is to be set.

Most of the felonies in Title 9A RCW, the criminal code, were ranked in 1983. Various felonies scattered throughout the RCW, however, remain unranked. Notable among these as yet unranked crimes are drug crimes under the Uniform Controlled Substances Act. The sentencing guidelines commission is charged with identifying felonies throughout the RCW for ranking on the sentencing grid. The commission also regularly reviews felony rankings for appropriateness.

Persons charged with certain sex crimes may become subject to the "sexual psychopath" provisions of chapter 71.06 RCW. Under that law, the prosecutor may petition the court to have the defendant declared a sexual psychopath. If found to be a sexual psychopath, the defendant is committed to a state hospital for treatment.

Provisions of the sexual psychopath law allow courts to suspend or defer sentences. Lengths of commitment are indeterminate and supervised probation following release is authorized. These characteristics of the sexual psychopath law are inconsistent with the overall "determinate" sentencing scheme of the Sentencing Reform Act of 1981.

The 1983 Act provides a system of determining the appropriate sentence range for defendants convicted of multiple offenses. It also allows certain procedures for dealing with state prison overcrowding. The act allows certain first-time offenders to be sentenced to up to 90 days in a county jail and to be placed on community supervision for up to two years. Conviction for an unranked felony results in a determinate sentence of up to one year in a county jail. Confinement for 60 days or less may be served on intermittent days.

**SUMMARY:**

Many previously unranked felonies are added to the sentencing grid. The largest group of these are violations of the Uniform Controlled Substances Act. The rankings range from level I for possessing certain non-narcotic substances to level X for delivery of heroin by an adult to a minor. Twelve months are added to sentences for drug delivery if the defendant was armed with a deadly weapon. Prior drug convictions count double their normal points toward the offender's history score when the current offense also involves drugs. In addition to drug crimes, several other crimes are ranked. These crimes relate to explosives, child pornography, perjury, criminal assistance, criminal solicitation, vehicular assault, non-injury hit-and-run, possession of a firearm and false verification for welfare.

The seriousness levels of several sex offenses are increased. Five crimes are raised two levels. Those crimes are second degree statutory rape, indecent liberties with forcible compulsion, first degree incest, second degree incest, and third degree rape. The crime of indecent liberties without forcible compulsion is raised one level.

Several sentencing options are provided for sex offenses. The sexual psychopath law is made inapplicable to all crimes committed after July 1, 1984. Instead, a first-time offender can receive a suspended determinate sentence including outpatient treatment. Up to the first six months of the sentence may be jail time. The remainder of the sentence may be suspended on condition that the defendant cooperate in treatment. Repeat offenders and those convicted of more serious offenses may be sentenced directly to a determinate commitment to a state hospital. Failure in the hospital treatment program may result in the remainder of the sentence being served in prison. Offenders with sentences of more than six years are ineligible for either treatment option.

The multiple offense sentencing procedure is greatly simplified. A defendant with multiple current convictions for nonviolent offenses will receive separate sentences for each offense with all other current and prior offenses being used as criminal history. All current sentences for multiple nonviolent offenses are served concurrently. A defendant sentenced for multiple violent offenses arising from separate acts will serve consecutive sentences.

A provision similar to one dealing with state prison overcrowding is added to deal with county jail overcrowding. If the governor determines that the new sentencing law is overcrowding jails with convicted felons, he or she may take either of two actions. The governor may convene the sentencing guidelines commission to consider changes in the presumptive sentence ranges. He or she may also consider using the governor's pardon authority.

Judges are given express authority to suspend or defer the sentences of felons sentenced to a year or less in jail. The position of "community corrections officer" is created to supervise the conduct of felons sentenced to other than confinement. These officers are employees of the department of corrections who perform functions similar to those of probation officers under the old sentencing laws. Community corrections officers are given arrest authority over sentenced offenders for sentence violations or for crimes committed in the officer's presence. The maximum length of jail sentence for which the possibility of intermittent service exists is reduced from 60 to 30 days.

VOTES ON FINAL PASSAGE:

House	97	0	
Senate	46	1	(Senate amended)
House	98	0	(House concurred)

EFFECTIVE July 1, 1984 (Sections 1 - 26)  
 June 30, 1984 (Sections 27 - 32)

**HB 1248**

C 141 L 84

By Representatives Vekich, Hankins, Niemi and J. Williams

Modifying procedures for discipline of state patrol officers.

House Committee on State Government

Senate Committee on State Government

BACKGROUND:

The chief of the Washington State Patrol is responsible for the discipline of patrol officers. The chief may suspend any Washington State Patrol officer without pay for not more than 30 days without preferring charges and without benefit of a hearing. The chief may also demote probationary rank officers without preferring charges and without benefit of a hearing.

Non-probationary officers who are discharged or demoted, or any officer suspended for more than 30 days is entitled to a public hearing before a trial board of patrol officers. The trial board consists of two officers of the rank of captain and one officer of equal rank with the officer complained of. Members of the trial board are chosen by the chief, by lot, from a roster of the patrol.

The chief acts as the non-voting presiding officer at trial board hearings and is required to make all rulings during the hearing. The officer complained of may be represented by counsel. Decisions of the trial board are final in the case of acquittal. In the case of a conviction, the chief determines the proper disciplinary action. Officers subject to disciplinary action may appeal within ten days to the Thurston County Superior Court. Such appeals may concern questions of reasonableness and lawfulness.

An officer who has been found not guilty of the charges against him or her is entitled to reinstatement and reimbursement of lost salary.

SUMMARY:

The disciplinary process used by the Washington State Patrol is altered.

The chief of the State Patrol may suspend or demote any officer with probationary status without preferring charges and without a hearing.

In the case of the discharge of an officer with probationary status, or the discharge, demotion or suspension of officers with non-probationary status, the officer is entitled to a hearing before a trial board.

The chief of the Washington State Patrol is removed from the trial board and is replaced by an administrative law judge. The administrative



law judge serves on the trial board as a non-voting, presiding officer.

In instances where cases are appealed to the Superior Court, the State Patrol is required to submit a transcript of the trial board hearing to the court. The officer who is subjected to the disciplinary action is required to pay for the transcript, however, if the officer prevails before the court, the State Patrol is required to reimburse the officer for the cost of the transcript.

The Administrative Procedure Act is amended to clarify that in instances where the statutes pertaining to the State Patrol are inconsistent with the Administrative Procedure Act, the State Patrol statutes will prevail.

An officer who has not been found to have violated patrol rules is entitled to reinstatement and reimbursement of lost salary.

**VOTES ON FINAL PASSAGE:**

House	94	0	
Senate	45	2	(Senate amended)
House	95	0	(House concurred)

EFFECTIVE: March 7, 1984

**HB 1254**

C 5 L 84

By Representatives Monohon, Barnes, Ebersole, Powers, Todd and Sayan

Defining earnable compensation for part-time teachers' retirement.

House Committee on Ways & Means

Senate Committee on Ways & Means

**BACKGROUND:**

The Teachers Retirement System includes both teachers and other certificated school employees. The System contains special provisions for retirees who have worked on a part-time basis. Generally, they receive reduced retirement allowances which are less than proportionate to the amounts they would receive had they worked full-time. For example, a teacher who retires after working half-time at half the regular salary would receive one-quarter of the retirement allowance that he

or she would have received for full-time work over the same period.

**SUMMARY:**

The Teachers Retirement System is changed so that generally members of the System who began their employment before October, 1977, and who have worked on a part-time basis will receive retirement allowances proportionate to the amounts they would receive had they worked full-time. Thus, a teacher who retires after working half time at half the regular salary would receive one-half of the retirement allowance that he or she would have received for full-time work over the same period. To be eligible for this increased allowance, the retiree must have served in an instructional position where more than 75 percent of his or her work was spent in classroom instruction or preparation for classroom instruction.

**VOTES ON FINAL PASSAGE:**

House	90	0
Senate	45	0

EFFECTIVE: June 7, 1984

**SHB 1262**

PARTIAL VETO

C 257 L 84

By Committee on Commerce & Economic Development (originally sponsored by Representatives Niemi, Silver, Ellis, Sanders, Johnson, O'Brien, P. King, Lewis and Tanner; by Governor Spellman request)

Facilitating economic development.

House Committee on Commerce & Economic Development

Senate Committee on Commerce & Labor

**BACKGROUND:**

An umbrella bond is a single issue of tax-exempt industrial revenue bonds (IRB's) providing loan funds for several business projects. Ten states are using industrial revenue bonds in umbrella issues to assist small businesses which have difficulty in securing financing. Research has shown that

umbrella bonds have been an aid to small businesses and small communities.

Several advantages may accrue to small businesses from structuring a state umbrella bond program. First, companies with a short operating experience will have a greater opportunity to take advantage of the public bond market as an additional source of capital. Second, small businesses gain the benefit of lower cost financing. Third, the conditions of the bond may be more flexible than the term of a comparable commercial loan. Fourth, frequently a small company requires a loan, which is too small for an individual IRB. The costs associated with a typical IRB issue (printing of bonds, bond counsel fee, underwriting, etc.) must be paid by the company as an added cost of borrowing. By combining several small loan requests into a single issue, the costs of borrowing are shared by the companies, thus reducing the cost to each applicant.

**SUMMARY:**

The Community Economic Revitalization Board (CERB) is authorized to issue industrial revenue bonds, including bonds in umbrella issues. The Board can charge fees for its activities in issuing the bonds. The fees are limited to recovering CERB's costs and not intended to generate supplemental revenues.

The Board is required to consider appropriate security measures for bond financing including guarantees, letters of credit, deeds of trust or cash reserves. A credit analysis from a financial institution is required when federal funds are used as security for the protection of bondholders.

CERB is instructed to restrict the use of grants in its public works funding, encourage the marketing of the program, primarily fund manufacturing, warehousing and distribution projects and those that trade goods and services outside of the state's borders.

Revenues from the Economic Assistance Authority revolving fund are to be allocated to the new public works fund created by ESSB 4404.

**VOTES ON FINAL PASSAGE:**

House	96	2	
Senate	33	12	(Senate amended)
House			(House concurred in part)
Senate	36	13	(Senate receded in part)
House	94	2	

EFFECTIVE: March 28, 1984

**PARTIAL VETO SUMMARY:**

The governor vetoed language which directed CERB to market the program and fund manufacturing and traded sector projects. The governor also vetoed a section directing EAA's revolving loan receipts to the public works revolving loan fund created by ESSB 4404. (See VETO MESSAGE)

**SHB 1266**

C 81 L 84

By Committee on State Government (originally sponsored by Representatives Kreidler, Van Dyken, Van Luven, Braddock, Belcher, Miller, Allen, Lewis, Long, Patrick, Vander Stoep, Zellinsky, Fisher, Powers, Sanders, McMullen, Barrett, Dellwo, O'Brien, Struthers, Taylor, Wang, Hastings, P. King, Fuhrman, Mitchell, Ebersole, Betrozoff, Schmidt, Halsan, Todd, Tanner and Schoon; by Secretary of State, Department of Veterans Affairs request)

Creating a memorial honoring Washington residents who died or are missing in action in south-east Asia.

House Committee on State Government

Senate Committee on State Government

**BACKGROUND:**

Washington State has constructed several memorials on the state capitol grounds honoring war veterans. The most recent memorial placed on the capitol campus is dedicated to the Washington State veterans who died during the Vietnam conflict (1964 - 1975). The 1,001 names of these deceased Washingtonians are not on display, but are encased in the monument.

There are an additional 60 Washington residents who served in the Southeast Asia theater of operations (includes Vietnam, Laos and Cambodia) who are listed as "missing-in-action".

**SUMMARY:**

A memorial displaying the names of the Washington State residents who died or are "missing-in-action" is to be designed, constructed and placed within the State Capitol building.

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## SHB 1266

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An advisory committee is to approve the design and placement of the memorial before construction. The membership of the committee is as follows: (1) The Secretary of State; (2) the State Archivist; (3) the Director of the Department of Veterans Affairs, or the Director's designee; (4) the Director of the Department of General Administration, or the Director's designee; and (5) two representatives of state veterans organizations, one appointed by the Speaker of the House of Representatives, and one appointed by the President of the Senate.

### VOTES ON FINAL PASSAGE:

House	96	0
Senate	48	0

EFFECTIVE: June 7, 1984

## SHB 1268

C 266 L 84

By Committee on Ways & Means (originally sponsored by Representatives Hine, Holland, Tanner, Schoon, Barnes, Sayan, Johnson, Wang, Miller, Galloway and Todd; by Governor Spellman request, by Superintendent of Public Instruction request)

Authorizing the issuance of bonds for common school plant facilities.

House Committee on Ways & Means

Senate Committee on Ways & Means

### BACKGROUND:

The biennial common school capital budget is based on estimated revenues of \$118.6 million from common school trust lands. New revenue forecasts indicate that only \$64.2 million will be available.

The 46 percent drop in revenue has resulted in construction delays in 20 school districts.

### SUMMARY:

The State Finance Committee is authorized to issue \$40.17 million in general obligation bonds of the State of Washington for common school construction.

Payment of principal and interest for these bonds would come from transfer of funds derived from earnings accruing to the permanent common school construction fund. Since there is reimbursement to the general fund for payment of these bonds, they are exempt from the state's debt limit.

### VOTES ON FINAL PASSAGE:

House	90	0
Senate	39	10

EFFECTIVE: March 28, 1984

## SHB 1270

C 58 L 84

By Committee on Judiciary (originally sponsored by Representatives Todd, Crane, Schoon, Dellwo, Brough, Hine, Armstrong, Ebersole, Ellis, Heck, Garrett, Walk, R. King, Sayan, Appelwick, Charnley, Powers, Tanner, Belcher, Galloway, Haugen, McMullen, Barnes, Patrick, Locke, D. Nelson and Grimm)

Revising mobile home landlord-tenant act.

House Committee on Judiciary

Senate Committee on Judiciary

### BACKGROUND:

A landlord of a mobile home park may terminate a tenancy without cause upon six months notice to the tenant or at the end of the current tenancy, whichever is later. A landlord may also terminate a tenancy for reasons permitted by statute, one of which is substantial or repeated violation of the mobile home park rules by the tenant. The tenant is entitled to a 15 day written notice to comply with the rules or vacate the park. A tenancy may also be terminated because of a change in land use of the mobile home park. The tenant is entitled to 12 months notice in advance of the proposed effective date of the land use change. Other permissible reasons for termination of a tenancy are: nonpayment of rent; conviction of a crime which threatens the health, safety, or welfare of the other tenants; and failure to comply with local ordinances, or state laws and regulations relating to mobile homes.

Certain provisions are required to be in a written rental agreement for a mobile home park, while other provisions are prohibited from being included in an agreement. It is prohibited for the agreement to contain a provision by which the tenant agrees to waive homestead rights. However, it is permissible for the tenant to waive homestead rights after a default in rent, if the waiver is in writing and in consideration of the landlord's agreement not to terminate the tenancy.

A landlord has certain statutory duties that must be complied with, such as maintaining the mobile home park in a safe and healthy condition. However, the tenants do not have any mechanism except a lawsuit, to require the landlord to fulfill the obligations. Presently, there are no specific statutory provisions authorizing landlords and tenants to mediate or arbitrate disputes.

#### SUMMARY

The notice requirement for termination of a tenancy without cause by a landlord of a mobile home park is increased from six months to 12 months. A landlord's authority to terminate a tenancy for repeated or periodic violations of mobile home rules, and the procedure to terminate, is clarified. The provisions include notice to warn the tenant of the consequences of continued or future violations. Mediation between a landlord and tenant is required before a tenant can be evicted without cause or for a violation of the park rules.

All rental agreements must include a statement of the current zoning of the land on which the mobile home park is located. A landlord must notify a tenant of any zoning changes to the mobile home park, and make a description of the change available to the tenant.

Additional requirements are added to the procedure for waiver of homestead rights by the tenant. The landlord must be otherwise entitled to terminate the tenancy, and the duration of the agreement must be specified in the waiver.

Prohibited practices by a landlord are expanded to prohibit the intentional termination or interruption of utility services and to prohibit the removal of a tenant from the premises unless done as provided in the Mobile Home Landlord-Tenant Act or by court order.

The landlord does not have to repair a defective condition if the defective condition was caused by

the conduct of the tenant or if the tenant fails to allow the landlord access to the property for purposes of repair. If the landlord has a duty to repair and the tenant is current in payment of rent, then a mechanism is available to enable a tenant to repair a defective condition that the landlord has refused to fix. The tenant must give written notice of the defective condition to the landlord. If the landlord does not fix the defect within the allotted time, the tenant may get two bids from licensed persons and have the defect repaired. The cost of repair may be deducted from the rent due, but the total amount deducted cannot exceed one month's rent.

The landlord and tenant are authorized to submit any disputes to mediation or arbitration on a voluntary basis.

#### VOTES ON FINAL PASSAGE:

House	98	0
Senate	47	1

EFFECTIVE: June 7, 1984

## SHB 1275

C 192 L 84

By Committee on Ways & Means (originally sponsored by Representatives Niemi, Burns, D. Nelson, Armstrong, Sommers and Brekke)

Imposing the real estate excise tax on floating homes.

House Committee on Ways & Means

Senate Committee on Ways & Means

#### BACKGROUND:

Floating homes are presently subject to the sales and use tax when sold. This condition is in contrast to the sale of mobile homes and real property which is subject to the real estate excise tax.

The real estate excise tax ranges from 1.07 percent to 1.82 percent, the sales tax ranges from 5.9 percent to 8.1 percent. Thus, the real estate excise tax is much lower than the sales tax.

In 1979, the Legislature removed used mobile homes from the application of the sales tax and placed them under the real estate excise tax.

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## SHB 1275

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Thus, when a mobile home or a conventional home is sold for the first time, the sales tax applies. On all future sales, the real estate excise tax applies.

### SUMMARY:

Floating homes on which the sales or use tax has been paid at least once and which are on the property tax rolls are exempted from the sales tax and made subject to the real estate excise tax. This treatment corresponds to that of other residences.

### VOTES ON FINAL PASSAGE:

House	98	0
Senate	44	0

EFFECTIVE: March 15, 1984

## SHB 1279

C 210 L 84

By Committee on State Government (originally sponsored by Representatives Niemi, Betzoff, Belcher, Hankins, Silver, Braddock, Sanders, Holland, O'Brien and G. Nelson

Exempting the state convention and trade center from civil service.

House Committee on State Government

Senate Committee on State Government

### BACKGROUND:

The Washington State Convention and Trade Center (WSCTC) is a public, non-profit corporation established by the 1982 Legislature to design, construct, and operate a state convention and trade center in Seattle. The purpose of the legislation is to provide both direct and indirect civic and economic benefits to the people of the state.

The 360,000 square foot Convention and Trade Center will contain a total of 130,000 square feet of exhibit space. The target market will be conventions and trade shows attracting 2,000 to 10,000 delegates. Final site selection will be made after the completion of the Final Environmental Impact Statement in late February 1984. Construction is scheduled to begin in early 1985, and the Center is scheduled for completion in fiscal year 1987.

It is estimated that the Convention and Trade Center will create approximately 7,760 direct and indirect jobs, increase personal income by \$280 million, and generate more than \$35 million in additional sales tax revenue annually.

WSCTC STAFFING AND SALARIES. The Washington State Convention and Trade Center is operated by a Board of Directors made up of nine people appointed by the Governor. The Board of Directors has appointed a President (Chief Executive Officer) who manages the day-to-day operations of the Center. Salaries for the ten existing and three proposed administrative and marketing positions were set based on ranges established by the Board of Directors of the Convention and Trade Center. It is estimated that the Center will gradually grow to a total of 125 employees to staff the operations of the convention center facility including necessary support services for parking, lobbies, kitchens, commissaries, truck docks, offices, storage, facilities, grounds and event management, and concessions. Additional part-time employees will be needed, especially for event management. Many of these jobs will be in entry-level and unskilled positions.

EXEMPTIONS FROM CIVIL SERVICE LAW. Existing statutes currently provide for both general and specific exemptions from state civil service law. Examples of specific exemptions include: Members and employees of the Legislature; judges and employees of courts and the judicial branch, State Patrol officers; elected state officers, their confidential secretaries and administrative assistants; directors, confidential secretaries, and statutory assistant directors in all state agencies; appointed board, commission, and committee members, their chief executives and confidential secretaries; assistant attorney generals; employees of the State Printing Plant; officers and employees of the following Commissions: Fruit, Apple, Dairy Products, Tree Fruit, Beef, Wheat, and Agricultural; and employees of the Marine Employee Commission. Examples of general exemptions include: 1) chief executive officers of state agencies and executive assistants for personnel administration and labor relations in all state agencies, and 2) further exemptions made at the request of the Governor and approved by the State Personnel Board.

Although there is some question concerning the intent of the Legislature in regard to the civil service status of Washington State Convention and Trade Center employees, an Attorney General's Opinion issued December 2, 1983 concluded that

the WSCTC is a state agency for the purposes of civil service law (AGO 1983 No. 27). At the same time, the Attorney General concluded that the general exemption provisions of the civil service law would apply to the Chief Executive (i.e., the President), the secretary of the Board, the confidential secretary of the Chief Executive Officer, and, depending on the internal organizational structure, other staff involved in personnel administration and labor relations.

Therefore, it appears that under current law all employees of the Convention and Trade Center are subject to civil service law (and hence under the jurisdiction of the State Personnel Board) except the President, the President's secretary, the secretary of the Board of Directors and other employees exempted by the Personnel Board at the Governor's request. Civil service laws pertaining to employment, classification, examination, lay-off, suspension, promotion, demotion, annual and sick leave, and grievance procedures apply to all non-exempt employees of the Convention and Trade Center.

SALARY SETTING AND CIVIL SERVICE LAW. Existing law authorizes the State Personnel Board to set the salaries of 1) all classified employees, and 2) all exempt employees except the chief executive officer of each agency, full time members of boards and commissions, and administrative assistants and confidential secretaries in the immediate office of an elected state official. In addition, existing law prohibits the State Personnel Board from setting salaries for the exempt employees of certain organizations (assistant attorney generals, employees of the Public Printer, the Fruit Commission, the Dairy Products Commission, etc.).

Therefore, in the absence of any agency-specific statutory prohibition, the State Personnel Board is currently responsible for setting the salary of all classified and exempt Convention and Trade Center employees except the President, the President's secretary, and the secretary of the Board of Directors.

SUMMARY:

The officers and employees of the Washington State Convention and Trade Center are exempted from the provisions of the state civil service law. In addition, the State Personnel Board is prohibited from setting the salary of any of these exempt employees of the Convention and Trade Center.

Under these circumstances, salaries would be set by the Center's Board of Directors.

The officers and employees of the Washington State Convention and Trade Center (WSCTC) are removed from the jurisdiction of the Public Employees' Collective Bargaining statute.

The officers and employees of the WSCTC are exempted from the statutes pertaining to State Employees' Insurance health care.

The officers and employees of the WSCTC are exempted from statutes pertaining to accrual of vacation leave and payment for vacation leave upon termination due to death.

The officers and employees of the WSCTC are exempted from the statutes pertaining to public employment, civil service, and pensions (veterans' preferences in examination, payroll deductions, deferred compensation, sick leave payback, etc.).

The officers and employees of the WSCTC are exempted from the Public Employees' Retirement System.

This act may not terminate or modify any right acquired under a contract of employment which existed prior to the effective date of the act.

VOTES ON FINAL PASSAGE:

House	96	2	
Senate	44	0	(Senate amended)
House	95	3	(House concurred)

EFFECTIVE: March 27, 1984

SHB 1282

C 142 L 84

By Committee on Constitution, Elections & Ethics (originally sponsored by Representatives Zellinsky, L. Smith, Pruitt, Barnes, Taylor, Tilly, Dellwo, Johnson, Wilson, Ballard, Mitchell, G. Nelson, Ebersole, Miller, Schmidt, Long, Schoon, Todd and Van Dyken; by Governor Spellman request; by Secretary of State request)

Revising qualifying procedures for indigent candidates.

House Committee on Constitution, Elections & Ethics

Senate Committee on Judiciary

BACKGROUND:

State law requires each candidate filing for office to pay a filing fee. The fee ranges from one dollar for a precinct office without salary to one percent of the annual compensation for the office sought. No alternative to the fee is prescribed by statute.

In 1974, the U. S. Supreme Court declared that, in the absence of reasonable alternative means of access to the ballot, a state may not require from an indigent candidate filing fees the candidate cannot pay. Citing this decision, the state's Attorney General advised the Secretary of State that state law requiring the filing fees is not enforceable regarding candidates who are unable to pay them. The Attorney General also determined that the general rule-making authority of the Secretary could be used to require indigent candidates to file affidavits attesting to their inability to pay.

A provision of law requires candidates to file Declarations of Candidacy and identifies the format of the Declarations. Each contains a loyalty oath. In 1974, the state's Supreme Court reviewed the loyalty oath required in the Declaration. The Court found certain of the oath's provisions to be too broad to satisfy constitutional requirements. These were the provisions requiring a person to deny: (a) advocating the overthrow, destruction or alteration of the constitutional form of government by revolution, force or violence, and (b) knowing membership in an organization advocating such actions. Therefore, the Court permitted the petitioning candidates to file Declarations of Candidacy with oaths containing only the clause affirming support of the Constitution and laws of the state and the United States.

As a part of the Declaration of Candidacy, the candidate must attest to being legally qualified to assume office if elected. The Declaration of Candidacy may be withdrawn no later than the first Wednesday after the closing of the filing period.

SUMMARY:

A candidate who lacks sufficient assets or income to pay the filing fee required by law for the office sought shall submit, in lieu of the fee, a nominating petition. The petition must contain the signatures of a number of voters registered within the jurisdiction of that office equal to the number of dollars of the filing fee. The Declaration of Candidacy form is altered to require a person not filing

a fee to state that he or she is without assets or income to pay the fee.

A person who signs a nominating petition with any name other than his or her name is guilty of a misdemeanor. A person is guilty of a misdemeanor if the person knowingly: signs more than one petition for a single candidacy of a candidate; signs the petition when not a legal voter; or makes a false statement as to residence.

Other provisions of the Declaration form are altered. Deleted are portions of the loyalty oath regarding the advocating of the overthrow, destruction, or alteration of the constitutional form of government by revolution, force, or violence and regarding membership in an organization advocating such actions. Changes in the Declaration form also require candidates to be qualified for the office sought at the time of filing.

Declarations of Candidacy must be filed for (1) offices for full terms or both full terms and short terms, and (2) the filling of a vacancy in conjunction with the next state general election. A Declaration may be withdrawn any time before the Friday after the last day for filing. There shall be no withdrawal period for Declarations filed during special filing periods.

The format for nominating petitions is prescribed. Criteria for rejecting signatures and petitions are listed. If a petition is rejected, the person filing the petition may appeal that action to superior court.

VOTES ON FINAL PASSAGE:

House	95	2	
Senate	40	1	(Senate amended)
House	93	2	(House concurred)

EFFECTIVE: June 7, 1984

HB 1295

C 83 L 84

By Representatives Dellwo, Ballard, Fisch, Vander Stoep, Tilly, Charnley, Wang and Miller (by Governor Spellman request)

Requiring a report on dam safety.

House Committee on Environmental Affairs

Senate Committee on Parks & Ecology

BACKGROUND:

The Department of Ecology administers the state's dam safety program. The duties of the department under this program include: 1) Conducting inventories of dams; 2) Reviewing construction plans and specifications of dams; 3) Conducting inspections of dams suspected to have safety deficiencies; and 4) Enforcing compliance with safety requirements.

SUMMARY:

The Department of Ecology shall provide annual reports to the legislature on those dam facilities whose safety deficiencies pose a significant threat to the safety of life and property. The report shall include identification of the owner, an estimate of the cost of correcting the deficiencies, and information on the owner's ability and attitude toward correcting the deficiencies.

VOTES ON FINAL PASSAGE:

House	97	0
Senate	42	6

EFFECTIVE: June 7, 1984

**SHB 1302**

C 49 L 84

By Committee on Agriculture (originally sponsored by Representatives Sutherland, Ellis, Nealey, Dickie, Prince, Barrett, Egger, Lewis, Fuhrman, C. Smith and Clayton)

Extending trespass violations to land devoted to commercial production of livestock or agricultural commodities.

House Committee on Agriculture

Senate Committee on Agriculture

BACKGROUND:

A person is guilty of criminal trespass in the second degree if the person knowingly enters or remains unlawfully in or upon the premises (other than a building) of another. Such a trespass is a misdemeanor punishable by imprisonment in the county jail for a maximum of 90 days, or by a fine of not more than \$1,000, or by both imprisonment and fine.

A person "enters or remains unlawfully" in or upon premises when not licensed, invited or privileged to do so. Entering or remaining upon unimproved and apparently unused land, that is not enclosed to exclude intruders, is a license and privilege unless notice against trespass is personally communicated or is posted in a conspicuous manner.

SUMMARY:

For the purposes of the trespass statutes, the following are not "unimproved and apparently unused" lands: (1) land that is used for growing an agricultural crop other than timber if any sign of cultivation is clearly visible; and (2) a field fenced in any manner. Therefore, entering or remaining on such lands without permission is not a license or privilege.

VOTES ON FINAL PASSAGE:

House	96	0
Senate	48	0

EFFECTIVE: June 7, 1984

**HB 1304**

PARTIAL VETO

C 256 L 84

By Representatives Smitherman, Heck and Barnes

Defining teachers eligible under the teachers' retirement system.

House Committee on Ways & Means

Senate Committee on Ways & Means

BACKGROUND:

It is unclear whether school district "educational staff associates," i.e., certificated personnel including audiologists, psychologists and occupational therapists, are covered by the Teachers' Retirement System (TRS) or the Public Employees Retirement System (PERS). As a result, some of these "associates" are covered under TRS while others are covered under PERS.

SUMMARY:

All future certificated employees of school districts are members of TRS. This has the effect of bringing future "educational staff associates" into TRS.



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**HB 1304**

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Persons who have received credit under PERS while previously employed in an educational staff associate position and who are employed in such a position after the effective date of the act have the following options: 1) to remain a member of PERS; or 2) to join the TRS system and receive credit for his or her previous employment, computed as though the person had always been a member of TRS. Under the second option the member must pay the employee contribution which would have been made under TRS to the extent that the contribution is larger than the amount of the employee contributions transferred from PERS.

Persons currently employed as an educational staff associate and covered by PERS would have until July 1, 1989 to notify the Department of Retirement Systems in writing of their desire to transfer to TRS. Persons not currently employed as educational staff associates would not have to choose between the options until June 30th of the fifth school year after they returned to teaching.

**VOTES ON FINAL PASSAGE:**

House	96	0	
Senate	45	0	(Senate amended)
House	97	0	(House concurred)

**EFFECTIVE:** June 7, 1984**PARTIAL VETO SUMMARY:**

Section 3 was vetoed. This section would have permitted the Director of the Department of Retirement Systems to waive certain membership provision requirements in the Public Employees Retirement System. (See VETO MESSAGE)

**SHB 1311**

C 160 L 84

By Committee on Education (originally sponsored by Representatives Galloway, Sayan, Charnley, Holland, Tilly, Miller, D. Nelson and Halsan)

Requiring preschool education for handicapped children.

House Committee on Education

Senate Committee on Education

**BACKGROUND:**

The law authorizes but does not require school districts to provide special education and training programs for three and four year old children. Districts which participate receive state funds for the programs. Although most school districts do provide special education programs for these children, it is estimated that approximately 950 three and four year old handicapped children do not receive special education.

**SUMMARY:**

School districts are required to provide special education and training programs for handicapped children four years of age and older beginning with the 1984-95 school year and for children three years of age and older beginning with the 1985-86 school year. School districts are strongly encouraged to provide parental training and to involve parents in the classroom.

Prior to the start of the 1984-85 school year, the superintendent of public instruction is to adopt rules revising the eligibility criteria for preschool handicapped programs.

**VOTES ON FINAL PASSAGE:**

House	90	7	
Senate	36	2	(Senate amended)
House	91	5	(House concurred)

**EFFECTIVE:** June 7, 1984**HB 1319**

C 193 L 84

By Representatives Barnes and Hine

Revising the area for aircraft noise abatement programs.

House Committee on Local Government

Senate Committee on Local Government

**BACKGROUND:**

Port districts operating airports have been authorized to engage in aircraft noise abatement programs around the airport runways. Such a program may not be applied to the owner of property, or any successor, who has previously

been relocated under the aircraft noise abatement program.

SUMMARY:

The width of the "impact area" around airport runways within which port districts may engage in aircraft noise abatement programs is enlarged.

The prohibition is deleted that port district aircraft noise abatement programs cannot be applied to the owner of property, or any successor, who has previously been relocated under the program.

VOTES ON FINAL PASSAGE:

House	97	1
Senate	45	0

EFFECTIVE: June 7, 1984

**HB 1328**

C 97 L 84

By Representatives Kreidler, Barrett, L. Smith, Wang, Egger, Stratton and Mitchell

Revising provisions relating to the abuse of elderly and dependent adults.

House Committee on Social & Health Services

Senate Committee on Social & Health Services

BACKGROUND:

The abuse, neglect, or exploitation of the elderly is a concern of a growing number of senior citizens. Elderly abuse, as this phenomenon is called, is an aspect of family violence which has only recently followed child abuse and spouse abuse into the realm of public concern.

The legal definition of "developmentally disabled adult" is narrow. This results in the inability of many disabled and abused adults to qualify for state protective services.

SUMMARY:

A mandatory reporting system for elderly abuse, neglect, or exploitation is established. The mandatory reporting provision will become effective on July 1, 1985. The Department of Social and Health Services is required to respond to all reports of abuse, neglect, or exploitation and offer

appropriate protective services. The Department is authorized to seek injunctive relief to prevent interference in elderly abuse investigations. The "developmentally disabled adult" is replaced with the broader term of "adult dependent persons", thus making more abused adults eligible to receive state protective services.

VOTES ON FINAL PASSAGE:

House	93	0
Senate	47	0

EFFECTIVE: June 7, 1984

July 1, 1985 (Section 9)

**SHB 1334**

C 50 L 84

By Committee on Higher Education (originally sponsored by Representatives Powers, Fisher, Smitherman, Broback, Sayan, Johnson, Fisch, Schoon, Crane, Allen, Walk, Ebersole, Vekich, Burns, Gallagher, Wang, Kaiser, Todd, Zellinsky, Silver, Dellwo and Grimm)

Waiving community college fees for certain unemployed persons.

House Committee on Higher Education

Senate Committee on Education

BACKGROUND:

The State of Washington does not currently provide any statutory tuition and fee waivers for unemployed citizens. The State does permit waivers for college and university employees, senior citizens, the children of deceased and disabled firefighters and law enforcement officers, older students attempting to finish their high school diploma, and for certain veterans. Most of these waiver programs have some restrictions.

The State also permits public four-year colleges and universities to waive up to roughly four percent of their total tuition and fee collections. Community colleges are permitted to waive about three percent of their systemwide tuition and fee income. Three-fourths of these waivers must be used for needy students. The other quarter may be used for any purpose except for assisting students participating in intercollegiate athletic programs.

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**SHB 1334**

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In addition, the state appropriates more than \$20,000,000 per year for financial aid to needy students.

**SUMMARY:**

Community college boards of trustees may waive tuition and fees on a space available basis for any person who meets the following criteria: (1) the person must be a resident, 21 years or older, who has not attended a college or university for six months; (2) the person must not be eligible to receive unemployment compensation; and (3) he or she must have an income at or below the need standard established by the Department of Social Health Services. Each student receiving a waiver will have access to student services, but will not be counted as a "student" for budgetary purposes.

The State Board of Community College Education is directed to adopt rules to implement the waivers.

This waiver program expires on July 1, 1986.

**VOTES ON FINAL PASSAGE:**

House	88	8
Senate	45	2

**EFFECTIVE:** February 29, 1984

**HB 1348**

C 105 L 84

By Representatives Jacobsen, Burns, Prince, Charnley, Locke, D. Nelson and Appelwick

Providing exemptions from payment of operating fees to certain students with graduate service appointments.

House Committee on Higher Education

Senate Committee on Education

**BACKGROUND:**

In order to assist the faculties of the state's research and regional universities, teaching and research assistants are recruited from most graduate programs. At present, graduate assistants who hold half-time service appointments are exempt from payment of non-resident tuition and fees.

Unlike graduate assistants in many other states' public universities, they are required to pay resident tuition and fees.

Among the institutions in the seven states with which Washington is compared, Illinois, Indiana, and Oregon waive all tuition and fees for graduate assistants. Michigan waives approximately one-half of its tuition and fees. Many other public and private universities in the West, including the Universities of Southern California, Arizona, Colorado, Utah, Wyoming, Nebraska, Kansas, and Texas waive tuition and fees for graduate assistants. Washington is placed at a disadvantage with these states when recruiting outstanding graduate assistants.

Graduate student organizations at the state's research universities have asked the Legislature to waive operating fees for people on half-time graduate service appointments. To offset the cost of this waiver, they propose that the stipends paid to the students be reduced by an amount equal to the in-state operating fees charged at the time this program is implemented. Because of income tax savings, graduate assistants would have more take home pay. A typical single person on half-time appointment receives a \$7,600 stipend, pays \$1,910 tuition and \$809 income tax for a net income of \$4,881. If operating fees are waived, the person would receive a \$5,690 stipend and pay \$509 income tax for a net income of \$5,181. While the difference of \$300/academic year or \$33/month is not a large sum, it is of extreme importance to persons who are on such a low pay scale.

For state-funded positions, there would be no net cost to the university of the state this year. For positions funded on grants and contracts, the tuition, fees and employee benefits will be charged to the grant or contract and thus in these instances also, no added cost to the state or university would be incurred.

**SUMMARY:**

Boards of regents and trustees of the state's research and regional universities may waive operating fees for graduate assistants who provide services for 24 hours or more each week. For the 1984-85 academic year only, any stipends for the graduate assistants, which are paid for from state funds, shall be reduced by the amount of the fees waived, and the universities are required to

reimburse the general fund for the loss of operating fee revenues. The appropriations to universities that grant waivers during subsequent years shall "be based on the level of reduced stipend resulting from this act."

Graduate student stipends which are not paid from state funds are to be reduced in academic year 1984-85 and each year thereafter to offset the amount of the fee waivers granted to the students. The universities are required to deposit the amount of the stipend reduction into the general fund.

**VOTES ON FINAL PASSAGE:**

House 97 0  
Senate 40 2

EFFECTIVE: June 7, 1984

**HB 1355**

FULL VETO

By Representatives Niemi, Belcher, O'Brien, Johnson, Kreidler, Halsan and D. Nelson

Authorizing voluntary payroll deduction for political action committees by state employees.

House Committee on State Government

Senate Committee on State Government

**BACKGROUND:**

Existing law does not authorize payroll deductions for political action committees. However, authorization is given for deductions for such things as credit unions, parking fees, U.S. savings bonds, labor or employee organization dues and certain employee benefit programs.

**SUMMARY:**

Authorization is given for voluntary payroll deductions for political action committees sponsored by labor or employee organizations with five hundred or more members employed in state government.

**VOTES ON FINAL PASSAGE:**

House 51 46  
Senate 27 14

FULL VETO: (See VETO MESSAGE)

**HB 1361**

C 59 L 84

By Representatives Sutherland, Long, Pruitt, Brough, Schoon, Ebersole, Tanner and Sanders

Establishing a program for voluntary low-income assistance contributions for P.U.D. customers.

House Committee on Energy & Utilities

Senate Committee on Energy & Utilities

**BACKGROUND:**

Many low income persons are unable to cope with rising utility bills. Numerous volunteer arrangements have arisen between customers, utilities, and community action agencies or charitable organizations to pass contributions from donating customers to needy customers. Some arrangements have had to be complicated because of fear of violating laws on commingling of funds. These complications have inhibited contributions.

**SUMMARY:**

Public utility districts are authorized to engage in programs where customer donations are collected and passed to either community action agencies or charitable organizations. These entities determine recipients and amounts and make quarterly reports to the utility. Contributions handled in this program by a public utility are not to be considered a commingling of funds.

**VOTES ON FINAL PASSAGE:**

House 96 0  
Senate 42 0

EFFECTIVE: June 7, 1984

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**HB 1373**

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**HB 1373**

C 94 L 84

By Representatives Wang, J. King, Ebersole, B. Williams, Rust, Smitherman, Barrett, Grimm, Schoon, Van Dyken, Fisher, Walk, Kaiser, Brough, Tanner, Powers, Clayton, Long and Mitchell

Developing an environmental profile and assisting businesses to locate in Washington State.

House Committee on Commerce & Economic Development

Senate Committee on Commerce & Labor

**BACKGROUND:**

The Department of Ecology (DOE) sets environmental policy for air and water. The Department of Ecology can contract for research on air and water pollution, hold hearings, issue orders, conduct educational programs and consult with other governmental agencies.

The Department of Commerce and Economic Development's (DCED) duties include promoting tourism, industrial development and attracting new businesses to Washington State.

The Department of Ecology is the lead agency in providing state environmental background when federal projects require such information. DOE does not, however, have any statutory directive to provide similar information or assistance to other state agencies.

**SUMMARY:**

The Department of Ecology (DOE) will assist the Department of Commerce and Economic Development (DCED) by providing information to businesses interested in locating in Washington State. The Department of Ecology is required to compile an "environmental profile" including information on water resources and quality, air quality and recreation related to natural resources. The Department of Ecology must also provide information on state environmental laws and methods of compliance.

The Department of Commerce and Economic Development must include information from DOE's environmental profile when promoting Washington to out-of-state businesses.

An appropriation of \$25,000 is made to DOE for the biennium ending June 30, 1985.

**VOTES ON FINAL PASSAGE:**

House	96	2
Senate	46	0

EFFECTIVE: June 7, 1984

**HB 1378**PARTIAL VETO

C 284 L 84

By Representatives Niemi, O'Brien, Johnson, Belcher, Kreidler and Walk

Changing provisions relating to state civil service.

House Committee on State Government

Senate Committee on State Government

**BACKGROUND:**

The 1982 Legislature enacted some of the most far-reaching changes in the state's civil service laws since the civil service system was established in 1960. Some of those changes linked performance evaluations with salary increases and reductions in force.

PERFORMANCE EVALUATIONS. Performance evaluations apply to all classified and exempt personnel except for agency heads, heads of higher educational institutions, academic personnel, and commissioned officers of the State Patrol. The Department of Personnel, the Higher Education Personnel Board, and institutions of higher education are required to develop proposed rules for linking salary increases to performance.

The application of performance evaluation to step salary increases will be implemented on July 1, 1984, for management employees and July 1, 1985, for non-management employees. For management employees, incremental increases are to be given only when the employee's performance is rated above-satisfactory or meritorious. For non-management employees, increases are to be granted based on a combination of seniority and performance.

The 1982 Legislature required legislative approval of the rules developed to apply performance

evaluation to salary increases. As part of the approval process, a report containing proposed rules to apply to management employees was submitted to the Legislature April 1, 1983. A report containing those rules applying to non-management employees is to be submitted to the Legislature by April 1, 1984. The Legislature then has until July 1, 1986, to adopt a concurrent resolution approving the proposed rules to implement the performance evaluation system. If it does not act by this date, all provisions regarding performance evaluation will be null and void.

Section 30 of the 1982 legislation which required legislative approval of the rules regarding salary increases based on performance was vetoed by the Governor. The veto was voided by the Superior Court; however, the matter was appealed and is still pending before the State Supreme Court.

REDUCTION-IN-FORCE. Reduction-in-force is to be based on a combination of seniority and performance, effective June 30, 1985, for management employees, and June 30, 1986, for non-management employees.

SALARY OF PERSONNEL BOARD MEMBERS. Members of the State Personnel Board receive fifty dollars for each day in which the member attends a meeting.

CORRECTIONS EMPLOYEES - INJURIES ON THE JOB. When a state employee (including employees of correctional institutions) is injured on the job, the following actions in regard to leave and workers compensation are required:

- (1) The employee is to file an application for Workers' Compensation through the Department of Labor and Industries. The agency may pay full sick leave until the employees eligibility for Workers' Compensation has been determined (the Department of Corrections authorizes the use of three days of sick leave, vacation leave, or leave without pay until eligibility is determined).
- (2) If it is determined that the employee is eligible for Workers' Compensation, then the employee may elect to receive only Workers' Compensation rather than utilizing sick leave or vacation leave credits. (Generally, Workers' Compensation pays 60 to 70 percent of the employees normal salary.)
- (3) In addition to receiving Workers' Compensation, the employee may elect to use sick leave credits to make up the difference between the Workers' Compensation and the employees full

salary. (If the employee has no sick leave credits, then vacation leave credits can be applied.)

(4) If the application for Workers' Compensation is denied, then the employee may utilize his or her accumulated sick leave and/or vacation leave credits for which the employee will receive full compensation.

Generally, an employee of a correctional institution who misses work due to an injury resulting from a felonious assault by an inmate would be eligible for Workers' Compensation.

SUMMARY:

Laws concerning step salary increases, lay-offs, and re-employment of employees under the jurisdiction of the State Personnel Board and the Higher Education Personnel Board are altered. In addition, changes are made in existing law pertaining to appeals, interagency mobility of employees and compensation for members of the State Personnel Board.

PERFORMANCE EVALUATIONS. The State Personnel Director is to implement a standardized performance evaluation procedure for all classified employees and for exempt employees whose salaries are set by the Personnel Board.

The Department of Personnel, the Higher Education Personnel Board, and institutions of higher education are no longer required to develop a system to link pay increases to performance. Instead, step salary increases are to be based on seniority and are granted to all employees whose standards of performance are such to permit them to retain job status in the classified service.

The State Personnel Board and the Higher Education Personnel Board are directed to adopt rules designed to terminate the employment of employees whose performance is inadequate (employees whose performance is inadequate are to be given an opportunity to demonstrate improvement). Similarly, rules are to be adopted to remove from supervisory positions those supervisors who tolerate the continued employment of employees whose performance is inadequate.

REDUCTION-IN-FORCE/RE-EMPLOYMENT. The Department of Personnel, the Higher Education Personnel Board and institutions of higher education are no longer required to develop a system to link employee lay-offs to performance. Lay-offs and re-employment are to be based on seniority. When hirings, reductions-in-force or other

employment decisions occur, the ratio of management to non-management, full-time equivalent positions is not to increase. Each agency is to submit a report to the Office of Financial Management (OFM) by January 15 and July 15 of each year showing each position vacated or filled during the previous six months. OFM is to report to the financial committees of the Legislature by January 21 and July 31 of each year on the implementation of this hiring policy.

INTERAGENCY MOBILITY OF EMPLOYEES. The State Personnel Board and the Higher Education Personnel Board are required to adopt rules ensuring that employees under the jurisdiction of either board will be eligible for employment, re-employment, transfer and promotion into positions under the other board. They are to be given the same preferences as employees already under the employing board except that individuals terminated due to a reduction-in-force are to have preference rights to openings within the same agency, institution or board from which they were originally terminated.

The Higher Education Personnel Board is to adopt rules ensuring that employees of any given institution of higher education will be eligible for employment, re-employment, transfer and promotion into positions in other institutions of higher education. They are to be given the same preferences as employees already under the employing board except that individuals terminated due to a reduction-in-force are to have preference rights to openings within the same agency, institution or board from which they were originally terminated.

APPEALS - COST OF TRANSCRIPTS. When decisions of the Personnel Appeals Board are appealed, an employee may request a transcript of all proceedings. In such cases, payment for the transcript is to await determination of the appeal and is to be made by the employing agency if the employee prevails. An appropriation of twelve thousand dollars is made for the period from July 1, 1984 through June 30, 1985 from the Department of Personnel Service Fund to the Personnel Appeals Board to carry out hearings on appeals and to provide transcripts of proceedings to employees.

COMPENSATION - MEMBERS, STATE PERSONNEL BOARD. Members of the State Personnel Board are

to be paid one hundred dollars for each day of attendance at official Board meetings. In addition, members of the Board are to receive one hundred dollars per day for performing other statutorily prescribed duties approved by the chairperson; however, such compensation cannot exceed two thousand dollars per year.

CORRECTIONS EMPLOYEES - INJURIES ON THE JOB. A supplementary program is created to partially reimburse employees of the Department of Corrections who miss work as a result of being victims of inmate assaults.

Reimbursement may be made under this program only if the Secretary of the Department of Corrections or the Secretary's designee believes the employee's absence is justified. In addition, the Secretary or the Secretary's designee must find that: (1) the employee was assaulted and received injuries requiring the employee to miss days of work, and (2) the assault was not a result of the employee's negligence, misconduct or failure to comply with the conditions or rules of employment. The reimbursement authorized under this program is to be available for not more than one year.

The reimbursement provided by this program is to be paid by the Department of Corrections and is to be considered salary or wages. The reimbursement is to conform to the following:

- (1) The employee shall not be required to use sick leave for the days missed;
- (2) The employee is to receive full pay for those days for which the employee is not eligible for Workers' Compensation under chapter 51.32 RCW;
- (3) For those days for which the employee is eligible for Workers' Compensation, the employee is to be reimbursed in an amount which, when added to the Workers' Compensation provided under chapter 51.32 RCW, will allow the employee to receive full pay; and
- (4) The employee will not be eligible for reimbursement if the employee does not diligently pursue Workers' Compensation benefits provided under chapter 51.32 RCW.

The reimbursement authorized by this proposal is not to be considered a contractual right and employees would not be entitled to the reimbursement in the event that the Legislature repeals the program.

VOTES ON FINAL PASSAGE:

House 53 44  
 Senate 27 15 (Senate amended)  
 House 53 45 (House concurred)

EFFECTIVE: June 7, 1984

PARTIAL VETO SUMMARY:

The Governor's veto struck the entire bill except the provisions authorizing reimbursement for Department of Correction's employees who are victims of inmate assaults.

**HB 1386**

C 218 L 84

By Representatives R. King and Betrozoff (by Attorney General request)

Modifying provisions relating to third party actions for industrial injuries.

House Committee on Labor

Senate Committee on Judiciary

BACKGROUND:

A worker covered by the state's industrial insurance laws is prohibited from suing his or her employer or co-workers for causing an injury. However, the worker, the Department of Labor and Industries, or a self-insurer may bring a lawsuit against a "third party" for causing the injury. For instance, an injured worker can sue the manufacturer of defective equipment which caused an injury

In 1983, legislation was enacted which modified the law governing the distribution of awards in third-party suits. Awards in suits brought by the department or self-insurers are now distributed sequentially as follows:

- (1) The department or self-insurer receives an amount equal to the expense of bringing the action.
- (2) The worker receives 25% of the balance of the award.
- (3) The department or self-insurer receives the amount of benefits it has already paid to the injured worker; and

- (4) The worker receives the remaining balance.

A similar distribution formula is used in actions brought individually by the injured worker.

The Attorney General has recommended that a number of technical changes be made in the law governing "third party" lawsuits.

SUMMARY:

A number of changes are made in the law governing "third party" lawsuits involving industrial injuries:

The attorney general is given explicit authority to assign third party actions to "special assistant attorneys general." These special assistant attorneys general shall be selected from a list compiled by the Department of Labor and Industries and the Washington State Bar Association.

The current distribution formulas are modified to apply to the actual "recovery" made in a suit, rather than to a "settlement or award."

Provisions relating to claims by minors are added to the law.

A streamlined line procedure - similar to the procedure used to collect delinquent industrial insurance premiums - may be used to recover improperly distributed awards from claimants.

The legal duties of the person distributing the recovery in a suit brought by a worker (e.g. the claimant's attorney) are increased.

The department or self-insurer may challenge the reasonableness of claimants' attorneys' fees and litigation costs.

The factors to be considered when the Department is deciding whether to compromise a lien are specified.

Procedures are adopted which make it easier for the department or a self-insurer to assume control over a lawsuit when a settlement or compromise by an injured worker is deemed to be void.

The term "injury" is defined. Numerous other language changes and technical changes are made.

VOTES ON FINAL PASSAGE:

House 98 0  
 Senate 44 0 (Senate amended)  
 House (House refused to concur)



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**HB 1386**

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Free conference Committee

House	98	0
Senate	46	0

EFFECTIVE: June 7, 1984

**SHB 1390**

C 51 L 84

By Committee on Transportation (originally sponsored by Representatives Van Luven, O'Brien, Wang, Lewis, Walk, Todd, Sanders, Kreidler, Allen, G. Nelson, Barrett, Ebersole, L. Smith, Long, Mitchell, Crane, Ballard and Miller)

Granting disabled persons from other states having special license plates the same parking privileges as disabled persons in this state.

House Committee on Transportation

Senate Committee on Transportation

## BACKGROUND:

Persons who submit satisfactory proof to the director of the Department of Licensing that they are disabled to the extent that they are unable to move about without the aid of a wheelchair or crutches, or have lost both hands, or have a severe respiratory condition are entitled to receive a special card, decal, or license plate which indicates that a vehicle is being used to transport a disabled person. Only those vehicles displaying the special card, decal, or license plate are entitled to use parking spaces reserved for physically disabled persons.

It is a traffic infraction for any person to park a vehicle in a parking space reserved for physically disabled persons without displaying a special card, decal, or license plate issued by the State of Washington. The fine levied is \$12.00 unless otherwise defined by city or county ordinance.

In addition, a disabled person whose vehicle displays such special card, decal, or license plate is allowed to park for unlimited periods of time in parking zones or areas which are otherwise restricted as to the length of time parking is permitted.

## SUMMARY:

It is not a traffic infraction for a vehicle to be parked in a parking space reserved for disabled persons if that vehicle displays a card, decal, or license plate issued by another state or country that indicates that the owner is disabled.

A vehicle that displays a card, decal, or license plate from another state or country that indicates the owner is disabled may be parked for unlimited amounts of time in parking zones or areas which are otherwise restricted as to the length of time parking is permitted.

## VOTES ON FINAL PASSAGE:

House	90	0
Senate	47	0

EFFECTIVE: June 7, 1984

**HB 1395**

C 84 L 84

By Representatives Sayan, and Powers

Providing certain documents from county auditors to veterans without charge.

House Committee on Local Government

Senate Committee on Local Government

## BACKGROUND:

County clerks and auditors are authorized to furnish free copies of marriage certificates, decrees of divorce or annulment, and other documents in their files affecting the marital status of veterans to the legal representatives, surviving spouses, and children or parents of deceased veterans when such documents are required in connection with pending veteran claims.

## SUMMARY:

County auditors and clerks are authorized to record and issue free certified copies of documents from other states or nations relating to the marital status of deceased veterans to surviving relatives of the veterans when such documents are required in connection with pending veteran claims.

## VOTES ON FINAL PASSAGE:

House 97 0  
Senate 45 0

EFFECTIVE. June 7, 1984

**SHB 1400**

C 98 L 84

By Committee on Education (originally sponsored by Representatives Galloway, Dickie, Schoon, P King, Heck, Taylor, Holland, Long, Egger, Betrozoff and Powers)

Revising the laws governing associated student bodies in common schools.

House Committee on Education

Senate Committee on Education

## BACKGROUND:

An associated student body (ASB) is a formal student association approved by a school district. An ASB may sponsor fund raising activities. These funds are deposited in a special account with the county treasurer.

A number of elementary schools do not have associated student bodies, yet the students do raise some funds. Statute does not authorize school districts to designate adult employees to manage the ASB account for the students.

Moneys raised by an associated student body are generally used for public school purposes. However, statute specifically authorizes the funds to be used for charitable purposes. Under the statute, this money is deemed not to be public money for purposes of the gift prohibition in section 7, Article VIII, of the state Constitution.

## SUMMARY:

A school board may designate an employee to act as the associated student body for an elementary school containing no grade higher than the sixth grade.

Only those portions of associated student body funds collected and identified as donations may be used to award scholarships, to sponsor student exchange programs and for charitable donations.

## VOTES ON FINAL PASSAGE:

House 97 0  
Senate 48 0

EFFECTIVE: June 7, 1984

**SHB 1407**

C 60 L 84

By Committee on Natural Resources (originally sponsored by Representatives Tanner, L. Smith and B. Williams)

Granting the department of natural resources various duties relating to forest products.

House Committee on Natural Resources

Senate Committee on Natural Resources

## BACKGROUND:

In many areas of the state, logs are still transported and stored in water. The log patrol and marks and brands statutes are intended to account for the ownership of logs lost in waterborne commerce. Owners are now required to brand logs which are transported by water. Brands are registered with the Department of Natural Resources.

Log patrols are independent operations, licensed by the state. Log patrols recover stray logs and return them to the owner, a boom company, or as directed by the state. A maximum of 60 percent of the market value is allowed as compensation to the log patrol. The license fee for log patrol is \$100 per year. The surety bond requirement is \$5,000.

## SUMMARY:

The requirement that all logs be marked or branded is eliminated in favor of an optional program. The registration fee for marks or brands is increased from \$5 to \$25 after January 1, 1985. The registration is renewable and the fee due every five years.

Maximum compensation for log patrol is increased from 60 percent to a flat 75 percent of the market value of the recovered logs. The license fee for log patrol equipment is increased from \$100/year to \$500/biennium. License fees are deposited in the general fund, earmarked for the

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**SHB 1407**

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administration of the program. The surety bond requirement is increased from \$5,000 to \$10,000.

The Department of Natural Resources is authorized to: (1) determine the disposition of recovered stray logs; (2) close certain areas to log patrol and contract for log recovery in those areas; (3) revoke or suspend log patrol licenses; and (4) enter into agreements with the State of Oregon to coordinate log patrol activity on the Columbia River.

**VOTES ON FINAL PASSAGE:**

House	97	0
Senate	46	0

EFFECTIVE: June 7, 1984

**HB 1409**

C 99 L 84

By Representative Prince

Including driving records of owner-operators within the employment driving record.

House Committee on Transportation

Senate Committee on Transportation

**BACKGROUND:**

The driver abstracts maintained by the Department of Licensing (DOL) are divided into two parts: the "professional" and "personal" driving records. Accident reports, traffic infractions, and convictions incurred while a truck driver is operating a commercial motor vehicle as an employee of another are placed in the professional abstract. All other accident, infraction, and conviction reports are placed in the personal abstract.

Upon request, the professional driving record is furnished by the DOL only to the individual named in the abstract, an employer or prospective employer, or the insurance company that has insurance covering the employer. The personal driving record is available only to the individual named in the abstract, the insurance carrier that has insurance in effect covering the individual, or an insurance carrier to whom the individual has applied for insurance.

Law enforcement agencies may obtain copies of both.

Because the present language states that a commercial motor vehicle operator must be "an employee of another", the driver abstract for an owner-operator (one who owns as well as drives a commercial vehicle for compensation) may not be divided into two parts.

If an owner-operator is issued a speeding citation while driving his/her automobile, this infraction appears on the driver abstract available to an insurance company with coverage on either the auto or commercial rig.

An owner/operator must incorporate the business to qualify for division of the driver's record. Then the owner, the theoretical owner of all the stock shares, is an employee of the corporation.

**SUMMARY:**

The driver abstract of an owner-operator of a commercial vehicle that is available to the individual named in the abstract, an employer or prospective employer, and insurance company is divided into professional and personal driving record categories.

**VOTES ON FINAL PASSAGE:**

House	95	1
Senate	41	0

EFFECTIVE: June 7, 1984

**HB 1413**

C 143 L 84

By Representatives Walk and Egger

Revising regulation of railroads.

House Committee on Transportation

Senate Committee on Transportation

**BACKGROUND:**

The purpose of the federal legislation known as the Staggers Rail Act of 1980, PL 96-448, is to "provide for the restoration, maintenance, and improvement of the physical facilities and financial stability of the rail system in the United States". The Act relaxes or reforms the regulation of rail

rates, recognizes and fosters competitive transportation, and places greater reliance on the market place.

A major feature of the Staggers Act is that it pre-empts state economic regulation of intrastate rail rates. Jurisdiction is given to the Interstate Commerce Commission (ICC). Having taken jurisdiction from the states, section 214 of the Staggers Act provides for returning jurisdiction if a state submits standards and procedures, which are in strict accordance with the Staggers Act, to the Interstate Commerce Commission. The ICC will then certify the state and allow it to retain its historic control over intrastate rates. If the state is not certified, jurisdiction rests with the ICC.

State certification would provide a state level forum for shippers and other interested parties to seek review of railroad rates. Otherwise, such a review would have to be sought in Washington, D.C.

The Washington Utilities and Transportation Commission (WUTC) has formulated rules that it anticipates will be acceptable to the Interstate Commerce Commission. Before these rules can be promulgated and the state can become certified, statutes relating to economic regulation of rail rates must be revised and new statutes adopted.

To encourage public acquisition and use of abandoned railroad properties, Congress adopted Section 10906, Title 49 USC in 1976. When a railroad determines any of its properties are no longer economically viable and the Interstate Commerce Commission authorizes their abandonment, Section 10906 requires the Commission to also determine whether such properties are suitable for use for public purposes.

The public purposes enumerated by Congress as meriting such consideration are highways, other forms of mass transportation, conservation, energy production or transmission, and recreation.

If the ICC finds the abandoned property suitable for public use an order is entered prohibiting any disposal of the property for a period of up to 180 days, unless the properties have first been offered, on reasonable terms, for sale for public purposes.

In attempting to take advantage of these federal provisions, public entities acquiring abandoned railroad rights-of-way frequently encounter numerous legal claims from private parties seeking to enforce reversionary clauses or similar real property interests in the same property.

These multiple and sometimes conflicting claims can significantly increase the time and expense to the public in completing acquisition and quieting title to such abandoned property. In the event claimants are ultimately successful in asserting a reversionary interest, the public body must then purchase the property from them or acquire it through eminent domain proceedings. This further extends the time and resources necessary to convert the abandoned rail property for public use.

SUMMARY:

The regulation of railroads is excluded from the sections of state regulatory statutes which are in direct conflict with the federal Staggers Act. New standards are provided for evaluating intrastate rail rates. The Utilities and Transportation Commission is required to consider revenue levels, market dominance, the zone of rate flexibility, contracts, and recyclable materials in ruling upon the reasonableness of rail rates. Rather than railroads submitting rates for Commission approval as current statutes now provide, railroads are permitted to set rates and the Commission is limited to reviewing those rates with regard to specific criteria. Generally, rates may only be investigated upon protest of a shipper.

The Utilities and Transportation Commission may promulgate rules that will permit the state to become certified by the Interstate Commerce Commission to retain jurisdiction over intrastate rail rates, which is otherwise preempted by the ICC.

The Legislature declares that it is in the public interest of the state that railroad properties on which railroad operations are abandoned should retain their public use character as public utility and transportation corridors. Such properties may be made available for public uses including highways, other forms of mass transportation, conservation, energy production or transmission, and recreation.

In the event that the ICC authorizes abandonment of railroad property, enters a finding of suitability for public use, and the property is acquired by a public entity or public utility as a public utility and transportation corridor, then the property is declared to continue its public use character.

Such property is not legally subject to reversion, adverse possession or any similar property interests of third parties which might otherwise ripen on the cessation of railroad operations.

**VOTES ON FINAL PASSAGE:**

House	96	0	
Senate	40	0	(Senate amended)
House	95	0	(House concurred)

EFFECTIVE: June 7, 1984

**SHB 1415**

C 106 L 84

By Committee on Constitution, Elections & Ethics  
(originally sponsored by Representatives Miller,  
Heck, Pruitt, Allen, Vander Stoep, Johnson,  
Patrick and Long; by Secretary of State request)

Authorizing local voters' pamphlets.

House Committee on Constitution, Elections &amp; Ethics

Senate Committee on Local Government

**BACKGROUND:**

State law requires the Secretary of State to publish voters' pamphlets regarding state ballot measures and to publish candidates' pamphlets containing photographs and campaign statements of eligible nominees for state and federal offices. For state ballot measures, state law prescribes the method by which committees of advocates and committees of opponents of the measures are to be appointed for preparing the statements that subsequently appear in the pamphlets.

Some first class cities have published election pamphlets similar to the state pamphlets. While counties and cities may have the authority to publish or participate in publishing election pamphlets, special purpose districts do not.

**SUMMARY:**

The legislative authority of a county or first-class or code city may adopt an ordinance authorizing the publication and distribution of a local voters' pamphlet. The pamphlet shall provide information on all ballot measures within the jurisdiction and may include, if specified in the enabling ordinance, information regarding candidates. The pamphlet may be for a primary, special election, or general election. The format shall, whenever applicable, comply with state law regarding the publication of the state candidates' and voters' pamphlets.

The ordinance must be adopted at least 90 days before a primary or general election or 40 days before a special election. It may apply to a specific primary or election or to any future elections. Each city, town or special taxing district located within the county or city adopting the ordinance must be notified that a pamphlet will be produced. Those notified may choose to include measures, candidates or both candidates and measures in the pamphlet.

County auditors may enter agreements for distributing pamphlets to jurisdictions in more than one county. If both a county and a first-class or code city within that county authorize a pamphlet for the same election, the pamphlet is produced jointly by the county and city. If no agreement can be reached regarding the joint production, each may produce a pamphlet.

The county auditor and city clerk, as applicable, shall adopt and publish rules implementing their local voter pamphlet ordinances. Amendments to rules shall also be adopted and published. Copies of the rules shall be dated and available upon request. One copy of the rules and amended rules shall be submitted to the legislative authority adopting the enabling ordinance. The rules shall include those establishing: deadlines for local government decisions on inclusion; deadlines for submitting, and limits on the length of, statements or arguments; basis for rejecting statements or arguments; and a process for appealing a rejection.

A local pamphlet shall include: certain information identifying the pamphlet; registration and absentee ballot information; the text of measures and an explanatory statement prepared by the jurisdiction's attorney; and arguments submitted by committees for and against measures. If the ordinance provides for the inclusion of candidates, the pamphlet shall include candidates' statements. A candidate's statements shall be limited to those about the candidate himself or herself. The pamphlet may also contain candidates' pictures.

For each ballot measure from a jurisdiction that is included in a pamphlet, the legislative authority of that jurisdiction shall appoint a committee of proponents to prepare arguments for voter approval of the measure and a committee of opponents to prepare arguments for rejecting the measure. Each committee shall have not more than three members.

The pamphlets shall be mailed either to every residence or to each registered voter in the jurisdiction. If mailed to each residence, no notice of the election need be published as otherwise required by law.

The cost of a local voters' pamphlet is an election cost to the participating jurisdiction and is prorated in the manner provided for other election costs.

The bill takes effect on January 1, 1985.

VOTES ON FINAL PASSAGE:

House	98	0
Senate	41	0

EFFECTIVE: January 23, 1984

**HB 1416**

C 52 L 84

By Representatives P King, Dickie, Ebersole and Long (by Superintendent of Public Instruction, State Board of Education request)

Revising physical education requirements.

House Committee on Education

Senate Committee on Education

BACKGROUND

Several conflicts exist between the statutory and regulatory requirements governing physical education instruction. Statute requires that high school students participate in four years of physical education. The state board of education rules require two years of physical education for high school graduation. This situation has existed since the early 1950's

Further, statute requires that high school physical education courses be provided for a minimum of ninety minutes per week and that first through eighth grade students receive at least twenty minutes physical education instruction per day. Statute also directs the state board of education to prescribe rules in this matter.

SUMMARY:

The state board of education is directed to regulate physical education requirements. All statutory reference to the length of time per week or day that courses must be provided is removed.

VOTES ON FINAL PASSAGE:

House	96	1
Senate	99	5

EFFECTIVE: June 7, 1984

**SHB 1418**

C 32 L 84

By Committee on Financial Institutions & Insurance (originally sponsored by Representatives Lux, Sanders, Dickie, P. King and Long)

Prohibiting discriminatory practices by health maintenance organizations.

House Committee on Financial Institutions & Insurance

Senate Committee on Financial Institutions

BACKGROUND:

The law against discrimination prohibits insurers and health service contractors from engaging in discriminatory practices based on an individual's sex, marital status, race, creed, nationality, or on the basis of physical handicaps. Nineteen eighty-three legislation had the effect of removing health maintenance organizations from the regulation of the law against discrimination.

SUMMARY:

Health maintenance organizations are prohibited from engaging in discriminatory practices based on an individual's sex, marital status, race, creed, nationality, or on the basis of physical handicaps.

VOTES ON FINAL PASSAGE:

House	98	0
Senate	44	0

EFFECTIVE: June 7, 1984

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**HB 1419**

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**HB 1419**

C 107 L 84

By Representative Lux

Modifying provisions relating to state employee group insurance programs.

House Committee on Financial Institutions &amp; Insurance

Senate Committee on Financial Institutions

**BACKGROUND:**

State government is required to provide insurance and health care plans for state employees. The state Department of Personnel is required to survey private industry and public employees in the state to determine (1) the average contributions, and (2) the average level of benefits provided by private industry and public employers for their employee group insurance plans. The survey results are reported to the State Employees Insurance Board which, in turn, analyzes the information and prepares and transmits a recommendation of what state government's contribution toward group insurance ought to be for state employees.

**SUMMARY:**

The Department of Personnel is no longer required to conduct a survey to determine the average level of benefits. The requirement that the Department of Personnel conduct a survey to determine the average employer contribution remains unchanged.

**VOTES ON FINAL PASSAGE:**

House	97	0
Senate	31	9

EFFECTIVE: June 7, 1984

**HB 1423**

C 6 L 84

By Representatives Sanders, Lux, Zellinsky, Kreidler, Hankins, West, Wang, Ballard, Crane, Galloway, Monohon, Johnson, Dickie, P King, Garrett, Broback, Van Luven and Long

Prohibiting requirement for over-insuring property.

House Committee on Financial Institutions &amp; Insurance

Senate Committee on Financial Institutions

**BACKGROUND:**

The Insurance Code prohibits any person from issuing, placing, procuring, or accepting insurance for property for more than the fair value of the property. Property includes, by definition, both real and personal property. Fair value is defined as the cost of replacement less depreciation. Violation of these provisions may subject the insurer or insured to penalties. Those who extend credit or lend money may require property insurance, with certain conditions.

**SUMMARY:**

Property is deemed over-insured when insurance is purchased for both land and improvements. In addition to other prohibited activities, a person may not require or request that property be over-insured. No person may compel an insured to purchase property insurance in excess of the amount which could reasonably be expected to be paid under the policy. A person who extends credit or lends money is not permitted to require property insurance in an amount in excess of that which can be paid under the policy.

**VOTES ON FINAL PASSAGE:**

House	96	1
Senate	45	0

EFFECTIVE: June 7, 1984

**HB 1427**

C 145 L 84

By Representatives Sutherland, Patrick, West, Wang, Gallagher, R. King, Fisher, Walk and Hankins

Requiring identification placards on Vehicles using alternative fuel sources.

House Committee on Transportation

Senate Committee on Transportation

## BACKGROUND:

Vehicles fueled by propane are required to display a reflective propane placard. The purpose is to provide firefighters with additional information on the fuel source in case of an emergency.

The definition of "propane" not only includes propane, but compressed natural gas, liquid petroleum gas, or any chemically similar gas. Liquid petroleum gas, commonly referred to as propane or butane, is heavier than air, liquid in nature and will flow downward and puddle when released from a container. Compressed natural gas (CNG) is lighter than air, a vapor in nature, and rises upward when released from a container.

The use of a propane sticker on a vehicle fueled by CNG could lead to confusion in detecting the location of a leak. In case of an emergency, a firefighter would be looking for a leak flowing downward instead of upward from a CNG-powered vehicle displaying a "propane" sticker.

The National Fire Protection Association (NFPA) has issued an approved placard for propane-powered vehicles and is developing a compressed natural gas placard.

## SUMMARY:

Any vehicle using an alternative fuel source must display a reflective placard issued by the National Fire Protection Association (NFPA) indicating the type of alternative fuel being used. "Alternative fuel source" includes propane, liquid petroleum gas, compressed natural gas, or any chemically similar gas, but does not include gasoline or diesel. If a placard for a particular alternative fuel source has not been issued by the NFPA, the State Fire Marshall is responsible for its development and placement; the placard remains effective until replaced with one issued by the NFPA.

## VOTES ON FINAL PASSAGE:

House	97	0	
Senate	42	0	(Senate amended)
House	95	0	(House concurred)

EFFECTIVE: June 7, 1984

## SHB 1435

C 8 L 84

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

Providing for classification of certain consolidations of noncharter code cities.

House Committee on Local Government

Senate Committee on Local Government

## BACKGROUND:

Existing law allows two more contiguous cities or towns to consolidate into a single municipal corporation. The consolidation process may proceed under Chapter 35.10 RCW, or under Chapter 35A-.05 RCW. The consolidation process varies under these two chapters.

## SUMMARY:

Whenever a first class charter city and two non-charter code cities, each one with a council-manager form of government, are consolidated or proposed to be consolidated, the following rules shall apply:

- (1) The consolidation shall occur if the proposition is approved by simple majority vote of the voters in each of the three cities;
- (2) The consolidation is effective on noon of the day following the certification of the election results;
- (3) The consolidated city shall have a council-manager form of government.
- (4) During the interim before the next general municipal election, the city council shall consist of the council members of the three previous cities.
- (5) The interim council determines the size of the new council, which shall be 7, 9 or 11 members, and divides the city into that number of wards or districts.
- (6) At the next general municipal election, the new city council members are elected from wards or districts. Staggering of the terms is provided. At this election the name of the consolidated city is chosen by the voters.



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## SHB 1435

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### VOTES ON FINAL PASSAGE:

House 85 11  
Senate 42 2

EFFECTIVE: February 20, 1984

## SHB 1438

C 254 L 84

By Committee on Environmental Affairs (originally sponsored by Representatives Brekke, Patrick, Rust and Allen)

Modifying provisions relating to dangerous wastes.

House Committee on Environmental Affairs

Senate Committee on Parks & Ecology

### BACKGROUND:

During the 1983 legislative session, revisions to the Hazardous Waste Disposal Act were enacted which directed the Department of Ecology (DOE) to conduct a study of the best management practices for hazardous wastes. A priority management scheme was mandated, with waste reduction and waste recycling being the top two priorities, and landfills being the lowest priority. The entire study is to be completed by July 1, 1986, and DOE must adopt new rules to implement the priority management scheme by July 1, 1987.

### SUMMARY:

The disposal of any dangerous waste in commercial land disposal facilities is prohibited until July 1, 1986, unless DOE has: (1) completed the study of the optimum management practice for all affected wastes, and (2) adopted final regulations. Permit processing and issuance for dangerous waste disposal may continue, although construction of facilities is prohibited. Dangerous wastes recovered from Superfund cleanup operations are exempt from these provisions.

Before issuing proposed regulations, DOE will conduct public hearings on the best management practice for each waste category. The study of optimum management practices for hazardous wastes will be updated at least once every five years.

### VOTES ON FINAL PASSAGE:

House 98 0  
Senate 40 5 (Senate amended)  
House 98 0 (House concurred)

EFFECTIVE: June 7, 1984

## SHB 1439

C 140 L 84

By Committee on Labor, (originally sponsored by Representatives Fisch, R. King, Barnes, Patrick, Dellwo, Fisher, Sayan and Long)

Modifying provisions relating to unemployment compensation.

House Committee on Labor

Senate Committee on Commerce & Labor

### BACKGROUND:

The state's unemployment compensation laws differentiate between two groups of educational employees. These two groups are commonly referred to as "professional employees" and "non-professional employees."

Professional employees are defined as persons who perform services in an "instructional, research, or principal administrative capacity" for an educational institution. This term applies both to K-12 and higher education employees.

Professional employees are denied unemployment benefits between academic years or terms if they have "reasonable assurance" that they will be working in a similar capacity in the next year or term. The Employment Security Department has held that a person who works as a teacher under a contract in the first year and who has "reasonable assurance" of work on a substitute basis in the next year will be disqualified from benefits.

Non-professional employees are defined as persons who perform services in some capacity other than an "instructional, research, or principal administrative capacity." Most classified employees (e.g. school bus drivers) fall into this category.

Non-professional employees are denied unemployment benefits between academic years or terms if they have an "individual contract or individual written notice" that they will be working in

a similar capacity in the next year or term. State law provides that the individual written notice must contain certain statements informing the employee of his or her rights and responsibilities.

The United States Department of Labor has recently informed the state Employment Security Department that the state's law relating to non-professional employees must contain a reference to "reasonable assurance" of employment in order for the state to be in conformity with federal law. The state appears to have some latitude in defining the term "reasonable assurance," however.

SUMMARY:

Several changes are made in the state's unemployment compensation laws dealing with educational employees. These changes deal with the concept of "reasonable assurance" of future employment for employees who are laid off at the end of an academic year or term.

Professional Employees:

The term "reasonable assurance" -- as it applies to professional educational employees -- is defined. Under this definition, professional employees who have worked under a contract in one academic year -- and then been RIFed -- will not be denied unemployment benefits as a result of being placed on a substitute list. Benefits will be denied, however, if the employee is assured of employment under a contract.

Non-professional Employees:

In response to recent changes in federal law, language relating to "reasonable assurance" of employment -- as it applies to non-professional employees -- is added to the state's unemployment compensation laws. The term "reasonable assurance" is defined, however, in a manner which does not alter current practice.

VOTES ON FINAL PASSAGE:

House	98	0	
Senate	48	0	(Senate amended)
House	96	0	(House concurred)

EFFECTIVE March 7, 1984

**SHB 1456**

PARTIAL VETO

C 124 L 84

By Committee on Education (originally sponsored by Representatives Galloway, P. King, Ebersole and Powers; by Superintendent of Public Instruction request)

Revising requirements for transitional bilingual education.

House Committee on Education

Senate Committee on Education

BACKGROUND:

The transitional bilingual education program has been declared by the courts to be part of basic education and therefore must be fully funded by the state. Although statute defines the scope of the program, modifications are being made in light of the recent decision in Seattle School District, et. al., v. State of Washington.

Statute requires school districts to provide transitional bilingual instruction to students whose English skills are sufficiently deficient to impair learning when taught only in English. The instruction uses two languages, one of which is English, to build upon and expand a student's skills in English. A student's eligibility is determined annually by test results. A student is eligible for a maximum of three years bilingual instruction, unless the pupil's English skills fail to improve sufficiently. Students who are equally or almost equally competent in English and other languages are not eligible.

SUMMARY:

The definition of transitional bilingual instruction is modified to: (1) permit instruction which uses two languages, one of which is English, as a means of instruction to build upon and expand language skills to enable the pupil to achieve competency in English, and (2) in some cases, permit an alternative system of instruction which may include English as a second language and which is designed to enable the student to achieve competency in English.

Students who may participate in the program are those whose primary language is other than English and those whose English skills are sufficiently

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**SHB 1456**

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deficient to impair learning when taught only in English.

Each school district shall make available transitional bilingual instruction to students to aid them in achieving competency in English.

Students in need of bilingual instruction are identified by their performance in an English test. However, if the student speaks little or no English, the testing shall not be necessary. Each student's improvement in English shall be measured before the conclusion of the school year by means of a test.

The Superintendent of Public Instruction shall regulate the program. Rules shall be designed to maximize the role of school districts in selecting appropriate instructional programs and shall identify criteria to be used to determine when a student is no longer eligible for transitional bilingual instruction.

School districts may enrich the program, but the enrichment will not constitute a basic education responsibility of the state.

Students in a bilingual education program that uses two languages may receive no more than three years of transitional bilingual instruction. After that time, they may receive instruction using the English as a Second Language instruction method.

**VOTES ON FINAL PASSAGE:**

House	95	0	
Senate	33	12	(Senate amended)
House	95	0	(House concurred)

EFFECTIVE: June 7, 1984

**PARTIAL VETO SUMMARY:**

The Governor vetoed a section which prohibited the provision of transitional bilingual instruction to an individual student for more than three years.

**HB 1462****FULL VETO**

By Representatives R. King, O'Brien, Belcher, Niemi, Miller, Locke, Fisch and Galloway

Modifying provisions relating to unemployment compensation.

House Committee on Labor

Senate Committee on Commerce & Labor

**BACKGROUND:**

Recent changes in federal law have required an increase in the amount of information which employers at larger food and beverage establishments must report to the Internal Revenue Service regarding their employees' tips. The underlying law regarding the taxation of tips has not been changed, however.

If a worker receives \$20 or more a month while working for any one employer, the worker is required to report all of those tips to the employer by the tenth day of the next month. The worker is also required to report all tips to the Internal Revenue Service on an annual basis.

Tips given directly to workers are usually not considered when the state Employment Security Department calculates:

- a) unemployment taxes paid by employers; and
- b) unemployment benefits paid to workers.

**SUMMARY:**

All tips reported to employers for federal income tax purposes will be considered wages for unemployment compensation purposes. As such, they will be considered when the Employment Security Department calculates: a) unemployment taxes paid by employers; and b) unemployment benefits paid to workers.

**VOTES ON FINAL PASSAGE:**

House	76	20	
Senate	43	3	(Senate amended)
House	75	13	(House concurred)

FULL VETO:  
(See VETO MESSAGE)

**HB 1509****C 248 L 84**

By Representatives Tanner, L. Smith, J. King, Struthers, Heck, Sutherland, Galloway, Hastings, Appelwick, Hankins, O'Brien, Bond, Wang, Barnes, Armstrong, Betrozoff, Jacobsen, Schmidt, Braddock, Walk, Schoon, D. Nelson, Kaiser,

Sayan, Rust, Smitherman, Ballard, Monohon, Fisher, Gallagher, Locke, Powers, R. King, Burns, McMullen, Pruitt, Crane, Stratton, Egger, Dellwo, Zellinsky, Garrett, Sommers, Ellis, Scott, Belcher, Todd, Lux, Grimm, Isaacson, J. Williams, Brough, Dickie, C. Smith, Prince, Clayton, Van Luven, Patrick, Chandler, Fuhrman, Padden, Cantu, West, Vander Stoep, Barrett, Ebersole, Tilly, Allen, Long, Holland, B. Williams, Miller, Johnson and Silver

Authorizing a county tax on nonresidents of the state employed in the county.

House Committee on Local Government

Senate Committee on Local Government

BACKGROUND:

Counties have been authorized to impose property taxes and sales and use taxes to fund their activities.

SUMMARY:

Each county is authorized to impose an excise tax on persons residing out of the state who are employed in the county. The tax is for the privilege of using local government services in the county. The authority to impose this tax takes effect July 1, 1985. Counties imposing this tax are required to allocate to cities the amounts of these taxes imposed on such persons who are employed in the cities.

VOTES ON FINAL PASSAGE:

House 92 5  
Senate 44 5

EFFECTIVE July 1, 1985

**SHB 1511**

PARTIAL VETO

C 122 L 84

By Committee on Commerce & Economic Development (originally sponsored by Representatives Smitherman, J. King, Barrett, Halsan, Dellwo and Powers)

Providing for tourism development.

House Committee on Commerce & Economic Development

Senate Committee on Commerce & Labor

BACKGROUND:

Tourism is a major industry in the state. Testimony provided to the House Subcommittee on Tourism indicated that development of tourism requires a coordinated effort between state government, local tourism agencies and the private sector. Currently, state tourism programs are administered by the Department of Commerce and Economic Development (DCED).

SUMMARY:

The Washington State Tourism Development Commission is created. The Commission has 21 members. Eight are appointed by the governor, four appointed by the president of the senate, four appointed by the speaker of the house, the state tourism director. The governor, speaker of the house and president of the senate shall seek nominees from each of eight state regional tourism development organizations. Members are to be appointed within 30 days of the effective date of the act. The chair shall be a member of the tourism industry. The Commission terminates on June 30, 1985.

The Commission has responsibility to prepare a plan to be submitted to the governor and legislature by January 1, 1985 which (1) examines the structure of local, regional and state tourism programs, (2) identifies the role of the private sector, and state and local agencies, (3) determines the feasibility and desirability of private sector administration, (4) sets out specific strategies to shift tourism development to the private sector and (5) recommends state policies to facilitate tourism development including the Mt. St. Helens area.

Ports are given additional authority to engage in tourism development.

The Commission is to coordinate its activities with the public and private sectors, solicit contributions and to hold hearings and meetings.

VOTES ON FINAL PASSAGE:

House 52 44  
Senate 27 18

EFFECTIVE: March 5, 1984

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**SHB 1511**

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**PARTIAL VETO SUMMARY:**

The governor vetoed sections which gave the legislature appointments to the tourism commission. The governor substituted an executive order creating the commission with gubernatorial appointments. (See VETO MESSAGE)

**SHB 1514**

C 272 L 84

By Committee on Social & Health Services (originally sponsored by Representatives Kreidler, Niemi, J. Williams, Lewis, Long, Miller, Dellwo, Clayton and Powers)

Removing juveniles from adult jails.

House Committee on Social & Health Services

Senate Committee on Institutions

**BACKGROUND:**

Juveniles who commit offenses relating to traffic, boating, fish or game are being held in jail facilities housing adults. The federal Juvenile Justice and Delinquency Prevention Act requires the states which receive funds under the act to remove juveniles from adult jails by the end of 1985. This state's failure to comply with this federal statute may result in the loss of some federal funding.

**SUMMARY:**

Authorization is provided to detain in juvenile detention facilities those juveniles convicted of offenses relating to traffic, boating, fish, or game.

**VOTES ON FINAL PASSAGE:**

House	96	0	
Senate	43	1	(Senate amended)
House	98	0	(House concurred)

EFFECTIVE: June 7, 1984

**HB 1517**

C 85 L 84

By Representatives McMullen, Appelwick, Niemi and Armstrong

Modifying provisions relating to executive conflicts of interest.

House Committee on Judiciary

Senate Committee on Judiciary

**BACKGROUND:**

The Executive Conflict of Interests Act restricts in several ways the activities of current and former state employees. Former employees of an agency may not appear before that agency within two years of their employment. They may not share compensation with others who appear before the agency during those two years. Nor may they directly or indirectly during those two years assist anyone in any transactions with the state if the former employees had participated in the transactions during their employment.

**SUMMARY:**

Certain former state employees are exempted from the two year prohibitions against involvement with their former state employers. Those persons exempted are employees who were required by statute to be lawyers.

**VOTES ON FINAL PASSAGE:**

House	96	0
Senate	42	0

EFFECTIVE: June 7, 1984

**HB 1526**

C 188 L 84

By Representatives Scott, Lewis, Kreidler, Wang and Isaacson (by Department of Social and Health Services request)

Modifying child placement and review hearings.

House Committee on Social & Health Services

Senate Committee on Social & Health Services

BACKGROUND:

When a juvenile court decides to remove a child from the family home and place the child in an out-of-home facility, there is no statutory requirement that the court determine that reasonable efforts had been made to keep the child and family together. The Department of Social and Health Services is not required to investigate the conviction records or pending charges against persons who care for children, expectant mothers, and the developmentally disabled.

SUMMARY

The court is required to determine that reasonable efforts have been made to keep the child and family together prior to granting a petition to place the child out of the home.

The department is required to investigate the conviction records or pending charges against persons who care for children, expectant mothers, and the developmentally disabled.

VOTES ON FINAL PASSAGE:

House	98	0	
Senate	46	0	(Senate amended)
House	98	0	(House concurred)

EFFECTIVE: June 7, 1984

**HB 1530**

C 108 L 84

By Representatives Garrett, Egger and Walk

Updating the Model Traffic Ordinance.

House Committee on Transportation

Senate Committee on Transportation

BACKGROUND

The Washington Model Traffic Ordinance (MTO) was enacted in 1975 to provide a comprehensive and uniform traffic laws guide within the state. It is a listing of all state traffic laws, and can be adopted, by reference, by any local authority to serve as its local traffic ordinance. A local authority may adopt the MTO in full or in part, and may at any time exclude any section or sections it does not wish to include in its local traffic ordinances.

The addition of any new section, amendment, or repeal of an existing section in the Model by the Legislature automatically amends any city, town, or county ordinance which has been adopted by reference. This makes it unnecessary for the legislative authority of any city, town, or county to take action with respect to any additions, amendments, or repeals.

Periodically, the Model needs to be updated to reflect legislative changes in state traffic laws.

SUMMARY:

The MTO is updated to reestablish consistency between referenced statutes in the MTO and existing state traffic laws as codified.

Fifteen statutes enacted or modified during the 1983 Session are added to the MTO (DWI, wheelchair conveyances, abandoned vehicles, child restraints, and propane placarding). One statute, which made vehicular homicide a Class B felony, is deleted from the MTO as a county or municipality may not pass an ordinance creating a felony offense.

(An itemized list of affected statutes is available from the Committee office.)

VOTES ON FINAL PASSAGE:

House	97	0
Senate	41	0

EFFECTIVE: June 7, 1984

**SHB 1531**

C 212 L 84

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

Modifying provisions on flooding.

House Committee on Local Government

Senate Committee on Local Government

BACKGROUND:

Legislation enacted in 1951 required the state to make matching grants to local governments to fund flood control maintenance activities. Appropriations for this grant program ranged from \$600,000 to \$710,000 per biennium in the 1960's.

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**SHB 1531**

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The last funding was in the 1976-77 biennium when \$100,000 was appropriated.

Legislation enacted in 1935 required the state to engage in flood plain management activities in floodable areas. A 1969 amendment removed this act's application from land platted before August 15, 1966, or to improvements made before August 15, 1966.

The department of natural resources is charged with establishing royalties for removing gravel from state lands.

**SUMMARY:**

(1) The state grant program for funding local flood control maintenance programs is altered as follows:

Beginning in the 1985-86 biennium, and in each biennium thereafter, a four million dollar fund for flood protection grants is established and retained. The monies must be appropriated before they can be spent.

Requests for grants and distributions of grants are funneled through the county engineer, who supervises the use of the grant monies.

Grants could only be made if both:

(a) the director of the department of ecology makes a finding that the county or city having planning jurisdiction over the area, within which the maintenance activity would occur, engages in adequate flood plain management activities in the 100 year flood plain surrounding such areas; and

(b) the county engineer certifies that a comprehensive flood control management plan for the river basin has been prepared or is being prepared.

Grants are not available to local governments located in counties that have not completed a flood control management plan within three years of such certification.

The department of fisheries and game are to consult with the department of ecology concerning such grants.

(2) A 1969 amendment is repealed that exempted improvements made before August 15, 1966, and land platted before August 15, 1966, from the application of the 1935 state flood plain management act.

(3) Whenever the department of natural resources establishes royalties for the removal of gravel from a river bed, it must consider the value of benefits that the public receives from resulting flood protection.

**VOTES ON FINAL PASSAGE:**

House	97	0	
Senate	29	16	(Senate amended)
House	98	0	(House concurred)

EFFECTIVE: June 7, 1984

**SHB 1539**

C 86 I. 84

By Committee on Judiciary (originally sponsored by Representatives Crane and Addison)

Providing for the payment of costs of legal services for juveniles represented by publicly-funded counsel.

House Committee on Judiciary

Senate Committee on Judiciary

**BACKGROUND:**

Juveniles in juvenile court have a right to be represented by counsel at all critical stages of the proceedings. Juveniles may not be deprived of counsel because a parent, guardian, or custodian refuses to pay to obtain counsel. There is no statutory mechanism for the state to recoup costs of legal services provided by publicly-funded counsel.

**SUMMARY:**

A juvenile court is authorized to inquire into the ability of a juvenile, or a person obligated to support the juvenile, to pay a reasonable sum representing in whole or in part the fees for legal services provided by publicly-funded counsel. Provisions are added for the entry and enforcement of an order to pay for legal services.

**VOTES ON FINAL PASSAGE:**

House	98	0
Senate	43	0

EFFECTIVE: June 7, 1984

**SHB 1547**

C 109 L 84

By Committee on Constitution, Elections & Ethics (originally sponsored by Representatives Zellinsky, Schmidt and Wilson; by Secretary of State request)

Establishing procedures for absentee voters unable to vote during the normal period.

House Committee on Constitution, Elections & Ethics

Senate Committee on Judiciary

**BACKGROUND:**

To vote by absentee ballot, a registered civilian voter must apply in writing to the county auditor during the period 45 days to one day prior to an election or primary. An application for a primary ballot serves as the application for a ballot for the following election if so indicated on the application.

Other statutes specify procedures for absentee ballots for service voters. Whenever an application for an absentee ballot is made by a service voter, the application shall be deemed an application for an absentee ballot for the primary and election, or simply election, to be held subsequent to the date of application. The elections official sends, with the absentee ballot, a copy of the official voters' pamphlet, and an envelope with a "service voter's declaration" form printed on it.

**SUMMARY:**

A voter may be provided a special absentee ballot 90 days before the applicable state primary or general election. The voter must complete an application stating that he or she will be residing, stationed, or working outside the continental United States, and will be unable to return a regular absentee ballot by normal mail delivery during the period provided for regular absentee ballots. The special absentee ballot will contain the offices and measures, if known, scheduled to appear on the ballot. The auditor shall include a list of the candidates who have filed and a list of any issues that have been referred to the ballot before the application was filed.

The voter may use the special absentee ballot to write in the name of an eligible candidate for each office and vote on any measure. The ballots

are to be counted in the manner provided by law for counting write-in votes. They are to be processed and canvassed in the same manner provided for other absentee ballots.

A voter who requests this special absentee ballot may also apply for a regular civilian or regular service absentee ballot. If the regular ballot is properly voted and returned, the special absentee ballot will be rejected in whole when the special absentee ballots are canvassed.

**VOTES ON FINAL PASSAGE:**

House	98	0
Senate	36	5

EFFECTIVE: June 7, 1984

**SHB 1548**

C 211 L 84

By Committee on Constitution, Elections & Ethics (originally sponsored by Representatives Fisch, Miller, Wang and D. Nelson; by Secretary of State request)

Making voter registration services available in state offices.

House Committee on Constitution, Elections & Ethics

Senate Committee on Judiciary

**BACKGROUND:**

The county auditor is the chief registrar of voters for the county. The auditor appoints city or town clerks as deputy registrars. The auditor also appoints: deputy registrars for precincts; a deputy registrar for each common school; and a deputy registrar for certain fire stations.

**SUMMARY:**

The chief administrative officer of each state agency will provide voter registration services for employees and the public within offices of the agency that are convenient to the public except where, or at such times as, there would be a great inconvenience.

The Secretary of State will provide a standard notice regarding registration which will be posted in each agency with registration services.



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**SHB 1548**

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The county auditor will appoint deputy registrars for each state office providing voter registration.

**VOTES ON FINAL PASSAGE:**

House	75	22	
Senate	31	11	(Senate amended)
House	51	47	(House concurred)

EFFECTIVE: June 7, 1984

**SHB 1564**

C 190 L 84

By Committee on Financial Institutions & Insurance (originally sponsored by Representatives Kreidler, Wang, Garrett and Powers)

Regulating a continuation and conversion of insurance coverage.

House Committee on Financial Institutions & Insurance

Senate Committee on Financial Institutions

**BACKGROUND:**

The law requires every group disability insurance policy, group health service contract, and group health maintenance agreement to include a provision granting the persons covered (and their spouses and dependents) the right to obtain continued health care coverage under a conversion policy, contract or agreement. This right may be exercised when a person's group health benefits terminate, which typically occurs with the loss of employment.

The exercised conversion rights cannot be made contingent on a physical examination, statement of health or other proof of insurability.

**SUMMARY:**

Insurers, health care service contractors, and health maintenance organizations that issue group policies, contracts or agreements for health and medical care benefits are required: (1) to offer the group contract holder (typically an employer) a contract provision which would grant a person covered by the group contract (typically an employee) the right to continue to receive group benefits when the person's eligibility for group coverage is terminated; and (2) to include in

every group policy, contract or agreement a provision granting persons covered by the group plan the right to obtain a conversion policy, contract or agreement when the person's eligibility for group coverage is terminated.

The continuation of group coverage provision can permit an extension of the coverage for a period of time and at a rate agreed upon by the contract holder and the insurer.

A conversion policy, contract or agreement may not exclude preexisting conditions.

Conversion coverage need not be offered to certain persons and must be requested within thirty-one days after termination of group coverage.

Three alternate conversion benefit plans must be provided by insurers and health care service contractors. All conversion plans must comply with rules, adopted by the Insurance Commissioner, which specify minimum benefit levels and permissible contract terms, conditions and limitations.

**VOTES ON FINAL PASSAGE:**

House	98	0	
Senate	45	2	(Senate amended)
House	98	0	(House concurred)

EFFECTIVE: June 7, 1984

**SHB 1582**

C 110 L 84

By Committee on Ways & Means (originally sponsored by Representatives Hine, Armstrong, O'Brien, Holland, P. King, Tilly, Van Dyken, Scott, Haugen, Wang, Garrett, Dellwo, D. Nelson, Appelwick, Schoon, R. King, Tanner, Isaacson, Johnson, Miller, Todd, Addison, Powers and Long)

Extending funding for enforcement of DWI laws.

House Committee on Ways & Means

Senate Committee on Ways & Means

**BACKGROUND:**

The Supreme Court's decision in *Crumrine v. Seattle* (Nov. 1982) ruled that defendants in district and municipal courts must be advised of their right to jury trial rather than considered to have

waived their right to jury trial if they failed to request it at arraignment. And, the Supreme Court adoption of rule 3.08 (1981) which requires dismissal of a case unless tried or pled within 60 days has, according to prosecuting attorneys, led to a dramatic increase in the time and costs associated with trying cases.

Increased time and cost of cases is assumed to be a major reason for municipalities formally or informally withdrawing from the prosecution and adjudication in municipal courts of serious traffic offenses. This decrease in municipal court caseloads has resulted in increased caseloads at the district court level.

The enactment of stiffer penalties is assumed to have led to a significant increase in the amount and extent of legal defenses offered in a DWI trial.

#### SUMMARY:

A one year grant program administered by the Office of Financial Management (OFM) is created. \$3 million from the state general fund is appropriated to OFM for grant awards. Counties and cities which can show a demonstrated need based on specified criteria may qualify for grant awards.

The criteria deal with.

(1) The extent to which municipalities within a county have formally or informally withdrawn from the prosecution and adjudication of serious traffic offenses as of January 1, 1984;

(2) The extent to which counties and cities have increased local expenditures for the prosecution and adjudication of serious traffic offenses in 1983 as compared to 1982;

(3) The extent to which counties and cities have maintained their level of local expenditures for the prosecution and adjudication of serious traffic offenses in 1983 as compared to 1982; and

(4) The extent to which counties and cities have exceeded their overall capacity to handle court caseloads.

A nine member advisory committee is created to assist OFM in establishing guidelines, evaluating, prioritizing, and determining eligibility of grant applications. Members of the advisory board include the Administrator for the Courts and individuals appointed by the associations of Washington Cities and Counties, the Magistrates Association, and the Association of Prosecuting Attorneys.

Deadlines for transmittal and receipt of information is as follows: (1) distribution of guidelines by OFM to counties and cities - not later than June 15, 1984; (2) grant applications from counties and cities to OFM - not later than August 1, 1984; and (3) grant award allocations shall be made not later than September 15, 1984.

Jurisdictions which receive grant moneys shall report to OFM by November 1, 1985. The report shall include a description of the manner in which grant money were expended and the results obtained. Further, assurance that grant moneys did not supplant local funds is required. If it is found that grant moneys supplanted local funds the city or county is liable for the repayment of the entire grant award.

The Legislative Budget Committee shall conduct a study reviewing local revenues and expenses pertaining to DWI enforcement including liquor profits and taxes. The LBC shall report their findings and recommendations to the Legislature by November 1, 1984.

Up to \$29,000 of the \$3 million general fund appropriation is transferred to the Corrections Standards Board to develop minimum design standards for inexpensive facilities to be used for the incarceration of non-violent traffic offenders. The standards shall not preclude the conversion of existing public or private structures. The standards are to be completed by September 15, 1984.

This act shall expire on December 31, 1985.

#### VOTES ON FINAL PASSAGE:

House	98	0
Senate	45	0

EFFECTIVE: March 5, 1984

### SHB 1613

C 267 L 84

By Committee on Higher Education (originally sponsored by Representatives Powers, Sutherland, Burns, Jacobsen, McMullen, Fisch, D. Nelson, Kreidler, Smitherman, Ebersole, Taylor, Wang, Tanner, Miller, Todd and Allen)

Creating the Washington award for vocational excellence program.

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## SHB 1613

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House Committee on Higher Education

Senate Committee on Education

### BACKGROUND:

The Legislature established the Washington Scholars Program in 1981 to recognize high academic achievement, leadership ability and community involvement by graduating high school seniors. No similar state level program exists to recognize outstanding performance in occupational training programs.

Since approximately 50 percent of high school students do not go on for further training and less than 20 percent of jobs require a college degree, vocational education programs and their graduates fulfill an important role in providing a well-trained, well-qualified and productive work force. During the 1982 fiscal year, over 392,000 students in Washington were enrolled in occupational programs in the state's secondary schools, vocational-technical institutes and community colleges.

The Council for Vocational Education and the State Board for Community College Education have recommended the establishment of a Washington award for Vocational Excellence to honor outstanding vocational students.

### SUMMARY:

The Washington Award for Vocational Excellence is established to honor up to three graduating vocational or technical students in each legislative district. The awards are to be made each year.

The Commission for Vocational Education is directed to develop and administer the award program, in cooperation with public organizations and business and labor groups. The Commission is directed to establish a planning committee to develop the award selection criteria, and is required to notify all interested parties about forthcoming awards and award ceremonies.

The Commission is authorized to accept donations for the program, but is prohibited from spending those donations until February 15, 1985. The Commission is directed to report to the governor and the legislature about the award program by January 15, 1985 and every odd-numbered year thereafter.

Ten thousand dollars is appropriated to the Council on Vocational Education.

### VOTES ON FINAL PASSAGE:

House	97	0	
Senate	44	0	(Senate amended)
House			(House refused to concur)

### Free Conference Committee

House	97	0
Senate	44	0

EFFECTIVE: March 28, 1984

## SHB 1625

C 3 L 84

By Committee on Energy & Utilities (originally sponsored by Representatives Jacobsen, Nealey, Barrett, Lewis, Belcher, Ballard, Haugen, Ellis, Lux, Dellwo, Burns, Crane, Fisher, Braddock, Moon, Fisch, Halsan, Scott, Zellinsky, Stratton, Garrett, Galloway, J. King, Todd, Ebersole, Wilson, McClure, Sommers, Vekich, Appelwick, Sayan, Wang, Isaacson, Charnley, Allen, McMullen, Powers and Kaiser)

Prohibiting mandatory measured telephone service rates.

House Committee on Energy & Utilities

### BACKGROUND:

In late 1983, Pacific Northwest Bell filed a telephone rate restructuring proposal with the Washington Utilities and Transportation Commission (UTC) requesting permission to impose a mandatory measured service rate structure on business customers. Mandatory measured service is a method of billing customers for local service much like long distance billing. If approved by the UTC, rates imposed under a local measured service rate structure would be based upon elements such as: (1) time of day; (2) duration of call; (3) the distance a call travels, and (4) number of calls made. Currently, measured service rates are available, if the customer so desires, in most of the Pacific Northwest Bell service areas. Such rate structures are not available in any other telephone company service areas.

### SUMMARY:

The Washington Utilities and Transportation Commission (UTC) is directed to conduct a study of the impact of mandatory local measured service rates

and report to the Legislature by November 1, 1984. The UTC is required to cooperate with affected user groups and may not approve any measured service rate filing until June 1, 1985. Air, sea, and land mobile telephone services are exempted from these provisions and may continue to be billed on a measured service basis.

VOTES ON FINAL PASSAGE:

House	96	0
Senate	38	6

EFFECTIVE: February 16, 1984

## SHB 1627

C 260 L 84

By Committee on Judiciary (originally sponsored by Representatives Locke, Armstrong, Long, Barnes, Wang, Belcher, Tanner, Lux, Isaacson, Miller, Brekke and Addison)

Revising child support provisions and providing new collection mechanism.

House Committee on Judiciary

Senate Committee on Judiciary

BACKGROUND:

A decree of child support may be enforced by legal and equitable remedies, some of which are statutorily sanctioned. Wage assignment is an available remedy which is discretionary in the sense that the judge has the option whether to order an assignment of wages or not. Discretionary wage assignment has rarely been used as a child support enforcement mechanism.

The homestead exemption currently protects property from judgment liens arising from child support or spousal maintenance obligations.

A recent Washington Supreme Court decision, Mahalko v. Arctic Trading Co., held that judgments do not become liens upon real property to which the homestead exemption applies.

Several trial courts in Washington have recently held the criminal nonsupport statute unconstitutional because one of the elements of the crime is

nonpayment "without lawful excuse." Recent Supreme Court decisions have held the term "without lawful excuse" to be unconstitutionally vague in other contexts.

The Department of Social and Health Services may currently charge a fee for support enforcement services to the person for whom a support obligation is owed.

A lawsuit to determine paternity is sometimes necessary before a child support obligation can be established and enforced. Advances in the field of paternity blood testing have resulted in the increasing use and accuracy of scientific tests to determine the likelihood of paternity.

Recipients of public assistance under the "Aid to Families with Dependent Children" program must assign their rights to child support to the Department of Social and Health Services. The Department is currently prohibited from initiating a collection action to recover wrongfully retained child support while the recipient remains on public assistance.

SUMMARY:

Additional remedies to enforce child support obligations are created. The procedure is spelled out for a contempt of court action against an obligor (person owing support) who has failed to comply with a support order.

A system for mandatory wage assignments is created, which is available when a support payment is more than 15 days past due in an amount equal to at least one month's support. Notice of the existence of the wage assignment law will be in every decree establishing a duty of support. The notice may also be provided by other means. A judge is required to issue a wage assignment upon receipt of a properly filed motion or petition. After proper service, an employer is required to honor the wage assignment by withholding and delivering to the clerk of the court the amount of current support plus arrearages, or 50 percent of the obligor's disposable earnings, whichever is less. Forms for the wage assignment order and the employer's answer are set out in the law. Sanctions may be imposed on an employer for noncompliance with the order. The employee is protected from discharge or discipline by the employer. The obligor has a right to a hearing to quash, modify, or terminate the wage assignment order.

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**SHB 1627**

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The court may require an obligor to post a bond or other security. If a person is delinquent in paying support, the person entitled to receive support may bring an action on the bond.

Homesteads and awards in lieu of homestead are subject to judgments obtained on debts arising by virtue of orders establishing a child support obligation or obligation to pay spousal maintenance. The value of an award in lieu of homestead is conformed to be consistent with the value of the homestead exemption.

Judgments may become liens on the value of homestead property that is in excess of the homestead exemption.

Terminology for the criminal nonsupport and family desertion statute is modified to remove constitutionally suspect language. Family abandonment is a class C felony. Family nonsupport is a gross misdemeanor.

Any fee charged by the Department of Social and Health Services for support enforcement services will be charged to the person obligated to pay support. The fee may not be collected until all current support obligations have been satisfied.

In a paternity action, the results of blood tests are admissible evidence if the defendant has had an opportunity to conduct discovery and if the expert's verified report is accompanied by an affidavit which describes the expert's qualifications, and analyzes and interprets the results. A party has a right to have additional testing performed. The availability of an award of attorneys' fees against the state is limited to frivolous actions, but other costs, such as blood test costs, may be assessed against the state when appropriate.

The Department of Social and Health Services is authorized to collect child support wrongfully retained by public assistance recipients. The collection may not exceed ten percent of the grant payment standard during any month the recipient remains on public assistance.

A joint legislative committee on child support is created.

**VOTES ON FINAL PASSAGE:**

House	97	0	
Senate	46	0	(Senate amended)
House	98	0	(House concurred)

**EFFECTIVE:** June 7, 1984

**SHB 1637**

C 161 L 84

By Committee on Energy & Utilities (originally sponsored by Representatives D. Nelson, Sutherland, Locke, Rust and Brekke)

Providing for agreements with the federal government on the long-term disposal of high-level radioactive waste.

House Committee on Energy & Utilities

Senate Committee on Energy & Utilities

**BACKGROUND:**

The Nuclear Waste Policy Act was enacted by Congress in 1982. The act establishes a process for the selection of a site for a high level nuclear waste repository. The process includes federal government cooperation and consultation with the Governor and the legislature of each candidate state. If a state is selected as a repository site, the Governor and the legislature each have an opportunity to convey a notice of disapproval to Congress which would act as a veto on site selection unless Congress overturns that notice of disapproval by majority vote of both houses. The State of Washington has been identified as a possible candidate state for the establishment of a high level nuclear waste repository. Negotiation of a Cooperation and Consultation Agreement is underway. The state, however, has not developed its own processes for insuring participation of and coordination between the legislative and executive branches of the state for agreements and other interactions with the Federal government.

**SUMMARY:**

The Nuclear waste Board is elevated from its status of assisting the director of the Department of Ecology to that of coordinating the development of a state position on the possible location of a high level nuclear waste repository in this state. The board is directed to take the lead in federal/state interaction in the ongoing process of legislative and executive branch participation in repository siting decisions. The Board is also directed to take the lead in negotiating agreements with the Federal Department of Energy.

If the state of Washington is selected as a site for a nuclear waste repository, the Board is directed to

review this decision and recommend to the governor and the legislature approval or disapproval of site selection. Procedures for legislative review of final site selection are set forth.

The Board is directed to use the expertise of the staff of the Department of Ecology and the Department of Ecology is directed to provide staff support as requested by the Board. Additionally, the Board may delegate certain authority to the Department of Ecology to represent the Board and, in those cases, the Department will keep the Board fully informed. Other state agencies are directed to assist the Board in fulfilling its duties to the fullest extent possible.

An additional member is appointed to the Nuclear Waste Board - the director of the Washington Water Research Center. The Board shall report to the governor and legislature at least semiannually.

The Nuclear Waste Board is also to identify and review state radioactive waste policies, analyze recommendations for improving state agencies' coordination in radioactive waste matters, review the activities of other radioactive waste committees, develop responses to the Federal government, disseminate information to the public, serve as spokesman on behalf of the citizens of the state before the Federal government, and monitor Federal activity in high level radioactive waste disposal matters.

VOTES ON FINAL PASSAGE:

House	85	12	
Senate	32	15	(Senate amended)
House	63	33	(House concurred)

EFFECTIVE March 8, 1984

**HB 1649**

C 191 L 84

By Representatives J. King, Ellis, Silver and Heck

Expanding ex parte communications in quasi-judicial proceedings.

House Committee on State Government

Senate Committee on Local Government

BACKGROUND:

The "appearance of fairness" doctrine is a court established rule which is designed to produce fairness and eliminate conflicts of interest in quasi-judicial proceedings such as proceedings dealing with application for rezones, subdivisions, or shoreline development permits.

In essence, the "appearance of fairness" doctrine states that for any quasi-judicial hearing, the hearing must not only be fair in actuality, but it must also appear to be fair to a neutral observer who is aware of the evidence and testimony. The "appearance of fairness" doctrine can be violated by (1) a member of a decision-making body having some personal interest in the subject matter of the hearing, or (2) a procedural irregularity in a hearing such as an ex-parte conversation (a conversation regarding the subject matter of a case with an opponent or proponent of the case outside of the official hearing).

A member of a decision-making body who feels that he or she risks violating the "appearance of fairness" doctrine may avoid such a violation by removing himself or herself from the decision-making process. However, such an individual may participate if his or her removal would prevent a quorum from being present and would thus prevent a decision from being made.

The 1982 Legislature enacted legislation which placed a number of restrictions on the application of the "appearance of fairness" doctrine. Under this restriction, the doctrine does not prevent a member of a decision-making body from seeking information during a public hearing and it does not prohibit correspondence pertaining to the case between a citizen and his or her elected official if the correspondence is made part of the record.

SUMMARY:

Ex-parte conversations pertaining to a given proposal between members of a decision-making body and opponents or proponents of the proposal will not violate the "appearance of fairness" doctrine if the member of the decision-making body who participated in the conversation: (1) places on record the substance of the written or oral ex parte communication, and (2) provides that a public announcement of the content of the communication and of the parties' rights to rebut the substance of the communication is made at

## HB 1649

each hearing where action is considered or taken on the subject.

### VOTES ON FINAL PASSAGE:

House	95	2	
Senate	34	10	(Senate amended)
House	96	2	(House concurred)

EFFECTIVE: June 7, 1984

## SHB 1652

### PARTIAL VETO

C 249 L 84

By Committee on Commerce & Economic Development (originally sponsored by Representatives Jacobsen, Locke, Brough, Belcher, Betrozoff, Lux, Ballard, D. Nelson, Armstrong, Pruitt, Allen, Fisher, Miller, McClure, Cantu, Rust, Vander Stoep, Sayan, Charnley, Patrick, Niemi, Wang, Kreidler, Hine, Grimm, Broback, Johnson, Crane, Todd, Brekke, Powers, Long and Haugen)

Modifying the regulation of fireworks.

House Committee on Commerce & Economic Development

Senate Committee on Commerce & Labor

### BACKGROUND:

Fireworks are regulated at several levels. Federal statute and regulations set minimum standards, states add another level and localities also can impose legislation.

The present state law allows use of fireworks including certain audible or aerial devices. The specific list of allowable types of fireworks is set out in the Washington Administrative Code.

State rules issued by the state fire marshal define "special" and "common" fireworks. These definitions are parallel to the definitions set out in the regulations of the United States Department of Transportation. A license is required for special firework displays and they may only be used for "public display." "Common" fireworks may be purchased and used without a license by members of the general public.

The fire marshal licenses retailers, manufacturers, importers and wholesalers within the state. Applications can be made at any time for the selling and usage season which is June 28 to July 6.

The fire marshal is authorized to enforce the state fireworks law and may seize illegal fireworks. The fire marshal disposes of validly-seized fireworks. Wrongfully-seized fireworks are returned.

It is illegal for a person to possess fireworks without a license. Present law lacks a definition for possession.

Finally, Washington law fails to address the situation where a person sells fireworks illegal in this state but evades state law by physical delivery outside the state. Federal law does prohibit this practice but states lack the specific jurisdiction necessary to enforce this provision.

### SUMMARY:

Effective January 1, 1985, firecrackers, salutes and chasers are classified as "special fireworks" and therefor they may be used for public displays and with a license.

Also effective January 1, 1985, the fireworks classified as "common fireworks" and which may be purchased and used by the general public, is reduced to include ground and hand-held sparklers, smoke devices, helicopters, aeriels, spinners, roman candles, mines and shells, and Class C explosives under United States Department of Transportation regulations.

It is illegal to discharge common fireworks between the hours of 11:00 p.m. and 9:00 a.m.

Minimum fireworks' standards are prescribed. Localities may impose additional rules. If localities choose to add more restrictive rules governing salable fireworks, these rules must await passage of at least one year before their effective date. Local authorities may enforce the state rules.

The state fire marshal must adopt a list of fireworks allowable for sale. Retailers are required to post this list prominently at each retail outlet.

An applicant must have a designated agent in-state before getting a manufacturer's, importer's or wholesaler's license. The deadline for retailers' applications is June 10 and the deadline for manufacturers' and importers' licenses is January 31.

The fire marshal may sell at public auction to wholesalers fireworks legal for sale in Washington

which were validly seized. Proceeds of the auctions are deposited in the general fund.

It is a gross misdemeanor for any person to knowingly sell or transfer special fireworks to someone who lacks a license to possess or use special fireworks.

Illegal possession of fireworks is a misdemeanor if involving less than a pound of fireworks exclusive of packaging, or a gross misdemeanor if involving more than a pound exclusive of packaging.

In tort actions involving prohibited fireworks, the plaintiff's negligence will not be used to reduce the plaintiff's damages.

It is unlawful for a person, firm, partnership or corporation to advertise fireworks which violate the chapter.

Subject to certain exceptions, it is a gross misdemeanor for any person to transport fireworks from this state to another state where the fireworks are illegal

#### VOTES ON FINAL PASSAGE:

House	80	17	
Senate	30	14	(Senate amended)
House	78	19	(House concurred)

EFFECTIVE: June 7, 1984

#### PARTIAL VETO SUMMARY:

Gubernatorial veto nullified three sections. One section prohibited use of contributory fault to reduce tort damages in actions involving fireworks not allowed under law. A second section made it illegal to print or broadcast any advertisement for the sale of fireworks in violation of the chapter. Finally, emergency clause set a delayed effective date on the new classification of fireworks and made all other sections effective immediately.

## SHB 1655

C 162 L 84

By Committee on State Government (originally sponsored by Representatives Belcher, Kreidler, Lewis, Allen, Miller, Wang, Galloway, Halsan and Jacobsen)

Establishing a child care demonstration project for state employees.

House Committee on State Government

Senate Committee on State Government

#### BACKGROUND:

The increased number of two wage earner and single-parent families has resulted in demand for child care while the parents work. According to U.S. government statistics, fifty percent of mothers with pre-school age children were working in the labor force in 1982. Child care in Washington can be provided privately in licensed day care centers and in licensed day care homes.

#### SUMMARY:

A self supporting, child care demonstration project for state government employees is established. The project has the following three stages: (1) The Department of Personnel is to conduct a study to assess the need for and interest in child care centers for state government employees and to determine how many children may participate in the program; (2) The Department of General Administration is to (a) identify available space in state-owned or state-leased buildings in the Olympia area for use as child care centers for children of state employees; and (b) establish a fair rental value to be charged for the use of this space; and (3) If office space is available, the Department of Personnel is to contract with one or more organizations to operate child day care centers for children of state employees.

The Departments of Personnel and General Administration are to report to the Senate and House State Government Committees at the following times: (1) Upon completion of the needs care assessment; (2) After space has been identified and child day care programs are established; and (3) After six months of operation of the child day care programs.

There is an appropriation of \$45,000 to the Department of Personnel to conduct the needs assessment and for start-up costs.

#### VOTES ON FINAL PASSAGE:

House	69	28	
Senate	26	18	(Senate amended)
House	63	33	(House concurred)

EFFECTIVE: June 7, 1984



## SHB 1666

### SHB 1666

C 103 L 84

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

Authorizing professionally designated real estate brokers to appraise certain public properties before the properties are sold.

House Committee on Local Government

Senate Committee on Local Government

#### BACKGROUND:

School districts, sewer districts, water districts, and public hospital districts must have their real property appraised by three disinterested real estate brokers before the real property can be sold.

#### SUMMARY:

In addition to licensed real estate brokers, professionally designated real estate appraisers are allowed to make appraisals of school district, sewer district, water district, or public hospital district property before the property can be sold.

#### VOTES ON FINAL PASSAGE:

House	96	0
Senate	45	0

EFFECTIVE: March 2, 1984

### SHB 1668

C 61 L 84

By Committee on Transportation (originally sponsored by Representatives Isaacson, Ellis, Hankins, Walk, Barnes, Clayton, Bond, Egger and Zellinsky)

Prohibiting the sale of motor vehicle fuel containing alcohol unless the dispensing device is labeled.

House Committee on Transportation

Senate Committee on Transportation

#### BACKGROUND:

The use of alcohol, or alcohol blended with gasoline, as a motor vehicle fuel is increasing. To encourage production and use of alcohol as a fuel source, the alcohol so used is exempt from the fuel tax and, in addition, a credit is granted on the tax owed on the gasoline component of such blends.

However, there is no requirement for fuel containing alcohol to be so identified at the pump.

#### SUMMARY:

It is a misdemeanor for a retail fuel dealer or service station to dispense fuel containing ethanol or methanol in an amount greater than 1% by volume unless the dispensing device has a label stating the type and percentage of alcohol. (A misdemeanor is punishable by a fine of not more than \$1,000 and/or imprisonment for not more than 90 days.)

#### VOTES ON FINAL PASSAGE:

House	98	0
Senate	46	0

EFFECTIVE: June 7, 1984

### SHB 1687

C 95 L 84

By Committee on Judiciary (originally sponsored by Representatives Locke, Padden, Belcher and Tanner)

Penalizing custodial interference.

House Committee on Judiciary

Senate Committee on Judiciary

#### BACKGROUND:

The crime of custodial interference primarily deals with a parental kidnapping situation, which is generally not covered by the kidnapping statutes. Currently, a person is guilty of custodial interference if knowing that he or she has no legal right to do so, he or she takes or entices from lawful custody any person entrusted by law to the custody of another person. Custodial interference is classified as a gross misdemeanor. Federal law enforcement assistance in locating an abductor in

an interstate parental kidnapping is available in some circumstances, but only if the state treats the abduction as a felony.

Presently, there are no specific statutory provisions dealing with the disposition of a child recovered by law enforcement officers after a custodial interference incident.

#### SUMMARY:

The terminology of the offense of custodial interference is modified, and two degrees of the crime are created. The crime of custodial interference requires an intent to deny access to the person having a lawful right to physical custody. The criminal act is to "take, entice, retain, detain, or conceal" the child or incompetent person. Custodial interference is in the first degree if one of the following aggravating circumstances is proved: (1) intent to hold permanently or for a protracted period; (2) exposure to substantial risk of illness; (3) removal from the state of usual residence; or (4) retention in another state after expiration of a visitation period, with intent to harass or to prevent a custodian from regaining custody. It is also custodial interference in the first degree if a child is taken or concealed with intent to deprive access to the child permanently, where no custody order has been entered. Custodial interference in the first degree is a class C felony.

Custodial interference without an aggravating circumstance is in the second degree. The first conviction is a gross misdemeanor. The second or subsequent conviction is a class C felony.

It is a defense to custodial interference if the defendant proves that the purpose of the interference was to protect the child, incompetent person, or himself or herself from imminent physical harm. The belief in the existence of the harm must be reasonable.

A child recovered by law enforcement officers shall be returned to the person having a right to physical custody. A child may be placed in shelter care if the custodian is unavailable, or for certain reasons permitted by statute.

A civil action for custodial interference is specifically authorized. Damages may include expenses in locating the child, including investigative services and reasonable attorney fees.

#### VOTES ON FINAL PASSAGE:

House	97	0
Senate	40	0

EFFECTIVE: June 7, 1984

### SHB 1698

C 62 L 84

By Committee on Transportation (originally sponsored by Representatives Zellinsky, Walk, J. Willaims, Garrett and Egger)

Delaying the requirement of replacing five-year old license plates.

House Committee on Transportation

Senate Committee on Transportation

#### BACKGROUND:

During the 1983 Session, a law was enacted which requires that after January 1, 1985, new or replacement license plates be issued when a person applies for:

- (1) An original vehicle license for a vehicle with license plates that are five years old or older. (An original license is one issued to the new owner of a used vehicle or a vehicle that is coming into the state for the first time.); or
- (2) A renewal license plate and the vehicle's plates were issued prior to January 1, 1968. (Plates issued prior to 1968 were not reflectorized.)

The purpose of the measure was to increase the visibility of license plates. It is considered an added safety factor and law enforcement tool. The reflective sheeting begins to deteriorate and loses its reflectivity after five years. Because license plates did not have to be replaced unless destroyed, defaced, or lost, there was no way to test the reflectivity.

The purchase of new plates applies to a vehicle being registered in the state for the first time, or a vehicle whose ownership has been transferred. The requirement does not apply to a person who owns the same vehicle for more than five years. Plates that follow the owner, rather than the vehicle, are exempted from the replacement plate

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**SHB 1698**

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provisions, i.e., personalized, amateur radio operator, medal of honor, disabled person/veteran, prisoner of war.

Prior to implementation of the new law, the Department of Licensing (DOL) did not record the date of issuance of license plates. Therefore, there is no fool-proof method of determining when the plates were issued. The Department can determine by the vehicle license plate number when the plates were manufactured and to which licensing or subagent the plates were distributed. However, there is currently no way to identify when the plate was actually assigned to a vehicle.

This year the Department will begin to record the license plate issuance date; the date will appear on the pre-bill and registration card. By 1989, DOL will be able to accurately determine when plates are five years old or older.

**SUMMARY:**

Implementation of the five-year license plate replacement program is delayed five years for recordkeeping purposes.

After January 1, 1989, every person applying for a new or renewal vehicle license is required to purchase new or replacement plates before obtaining a new registration if the plates are five years old or older.

The replacement provision applies to plates that follow the owner as well as plates that follow the vehicle; horseless carriage and restored plates are exempt. (By statute the cost of replacement plates is four dollars/pair, plus one dollar filing and one dollar reflectorization fee.)

**VOTES ON FINAL PASSAGE:**

House	94	0
Senate	47	0

EFFECTIVE: June 7, 1984

**SHB 1778**

C I L 84

By Committee on Energy & Utilities (originally sponsored by Representative Charnley)

Authorizing an act to carry out a treaty between the United States and Canada to permit certain

public utility districts and cities to enter into agreements with British Columbia regarding recreational opportunities and environmental protection.

**House Committee on Energy & Utilities****BACKGROUND:**

For decades Seattle City Light has sought to raise its Ross Dam on the Skagit River. This would provide an increase in dam generating capacity and sustained energy production. Originally the province had assented to the rise, but as populations grew and the upper Skagit area became an increasingly popular recreation area, the province changed its position. Negotiations ensued and a power sale agreement and treaty recently were reached. A feature of the agreement and treaty is a joint environmental and recreational commission, which is deemed to require state legislative authorization.

**SUMMARY:**

Cities meeting certain requirements are authorized to enter into an agreement with British Columbia which provides for forming a joint commission to enhance recreational opportunities and protect the environment of the upper Skagit River area. Currently, only Seattle meets those requirements. The commission may establish and administer an environmental endowment fund.

The commission shall be a public body and have powers to carry out the functions specified in the agreement and treaty. The commission is not subject to state and local taxation or to laws governing Washington municipalities. However, U.S. members are required to comply with the state code of ethics for public officers and employees and commission meetings in this State will be in accordance with the open meetings act. Commission obligations will be met from its own funds and insurance.

**VOTES ON FINAL PASSAGE:**

House	96	1
Senate	47	1

EFFECTIVE: January 26, 1984

**HJM 16**

By Representatives Belcher, Hankins, Hine, Long, Ellis, Schmidt, Sommers, Allen, Niemi, Silver, Powers, Brough, Brekke, Miller, Rust, Fisher, Galloway, Stratton, Monohon, Haugen, Heck, G. Nelson, Wang, Schoon, Appelwick, Betrozoff, Pruitt, Johnson, Smitherman, Mitchell, Zellinsky, Vander Sloep, Burns, Patrick, Jacobsen, Ballard, D. Nelson, McDonald, Garrett, Addison, Fisch, Taylor, McMullen, Van Dyken, Vekich, Chandler, Gallagher, Tanner, Sutherland, Ristuben, Crane, Braddock, Moon, Armstrong, Lux, J. King, Todd, Kreidler, Charnley, R. King, Halsan, Locke, Martinis, Kaiser, J. Williams, Ebersole, Isaacson, Dellwo, Holland, O'Brien and Lewis

Requesting the adoption of the Economic Equity Act II.

House Committee on Constitution, Elections & Ethics

Senate Committee on State Government

**BACKGROUND:**

The original Economic Equity Act, addressing specific economic issues affecting women, was introduced in Congress during 1981. It was reviewed and revised with one section on agricultural estate taxes and parts of three other sections dealing with individual retirement accounts, child care, and public pension plans passing in 1982.

In March 1983, the Economic Equity Act II was introduced in the U. S. Senate as S. 888 and as a companion bill in the House. The provisions of this measure contain sections of the original Economic Equity Act that had not passed. Included are provisions regarding private pension plans, individual retirement accounts, displaced homemakers, public pension plans, heads of household; and provisions relating to dependent care, discrimination in insurance, and child support enforcement.

In November 1983, the U.S. Senate passed the Retirement Equity Act as an amendment to a House measure and the House passed a bill on child support enforcement.

**SUMMARY:**

Congress is requested to adopt an Economic Equity Act.

**VOTES ON FINAL PASSAGE:**

House	94	0	
Senate	45	0	(Senate amended)
House	95	0	(House concurred)

**HJM 30**

By Representatives D. Nelson and Isaacson

Petitioning Congress to designate the Hanford Reservation as a National Energy Center.

House Committee on Energy & Utilities

Senate Committee on Energy & Utilities

**BACKGROUND:**

The Hanford area has both a very high unemployment rate and a very talented work force. The work force has long been noted for its technical expertise, especially in the construction and energy fields. Natural factors, such as abundant sunshine, high wind locations and nearby hydroelectric opportunities, combine with this talented work force to make the Hanford Reservation an ideal site for the location of a multi-purpose energy center.

**SUMMARY:**

Congress is urged to designate the Hanford Reservation a national energy center and the federal and state governments are urged to give first regard to Hanford as a site for research, development, and production facilities for all types of energy.

**VOTES ON FINAL PASSAGE:**

House	93	0
Senate	42	3

**HJM 33**

By Representatives Vekich, Sayan, Fisch, McClure, Monohon, Betrozoff, Sanders and J. Williams

Memorializing Congress to proceed with the Grays Harbor navigation improvement project.

House Committee on Natural Resources

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## HJM 33

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Senate Committee on Natural Resources

**BACKGROUND:**

The Port of Grays Harbor relies on maintenance of a navigation channel to assure the passage of deep draft commercial shipping vessels. The Port of Grays Harbor asked the Army Corps of Engineers to study a proposal to widen and deepen the channel from minus 30 to minus 38 feet. The Corps' Board of Engineers approved the proposal, but the Office of the Chief on Engineers has not yet approved the plan.

**SUMMARY:**

The President and the Congress are asked to move the Grays Harbor navigation improvement project forward. Congress is asked to enact legislation directing the Army to proceed with the project and direct the Army to provide Congress with all studies and reports on the project.

**VOTES ON FINAL PASSAGE:**

House	97	0
Senate	45	0

### HJM 34

By Representatives Tilly and Armstrong

Petitioning Congress to adopt the "Taxpayer Antitrust Enforcement Act of 1983"

House Committee on Judiciary

Senate Committee on Judiciary

**BACKGROUND:**

In 1977, the United States Supreme Court interpreted the antitrust laws to allow only direct purchasers to recover damages against price-fixers and bid-riggers. State and local governments make over 90 percent of their purchases of goods and services indirectly through middlemen. As indirect purchasers, state and local governments are left without recourse against antitrust violators. Proposed federal legislation known as the "Taxpayer Antitrust Enforcement Act of 1983" authorizes the United States Attorney General and the state attorneys general to prosecute such antitrust violations.

**SUMMARY:**

The President and Congress are requested to recognize the necessity of eliminating the void in antitrust enforcement and enact the "Taxpayer Antitrust Enforcement Act of 1983" to enable state and local governments to obtain redress against antitrust violators.

**VOTES ON FINAL PASSAGE:**

House	98	0
Senate	44	0

### HJM 37

By Representatives D. Nelson, Kreidler, Belcher, Allen, Niemi, Miller, Pruitt, Lux, Locke, Lewis, Dellwo, Wang, Ellis and Jacobsen

Requesting the United States grant safe haven status to refugees from El Salvador and Guatemala.

House Committee on State Government

Senate Committee on State Government

**BACKGROUND:**

"Extended voluntary departure" is a status which may be granted by the Attorney General upon recommendation by the Secretary of State to a person unable to return to his or her country because of civil strife or catastrophic circumstances there. This status is usually granted for periods of six months to one year.

Those who have been granted this status agree only to stay in the United States until conditions improve in their homelands. Once conditions have improved, these people agree to leave the country. Individuals receiving extended voluntary departure status in the past have included Ethiopians, Nicaraguans, Poles, Afghans and Lebanese.

Extended voluntary departure status is fundamentally different from political asylum. The latter presumes that permanent resettlement in the United States is necessary and requires that applicants meet the definition of refugee as specified in the Refugee Act of 1980. That is, they must be persons unable or unwilling to return to their home countries due to persecution or a well-founded fear of

persecution on account of race, religion, nationality, membership in a particular social group, or due to political beliefs.

Current estimates conclude that there are over 5,000 Salvadoran and Guatemalan refugees in Washington State who risk deportation. Many are housed in churches under provisions of religious sanctuary.

#### SUMMARY:

The Legislature requests that the President, Congress and the proper agencies grant extended voluntary departure status to Salvadoran and Guatemalan refugees to allow them to remain in the United States until conditions stabilize in their homelands and a safe return can be assured.

#### VOTES ON FINAL PASSAGE:

House	63	34	
Senate	37	8	(Senate amended)
House	60	38	(House concurred)

### HCR 34

By Representatives Belcher, Hine, Patrick, Brough, Betrozoff, Crane, Halsan, Long, Miller, McMullen, Powers, Todd, Wang, Galloway, Schoon and Holland

Establishing a legislative committee to study the implementation of comparable worth.

House Committee on Rules

Senate Committee on Rules

#### BACKGROUND:

In 1983, two laws were enacted which mandated salary adjustments reflecting the implementation of comparable worth. Comparable worth is defined in statute as the provision of similar salaries for positions that require or impose similar responsibilities, judgments, knowledge, skills and working conditions.

One law directed the Department of Personnel (DOP) and the Higher Education Personnel Board (HEPB) to provide a salary increase of \$100 a year for employees whose salaries were eight or more salary ranges (20%) below the 1982 comparable worth salary practice line. The second law required that: (1) salary adjustments to reflect

implementation of comparable worth be included in the basic salary survey of DOP and HEPB; (2) adjustments in salaries and compensation to achieve comparable worth be made at least annually; and (3) comparable worth for all state employees be achieved no later than June 1993.

Following the 1983 legislative session and the enactment of legislation calling for comparable worth implementation, the Joint Select Committee on Comparable Worth was formed. It was the responsibility of the Committee to review and formulate ways to implement comparable worth in state government job salaries. The Committee began meeting in October of 1983 and has gathered information regarding the history of comparable worth in Washington State, current salary setting practices in the state, various job evaluation and implementation in other states.

#### SUMMARY:

The leadership of the House and Senate are encouraged to persist in their efforts to reach a settlement in the comparable worth court case (ASFCME, et. al. v the State of Washington, et. al.).

A joint select committee is established to review and formulate ways to implement comparable worth, giving consideration to Judge Tanner's decision in ASFCME v Washington. The Committee is to consist of the 16 members who served on the interim Joint Select Committee on Comparable Worth Implementation including four members of the Senate, four members of the House, and eight members representing business and labor organizations. The Committee is to report its findings and recommendations to the Ways & Means and State Government Committees of the House and Senate no later than January 30, 1985.

#### VOTES ON FINAL PASSAGE:

House	87	7
Senate	35	12

### HCR 35

By Representatives McMullen, Fisch, R. King, Heck, Egger, Barrett, Ballard, Clayton, Patrick, Kaiser, Van Dyken, Belcher, Hine, J. King, Dellwo, Tanner, Niemi, Haugen, Ebersole, Zellinsky, Barnes, Schoon, Wang, Struthers, Holland, Betrozoff, Fuhrman, Long, Silver, Scott, Hastings, Brough, Lux, Brekke, Powers and Todd

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## HCR 35

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Establishing a joint select committee on workers' compensation to review the industrial insurance system.

House Committee on Rules

Senate Committee on Rules

### BACKGROUND:

Other states have industrial insurance benefits and premium schedules that differ significantly from Washington's system. Some states, including Oregon and Ohio, have recently undertaken thorough studies of workers' compensation systems, generating useful information on improving their systems.

### SUMMARY:

A Joint Select Committee on Workers' Compensation is established to review the existing state industrial insurance system as administered by the Department of Labor and Industries.

The Committee is required to study and make recommendations on issues such as: rate-making practices; desirability of including private insurance providers; administrative organizations and claims management practices of the Department; and safety standards and practices.

The members of the Committee may consist of up to 25 members: 12 legislative members and up to 13 members appointed jointly by the President of the Senate and Speaker of the House of Representatives, to include geographic representation and to represent injured workers, business, the medical profession, the legal profession, agriculture, labor, the private insurance industry, self-insured public employees, and the vocational rehabilitation profession.

The Committee is required to report its findings and recommendations to the Legislature by the start of the 1985 regular session.

### VOTES ON FINAL PASSAGE:

House	90	6
Senate	28	18

## HCR 40

By Representatives Sutherland, L. Smith, Tanner, Galloway, J. King, Heck, Monohon, McMullen, B. Williams, Locke and Dellwo

Directing the Attorney General to initiate legal action for relief from Oregon's income tax laws.

House Committee on Rules

Senate Committee on Rules

### BACKGROUND:

Oregon imposes taxes on the net income of persons residing or working in Oregon. The tax impact on out-of-state residents working in Oregon was recently increased by using their entire income, from whatever sources, to establish the tax rate to impose upon income earned in Oregon. Washington does not have a net income tax.

### SUMMARY:

The Attorney General is authorized to commence legal action to challenge the recent changes in Oregon taxes imposed on the net income of persons working in Oregon who reside out of the state.

### VOTES ON FINAL PASSAGE:

House	95	0
Senate	41	7

**SB 3044**

C 232 L 84

By Senators Gaspard, Metcalf and Goltz

Exempting military personnel and their spouses and dependent children from nonresident tuition and fee differentials.

Senate Committee on Education

Senate Committee on Ways and Means

House Committee on Higher Education

**BACKGROUND**

Prior to 1982, military personnel stationed in Washington State and their spouses and dependent children were automatically classified as residents of the state for the purpose of the payment of tuition and fees at public institutions of higher education. This provision was eliminated by the Legislature during the 1982 session. It is argued that since military personnel and their spouses and dependents have no control over their place of residence, they should not be required to fulfill the standard residency criteria. Also, it is argued that since immigrant refugees and their spouses and dependents have no control over their place of residence, and that they are in special need of the educational services available from the state, they should not be required to fulfill the standard residency criteria.

**SUMMARY**

Active duty military personnel of field grade or lower rank and their spouses and dependents are exempt from the payment of the nonresident portion of tuition and fees for a period of 12 months after they are stationed in Washington. Residency status for tuition and fees purposes is granted to immigrant refugees.

**VOTES ON FINAL PASSAGE:**

Senate	38	6	
House	93	5	(House amended)
Senate	35	13	(Senate concurred)

**EFFECTIVE** March 27, 1984

**SB 3059**

C 127 L 84

By Senators Lee, Woody and McManus

Providing for pets in nursing homes.

Senate Committee on Social and Health Services

House Committee on Social and Health Services

**BACKGROUND:**

"Pet Facilitating Therapy" has been used in various institutional settings. Pet Facilitating Therapy consists of introducing a pet into an institution and allowing the residents to care for it. This can help eliminate feelings of loneliness. It can also give residents something to nurture and enjoy as well as make them feel needed.

**SUMMARY:**

Nursing home operators must give each patient a reasonable opportunity to have regular contact with animals. Appropriate animals may be allowed to live in a nursing home or visit if properly supervised.

The Department of Social and Health Services is required to adopt rules for the care, type and maintenance of animals in nursing homes.

**VOTES ON FINAL PASSAGE:**

Senate	34	13	
House	97	0	(House amended)
Senate	29	14	(Senate concurred)

**EFFECTIVE:** June 7, 1984

**SSB 3064**

C 126 L 84

By Committee on Commerce and Labor (originally sponsored by Senator Moore)

Regulating taxicab companies.

Senate Committee on Commerce and Labor

House Committee on Transportation



## SSB 3064

### BACKGROUND:

Taxicab companies are currently regulated by the the Utilities and Transportation Commission (UTC), the Department of Licensing, and local government authorities as follows:

- 1) The UTC regulates taxicab companies regarding baggage transportation under the common carrier provisions of Title 81 RCW. Each taxicab company that applies for a common carrier permit is required to pay a \$150 baggage and registration fee which is non-refundable.
- 2) The Department of Licensing regulates taxicab companies under the provisions relating to transportation of passengers in for hire vehicles. Each taxicab company is required to file and maintain an insurance policy or surety bond that meets the minimum liability requirements in the event of injury to person or property.
- 3) Local governments and municipalities regulate to various degrees the taxicab companies operating in their jurisdictions. From a sampling of local governments the main areas of regulation involve vehicle safety standards.

Taxicab fares are not regulated presently, and there is no uniform standard of business practices among taxicab companies.

### SUMMARY:

Cities, towns, counties, and port districts are permitted to regulate entry into the taxicab industry, require licenses, control rates, regulate routes, restrict access to airports, and establish safety and insurance requirements.

Cities, towns, counties and port districts are allowed to form cooperative interlocal agreements for the joint regulation of taxicabs.

### VOTES ON FINAL PASSAGE:

Senate	29	18	
House	92	4	(House amended)
Senate	38	7	(Senate concurred)

EFFECTIVE: June 7, 1984

## SSB 3074

### PARTIAL VETO

C 9 L 84

By Committee on Social and Health Services (originally sponsored by Senators Moore, Jones and McManus)

Requiring licensure of occupational therapists.

Senate Committee on Social and Health Services

House Committee on Social and Health Services

### BACKGROUND:

Many medical professionals are required to be licensed by the state. Those professions include physicians, nurses, chiropractors, podiatrists, optometrists, and others.

Occupational therapists are not licensed by the state, but would like to be.

### SUMMARY:

Occupational therapists and occupational therapist assistants are required to be licensed. Persons may not practice as occupational therapists or occupational therapist assistants unless they are licensed by the Department of Licensing. A person who does may be found guilty of a misdemeanor.

The following persons are exempt from the occupational therapist licensing provisions:

- 1) occupational therapists and occupational therapist assistants employed by the federal government;
- 2) persons studying occupational therapy in an accredited or approved educational facility if their activities constitute part of the supervised course of study and they are designated as a student or trainee;
- 3) persons fulfilling the supervised field work experience required for licensing;
- 4) persons performing occupational therapy in this state for no more than 90 working days and who are licensed in another state which has licensure requirements at least as stringent as this state's, or who meet commonly accepted standards for the practice of occupational therapy as specifically defined by the Board;

- 5) persons employed as an occupational therapist aide by an occupational therapist; and
- 6) persons with a limited permit as prescribed by the Board of Occupational Therapy Practice.

An applicant for a license as an occupational therapist must pass a written examination and successfully complete an occupational therapy program, accredited by the American Medical Association in collaboration with the American Occupational Therapy Association, including supervised field work. An applicant for a license as an occupational therapist aide must pass a written examination and successfully complete a program approved by the American Occupational Therapy Association or meet experience and other requirements established by the Board.

An occupational therapist may only treat an individual who is a "medical case" upon a referral of a licensed physician or podiatrist.

The Board must waive the examination and grant a license to persons engaged as occupational therapists or occupational therapist assistants on the effective date of this act if they meet commonly accepted standards for the profession, as established by the Board.

The Board may waive licensure requirements for any person meeting standards adopted by the Board after the effective date of this act if the Board considers the requirements for licensure to be met.

The Board may grant a license to an applicant with a current license as an occupational therapist or occupational therapist assistant in another state, the District of Columbia or a territory of the United States which requires standards for licensure deemed equivalent to the requirements in this act.

The Board must waive the educational and experience requirements for licensure for applicants who present evidence to the Board that the three years immediately prior to the effective date of this act they have been engaged in the practice of occupational therapy. To obtain this waiver, an applicant must file an application within six months of the effective date of this act.

Licenses must be posted in a conspicuous location at a person's work site. They are renewable every three years. The Board may require evidence of continued competency at the time of renewal. The Board may deny or refuse to renew a license,

may suspend or revoke a license or impose probationary conditions if the licensee or applicant is found guilty of conduct which endangers the health, welfare or safety of the public.

An Occupational Therapy Practice Board is established. The Board consists of five members, appointed by the Governor. Four of the members must have been engaged in the rendering of services to the public, teaching, or research in occupational therapy for at least five years immediately preceding their appointment. Three of those four must be occupational therapists licensed in this state. At least one member must be a licensed occupational therapy assistant, and the remaining member must be a consumer. Members of the Board will receive a \$50 per diem when attending board meetings.

The Board is directed to administer, coordinate and enforce this chapter and provide for supervision of examinations of applicants for licensure under the act. The Director of Licensing must provide the administrative and investigative staff necessary for the Board to carry out its duties.

The bill contains an emergency clause and takes effect immediately.

Appropriation: \$32,000 is appropriated to the Department of Licensing.

#### VOTES ON FINAL PASSAGE:

Senate	38	7	
House	92	0	(House amended)
Senate	38	9	(Senate concurred)

EFFECTIVE: June 7, 1984

#### PARTIAL VETO SUMMARY:

The Governor vetoed the emergency clause.

## SSB 3098

C 163 L 84

By Committee on Local Government (originally sponsored by Senators Bauer, Zimmerman and Thompson)

Providing for filling county freeholder vacancies.

Senate Committee on Local Government

House Committee on Local Government

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**SSB 3098**

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**BACKGROUND:**

The current law provides that vacancies in freeholder positions are filled by the county legislative authority. It may choose any person to fill the vacancy.

**SUMMARY:**

Vacancies in the position of county freeholder are filled with a person who is appointed by majority action of the remaining county freeholders.

**VOTES ON FINAL PASSAGE:**

Senate	45	1	
House	97	0	(House amended)
Senate	43	2	(Senate concurred)

EFFECTIVE: June 7, 1984

**SSB 3103**

C 128 L 84

By Committee on Local Government (originally sponsored by Senator Sellar)

Providing for deletion of certain duties of county auditors and county treasurers.

Senate Committee on Local Government

House Committee on Local Government

**BACKGROUND:**

There are a number of obsolete statutes relating to the duties of the county clerk and the county auditor

**SUMMARY:**

The provisions that require the board of county commissioners and the county auditor to conduct surprise audits of the treasurer's office are eliminated.

County auditors are no longer required to submit a copy of their fee books to county clerks for their review

The name of the file in which superior court judgments are recorded is changed from a journal to an execution docket.

Requirements for court registries concerning custodial proceedings are altered to assign individual cause numbers, and to allow certain communications to be recorded without filing fees.

The requirement is eliminated that school districts submit to the county auditor copies of their budgets, emergency appropriations, and resolutions concerning additional expenditures.

The requirement is repealed that county auditors periodically audit the accounts of school districts located within their counties.

**VOTES ON FINAL PASSAGE:**

Senate	48	0	
House	93	0	(House amended)
Senate	45	0	(Senate concurred)

EFFECTIVE: June 7, 1984

**SB 3117**

C 68 L 84

By Senators Thompson, Zimmerman and Bauer

Regulating substances containing toxic vapors or fumes.

Senate Committee on Judiciary

House Committee on Judiciary

**BACKGROUND:**

It is unlawful to smell or inhale glues or adhesives containing certain chemicals because they contain toxic vapors or fumes. It is illegal to sell these products to persons under 18 when it is known the minor will use them for a prohibited purpose. These prohibitions do not apply to other products, such as gasoline, which also contain toxic vapors or fumes.

**SUMMARY:**

It is unlawful to smell or inhale any substance containing certain chemical compounds which cause a toxic effect.

The prohibition of sales of these illicit substances for prohibited purposes is extended to all persons.

VOTES ON FINAL PASSAGE:

Senate 49 0  
House 94 0

EFFECTIVE: June 7, 1984

**SB 3118**

C 63 L 84

By Senators Talmadge, Newhouse and Vognild

Modifying provisions relating to workers' compensation.

Senate Committee on Commerce and Labor

House Committee on Labor

BACKGROUND:

The Department of Labor and Industries has interpreted statutory and case law to require that an employer must have knowledge of an employee's previous injury in order to qualify for second injury fund relief. However, current law limits the right of the employer to ask questions about a potential employee's physical condition to only those situations where it is reasonably related to fitness to perform a particular job. Because of this limitation, many employers are reluctant to ask any questions with regard to an applicant's physical condition. Therefore, employers may unfairly be denied use of this fund.

SUMMARY:

Employer knowledge of a previous disability is not a prerequisite to qualifying for second injury fund relief.

VOTES ON FINAL PASSAGE:

Senate 49 0  
House 97 0

EFFECTIVE: June 7, 1984

**SB 3128**

C 129 L 84

By Senators Talmadge, Hemstad and Hughes

Modifying conditions under which attorneys fees and costs may be awarded in condemnation proceedings.

Senate Committee on Judiciary

House Committee on Judiciary

BACKGROUND:

In eminent domain proceedings, attorney's fees are awarded to the condemnee if the condemnation award after trial is at least 10 percent greater than the state's highest settlement offer, even if that offer is no longer in effect. In a recent case, attorney's fees were denied where shortly before trial a flood reduced the value of the property and the state reduced its settlement offer.

SUMMARY:

Attorneys' fees shall be awarded if the condemnation award is at least 10 percent higher than the highest settlement offer in effect 30 days before trial.

The fees are to be calculated on the basis of the customary rate charged by the condemnee's attorney per day for actual trial work and per hour for preparation.

The interest rate on condemnation awards is 12 percent or 4 percent above the 26-week Treasury Bill rate, whichever is higher.

VOTES ON FINAL PASSAGE:

Senate 49 0  
House 94 1 (House amended)  
Senate 42 5 (Senate concurred)

EFFECTIVE: June 7, 1984

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**SB 3132**

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**SB 3132**

C 14 L 84

By Senators Talmadge and Hemstad

Providing for damages and attorneys' fees when mortgagees fail to release mortgage upon satisfaction.

Senate Committee on Judiciary

House Committee on Judiciary

**BACKGROUND:**

A penalty payment of \$25 is charged when a mortgagee refuses to discharge a satisfied mortgage. This amount, originally established in 1886 to serve as both a compensation to the mortgagor and punishment to the mortgagee, is insufficient to cover costs and damages.

**SUMMARY:**

A mortgagee who fails to signify the satisfaction of a mortgage is required to pay the mortgagor damages and reasonable attorneys' fees.

**VOTES ON FINAL PASSAGE:**

Senate	49	0
House	94	0

EFFECTIVE: June 7, 1984

**SSB 3133**

C 69 L 84

By Committee on Transportation (originally sponsored by Senators Peterson, Guess and Vognild)

Modifying provisions relating to pilotage and pilot liability.

Senate Committee on Transportation

House Committee on Transportation

**BACKGROUND:**

The Legislature, in 1981, attempted to limit the liability of marine pilots licensed by this state by authorizing pilots to offer "trip" insurance if a ship's

operator so requested. The fee for such trip insurance was to be charged in addition to regular pilotage fees.

The Washington State Board of Pilotage Commissioners subsequently found procurable trip coverage to be inadequate and premiums for such coverage exorbitant. Further, paperwork and the amount of effort needed to explain the options available to a non-English-speaking ship's master require an inordinate amount of time and attention by the pilot and ship's master, particularly when weather and ship traffic is heavy when a ship is entering port. A simpler, more effective alternative is sought.

**SUMMARY:**

Pertinent sections of the 1981 pilot liability limitation law are repealed and replaced by a new section limiting a pilot's liability to \$5,000 for damages or loss caused by the pilot except in instances involving wilful misconduct or gross negligence by the pilot. All liability not attributable to a pilot's wilful misconduct or gross negligence is the responsibility of a ship's owner, operator or master.

The role of a ship's pilot is clarified by making the pilot a "servant of the vessel, its owner and operator" despite the fact that the assistance of a pilot in Washington State waters is required by law.

**VOTES ON FINAL PASSAGE:**

Senate	45	0
House	95	0

EFFECTIVE: March 1, 1984

**2SSB 3158**

C 130 L 84

By Committee on Judiciary (originally sponsored by Senators Talmadge, Clarke and Woody; by Department of Licensing request)

Modifying the trade name regulation laws.

Senate Committee on Judiciary

House Committee on Judiciary

BACKGROUND:

The purpose of the trade name law is to require people operating a business under an assumed name to disclose the true names of the people operating the business.

The law was first enacted in 1907 and has remained substantially unchanged since that time. Trade name registration was originally accomplished at the county level, and therefore, many of the files include numerous handwritten ledgers.

In addition, since existing law only requires registration and requires no renewal provisions, every business registered since 1907 remains in the Department of Licensing files, regardless of their active or inactive status.

Limited partnerships and corporations doing business under assumed names are not presently required to register.

SUMMARY

All businesses, including limited partnerships and corporations, which operate under a trade name are required to register with the Department of Licensing the true name of each person conducting the business

All businesses which are presently registered under a trade name are required to re-register within one year of the effective date of the act and a \$5 fee for registration is imposed. Businesses shall notify the Department of Licensing of significant changes in the business, such as changed names, mailing addresses or cancellation.

The Department of Licensing is to develop a no-fee system for purging registrations that have become inactive.

The Department is to adopt rules, including the setting of fees and charges for searches and renewals. Fees and charges cannot exceed actual costs. The bill does not apply to public disclosure laws prohibiting the nondisclosure of collected information.

All fees collected are deposited in the general fund.

VOTES ON FINAL PASSAGE:

Senate 44 0  
 House 97 0 (House amended)  
 Senate 46 1 (Senate concurred)

EFFECTIVE: October 1, 1984

SSB 3169

C 240 L 84

By Committee on Natural Resources (originally sponsored by Senators Goltz and Owen; by Department of Game request)

Making various housekeeping changes in the game laws.

Senate Committee on Natural Resources

House Committee on Natural Resources

BACKGROUND:

The entire game code was recodified in 1980. Two changes occurred, which are addressed in this bill:

- 1) The Game Commission was given the authority to adopt emergency closure of seasons for game animals, birds, furbearing animals and fish. Prior to the recodification, the Commission could provide written approval to the Director authorizing him to declare emergency closures.
- 2) Moose was not included in the section requiring a supplemental stamp for hunting.

Application fees for mountain goat, sheep, and moose permit drawings were instituted in 1981. The fee system expired on June 30, 1982.

Presently, sheep and moose fees are:

	Resident	Nonresident
Sheep	\$ 35.00	\$ 35.00
Moose	\$100.00	\$100.00

SUMMARY.

The Director is given authority to adopt emergency closure of game or fish seasons. Seasons may be reopened by the Director after closure.

Moose are included in the section that requires a supplemental stamp for hunting.

Application fees required to enter drawings for special big game season permits are as follows:

1)	Resident	Nonresident
Mountain goat	\$ 35.00	\$ 35.00
Sheep	\$ 75.00	\$300.00
Moose	\$100.00	\$300.00

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**SSB 3169**

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- 2) Applicants who are not selected will be refunded all but \$5.00 of the application fee.

The sheep and moose stamp fees are increased:

	Resident	Nonresident
Sheep	\$ 75.00	\$300.00
Moose	\$100.00	\$300.00

Mountain goat fees are not changed.

The Game Commission is given the authority to regulate the taking and possession of nongame wildlife and deleterious exotic wildlife.

A special hunting season is defined as a season established by rule of the Game Commission for the purpose of taking specified wildlife under a special hunting permit.

The requirement for a warm water fish stamp is repealed.

**VOTES ON FINAL PASSAGE:**

Senate 45 0  
House 83 13

EFFECTIVE: June 7, 1984

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**SSB 3178**

C 131 L 84

By Committee on Local Government (originally sponsored by Senators Bauer, Zimmerman and Rinehart)

Authorizing the late payment of real property taxes, park and recreation service area levies, and exemption from taxation of certain conservation futures.

Senate Committee on Local Government

House Committee on Local Government

**BACKGROUND:**

Real property and personal property taxes which are payable to the county treasurer in amounts of \$10 or more are payable in two installments. One-half of the tax is due on or before April 30th, the

other half is due on or before October 31st. If a taxpayer is late in making the first payment, even by one day, the entire amount of the tax is due.

Park and recreation service areas are unable to adequately function due to a lack of a regular property tax levy.

Certain conservation futures are subject to property taxation.

**SUMMARY:**

Late payment of the first half of property taxes due may be made after the deadline of April 30th. Interest and penalty will be based on the full amount due and calculated on the number of days the tax is delinquent. The new late payment process does not apply to personal property. The new process applies to taxes payable in 1985 and thereafter.

Conservation futures which are held by a non-profit corporation and preclude the conversion of agricultural land to nonagricultural purposes are exempt from property taxation.

The property tax levies of park and recreation districts and cultural arts, stadium and convention districts, and the emergency medical services property tax levies of various units of local government, are clarified to be authorized for a particular number of consecutive years whenever a single proposition is approved by a supermajority vote of the voters. The wording of the ballot proposition authorizing these tax levies is provided. (This is a technical response to an Attorney General's Opinion.) Park and recreation service areas are authorized to impose regular property tax levies in an amount equal to 15 cents or less per \$1,000 of assessed valuation for each of six consecutive years whenever a single proposition is authorized by a supermajority vote of the voters.

**VOTES ON FINAL PASSAGE:**

Senate 45 0  
House 96 0 (House amended)  
Senate 43 4 (Senate concurred)

EFFECTIVE: June 7, 1984

**SSB 3181**

C 233 L 84

By Committee on Judiciary (originally sponsored by Senators Talmadge, Hemstad, Hughes, Pullen)

Modifying provisions relating to involuntary treatment.

Senate Committee on Judiciary

House Committee on Judiciary

**BACKGROUND:**

The Involuntary Treatment Act provides for a summons that authorizes a 72-hour detention of mentally disordered persons in non-emergency situations. The summons is issued by a mental health professional after investigation and evaluation of a complaint. In re Harris held this summons procedure was unconstitutional because it violated procedural due process because there is no pre-detention check on the discretion of the mental health professional.

**SUMMARY:**

The unconstitutional summons procedure has been altered to a court order procedure.

Upon receiving a non-emergency complaint, the mental health professional must investigate the case. The investigation must include a personal interview with the person, if possible. If the mental health professional concludes the person is in need of evaluation and treatment but will not voluntarily receive it, he or she must petition the Superior Court for an order requiring the person to appear for evaluation and treatment. If the court issues the order, it must state whether the evaluation and treatment services may be delivered on an outpatient or inpatient basis.

The person may remain in his or her home prior to the evaluation and may be accompanied by a relative, friend, attorney, doctor or other professional or religious person to the place of the evaluation. An attorney who accompanies the person shall be permitted to observe the evaluation. Any other person accompanying the individual may observe the evaluation unless that would present a safety risk, delay or otherwise interfere with the proceedings.

**VOTES ON FINAL PASSAGE:**

Senate	49	0	
House	84	0	(House amended)
Senate			(Senate refused to concur)
House			(House refused to recede)

**Free Conference Committee**

House	97	0
Senate	44	2

EFFECTIVE: March 27, 1984

**2SSB 3193**

C 255 L 84

By Committee on Parks and Ecology (originally sponsored by Senator Talmadge)

Modifying provisions of the Washington clean air act.

Senate Committee on Parks and Ecology

House Committee on Environmental Affairs

**BACKGROUND:**

Air pollution fines have not increased since 1973. For the fines to continue to be a deterrent, they need to be raised.

**SUMMARY:**

The fine for persons who violate any provision of the Washington Clean Air Act is increased from not more than \$250 to not more than \$1,000. The fine for persons who wilfully violate any provisions of the Act is increased from not less than \$100 to not less than \$250 for each offense.

Penalties for violation of opacity regulations may not exceed \$400 per day. The Department of Ecology, at the request of a local authority, may levy a fine of up to \$5,000. The Department's fine is to be reduced by the amount of the local authority's fine. The Department may also mitigate or remit the penalty; however, the penalty imposed at the local level is not to be affected. Appeal procedures are specified. Additional language limiting penalties to a single fine for a single violation is provided. Fifty percent of penalties collected by local authorities are to go to the treasuries of those authorities; the remaining 50 percent is to be distributed to the cities, towns and counties which



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**2SSB 3193**

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contribute to the support of the authority, according to their percentage contributions.

**VOTES ON FINAL PASSAGE:**

Senate	43	3	
House	54	43	(House amended)
Senate			(Senate refused to concur)
House			(House refused to recede)

**Free Conference Committee**

House	77	18
Senate	44	4

EFFECTIVE June 7, 1984

**SSB 3194**

C 241 L 84

By Committee on Transportation (originally sponsored by Senators Peterson, Guess and Hansen; by Department of Licensing request)

Regulating vehicle license information.

Senate Committee on Transportation

House Committee on Transportation

**BACKGROUND:**

Through omission in statutory language, the Department of Licensing is permitted to destroy applications for vehicle licenses and copies of issued driver's licenses which have been microfilmed, but is not permitted to destroy renewal applications for vehicle licenses after they have been microfilmed.

Any person may obtain from the Department of Licensing or its agents information on vehicle registration or ownership. The person making the inquiry completes a form provided by the Department, pays a \$2 fee and receives a computer print-out. The print-out gives the vehicle's year/make, model, title, and vehicle identification numbers, license expiration date as well as the owner's name and address.

**SUMMARY:**

The Department of Licensing is authorized to destroy vehicle license renewal applications upon entering the information contained on them into the computer system.

The name or address of an individual vehicle owner shall not be released by the Department, the county auditor, or other public agency unless the person requesting the information submits the request in writing, stating his or her legal name and address. The written request shall be retained by the disclosing agency for two years as an item for public disclosure.

When deemed appropriate, the disclosing agency may inform the affected vehicle owner of the inquiry, indicating the name and address of the person requesting disclosure.

This section shall not apply to persons who routinely request vehicle registration information for use in the course of their business or occupation.

**VOTES ON FINAL PASSAGE:**

Senate	46	0	
House	94	0	(House amended)
Senate			(Senate refused to concur)
House			(House refused to recede)

**Free Conference Committee**

House	98	0
Senate	35	7

EFFECTIVE: June 7, 1984

**SB 3208**

C 64 L 84

By Senators Talmadge, Clarke, Bottiger and McDermott

Increasing judges' salaries.

Senate Committee on Judiciary

Senate Committee on Ways and Means

House Committee on Ways and Means

**BACKGROUND:**

The salaries of judges serving on the State Supreme Court, Court of Appeals and Superior Court are set by statute. The salary established for each of these positions was last increased in 1980. The State Salary Commission has recommended a salary increase for each of these positions.

SUMMARY:

The salaries of Supreme Court justices and judges of the Court of Appeals and Superior Court are increased in accordance with the recommendations of the State Salary Commission. The salary of a Supreme Court justice is increased to \$66,000 from \$51,500. The salary of judges on the Court of Appeals is increased to \$63,000 from \$48,100. The salary of Superior Court judges is increased to \$60,000 from \$44,700.

Appropriation: \$1.523 million

VOTES ON FINAL PASSAGE:

Senate	46	1
House	84	13

EFFECTIVE July 1, 1984

**SSB 3238**

C 125 L 84

By Committee on Local Government (originally sponsored by Senators Zimmerman, Fleming and Bluechel; by Governor Spellman request)

Changing the planning and community affairs agency to the department of community development

Senate Committee on State Government

House Committee on State Government

BACKGROUND:

The Planning and Community Affairs Agency (PCAA) was first established by the Legislature in 1967. At that time it was given some planning functions and the responsibility of providing financial and technical assistance to local communities. In 1969, fiscal planning and census activities were transferred to the Office of Financial Management (OFM).

Currently, PCAA is organized into four divisions: Housing, Local Government Services, Community Services, and Management and Financial Services. Through these divisions, PCAA administers or participates in twenty-seven programs directed toward the communities of the state.

A majority of the programs administered by PCAA are assigned to it by the Governor but are not

authorized by statute. For this reason, and because PCAA is no longer extensively involved in planning, the current statutes do not accurately reflect the agency's functions.

PCAA was reviewed in 1982 under the Washington Sunset Act. Both the Legislative Budget Committee and Office of Financial Management reviews concluded that the agency should be continued, but under a new name and a revised charter to eliminate obsolete material and reflect services that are actually being performed. If PCAA is not reauthorized, it will cease to exist on June 30, 1984.

SUMMARY:

The Planning and Community Affairs Agency is reconstituted as the Department of Community Development. The Director of the Department of Community Development is appointed by the Governor with the consent of the Senate.

The Department shall:

- Cooperate with and provide technical and financial assistance to local governments and other local agencies of the state;
- Administer state and federal grants and programs assigned to the Department by the Governor or the Legislature;
- Study issues affecting local government structure, operation and financing, as well as state relations with local government, and report the results and recommendations to the Governor, the Legislature, local governments, and citizens of the state;
- Assist the Governor in coordinating state activities which have an impact on local governments and communities;
- Provide technical assistance to the Governor and the Legislature on community development policies for the state;
- Assist in developing and operating housing and qualify for all programs of the Department of Housing and Urban Development or its successor;
- Support and coordinate local efforts to promote volunteer activities;
- Participate in and assist local agencies to participate in interstate programs; and
- Hold necessary public hearings and meetings.

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**SSB 3238**

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The Department administers community services through local governments and nonprofit organizations. In designating such agencies, the Department must give special consideration to (1) agencies previously funded under any community services or antipoverty programs; (2) agencies meeting state and federal program and fiscal requirements; and (3) successors to such agencies.

Three new responsibilities are assigned to the Department. One is establishment of a community development finance program. The second is development and administration of a local development matching fund program for local governments or nonprofit, local development entities. Finally, the Department is to assist in fostering local community and economic development strategies which facilitate partnerships between the public and private sectors.

The number of members of the Technical Advisory Committee to the State Hospital Commission is reduced from 11 to 10 by deleting the Director of the Planning and Community Affairs Agency.

Several other provisions are amended to change the agency name.

**VOTES ON FINAL PASSAGE:**

Senate	34	3	
House	93	2	(House amended)
Senate	44	3	(Senate concurred)

EFFECTIVE: June 30, 1984

**SB 3262**

C 132 L 84

By Senator McDermott; by Department of Revenue request

Modifying provisions on property taxation.

Senate Committee on Ways and Means

House Committee on Ways and Means

**BACKGROUND:**

In the process of valuing interstate and intercounty property for state and local property tax purposes,

the Department of Revenue has imposed a penalty of 25 percent of the value of private car companies and public utilities when they failed to file their annual reports on time or fail to file at all. A recent legal opinion advised the Department that only firms that fail to file could be assessed this penalty. The penalty for late filing has been the only incentive for many companies to file on time. The Department needs these reports by the end of June.

In 1981, the maximum delinquency period for property taxes was shortened from five years to three years effective May 1, 1983. If a certificate of delinquency has been issued, all delinquent property taxes must be paid to prevent foreclosure actions.

**SUMMARY:**

Penalties are prescribed for public utilities and private car companies which fail to file their annual reports on time. Public utilities reports due March 15 are to be allowed for good cause an extension of up to 60 days in which to file their annual report. If the public utility fails to file in time, the assessed value of the company is to be increased by 5 percent for every 30 days the company is delinquent, not to exceed a maximum of 10 percent.

Private car companies that are late in filing their annual statements due May 1 will have their assessed value increased by 5 percent for every 30 days that they fail to comply, not to exceed a maximum of 10 percent.

State property taxes that have been delinquent for five years, rather than seven years, are to be added to the amount levied for the current year.

Uncollectable personal property taxes may be cancelled after four years rather than six years.

**VOTES ON FINAL PASSAGE:**

Senate	45	0	
House	98	0	(House amended)
Senate	47	0	(Senate concurred)

EFFECTIVE: June 7, 1984

**SSB 3287**FULL VETO

By Committee on Ways and Means (originally sponsored by Senators Bauer, Hemstad and Granlund)

Establishing grace period for certain employees to reestablish pension benefits.

Senate Committee on Ways and Means

House Committee on Ways and Means

**BACKGROUND:**

The Public Employees Retirement System (PERS) (Plan I) provides for the restoration of service credit for those members who have terminated service, withdrawn their contribution, and then subsequently reentered covered employment. This restoration of withdrawn contributions, with interest, is required to be accomplished within the period it takes to accumulate five years of service after reemployment.

The Teachers' Retirement System (TRS) (Plan I) has a similar five-year period in which restoration of prior service may occur.

It appears that many employees are not aware of the ability to restore such prior service and when they do become so aware, the five-year period has elapsed and they are then ineligible. The Legislature has periodically recognized this situation and provided an open period wherein restoration can take place in a specified time period. The last general open period for restoration was granted in 1973.

In 1953, the University of Washington and the then State Employees Retirement System administratively transferred classified employees from the retirement system of the University of Washington to the state employees system. Those transferred employees and/or positions were enumerated by the University regents and administrators. The immediately-affected employees had until June 30, 1954 to establish their service credit within the state system by the submission of those funds returned to them by the carrier of the University of Washington retirement plan.

There was, however, a waiting period of two years in the original University system during

which no retirement coverage was provided the employee. Correspondence and other documentation existing from this period indicates certain revisions in the administrative rules and interpretation of the original ground rules of this transfer of coverage might have tended to confuse employees about their rights of restoration.

**SUMMARY**

The Plan I members of the TRS and the PERS who have previously withdrawn their contributions and subsequently reentered membership, but have failed to restore their prior service, have until June 30, 1984, to restore those withdrawn amounts, with interest as determined by the Director, Department of Retirement Systems (DRS).

The present five-year period is revised to begin 90 days after the member is reemployed. Within this 90-day period, the employer is to notify DRS of the member's reemployment. In turn, DRS is to return to the employer a statement of the employee's potential service to be restored, the amount of money required to accomplish the restoration, and the termination date of the restoration period. This statement is to be signed with a copy to be retained by the employer and a copy to be placed in the employee's personnel file.

Those employees who failed to recover service earned prior to July 1, 1954, while they were classified employees of the University of Washington have until June 30, 1984, to do so. However, they must be presently employed by the University of Washington, a regional university, The Evergreen State College or a community college.

A member of PERS who has become temporarily totally incapacitated for duty as a result of an accident related to the performance of duty may restore service credit for this period of disability. This must be done within two years of the effective date of the act or the member's return to service. The member must pay his or her contribution plus interest.

The costs of this act are to be shared equally by employers and employees of both Plan I and Plan II of TRS and PERS.

Appropriation: (1) \$1,250,000 from the general fund-state, of which \$750,000 is appropriated for PERS and \$500,000 is appropriated for TRS; (2) \$75,000 from retirement systems expense fund.

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**SSB 3287**

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## VOTES ON FINAL PASSAGE:

Senate 34 12  
House 78 19 (House amended)  
Senate 39 7 (Senate concurred)

FULL VETO: (See VETO MESSAGE)

**SB 3376**

C 20 L 84

By Senators Talmadge, Clarke and Warnke

Modifying provisions relating to the salary of the administrator for the courts.

Senate Committee on Judiciary

House Committee on Judiciary

## BACKGROUND:

The law regarding the salary of the Washington State Court Administrator was revised in 1974 to allow the Administrator's salary to be set by the Legislature. As the Washington State Supreme Court sets the salary levels for the other department heads, including the Clerk of the Court, the Reporter of Decisions, the Court Commissioner, and the State Librarian, it is thought desirable to have the position of State Court Administrator compatible with the other Supreme Court department heads.

## SUMMARY:

The current law is amended to allow the Washington State Supreme Court to set the salary for the State Court Administrator.

## VOTES ON FINAL PASSAGE:

Senate 44 1  
House 97 1

EFFECTIVE: June 7, 1984

**SB 3379**

C 33 L 84

By Senators Owen, Fuller, Vognild, Bender and Quigg

Providing group fishing permits for the handicapped and senior citizens.

Senate Committee on Natural Resources

House Committee on Natural Resources

## BACKGROUND:

Before fishing for game fish, persons between the age of 16 and 70 must have an individual fishing license, at a current annual cost of \$12. Some handicapped persons and senior citizens, enrolled in care facilities, may not currently be able to obtain fishing licenses.

## SUMMARY:

Physically or mentally handicapped persons and senior citizens may fish for game fish on an occasional basis, under supervision of a staff member from a Department of Social and Health Services licensed care facility, under a group fishing permit issued free by the Director of the Game Department to care facility staff.

## VOTES ON FINAL PASSAGE:

Senate 46 0  
House 92 0

EFFECTIVE: June 7, 1984

**SSB 3429**

C 234 L 84

By Committee on Judiciary (originally sponsored by Senators Talmadge and Granlund)

Establishing a joint legislative committee on criminal justice.

Senate Committee on Judiciary

House Committee on Judiciary

BACKGROUND:

The origin and growth of crime within our communities is of widespread concern to the citizens of Washington State. At present, there is no group which has the responsibility for making specific studies and reports with respect to crime prevention, law enforcement and the administration of criminal justice.

SUMMARY:

There is established a nineteen member joint legislative committee on the criminal justice system, composed of representatives from law enforcement agencies, prosecuting attorneys, the State Bar Association, State Magistrates Association, Superior Court Judges Association, State Psychological Association, Association of School Administrators, State School Directors Association, the Senate and House of Representatives, and members of the public.

The committee is directed to survey and study crime prevention, the causes of crime and how the administration of the criminal justice system impacts crime. The committee is to submit its findings and recommendations to the Governor, the Legislature and the judicial branch of state government. A final report must be prepared and submitted by January 1, 1986, on which date the committee ceases to exist. The Legislature is to provide needed staff support.

VOTES ON FINAL PASSAGE:

Senate	48	0	
House	94	0	(House amended)
Senate			(Senate refused to concur)
House			(House refused to recede)

Free Conference Committee

House	96	0
Senate	47	0

EFFECTIVE: June 7, 1984

**SB 3437**

C 133 L 84

By Senators Talmadge and Patterson

Modifying provisions relating to malicious prosecution.

Senate Committee on Judiciary

House Committee on Judiciary

BACKGROUND:

Police officials and prosecutors are occasionally the target of lawsuits brought by individuals whom they have arrested or prosecuted. Such lawsuits are often brought for malicious reasons and without probable cause.

Under common law, public officials are often barred from bringing malicious prosecution claims or counterclaims against such individuals because arrest or seizure of property is a prerequisite of a malicious prosecution claim.

SUMMARY:

An arrest or seizure of property are not elements of a malicious prosecution claim brought by a law enforcement officer or prosecuting authority. In addition, special damages do not have to be proven.

An officer prevailing on such a lawsuit may be allowed \$1,000 as liquidated damages, attorneys' fees, and other costs of the lawsuit. A government entity that provides legal services has reimbursement rights to any award for attorneys' fees and costs but has no such rights to any liquidated damages allowed.

An attorney may not be sued for malicious prosecution solely because of the attorney's representation of a party in a lawsuit.

The definition of law enforcement officer includes university police and fish and game agents.

VOTES ON FINAL PASSAGE:

Senate	48	1	
House	94	0	(House amended)
Senate	41	6	(Senate concurred)

EFFECTIVE: June 7, 1984

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**SB 3449**

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**SB 3449**FULL VETO

By Senators Woody, Hayner, Bottiger, Gaspard and Hemstad

Prohibiting statements in the voters' pamphlet about a candidate's opponent.

Senate Committee on State Government

House Committee on Constitution, Elections and Ethics

**BACKGROUND:**

State law requires the Secretary of State to publish and distribute a candidates' pamphlet prior to each state general election at which federal or state officials are to be elected. Each eligible nominee desiring to participate may file with the Secretary of State a written statement advocating his or her candidacy and a photograph.

The Secretary of State is authorized to reject statements offered for publication in the candidates' pamphlet which are obscene, profane, libelous, defamatory, or prohibited by Congress from being circulated in the mail.

Statements have appeared in the candidates' pamphlet of questionable veracity, and some candidates have been alleged to use the publication to attack their opponents.

**SUMMARY:**

Statements referring to a candidate's opponent are prohibited in the voters' pamphlet.

**VOTES ON FINAL PASSAGE:**

Senate	39	8	
House	97	1	(House amended)
Senate	31	13	(Senate concurred)

FULL VETO: (See VETO MESSAGE)

**SSB 3504**

C 111 L 84

By Committee on Local Government (originally sponsored by Senators Owen and Zimmerman)

Modifying provisions on land classified for current use assessment.

Senate Committee on Local Government

House Committee on Ways and Means

**BACKGROUND:**

Owners of farm and agricultural land, open space land, and timber land are assessed property taxes according to the current use of their property instead of the highest and best use. Property owners must apply, however, in order to obtain the current use classification for their property.

The county legislative authority may require that certain conditions be met before a current use classification is granted, including the granting of easements.

Current law does not authorize land to be transferred between the classifications of timber and farm land.

**SUMMARY:**

The county legislative authority may not require the granting of easements through timber land as a condition for a current use classification of the property.

Land may be transferred between the categories of farm land and timber land without losing its current use classification.

**VOTES ON FINAL PASSAGE:**

Senate	46	0
House	91	5

EFFECTIVE: June 7, 1984

**SSB 3561**

C 134 L 84

By Committee on Commerce and Labor (originally sponsored by Senator Vognild)

Modifying qualifications for unemployment compensation.

Senate Committee on Commerce and Labor

House Committee on Labor

**BACKGROUND:**

Two issues have been raised by the state's towboat industry which relate to the unemployment insurance (UI) eligibility of industry employees. State law does not prohibit the payment of UI benefits to employees who are off work but receiving compensatory pay. In addition, a question has been raised as to whether UI eligibility may be established if an employee is not given a guaranteed work schedule pursuant to a collective bargaining agreement.

Due to the fact that a new state UI tax based on experience rating is expected to be passed by the Legislature this year, towboat employers' tax rates would reflect, in part, any claims paid under the above circumstances.

Accumulated Time Off

Collective bargaining agreements between the Northwest Towboat Association and the Masters-Mates and Pilots and the Inlandboatmen's Unions require compensatory pay in the form of "accumulated time off" (ATO). According to agreements, ATO is accrued based on the amount of time worked. While an employee is on ATO, that person may not return to work until ATO is exhausted. Employees have the choice of receiving ATO pay in a lump sum or at the same rate as regular pay. If ATO pay is received on the same schedule as regular pay, fringe benefits are continued.

Current law requires the Employment Security Department to regard ATO as payment for past services. No consideration may be given to the actual time at which ATO pay is received, since it is earned while the employee is working. Therefore, an employee on ATO may technically be eligible for UI benefits. The Department indicates that

only a small number of employees claim UI benefits through this legal technicality.

Guaranteed Work Schedules

The Inlandboatmen's Union agreement with the Northwest Towboat Association specifies that a guaranteed work schedule must be provided to employees unless layoff notice is given prior to the first of the month. These employees traditionally work either the first two weeks or the last two weeks of each month, with a guarantee of full time hours and pay.

If layoff notice is given, no guaranteed work schedule is established and laid-off employees may be eligible for UI benefits during weeks of unemployment. There is the possibility that employees may be called back to work during the second half of the month and actually work full time for that month, per the definition of "full time" contained in the collective bargaining agreement.

**SUMMARY:**Accumulated Time Off

When previously accrued compensation is assigned to a specific time period, it is considered pay for the period assigned and an individual may not receive UI benefits during that period.

Pay assignment may result from a collective bargaining agreement, individual employment contract, customary trade practice, or at the request of the compensated individual. Pay assignment clearly occurs when it serves to make an employee eligible for regular fringe benefits during the compensatory period. Previously accrued compensation does not include severance pay or pay received due to plant closure agreements.

Guaranteed Work Schedules

A person shall not be considered "unemployed" in any week that falls within a period during which that person is employed full time in accordance with a collective bargaining agreement. However, this provision does not apply in cases where a person has no guarantee of work at the beginning of the period but later is provided work by the employer. This provision would continue to allow UI eligibility if there is no guarantee of work.

**VOTES ON FINAL PASSAGE**

Senate	46	0
House	97	0



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**SSB 3561**

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EFFECTIVE: June 7, 1984

**SSB 3616**

C 164 L 84

By Committee on Parks and Ecology (originally sponsored by Senators Hughes, Hansen, Quigg, Rasmussen, Fuller, Peterson and Guess)

Modifying provisions governing air pollution emissions.

Senate Committee on Parks and Ecology

House Committee on Environmental Affairs

**BACKGROUND:**

Recent federal legislation has introduced several new concepts of air pollution control. Legislation is needed that recognizes these concepts and authorizes compliance with the federal mandates.

**SUMMARY:**

The Department of Ecology and local air pollution control authorities are authorized to implement an emissions credit banking program. The amount of credit granted under the emissions credit banking program shall be less than the amount of the emissions reduction. The Department is authorized to accept delegation of the prevention of significant deterioration program of the federal Clean Air Act.

**VOTES ON FINAL PASSAGE:**

Senate	45	1	
House	92	3	(House amended)
Senate	39	0	(Senate concurred)

EFFECTIVE: June 7, 1984

**SSB 3620**

C 88 L 84

By Committee on Parks and Ecology (originally sponsored by Senators Hurley, Lee, Hansen, Quigg, Fuller, Rasmussen, Peterson and Guess)

Establishing a limit for registration fees for air contaminant sources.

Senate Committee on Parks and Ecology

House Committee on Environmental Affairs

**BACKGROUND:**

Presently, local air pollution control agencies are not limited in the amount of registration fees they may charge industry.

**SUMMARY:**

Registration fees shall not exceed in any fiscal year 50 percent of the "supplemental income" paid by cities, towns and counties. "Supplemental income" is a city's, town's or county's share of the funding of the local air pollution control agency. The term "registration" is defined to include initial registration, source owner reports, inspections, data storage and retrieval, and corollary program elements.

**VOTES ON FINAL PASSAGE:**

Senate	46	1
House	95	0

EFFECTIVE: June 7, 1984

**SSB 3740**

C 165 L 84

By Committee on Transportation (originally sponsored by Senators Vognild, Rasmussen and Peterson)

Defining liability for hazardous materials incidents.

Senate Committee on Transportation

House Committee on Transportation

**BACKGROUND:**

In 1982, the Legislature directed local political subdivisions of the state to designate a hazardous materials incident command agency and to file the designation with the state Department of Emergency Services. The purpose of this requirement is to promote local planning for a coordinated response to hazardous materials incidents. The Washington State Patrol is directed to assume jurisdiction as the hazardous materials incident command agency for political subdivisions who

have not designated their own command agency, until such time as a local command agency is designated.

To encourage private individuals with expertise in the handling of hazardous materials to volunteer their services in responding to hazardous materials incidents, the designated incident command agency or its representative is authorized to enter into advance written agreements or oral agreements at the scene of the incident with such "good Samaritans." These agreements are required to contain specific terms and conditions under which "good Samaritans" are immune from liability in rendering volunteer assistance.

Many local jurisdictions have not designated a hazardous materials incident command agency as directed by the 1982 legislation, consequently the State Patrol is in the position of acting as incident command agency for large parts of the state. The assumption of this responsibility far exceeds the scope of the resources available to the Patrol for this purpose. Further, since only the incident command agency is authorized to enter into agreements under which "good Samaritans" are immune from civil liability, the purpose of the 1982 legislation to foster such assistance may be impaired.

In imposing liability upon transporters and those causing hazardous materials incidents for cleanup costs and damages, state law does not adequately define the scope of their responsibility. As a result, a local government may encounter resistance when attempting to bill a firm responsible for an incident for reimbursement of extraordinary costs incurred by government in responding to protect the public interest.

#### SUMMARY:

Existing law requiring applicable local political subdivisions to designate a hazardous materials incident command agency for their jurisdiction is modified to make the designation permissive, although it remains a prerequisite to providing legal immunity to "Good Samaritans" assisting authorities in containment and cleanup. The State Patrol is relieved of any responsibility as a hazardous materials incident command agency, except along state and interstate highway corridors.

The remaining provisions of existing law regarding legal immunity for good Samaritans assisting

during a hazardous materials incident are unchanged.

Transporters of hazardous materials must clean up any hazardous materials released during a hazardous materials incident so that it no longer presents a hazard to human health or the environment.

Persons or firms responsible for causing an incident are liable to the state or any political subdivision for reasonable and necessary "extraordinary costs" incurred in the course of protecting the public from actual or threatened harm resulting from the hazardous materials incident. Extraordinary costs are those reasonable costs incurred by a governmental entity in the course of protecting life and property that exceed the normal and usual expenses anticipated for police and fire protection, emergency services and public works.

#### VOTES ON FINAL PASSAGE:

Senate	46	0	
House	94	0	(House amended)
Senate	47	0	(Senate concurred)

EFFECTIVE: June 7, 1984

## SSB 3758

C 166 L 84

By Committee on Transportation (originally sponsored by Senators Lee, Owen, Granlund and Patterson)

Regulating excursion service companies.

Senate Committee on Transportation

House Committee on Transportation

#### BACKGROUND:

Existing law now provides for regulation by the Utilities and Transportation Commission (UTC) of auto transportation companies providing regularly scheduled service along designated routes. The law also provides for regulation of passenger charter carriers providing charter service to groups. Entry into both of these fields is restricted, requiring a certificate of public convenience and necessity.

## SSB 3758

There is presently no provision in state law for regulation of excursion services offering tour service in the state of Washington on an unscheduled basis and selling tickets to individuals. Some persons in the tour industry argue the need for certification of this type of service by the UTC.

### SUMMARY:

A new class of service, an excursion service, is created and made subject to UTC regulation. An excursion service company is defined as a transportation company providing passenger transportation service to individuals between a city or area designated by the UTC, to any other points within Washington State and returning to the city or area of origin. The service may or may not be regularly scheduled and is precluded from picking up or dropping off passengers enroute. Compensation for transportation offered is computed and charged on an individual fare basis.

A certificate issued by the UTC is required before an excursion service company may offer service in an area. The test for entry into the field is public interest. Provision is made for the companies providing excursion type service on January 15, 1983 to be certified. Requirements now in effect for auto transportation companies with regard to property damage and liability insurance are extended to excursion service companies.

### VOTES ON FINAL PASSAGE:

Senate	42	0	
House	93	0	(House amended)
Senate	45	0	(Senate concurred)

EFFECTIVE: June 7, 1984

## 2SSB 3815

C 235 L 84

By Committee on Ways and Means (originally sponsored by Senators Granlund, Deccio, McManus, Owen and McDermott)

Establishing financial responsibility for persons in city and county jails.

Senate Committee on Institutions

Senate Committee on Ways and Means

House Committee on Ways and Means

### BACKGROUND:

Counties would like greater clarification of the state's financial responsibility for incarcerating state prisoners in local jails.

### SUMMARY:

Persons sentenced to more than a year must be committed to state correctional facilities. Persons sentenced to less than a year may be committed to a local jail. All persons sentenced to jail are the financial responsibility of the county or city.

Persons sentenced to the Department of Corrections (DOC) become the financial responsibility of DOC no later than the eighth day, excluding weekends and holidays, following sentencing and notification to DOC that the prisoner is ready to be moved to a state correctional facility. If a judge orders a prisoner to be detained in jail in excess of eight days, the county or city is financially responsible for the prisoner. A judge may not order a person to be detained in a county jail for more than eighteen days. Persons must be transferred to state prisons before the forty-first day after sentencing.

Parole violators detained in jail is the financial responsibility of the county or city up to the sixteenth day of confinement at which point they become the financial responsibility of DOC. Inmates on work release are the financial responsibility of DOC.

The Office of Financial Management (OFM) is directed to establish a uniform equitable rate for reimbursing cities and counties for the care of sentenced felons who are DOC's responsibility and are incarcerated in a local jail. The rate of reimbursement from the state to counties and cities for incarceration of state prisoners is \$10.00 a day until June 30, 1985. After June 30, 1985, the rate of reimbursement will be at an equitable level established by OFM with the Corrections Standards Board. These rates must be reestablished by OFM each even-numbered year, beginning in 1986.

DOC must develop a reporting form for local jails.

### VOTES ON FINAL PASSAGE:

Senate	47	0	
House	96	0	(House amended)
Senate	45	0	(Senate concurred)

EFFECTIVE: March 27, 1984 (Section 5)  
July 1, 1984

**SSB 3827**

C 223 L 84

By Committee on Agriculture (originally sponsored by Senators Hansen, Barr, Benitz, Goltz and Deccio)

Requiring that one member of Washington's delegation to the Pacific Northwest Electric Power and Conservation Planning Council be from eastern Washington.

Senate Committee on Agriculture

Senate Committee on Energy and Utilities

House Committee on Energy and Utilities

BACKGROUND:

The Northwest Power Planning Council was created in 1981 and is composed of eight members, two from each of the states of Idaho, Montana, Oregon and Washington. All are appointed by the Governor and are subject to confirmation by the Legislature. In 1981, the Washington State Legislature enacted laws providing for the appointment of the two persons to serve on the Council.

In addition to developing long-range energy conservation and power plans, the Council has broad authority to develop plans regarding the use of water in the Columbia River and its tributaries. To date, all members who have served on the Power Council have resided in Western Washington. Because of the specific regional interest that water has in Eastern Washington, there is interest in having one member of the Council reside east of the Cascade Mountains.

SUMMARY:

Beginning with the next appointment in 1986, one of the members on the Northwest Power Planning Council is to reside east of the Cascade Mountains

and one member is to reside west of the Cascade Mountains.

VOTES ON FINAL PASSAGE:

Senate	38	9	
House	65	32	(House amended)
Senate	31	9	(Senate concurred)

EFFECTIVE: June 7, 1984

**SB 3834**

C 112 L 84

By Senators Bottiger, Haley, Moore, Bender and Wojahn

Equalizing the authority of municipalities to impose local sales/use taxes.

Senate Committee on Ways and Means

House Committee on Ways and Means

BACKGROUND:

Cities and counties may operate public transportation systems and, if approved by the voters, may impose a sales/use tax. The purpose of the sales/use tax revenue is for the operation, maintenance and capital needs of the public transportation system. The rate of the sales/use tax is limited to 0.3 percent. However, the rate for a metropolitan municipal corporation within a class AA county (King County) can be up to 0.6 percent.

SUMMARY:

The rate of sales/use tax that a city or county may impose after voter approval for a public transportation system can be up to 0.6 percent.

VOTES ON FINAL PASSAGE:

Senate	25	23
House	58	38

EFFECTIVE: June 7, 1984

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**SSB 3849**

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**SSB 3849**

C 167 L 84

By Committee on Transportation (originally sponsored by Senators Warnke, Guess, Peterson, Bender and Metcalf)

Regulating conduct on buses.

Senate Committee on Transportation

House Committee on Transportation

**BACKGROUND:**

Dealing with disturbances on transit vehicles has been a problem to transit systems throughout the state because various city and county jurisdictions into which a transit vehicle travels define unruly conduct differently. State law does not define unruly conduct because it has been considered a matter for city and county ordinance.

Transit vehicle employees have been placed in the role of an intermediary between the passenger causing the disturbance and other passengers. Police involvement in this area has been difficult because no state law specifically prohibits smoking, drinking, playing loud radios or engaging in disruptive behavior on buses. Hence, whenever a police officer is called to assist a bus driver in dealing with certain types of unruly conduct, uncertainty as to the law compounds the difficulty of the situation.

The Washington State Transit Association is attempting to develop uniformity in the law so that transit drivers and patrons may be better protected.

**SUMMARY:**

A person is guilty of unlawful bus conduct on a municipal transit vehicle if he or she, with knowledge that such conduct is prohibited: (1) smokes or carries a lighted pipe, cigar or cigarette; (2) discards litter in other than a designated receptacle; (3) plays sound producing equipment except when used with earphones and except for transit communication equipment; (4) spits; (5) carries flammable liquid, explosives, or other dangerous materials; or (6) intentionally disturbs others through loud or unruly behavior.

Unlawful bus conduct is a misdemeanor which is punishable by imprisonment in the county jail for

not more than 90 days or a fine of not more than \$1,000.

**VOTES ON FINAL PASSAGE:**

Senate	46	1	
House	97	1	(House amended)
Senate	49	0	(Senate concurred)

EFFECTIVE: June 7, 1984

**SSB 3868**

C 168 L 84

By Committee on Agriculture (originally sponsored by Senator Hansen)

Modifying the authority of irrigation districts.

Senate Committee on Agriculture

House Committee on Agriculture

**BACKGROUND:**

Minor changes are proposed to permit certain activities of irrigation districts in order to expand their services, and to facilitate their operations.

In 1981, two or more irrigation districts were authorized to form a separate legal entity to construct hydroelectric projects on their irrigation facilities. The separate legal entity created and organized by contract in the manner described in the Interlocal Cooperation Act was to issue revenue bonds in its own right payable from power revenues. A review of the Interlocal Cooperation Act has raised the question of whether irrigation districts could be held responsible for payment of revenue bonds issued by the separate legal entity.

**SUMMARY:**

Irrigation districts are permitted to contract with public or private utilities to provide street or highway lighting services. Any such contract exceeding 10 years must be approved by a majority vote of the electors of the district. This applies only to districts which have instituted these services prior to January 1, 1984.

Provisions are made to combine polling places for more than one precinct. Compensation for employees may be made by the board without submitting it to the electorate.

The power of the separate legal entity created by irrigation districts is limited in that the revenue bonds would be payable only from services or electricity provided by the entity. No irrigation district member is to be obligated to repay directly or indirectly any obligation of the authority except to the extent of the fair value for services actually received from the authority.

VOTES ON FINAL PASSAGE:

Senate	49	0	
House	95	0	(House amended)
Senate	43	0	(Senate concurred)

EFFECTIVE: June 7, 1984

**SSB 3901**

C 169 L 84

By Committee on Commerce and Labor (originally sponsored by Senators McManus and Vognild)

Regulating agreements between suppliers and wholesale distributors of malt beverages and wine.

Senate Committee on Commerce and Labor

House Committee on Commerce and Economic Development

BACKGROUND:

Written agreements are not required between suppliers and wholesale distributors of beer and wine. Proponents believe that written agreements are needed in order to protect wholesale distributors from suppliers terminating the distribution agreement without cause, and to protect suppliers from wholesale distributors which fail to use their best efforts in promoting the supplier's products.

SUMMARY

Agreements between beer or wine wholesale distributors and suppliers must be in writing. An agreement is broadly defined to include any "commercial relationship or association." Certain protections must be included in this agreement for

the protection of both distributors and suppliers. Exemptions are provided for all in-state wineries and breweries, for wineries located in other states that produce less than 300,000 gallons of wine annually, and for breweries located in other states that produce less than 50,000 barrels of malt liquor annually.

For the protection of a supplier, a distributor must agree to maintain financial and competitive capability, exert its best efforts to sell the supplier's product, and maintain the quality and integrity of that product. Also, a distributor is required to give at least 90 days advance written notice of a material change in ownership or management, or of its intention to cancel or otherwise terminate the agreement. A supplier is entitled to terminate a distribution agreement without notice if a distributor has filed for bankruptcy, made an assignment for the benefit of creditors, or had a license issued by the Liquor Control Board revoked or suspended in excess of 14 days.

For the protection of a distributor, a supplier must give at least 60 days prior written notice of its intent to cancel or otherwise terminate the agreement, except as mentioned above. The notice must state the specific reason for the intended termination and must give the distributor 60 days in which to rectify the deficiency. If a supplier terminates the agreement without cause, a distributor is entitled to compensation for the laid-in cost of inventory and liquidated damages measured on the fair market value of the business. Also, no supplier may 1) coerce any distributor to engage in any illegal act; 2) prohibit a distributor from selling the product of any other supplier; or 3) require a distributor to accept delivery of a product which was not ordered.

In any legal action brought by a wholesale distributor or supplier, the prevailing party is entitled to its reasonable attorney's fees and costs.

VOTES ON FINAL PASSAGE:

Senate	33	14	
House	79	13	(House amended)
Senate	34	10	(Senate concurred)

EFFECTIVE: June 7, 1984

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**SSB 3926**

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**SSB 3926**

C 242 L 84

By Committee on State Government (originally sponsored by Senator McDermott)

Modifying provisions on deferred compensation.

Senate Committee on Ways and Means

House Committee on Ways and Means

**BACKGROUND:**

A voluntary deferred compensation program for state employees has been authorized by the state since 1975. The plan became fully operative several years ago utilizing a private agent engaged by the Deferred Compensation Committee.

**SUMMARY:**

The Deferred Compensation Committee may request the State Investment Board to invest the revenue it may receive from employees participating in the established deferred compensation programs. All interest earned from these invested revenues shall accrue directly to the deferred compensation revolving fund. The Committee is charged with the accounting and recordkeeping for such revenue. The Committee is to file an annual report with the Speaker of the House of Representatives, President of the Senate and State Auditor. The members of the Deferred Compensation Committee shall stand in a fiduciary relationship to the employees participating in the established programs and shall discharge their duties in a prudent manner.

All eligible state employees shall be given the opportunity to participate in the deferred compensation program. State agencies shall cooperate with the Deferred Compensation Committee in providing employees with the opportunity to participate.

In order to effect the appropriation, the Committee is authorized to enter into an interfund loan agreement with the State Treasurer. Any loan is to be repaid, with appropriate interest, by June 30, 1989.

Appropriation: \$650,000 from the deferred compensation revolving fund.

Revenue: \$612,000 through FY85

**VOTES ON FINAL PASSAGE:**

Senate	33	11
House	97	0

**EFFECTIVE:** March 27, 1984

**SSB 3942**

C 264 L 84

By Committee on Ways and Means (originally sponsored by Senator McDermott)

Authorizing bonds for higher education.

Senate Committee on Ways and Means

House Committee on Rules

**BACKGROUND:**

The supplemental capital budget (ESHB 1157) appropriated funds for five projects within the community college system and one project at the University of Washington. The community college projects are for (1) a central heating system at Clark College, (2) repairs at various campuses, (3) a new facility at Clark College, (4) relocatable buildings at Edmonds College, and (5) planning funds for facilities for Whatcom Community College. The project at the University of Washington is for remodeling existing space to be used by the Washington Technology Center. The fund source used for the appropriation is the state higher education construction account. This is an account which requires the authorization and sale of new bonds to support the capital appropriation.

**SUMMARY:**

The State Finance Committee is authorized to issue general obligation bonds in the sum of \$8,670,000. Proceeds from the sale of the bonds are to be deposited into the state higher education construction account in the general fund. Appropriation of these funds is contained within the supplemental capital budget.

**VOTES ON FINAL PASSAGE:**

Senate	37	11
House	96	0

**EFFECTIVE:** March 28, 1984

**SSB 3984**

C 170 L 84

By Committee on Judiciary (originally sponsored by Senators Talmadge and Pullen; by Secretary of State request)

Clarifying recall procedures.

Senate Committee on Judiciary

House Committee on Constitution, Elections and Ethics

**BACKGROUND**

Citizens may demand recall of their elected public official by alleging such official has committed acts of malfeasance, misfeasance or violation of oath of office. These terms are not defined in either the State Constitution or implementing statutes.

Once a citizen has properly filed charges against the public official, either the prosecuting attorney, Attorney General or Chief Justice of the State Supreme Court, depending on the officer being recalled, makes a determination of the sufficiency of the charges.

If the officer finds that some or all of the charges, as alleged, amount to malfeasance, misfeasance or violation of oath of office, the officer must write a ballot synopsis which summarizes the charges. A copy of the charges must be sent to the official subject to recall no less than 20 days prior to the formation of the ballot synopsis.

Those persons demanding a recall may have petitions printed and begin circulation immediately after receiving the synopsis. The circulation of the petition may continue even if some but not all of the charges are later declared insufficient by the court. Citizens demanding recall and the official being recalled may appeal the official's sufficiency decision to the superior court. The superior court decision may be appealed to the Supreme Court. The Supreme Court must speedily hear and determine recall cases.

Changes in other election laws have made several of the recall provisions outdated.

**SUMMARY**

"Malfeasance in office," "misfeasance in office," and "violation of the oath of office" are defined.

Citizens are directed to file recall charges with the elections office whose duty it is to receive and file a "declaration of candidacy" for the officer subject to recall. The person making the recall charge must have knowledge of the alleged facts upon which the stated grounds for recall are based. The officer is required to promptly serve a copy of the charge upon the officer whose recall is demanded and certify and transmit the charge to the preparer of the ballot synopsis.

Depending on the political jurisdiction of the officer subject to recall, either the prosecuting attorney, Attorney General, or the Chief Justice of the Supreme Court is required to formulate a ballot synopsis of the charge. The synopsis sets forth the name of the person charged, the title of his or her office, and a concise statement of the elements of the charge. The preparer must certify and transmit the exact language of the ballot synopsis to the person filing the charge, the officer subject to recall, and the superior court of the county in which the officer subject to recall resides.

After receiving the petition, the superior court must hold a hearing to determine whether the charges as alleged constitute malfeasance, misfeasance or violation of the oath of office. The court may hear arguments as to the sufficiency of the charges and the adequacy of the ballot synopsis. The court does not consider the truth of the charges but only their sufficiency.

Procedures dealing with obtaining and filing supporting signatures for the recall petition are made consistent with similar procedures for initiatives and referenda. In addition, the timelines for the circulation of the recall petition are clarified. Technical changes in language with respect to the petition form are made to conform with referendum and initiative laws.

Existing law with respect to canvassing the petition for authenticity and sufficiency of signatures is amended to conform with referendum and initiative laws. Statistical sampling is allowed for verification and canvassing in the recall of statewide officials. With respect to the recall of a statewide elected official, the Secretary of State may use any statistical sampling techniques for verification and canvassing which are adopted by rule for canvassing initiative petitions. Advocates and opponents of the proposed recall may observe the verification and canvass of the signatures on the petitions.



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## SSB 3984

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The superior court of the county in which the office holder subject to recall resides has original jurisdiction to compel the performance of any act required of any public officer. The Supreme Court has original jurisdiction in relation to state officers and appellate jurisdiction over the decisions of the superior courts.

Any proceeding to review a decision of any superior court is begun and perfected within 15 days after its decision in a recall election case and is considered an emergency matter of public concern by the Supreme Court. The case is heard and determined within 30 days after the decision of the superior court.

### VOTES ON FINAL PASSAGE:

Senate	43	0	
House	95	0	(House amended)
Senate	44	0	(Senate concurred)

EFFECTIVE: June 7, 1984

## SSB 4050

C 171 L 84

By Committee on Transportation (originally sponsored by Senator Peterson)

Exempting legal messengers from regulation by the utilities and transportation commission.

Senate Committee on Transportation

House Committee on Transportation

### BACKGROUND:

Legal messenger services transport a variety of legal pleadings, correspondence, books, medical records, photographs, checks and currency, and related legal materials for and between attorneys, their clients, the courts and other persons.

Legal messenger services are currently regulated as motor carriers by the Utilities and Transportation Commission under Chapter 81.80 RCW.

The need for continued regulation of these services has been questioned by some messenger companies.

### SUMMARY:

Legal messenger services are exempt from Utilities and Transportation Commission regulation when providing delivery services exclusively to attorneys. The exemption applies only to vehicles of less than 8,000 pounds gross weight.

### VOTES ON FINAL PASSAGE:

Senate	47	0	
House	95	0	(House amended)
Senate	42	0	(Senate concurred)

EFFECTIVE: June 7, 1984

## SSB 4110

C 53 L 84

By Committee on Commerce and Labor (originally sponsored by Senators Vognild, Sellar, Rasmussen and Wojahn; by Attorney General request)

Modifying various provisions regarding cemeteries.

Senate Committee on Commerce and Labor

House Committee on State Government

### BACKGROUND:

Current provisions leave loopholes in the law which allow cemetery authorities to avoid their trust obligations. In the last few years, the State Attorney General's Office has received numerous complaints about cemetery authorities' contract practices. The Attorney General has taken legal action against a number of cemetery authorities that have been involved in consumer fraud.

Existing statutes provide for protection of beneficiaries who have entered into contracts or sales agreements with cemetery authorities. Cemetery authorities must make required deposits into endowment care funds and prearrangement trust funds.

An endowment care fund is established when a plot is sold, and is to be used for general care and maintenance of the cemetery. Endowment care funds are to be invested in accordance with restricted purposes. Individuals violating these provisions may be found guilty of a misdemeanor.

A cemetery authority is required to establish a prearrangement trust fund when a prearrangement contract for cemetery merchandise or services is sold. The cemetery must deposit at least fifty percent of the total amount of the contract into the fund for the benefit of beneficiaries named. The penalty for violation of provisions of the prearrangement contract statute is a gross misdemeanor.

There is no requirement that cemetery authorities maintain an inventory of crypts, niches and developed graves in the event of the death of a purchaser or owner before the development of the crypt, niche or grave.

#### SUMMARY:

Endowment care funds are protected in the event a contract for crypts, niches or graves is sold, pledged or otherwise encumbered to a third party

Trust accounts are protected in the event a prearrangement contract for crypts, niches or graves is sold, pledged or otherwise encumbered to a third party.

A cemetery authority which enters into a prearrangement contract for the sale of unconstructed crypts, niches or undeveloped graves is required to maintain an adequate inventory of constructed crypts, niches or developed graves.

Prearrangement contracts are required to be made in the form of retail installment sales transactions governed by Chapter 63.14 RCW.

The penalty for a violation of provisions governing the investment of endowment care funds or any provisions governing prearrangement contracts is a class C felony.

Human remains of an individual may be buried on any island property of the individual or the individual's immediate family or estate without obtaining a permit or a variance from any zoning ordinance if in compliance with other applicable state laws. This provision takes effect immediately.

#### VOTES ON FINAL PASSAGE:

Senate	41	0	
House	95	0	(House amended)
Senate	38	0	(Senate concurred)

EFFECTIVE: February 29, 1984 (Section 7)  
June 7, 1984

## SSB 4111

C 276 L 84

By Committee on Judiciary (originally sponsored by Senators Hughes and Newhouse)

Changing provisions relating to sales under execution and redemption.

Senate Committee on Judiciary

House Committee on Judiciary

#### BACKGROUND:

A creditor who has a lien against property of a debtor may foreclose on the property in order to receive the monies owed. The statutes set forth the procedures to be followed for a sheriff's sale of the property and the rights of the judgment debtor and other redemptioners (creditors who also have liens against the property) to protect their property interest.

In 1981, the statutes governing the sale of a debtor's property were revised to insure that the debtor was given complete and timely notice of the potential sale of his property and, if the property was sold, of his rights to "repurchase" such property.

Title companies and attorneys specializing in property law suggest that the statutes need to be amended to clarify and simplify the laws on foreclosure sales.

#### SUMMARY:

Notice of the sheriff's sale is required to be sent to each judgment debtor. Notice can be given either by personal service or regular and certified mail.

The sheriff is required to post notice of the sale in two places, rather than in three public places.

The format of the sheriff's notice of sale of real property is specifically set forth in statute to insure uniformity throughout the state.

At the time the writ of execution is served, the sheriff is to notify the judgment debtor of the date of sale of the property.

Notice of the filing of the return of sale of the property is not required to be sent to parties who have had an order of default entered against them.

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**SSB 4111**

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Proceeds of the sheriff's sale are to be paid to satisfy the judgment, including interest as provided in the judgment.

After property has been sold at a sheriff's sale, the judgment debtor or other lien holders may redeem the property by paying (1) the amount paid by the purchaser of the property, together with interest at the rate provided in the judgment; and (2) the amount paid on prior liens to the extent such payments were made to protect the judgment debtor's interest, together with interest at the rate provided in the judgment.

The format of the notice of expiration of redemption period is specifically set forth in statute. Notice of the expiration of the redemption period and of the various amounts owed are required to be mailed to the judgment debtor at least 40 but not more than 60 days before the expiration of the redemption period.

Any amount paid by the purchaser on a prior lien or obligation secured by an interest in the property is to be verified by submitting an affidavit to the sheriff.

The bill applies only to executions commenced subsequent to the effective date of this act.

**VOTES ON FINAL PASSAGE:**

Senate	45	0	
House	95	0	(House amended)
Senate	46	0	(Senate concurred)

EFFECTIVE: June 7, 1984

**SSB 4220**

C 89 L 84

By Committee on Commerce and Labor (originally sponsored by Senators Wojahn, Jones, Vognild, Bender, Moore, Williams, Warnke, Bauer and Zimmerman)

Ensuring the payment of wages in theatrical enterprises.

Senate Committee on Commerce and Labor

House Committee on Labor

**BACKGROUND:**

Promoters of theatrical enterprises are not required to post a bond or otherwise demonstrate their financial ability to pay the wages of persons involved in the production. Because problems have arisen in the collection of wages from promoters, proponents believe that a bond or cash deposit should be required in order to ensure payment.

**SUMMARY:**

A person engaged in the business of promoting a theatrical enterprise is required to deposit with the Department of Labor and Industries cash or bond in an amount required to pay the wages of every person involved in the enterprise for a single pay period, not to exceed one week. The cash or bond must be on deposit seven calendar days prior to the commencement of the theatrical enterprise.

Theatrical enterprise is defined to include any entertainment event where persons are a part of the enterprise's presentation. Excluded from this definition are radio and television programs, and events produced by nonprofit cultural or artistic organizations that have been located in a community for at least two years.

If the cash or bond is not deposited as required, the Department is authorized to bring an action in superior court to compel the promoter to make the deposit or cease doing business until he or she has done so. Also, any person who violates this act is guilty of a gross misdemeanor. If the cash or bond has been deposited and wages have not been paid, any person with a claim may file suit in district or superior court. Any suit must be filed within one year after completion of the work for which wages are due. The surety on the bond or the Department in the case of a cash deposit is not liable in excess of the amount of the bond or cash deposited respectively.

**VOTES ON FINAL PASSAGE:**

Senate	32	14
House	97	0

EFFECTIVE: June 7, 1984

**SB 4228**

C 268 L 84

By Senators Fleming and McDermott

Changing the grounds for malicious harassment.

Senate Committee on Judiciary

House Committee on Judiciary

**BACKGROUND:**

In 1981, legislation was passed which provided civil remedies and criminal sanctions for malicious harassment because of a person's race, color, religion, ancestry or national origin.

In recent months there have been incidents where people have been subjected to intimidation, threats and harassment because of their mental, physical, or sensory handicaps.

Presently no law exists which provides criminal sanctions or civil redress for threats and intimidations which are based on mental, physical or sensory handicaps.

**SUMMARY**

A person can be subject to civil and criminal sanctions for maliciously harassing another person because of their mental, physical, or sensory handicaps.

To constitute malicious harassment, words or acts must convey a threat of harm to the body or property of another person.

**VOTES ON FINAL PASSAGE:**

Senate	42	0	
House	65	31	(House amended)
Senate			(Senate refused to concur)
House	97	0	(House receded)

EFFECTIVE June 7, 1984

**SSB 4274**

C 10 L 84

By Committee on Commerce and Labor (originally sponsored by Senators Woody and Bender)

Revising the regulation of pawnbrokers and second-hand dealers.

Senate Committee on Commerce and Labor

House Committee on Commerce and Economic Development

**BACKGROUND:**

There is no uniform statewide regulation of pawnbrokers and second-hand dealers. State law establishes some requirements for these businesses statewide, but most of these requirements only apply to those businesses operating in first or second class cities. Furthermore, some local governments license pawnbrokers and second-hand dealers within their jurisdictions. The lack of uniformity in the regulation of pawnbrokers and second-hand dealers has created significant law enforcement problems.

**SUMMARY:**

Statewide regulation for pawnbrokers and second-hand dealers is established as follows:

Record Keeping

Pawnbrokers and second-hand dealers operating anywhere in the state are required to maintain a permanent record of their transactions. A transaction is defined as a pledge, purchase, or consignment by a pawnbroker or second-hand dealer from a member of the general public. The content of the record is expanded. A more complete description of firearms is required. Also, personal identification in the form of a state issued driver's license or identification card or two pieces of identification issued by a government agency, one of which must be descriptive of the person identified, is required.

A new requirement is added that records must be kept for three years. These records must be open for inspection by law enforcement officers at ordinary business hours or at reasonable times if ordinary business hours are not kept.

Reporting

Upon request by a local law enforcement agency, pawnbrokers and second-hand dealers operating anywhere in the state are required to provide a record of each day's transactions. Businesses are allowed to mail the record within twenty-four hours of a transaction.

Holding Period

Pawnbrokers and second-hand dealers operating anywhere in the state are required to hold property received from the general public for a fifteen day period. For those businesses with a permanent place of business in Washington State, the property must be held at that location. For those businesses without a permanent place of business in Washington State the property must be held within the city or county in which the property was received. Exceptions are pledged and consigned property when returned to the owner. The property must be available for inspection by a local law enforcement agency.

Police Holds

Law enforcement agencies are authorized to place a hold on property in the possession of a pawnbroker or second-hand dealer if the property is reported as stolen. If a hold is placed, the business is required to segregate that property for safekeeping. A police hold continues for 120 days unless released earlier by a law enforcement agency. The business which is holding the property is required to give law enforcement a ten day advance notice that the hold period is expiring. If the notice is not given, the hold automatically continues for 120 days. The hold may be renewed by a law enforcement agency for 120 day periods.

Exemptions

Exemptions are provided for licensed motor vehicle dealers, wreck or hulk haulers, persons who accept trade-ins or exchanges of second-hand property on the purchase of similar merchandise of greater value, and persons in the business of buying empty food and beverage containers or nonmetal junk. Nonmetal junk does not include an item made in a former period which has enhanced value because of its age. Exemptions are provided for the following types of second-hand property: bullion in the form of fabricated hallmarked bars, coins that are legal tender, postage stamps, and clothing of a resale value of \$75 or less, except furs.

Penalties

It is a gross misdemeanor to remove or alter any identifying mark or identification number from property; to knowingly make or cause to be made any false entry in the record; and to receive any property from a person under 18 years of age, any person under the influence of intoxicating

liquor or drugs, or any person known by the pawnbroker or second-hand dealer as having been convicted of burglary, robbery, theft, or possession of or receiving stolen property within the past ten years. Any person who knowingly violates any other provision of this bill is guilty of a gross misdemeanor. The maximum penalty for a gross misdemeanor is one year in the county jail and a \$5,000 fine.

Miscellaneous

The set up fees charged by pawnbrokers are increased.

The laws dealing with second-hand watches are repealed.

Local governments have the power to license pawnbrokers and second-hand dealers and to adopt local ordinances which are more restrictive than this bill.

In a court action brought by an owner to recover stolen property from a pawnbroker or second-hand dealer, the prevailing party is entitled to attorneys' fees and costs.

VOTES ON FINAL PASSAGE:

Senate	46	0
House	98	0

EFFECTIVE: March 22, 1984

**SB 4275**

C 236 L 84

By Senator Shinpoch

Changing provisions concerning the teachers' retirement.

Senate Committee on Ways and Means

House Committee on Ways and Means

BACKGROUND:

Other than the members' contribution, the state pays the entire cost of the Teachers' Retirement System (TRS) through a biennial appropriation. If the employment estimates of school districts are understated, insufficient funds may be appropriated thereby creating a potential liability. Further, because the district does not assist in this funding,

federal funds are not available for contributions within federal programs.

SUMMARY

The Director of the Department of Retirement Systems (DRS) shall determine the necessary employer contributions for each school district and notify them at least 30 days prior to the date the contribution is due.

In academic year 1985-86, districts shall be required to contribute only that amount allocated through the Superintendent of Public Instruction (SPI). In subsequent years, the districts shall pay no more than the rate set by the Director, DRS.

Further, the Director shall determine an equitable portion of the administrative expenses for TRS which shall be included in the contribution rate and shall also require 30 days prior notice as to change.

The Director's recommended employer contribution rates shall be based on the state actuary's valuation and it shall include both normal and unfunded liability actuarial accrued costs.

The Legislature shall fund the full amount of employer contribution rates the state actuary recommends to the Teacher's Retirement System for state funded certificated staff.

The act contains a severability clause.

Administrative rules may be adopted prior to the effective date.

VOTES ON FINAL PASSAGE:

Senate	43	0	
House	96	0	(House amended)
Senate			(Senate concurred in part)
House			(House refused to recede)
Senate	39	0	(Senate concurred)

EFFECTIVE September 1, 1985

**SB 4286**

C 135 L 84

By Senators Vognild, Quigg and Wojahn; by Gambling Commission request

Repealing provisions related to special taxes on coin-operated devices.

Senate Committee on Commerce and Labor

House Committee on Commerce and Economic Development

BACKGROUND:

Currently, pull tabs are dispensed by two methods. One is by over-the-counter sales, the other is by coin-operated devices. Punch boards are dispensed only by over-the-counter sales.

A yearly license fee of \$150 is levied on all establishments involved in the sale of pull tabs and punchboards. In addition to this, a special tax of \$350 is levied on each coin-operated device that dispenses pull tabs. The Gambling Commission contends that this special tax places an inequitable burden of taxation on establishments that have a coin-operated device to sell pull tabs.

A system wherein the volume of sales will determine the rate of taxation is considered by the Gambling Commission to be more equitable.

SUMMARY:

The provisions in the gambling code that provide for a special tax of \$350 on coin operated gambling devices are repealed. The system of taxation of pull tabs falls under the present and normal revenue raising provisions of the gambling code. The Gambling Commission is given authority to levy fees needed to cover costs of regulation.

The Gambling Commission is required to charge fees on pull tabs and punch boards at levels necessary to assure that no net loss of revenue occurs.

VOTES ON FINAL PASSAGE:

Senate	42	3	
House	96	0	(House amended)
Senate	37	2	(Senate concurred)

EFFECTIVE: July 1, 1984

**SSB 4287**

C 11 L 84

By Committee on Transportation (originally sponsored by Senators Barr, Thompson, Zimmerman and Peterson)

Permitting seventh-class counties to have a part-time road engineer.

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**SSB 4287**

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Senate Committee on Transportation

House Committee on Transportation

**BACKGROUND:**

Since 1969, eighth and ninth class counties (less than 5,000 population) have been exempted from a statutory requirement to employ a full-time road engineer. The Legislature authorized this exemption because there was insufficient major construction or repair projects to justify requiring counties of this size to employ a full-time county road engineer. Ferry, Garfield, Wahkiakum and San Juan Counties comprised the eighth and ninth class counties to receive this 1969 exemption.

San Juan and Ferry Counties recently became seventh class counties after the 1980 Census established their respective population at 7,800 and 5,750. County Commissioners in these seventh class counties contend that the small amount of population they serve and the level of road district revenues they receive still do not justify a requirement to employ a full-time county road engineer.

**SUMMARY:**

Counties of the seventh class and smaller (less than 8,000 population) are exempted from the requirement to employ a full-time county road engineer.

**VOTES ON FINAL PASSAGE:**

Senate 47 0  
House 95 0

**EFFECTIVE:** February 21, 1984

**SSB 4288**

C 113 L 84

By Committee on Transportation (originally sponsored by Senators Barr, Thompson, Zimmerman, Patterson, Hansen and Peterson)

Restricting a limitation on rural arterial funds.

Senate Committee on Transportation

House Committee on Transportation

**BACKGROUND:**

The 1983 Legislature established the Rural Arterial Program (RAP) to help counties finance needed improvements to rural arterials. Funding for this program is provided by a 1/3 cent per gallon share of the motor vehicle fuel tax. The County Road Administration Board (CRAB) is responsible for the administration of this program. Appropriations made for the RAP are used to make grants to counties to fund road improvement projects approved by CRAB.

A road improvement project proposed by a county is eligible for RAP funding assistance only if the county uses county road fund revenues solely for road program expenditures or traffic law enforcement during the 12 months preceding approval of the project by CRAB. This requirement also must be met during the undertaking of the project. The effect of this requirement is to deny RAP funding to those counties that "divert" county road property tax revenues to their current expense funds to support programs other than traffic law enforcement.

**SUMMARY:**

Counties included in the 7th county classification are permitted to use county road fund revenues to support any nonroad program without forfeiting their eligibility for RAP funding. Other counties still are required to restrict the use of these revenues to road programs or traffic law enforcement to be eligible to receive RAP funds.

Currently, Columbia, Ferry, San Juan and Skamania are the only seventh class counties.

**VOTES ON FINAL PASSAGE:**

Senate 44 4  
House 65 31

**EFFECTIVE:** March 5, 1984

**SB 4289**

C 12 L 84

By Senators Granlund, Thompson and Vognild

Clarifying provisions on two-way left turn lanes.

Senate Committee on Transportation

House Committee on Transportation

BACKGROUND:

State law authorizes the State Department of Transportation and local governments to designate in their respective jurisdictions, two-way left turn lanes on a roadway. A two-way left turn lane is designated for use by vehicles making left turns from or into a roadway

Statutory language provides further that "any maneuver other than a left turn from or into the center lane" is a violation. This language would appear to prohibit the common traffic maneuver of turning left from a driveway, pausing in the two-way left turn lane and merging to the right into through-traffic lanes.

SUMMARY:

Statutory language which makes unlawful any maneuver other than a left turn from or into a two-way left turn lane is repealed. Language is retained which limits a two-way left turn lanes purpose to making left turns in either direction.

Grammatical changes are made and statutory references are updated.

VOTES ON FINAL PASSAGE:

Senate 41 0  
House 93 2

EFFECTIVE: June 7, 1984

**SB 4300**

C 70 L 84

By Senators Peterson and Vognild

Authorizing participation by members of affiliated nonprofit organizations in chapter's gambling activities.

Senate Committee on Commerce and Labor

House Committee on Commerce and Economic Development

BACKGROUND:

Under the present law, clubs or organizations that are not licensed by the Gambling Commission are permitted to conduct certain gambling activities, namely card and dice games, provided the participants are only local members. Clubs or organizations with card room licenses are permitted to conduct these gambling activities and are allowed to have 25 percent of their participants to be guests. The members of clubs or organizations that have a state, regional or national membership are excluded from gambling activities in any clubhouse or establishment other than the one in which they are registered, except when they are considered as guests and are subject to the restrictions pertaining to guests.

SUMMARY:

The regulations relating to gambling in clubs and organizations are modified. Members of state, regional or national clubs and organizations: are permitted to participate in certain gambling activities at individual chapters and units other than the one in which they are registered; and are not subject to guest restrictions.

VOTES ON FINAL PASSAGE:

Senate 32 13  
House 72 25

EFFECTIVE: June 7, 1984

**SB 4301**

C 172 L 84

By Senators Thompson, Zimmerman and Bauer

Limiting the notice requirement for disposal of surplus property by sewer districts.

Senate Committee on Local Government

House Committee on Local Government



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**SB 4301**

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**BACKGROUND:**

Existing law allows sewer districts to sell real or personal property which, by unanimous vote of the elected members of the board, has been determined to be surplus property. However, sales of surplus property are subject to public notice requirements.

**SUMMARY:**

Sales of surplus personal property valued at \$500 or less are not subject to the public notice requirement.

In order to avoid potential conflicts of interest, property sold without notice may not be purchased by a commissioner or an employee of the district or relatives of commissioners or employees.

**VOTES ON FINAL PASSAGE:**

Senate	43	1	
House	94	0	(House amended)
Senate	43	1	(Senate concurred)

EFFECTIVE: June 7, 1984

**SSB 4302****PARTIAL VETO**

C 153 L 84

By Committee on Social and Health Services (originally sponsored by Senators McManus and Moore)

Modifying the practice of pharmacy.

Senate Committee on Social and Health Services

House Committee on Social and Health Services

**BACKGROUND:**

The State Board of Pharmacy is scheduled for termination under the Washington Sunset Act of 1977 as amended. The Legislative Budget Committee (LBC) performed a program and fiscal sunset review. The LBC recommended reenactment with certain changes.

**SUMMARY:**

The Board is expanded from five to seven members one pharmacist and one additional public member are added.

The Board may establish fees sufficient to be self supporting. Additionally, provision is made for an appropriation from the health professions account to pay for drug related investigations. Within resources, the Board may establish prevention and diversion education programs covering prescription drugs for health care practitioners, facilities and institutions. Licensing authority is modified for internships, out of state applicants, and reinstatement. Disciplinary powers are expanded. Required licensing of shopkeepers for selling prophylactics is repealed. The definition of dispense is modified. The Pharmacy Board is scheduled for sunset in 1990.

The Department of Social and Health Services is to develop for the 1985 Legislature a needs report on civil commitment for drug abuse and its plan for a school and community based drug abuse and misuse prevention education program.

Violation of the Substance Abuse Act by a health care practitioner will result in suspension of license to run concurrent with term of sentence.

A triplicate prescription form program is permitted under Department of Licensing.

Registration is required for shopkeepers and itinerant vendors. Registration as a shopkeeper is required through the master license system. Shopkeepers with 15 or fewer drugs are exempt from the registration requirements.

The Board of Pharmacy must establish an interdepartmental coordinating committee on drug misuse, diversion and abuse.

**VOTES ON FINAL PASSAGE:**

Senate	48	0	
House	96	0	(House amended)
Senate	43	0	(Senate concurred)

EFFECTIVE: June 7, 1984

**PARTIAL VETO SUMMARY:**

A bill drafting error was removed. (See VETO MESSAGE)

**SB 4304**

C 13 L 84

By Senator Talmadge

Modifying the laws governing the redistricting commission.

Senate Committee on Judiciary

House Committee on Constitution, Elections and Ethics

**BACKGROUND:**

With the passage of SSB 3112 during the 1983 legislative session, and the adoption of SJR 103 by the voters in November, 1983, an independent redistricting commission is established for Washington State. However, the bill that was sent to the Governor inadvertently omitted several provisions that were included in the version which passed the Legislature.

**SUMMARY:**

The Washington State Redistricting Act is amended to include language inadvertently omitted from the enrolled bill.

If three of the four redistricting commission members fail to elect a chairperson by January 31 of the year of their selection, the Supreme Court shall, within five days, certify an appointment to the chief election officer.

A person may not serve on the commission who, within two years prior to selection, has been an elected legislative district, county, or state party officer. This does not apply to the office of precinct committee person.

A member of the commission is prohibited from holding or campaigning for a seat in the State House of Representatives, the State Senate, or Congress for two years after the effective date of the redistricting plan.

Technical language is added with respect to the redistricting of municipal corporations, counties, and special purpose districts.

**VOTES ON FINAL PASSAGE:**

Senate	45	0
House	95	0

EFFECTIVE. June 7, 1984

**SSB 4306**

C 243 L 84

By Committee on State Government (originally sponsored by Senator Warnke)

Modifying provisions relating to public health.

Senate Committee on State Government

House Committee on State Government

**BACKGROUND:**

THE BOARD OF HEALTH. The State Board of Health was created by Article XX of the State Constitution. Some of its specific functions include adopting rules and regulations for 1) the protection of water supplies; 2) the prevention, control and abatement of health hazards and nuisances related to the disposal of wastes; 3) controlling public health related to environmental conditions; and 4) the prevention and control of infectious and noninfectious diseases. In addition, the Board of Health is to develop rules regarding isolation and quarantine and to study, control and suppress the causes of disease.

MEMBERSHIP AND STAFF. The Board of Health consists of six members. They are as follows: The Secretary of the Department of Social and Health Services or the Secretary's designee, and five people appointed by the Governor. Four of the gubernatorial appointees must be experienced in matters of health and sanitation, and one appointee represents consumers of health care.

The Department of Social and Health Services (DSHS) currently provides staff support for the Board.

A 1983 statute (C 235 L 83) directed the Senate and House Committees on State Government to conduct program and fiscal reviews of the State Board of Health. Interim hearings produced several recommendations concerning the composition and staffing of the Board, as well as a study of public health.

**SUMMARY:**

MEMBERSHIP. Four new members are specified for the Board, in addition to those currently named in the law. Three of them must be members of local health boards, including an elected city official,

an elected county official, and a local health officer. Before appointing the local health board representatives, the Governor must consider any recommendations submitted by the Association of Washington Cities, the Washington State Association of Counties, and the Washington State Association of Local Public Health Officials, respectively.

The fourth new member is a second consumer representative. Before appointing one of the two consumer representatives, the Governor must consider any recommendations submitted by the Council on Aging. A new provision is added so that a consumer representative may not be an elected official nor have any fiduciary interest in a health facility or health agency, nor any material financial interest in rendering health services.

STAFFING. The DSHS is required to provide necessary technical staff support to the Board. The State Board may employ an executive director and a confidential secretary, who are not subject to civil service.

PUBLIC HEALTH STUDY COMMITTEE. The Joint Select Committee on Public Health is created. It consists of 16 members: two majority and minority members of the Senate, appointed by the President; two majority and two minority members of the House of Representatives, appointed by the Speaker; the Chair of the State Board of Health or a designee; the Chair of the State Health Coordinating Council or a designee; the Secretary of Social and Health Services or a designee; the Director of the Department of Veterans Affairs or a designee; a local public health official; a physician licensed to practice in the state; and two persons who have demonstrated an interest in public health. The local public health official and the physician are appointed jointly by the President of the Senate and the Speaker of the House. Of the two other members, one is appointed by the President and one by the Speaker.

The Committee is to study issues pertaining to public health and report its conclusions to the Legislature by January 1, 1986, when it will cease to exist.

VOTES ON FINAL PASSAGE:

Senate	41	2	
House	95	0	(House amended)
Senate			(Senate refused to concur)
House			(House refused to recede)

Free Conference Committee

House	98	0
Senate	37	2

EFFECTIVE: June 7, 1984

**SB 4309**

C 262 L 84

By Senators Talmadge, Vognild, Hughes, Hemstad, Moore, Hayner, Granlund, Woody and Peterson

Prohibiting the sexual exploitation of children.

Senate Committee on Judiciary

House Committee on Judiciary

BACKGROUND:

The current law prohibiting child pornography penalizes the commercial use or production of child pornography. A recent United States Supreme Court case, New York v. Ferber, held that, due to the potential for child abuse that might result from the production of any sexually explicit material involving children, a state may prohibit all distribution of this material. The material need not be obscene to be prohibited.

SUMMARY:

The current chapter on child pornography is repealed. In its stead, criminal penalties are established for a range of actions involving sexual exploitation of minors.

Sexual exploitation of a minor is defined as compelling, causing, or allowing a minor to engage in sexually explicit conduct which is then photographed or observed. This conduct is a class B felony if the minor is under 16 years of age and a class C felony if the minor is under 18 years of age. Patronizing a juvenile (under 18) prostitute is a class C felony.

Developing or printing sexually explicit visual materials involving minors is a class C felony. Film processors are required to report if they believe they have received prohibited materials for developing. Failure to report is a gross misdemeanor.

The sale, financing or distribution of such materials is a class C felony, while possession is a gross misdemeanor. Procedures for forfeiture of sexually explicit material, materials used to manufacture and moneys received from the sale of such materials are established.

Communication with a minor under 16 years of age for immoral purposes remains a gross misdemeanor unless the person has a previous conviction of any offense involving sexual exploitation of minors, any sex offense, or any family offense. In those cases, communication with a minor for immoral purposes is a class C felony.

Law enforcement and prosecution agencies are precluded from using minors to aid in the investigation of this chapter. The chapter does not apply to individualized case treatment by a licensed facility, psychiatrist, or psychologist.

Exploited minors are entitled to attorneys fees if they prevail in a civil action arising out of a violation of the sexual exploitation act.

VOTES ON FINAL PASSAGE:

Senate	48	0	
House	97	0	(House amended)
Senate			(Senate refused to concur)
House			(House refused to recede)
<u>Free Conference Committee</u>			
House	96	0	
Senate	48	0	

EFFECTIVE: June 7, 1984

**SB 4312**

C 34 L 84

By Senators Talmadge and Hemstad; by Public Disclosure Commission request

Restructuring financial disclosure reporting requirements.

Senate Committee on Judiciary

House Committee on Constitution, Elections and Ethics

BACKGROUND

The main section of the Washington State Public Disclosure Act pertaining to the Statement of

Financial Affairs is a cumbersome passage which is difficult to understand. Whenever new agencies are created or existing ones merged or renamed, the entire section must be set forth in the bill. A restructuring of this and one other section facilitates an understanding of the reporting requirements.

SUMMARY:

Technical amendments are made to that portion of the Washington State Public Disclosure Act which relates to the reporting of financial affairs.

The two sections of the code pertaining to the Statement of Financial Affairs are restructured into three sections. The first restructured section specifies who must report and the timeline for reporting. The second section defines the term "executive state officer." The third section details the contents of the Statement of Financial Affairs.

Technical changes are made to references in other statutes and various grammatical changes are included.

VOTES ON FINAL PASSAGE:

Senate	38	0
House	98	0

EFFECTIVE: June 7, 1984

**SSB 4313**

C 91 L 84

By Committee on Local Government (originally sponsored by Senators Thompson, Zimmerman, Hemstad and Moore)

Clarifying the formation of combined city and county municipal corporations under Art. XI, section 16 of the Constitution.

Senate Committee on Local Government

House Committee on Local Government

BACKGROUND:

City-county consolidation was authorized by the voters in 1972 when they approved Amendment 52 to the State Constitution. An Attorney General's Opinion in 1975 created some confusion over the powers possessed by a combined city-county. The Legislature has not enacted any statutes clarifying

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**SSB 4313**

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the constitutional authorization for combined city-counties.

**SUMMARY:**

The following clarifications are made with respect to the creation of combined city-counties:

- (1) School districts are retained as separate political subdivisions;
- (2) A county, city, or combined city-county is prohibited from enacting an income tax;
- (3) The allocation of state-shared revenues shall not be modified for one year from the date the city-county officers assume office, but the revenue for the consolidated entities is distributed to the city-county;
- (4) If a fire protection or law enforcement unit is covered by binding arbitration prior to the city-county consolidation, then the entire unit of the city-county is covered by binding arbitration; and
- (5) Retirement or disability benefits of any person with such rights are not impaired by a city-county consolidation.

**VOTES ON FINAL PASSAGE:**

Senate 43 5  
House 94 1

EFFECTIVE: June 7, 1984

**SB 4320**

C 136 L 84

By Senators Wojahn and Sellar

Authorizing persons eighteen years of age and older to service amusement devices and perform janitorial services on licensed premises.

Senate Committee on Commerce and Labor

House Committee on Commerce and Economic Development

**BACKGROUND:**

Current law does not allow employees of amusement device or janitorial companies who are

between the ages of 18 and 21 years old to enter and remain on premises licensed by the Liquor Control Board.

**SUMMARY:**

Employees of amusement device companies who are at least 18 years old may enter and remain in a licensed premises in the course of their employment for the purpose of installing, maintaining, repairing or removing an amusement device. An amusement device is defined as a coin-operated video game, pinball machine, juke box, or other similar device.

Persons who are at least 18 years old may enter and remain in a licensed premises when the premises are closed for the sole purpose of the performance of janitorial services.

**VOTES ON FINAL PASSAGE:**

Senate 46 1  
House 98 0 (House amended)  
Senate 37 0 (Senate concurred)

EFFECTIVE: June 7, 1984

**SSB 4321**

C 152 L 84

By Committee on State Government (originally sponsored by Senator Warnke)

Revising the laws governing the state library.

Senate Committee on State Government

House Committee on State Government

**BACKGROUND:**

The enabling legislation for the State Library (Chapter 27.04 RCW) does not include all of the functions of the Library and the State Library Commission. Following a 1979 performance audit of the Washington State Library by the Legislative Budget Committee, the State Library Commission appointed a Library Law Review Committee. The Review Committee made a number of recommendations to clarify and modernize the powers, responsibilities and duties of the Library Commission and State Librarian.

SUMMARY:

The powers and functions of the State Library Commission are consolidated from several sections of existing law and administrative rules. The functions of the State Librarian, appointed by the Commission, are specified, including authority to employ and terminate personnel as necessary under this law or by direction of the Commission.

Several former sections are repealed.

VOTES ON FINAL PASSAGE:

Senate	46	0	
House	97	0	(House amended)
Senate	43	1	(Senate concurred)

EFFECTIVE: June 7, 1984

**SSB 4325**

C 173 L 84

By Committee on Commerce and Labor (originally sponsored by Senators Wojahn, McCaslin and Vognild)

Modifying provisions relating to cigarette sales.

Senate Committee on Commerce and Labor

House Committee on Commerce and Economic Development

BACKGROUND:

The Unfair Cigarette Sales Below Cost Act makes it unlawful for any retailer or wholesaler to injure competitors or destroy or substantially lessen competition by advertising, offering to sell, or selling cigarettes at less than cost.

The act provides a formula for determining cost. Cost includes (1) the invoice price of the cigarettes plus (2) the retailer's or manufacturer's cost of doing business. This is presumed to be 4-1/2 percent of the cigarette price (if cigarettes are delivered) for the wholesaler, 10 percent for the retailer

An exception is made for any wholesaler or retailer who can show the Department of Revenue, by "satisfactory proof," that the price of doing business is actually higher or lower.

A common practice in the grocery business is the granting of "cash discounts" by manufacturers to

those wholesalers who can make prompt cash payments for goods. In the cigarette industry, the standard cash discount is currently 3-1/4 percent provided the cash payment is made within about nine days of delivery of goods. Currently these discounts are not considered part of the basic cost of cigarettes.

SUMMARY:

Disposition of the manufacturers' cash discount is at the discretion of the wholesaler.

Any retailer or wholesaler who actually receives and sells cigarettes with trade or cash discounts (1) must execute a sworn affidavit, and (2) obtain a sworn affidavit from the person granting the discount. The affidavit must show (a) the amount or rate of the discounts, (b) the date the discount was granted, (c) names of the persons granting and receiving the discount, and (d) whether the discount is for cash or trade purposes. The affidavits must be maintained for five years and be available for inspection by the Department of Revenue. A civil fine of \$250 may be imposed for the failure to maintain affidavits.

The Unfair Cigarette Pricing Act is scheduled for termination on June 30, 1986, unless action is taken to extend the law. The Legislative Budget Committee (LBC) is required to audit the Act, and issue a final audit report at least six months prior to the Act's scheduled termination date.

The LBC shall study, but not be limited to, the following:

- (1) The definition, adequacy, and methods of determining cigarette pricing;
- (2) The advantages, disadvantages, and effects of including cash discounts in the act's pricing formula; and
- (3) The effect that state deregulation of cigarette pricing would have on wholesalers, retailers and consumers.

The LBC shall use existing Senate and House staff.

VOTES ON FINAL PASSAGE:

Senate	42	6	
House	73	24	(House amended)
Senate	28	18	(Senate concurred)

EFFECTIVE: June 7, 1984  
July 1, 1984 (Section 1)

**SSB 4329**

C 174 L 84

By Committee on Agriculture (originally sponsored by Senators McDermott, Hansen and Barr)

Providing for the management of the Milwaukee Road corridor.

Senate Committee on Agriculture

House Committee on Environmental Affairs

**BACKGROUND:**

In 1981 the state of Washington acquired 213 miles of Milwaukee Railroad land holdings, varying from 40 to 200 feet in width, as well as several adjacent parcels. The state's holdings are not continuous but consist of two basic segments: an 89-mile section between Easton and Royal City Junction; and a 124-mile section between Warden and the Idaho state line.

**SUMMARY:**

The state's policy is set forth regarding a 213-mile corridor of land purchased by the state from the Milwaukee Railroad Company.

The portion of the Milwaukee Road corridor beginning at the western terminus near Easton and continuing 25 miles to the east shall be managed and controlled by the Parks and Recreation Commission to operate as a recreational trail. The Commission must close this portion of the corridor to hunting, and except for specified exceptions, motor vehicles. The Commission must control weeds, maintain culverts and comply with legally enforceable conditions contained in the deeds for the corridor. The Commission is authorized to sell or exchange lands or easements if the sale or exchange will not adversely affect the recreational potential of the corridor

The Commission must identify opportunities and encourage volunteer work, private contributions and foundations who will assist in developing and operating the trail.

The portion of the Milwaukee Road corridor beginning approximately 25 miles east of Easton extending to the Idaho border shall be under the control of the Department of Natural Resources (DNR). This portion of the corridor shall be open to organized groups and individuals who obtain

permits from the DNR to travel the corridor for recreational purposes.

The DNR shall offer to lease, and execute such lease if a reasonable offer is made, portions of the Milwaukee Road corridor under its control to persons who own or control the adjoining land for periods of up to ten years commencing with the effective date of the act.

Lessees shall assume the responsibility for fire protection, weed control, and maintenance of water conveyance facilities and culverts.

Except for certain specified exceptions, leases shall follow standard DNR leasing procedures. The state, through the DNR, may terminate a lease consistent with the Act or modify uses of the corridor with six months notice.

On unleased portions of the Milwaukee Road, the DNR is solely responsible for weed control, culvert, bridge and other necessary maintenance and fire protection services. The DNR is required to place hazard warning signs and close hazardous structures on unleased portions and regulate activities and restrict uses, including closing the Road during high fire danger seasons.

Authority is conferred to the DNR to sell or exchange lands or easements if it does not adversely affect the recreational, transportation or utility potential of the corridor and if the DNR has not entered into a lease with adjacent landowners.

Appropriation: There is a \$49,000 appropriation to the Parks and Recreation Commission for the biennium ending June 30, 1985.

**VOTES ON FINAL PASSAGE:**

Senate	29	17	
House	76	20	(House amended)
Senate	32	14	(Senate concurred)

EFFECTIVE: June 7, 1984

**SSB 4332**

C 177 L 84

By Committee on Financial Institutions (originally sponsored by Senators Moore, Warnke and Sellar; by Public Deposit Protection Commission request)

Modifying provisions relating to public depositories.

Senate Committee on Financial Institutions

House Committee on Financial Institutions and Insurance

**BACKGROUND:**

Currently the amount of public funds a financial institution may hold is not limited, so long as it is collateralized.

**SUMMARY:**

No financial institution may hold deposits of public funds in excess of three times its net worth. No financial institution may hold on deposit more than 30 percent of the total public funds on deposit in all institutions. If an institution at any time exceeds these limits, it must pledge 100 percent collateral for the excess. The definition of public funds is revised in accordance with an Attorney General's Opinion.

The Joint Financial Institutions Committee is extended until July 1, 1986. The Committee is required to include in its studies the practice of public depositories charging fees for cashing governmental checks. The Committee is required to report to the Legislature by January 1, 1985, with its interim report, and by January 1, 1986, with its final report.

**VOTES ON FINAL PASSAGE:**

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

EFFECTIVE: June 7, 1984

**SSB 4334**

C 24 L 84

By Committee on Local Government (originally sponsored by Senators Owen, Peterson, McManus, Thompson and Talmadge)

Authorizing cities and counties to purchase liability and industrial insurance for offenders performing community services.

Senate Committee on Local Government

House Committee on Local Government

**BACKGROUND:**

Existing law permits counties which have juvenile offenders performing community service work to: (1) purchase insurance to protect the county from potential liability arising from wrongful acts of juvenile offenders; (2) establish a cumulative reserve fund for purchasing and maintaining insurance and industrial insurance coverage which is funded with moneys from fines imposed against juveniles; and (3) treat juvenile offenders as "employees" for purposes of "medical aid benefits" under workers' compensation.

**SUMMARY:**

The option to purchase liability insurance to cover the wrongful acts of offenders, both juvenile and adult, is extended to cities, towns, code cities, and counties. Those entities may also treat such offenders as "employees" for all purposes under workers' compensation. The entities may purchase the insurance and pay workers' compensation premiums out of their respective general funds.

**VOTES ON FINAL PASSAGE:**

Senate	45	0
House	95	0

EFFECTIVE: February 21, 1984

**SB 4338**

C 224 L 84

By Senators Peterson and Sellar

Delaying motor vehicle license renewal until delinquent parking fines are paid.

Senate Committee on Transportation

House Committee on Transportation

**BACKGROUND:**

A law passed in 1982, which becomes effective July 1, 1984, requires that a vehicle's license shall not be renewed until all unpaid parking fines attributable to that vehicle are paid.

Testimony supporting this legislation indicated that various Washington cities were experiencing difficulty collecting unpaid parking tickets under the



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**SB 4338**

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civil parking ordinance enacted by the 1979 Legislature.

Under the new law, municipalities may report unpaid parking violations to the State Department of Licensing. The ticketed vehicle's license tabs may not be renewed until the tickets are paid. A 25 percent surcharge is added when the license tab is renewed, 80 percent of which is dedicated to the Department of Licensing and 20 percent to the agent processing the renewal.

The county auditors, largely responsible for the renewal of vehicle licenses, have indicated that their subagents are not equipped to handle the additional tasks called for under this law.

**SUMMARY:**

Renewal of vehicle registration will be denied until vehicle owners with three or more unpaid standing, stopping or parking tickets satisfy all outstanding fines and penalties related to the violations.

Local jurisdictions shall report vehicles against which there are three or more unpaid parking tickets to the Department of Licensing (DOL). All such reports received by DOL more than 150 days prior to expiration of the vehicle's registration shall be forwarded to the registered owner with notice that registration shall not be renewed until all outstanding fines and surcharges have been paid. This notice will be in lieu of the "pre-bill" normally mailed prior to expiration. Those reports received within 150 days of renewal will be considered by DOL in any subsequent renewal year.

The Department of Licensing and its agents will not renew the registration for vehicles with three or more outstanding parking violations unless the applicant presents proof of payment of all outstanding fines and surcharges to the affected local jurisdiction. In addition to normal fees and taxes normally paid at time of renewal, the applicant must also pay a \$10 surcharge at the time of renewal. Five dollars of the surcharge will be used by DOL for their administrative costs, and the remaining \$5 will be retained by the agent handling the renewal to offset their costs in verifying payment of outstanding fines.

Provisions are made for clearing the record where a change of ownership occurs, and the time for responding to traffic infractions is increased from 7 days to 15 days.

**VOTES ON FINAL PASSAGE:**

Senate	35	11	
House	94	1	(House amended)
Senate	36	12	(Senate concurred)

EFFECTIVE: July 1, 1984

**SB 4341**

C 15 L 84

By Senators Thompson and Barr

Permitting public utility employee group insurance for groups of less than ten employees.

Senate Committee on Local Government

House Committee on Local Government

**BACKGROUND:**

Public utility districts (PUDs) engaged in the operation of electric or water utilities are currently authorized to purchase group insurance for their employees, so long as the group comprises ten or more employees. PUDs are also authorized to provide retirement benefits through individual annuity policies, retirement income policies or group annuity contracts for those employees and officials who are not covered by the state retirement system.

**SUMMARY:**

Utility districts may provide group insurance for employees without limitation upon the size of the group to be covered.

**VOTES ON FINAL PASSAGE:**

Senate	45	0
House	95	0

EFFECTIVE: June 7, 1984

**SB 4342**

C 16 L 84

By Senators Vognild and Newhouse; by Employment Security Department request

Authorizing an appropriation to the employment security department to implement its automation plan.

Senate Committee on Commerce and Labor

Senate Committee on Ways and Means

House Committee on Labor

**BACKGROUND:**

In 1956, 1957 and 1958, pursuant to the Social Security Act, excess federal funds were distributed to state employment security agencies. The law permits the use of these funds, commonly known as Reed Act funds, for administrative purposes.

The "Reed funds" represent a noninterest-bearing loan from the federal Unemployment Compensation Administration Account. Historically, these loans have been amortized in annual payments from federal administrative grants. Reimbursements to the state's Reed Act account are then available for reuse but only if the funds were originally used to purchase real estate. If a state's unemployment trust fund becomes insolvent and a state borrows from the federal government to pay unemployment insurance benefits, it is presumed that all available Reed Act funds were used to pay benefits and the state's access to those funds is suspended for the duration of the loan. If "Reed funds" are used to directly pay benefits, those funds are not available for reuse by the state.

The Reed Act account has a current balance of \$629,808. The state has borrowed funds from the federal government this year in order to pay unemployment compensation. However, those projections also indicate that the state will repay those loans by April. This legislation is intended to obligate available Reed Act funds once the state has repaid the federal loans.

**SUMMARY:**

An appropriation of \$600,000 is made from the Federal Unemployment Administration fund to the

Employment Security Department. The appropriation for the biennium ending June 30, 1985, is designated to assist the Department in implementing its automation master plan.

The amounts obligated from the fund may not be obligated after June 30, 1985, and may not exceed the funds available in the account (this is language required by the Department of Labor).

Appropriation: \$600,000 from the Federal Unemployment Administration

**VOTES ON FINAL PASSAGE:**

Senate	46	0
House	95	0

**EFFECTIVE:** February 21, 1984

**SSB 4343**

C 194 L 84

By Committee on Transportation (originally sponsored by Senators Peterson, Hansen and Patterson; by Department of Transportation request)

Revising restrictions on state highway work by state forces.

Senate Committee on Transportation

House Committee on Transportation

**BACKGROUND:**

State law imposes limits on the costs of highway construction, alteration or repair projects that can be undertaken by state employees of the Department of Transportation. The Department of Transportation is required to contract with private firms or individuals when a project's total cost is estimated to be more than \$15,000. However, in emergency situations, state forces may be utilized for projects of up to \$25,000 when delay of such work would jeopardize a highway or constitute a danger to the travelling public. These dollar limits were last revised in 1949.

**SUMMARY:**

The cost limits on highway projects that may be accomplished by the Department of Transportation with state forces are increased. The \$15,000 limit is raised to \$30,000, and the \$25,000 limit for emergencies is increased to \$50,000.

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**SSB 4343**

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The Department of Transportation is prohibited from dividing projects into units or classes of work whose individual costs are less than the limits imposed by RCW 47.28.030.

**VOTES ON FINAL PASSAGE:**

Senate 40 7  
House 90 6 (House amended)  
Senate 40 7 (Senate concurred)

EFFECTIVE: June 7, 1984

**SB 4345**

C 65 L 84

By Senators Vognild, Newhouse, Wojahn and Talmadge; by Employment Security Department request

Providing for eligibility for unemployment compensation for persons receiving crime victims compensation.

Senate Committee on Commerce and Labor

House Committee on Labor

**BACKGROUND:**

Victims of crime may be provided compensation and assistance through a program administered by the Department of Labor and Industries. This program was created by the Legislature in 1973, with the expressed intent that crime victims be afforded the same benefits and services which are available to injured workers.

When a crime victim becomes able to work and cannot find work, unemployment insurance benefits may be reduced or unavailable. This problem results from a loss of wage credits while the victim is recovering and not employed. For the purpose of determining unemployment benefit amounts, "base year" wage credits are calculated from the first four of the last five calendar quarters preceding a claim. Therefore, wage credits may be lost depending upon the length of recovery and the time of claim application.

The Employment Security Department recommends that a crime victim's wage credits be frozen at the time of injury. This remedy is presently available to injured workers covered by the Temporary Total Disability program.

**SUMMARY:**

The practice of freezing unemployment insurance wage credits is extended to crime victims who suffer temporary total disability and receive 13 or more weeks of crime victims' compensation.

**VOTES ON FINAL PASSAGE:**

Senate 46 0  
House 97 0

EFFECTIVE: June 7, 1984

**SB 4348**

C 71 L 84

By Senator Vognild

Modifying provisions relating to class K liquor licenses.

Senate Committee on Commerce and Labor

House Committee on Commerce and Economic Development

**BACKGROUND:**

Presently class K liquor licenses permit nonprofit organizations to hold special functions at which spiritous liquor may be sold to members and invited guests. The general public is not permitted to attend.

**SUMMARY:**

Functions with class K liquor licenses are open to the public.

**VOTES ON FINAL PASSAGE:**

Senate 42 3  
House 82 15

EFFECTIVE: June 7, 1984

**SB 4351**

C 66 L 84

By Senators Gaspard, Guess, Goltz and Talmadge

Adding members to the high-technology coordinating board.

Senate Committee on Education

House Committee on Commerce and Economic Development

**BACKGROUND:**

The High-Technology Coordinating Board was established by the Legislature in 1983. During recent deliberations it has become apparent to the Board that additional representation by industry members would be beneficial.

**SUMMARY:**

The High-Technology Coordinating Board is increased from 14 to 17 members. This is achieved by increasing the number of citizen members from 8 to 11. The additional members are appointed by the Governor in the same manner as previous citizen appointments.

**VOTES ON FINAL PASSAGE:**

Senate	45	0
House	97	0

EFFECTIVE June 7, 1984

**SB 4352**

C 114 L 84

By Senators McDermott, Zimmerman, Gaspard, Granlund and Shinpoch; by Legislative Budget Committee request

Requiring the prosecutor's statement on a convicted criminal to be available upon incarceration.

Senate Committee on Judiciary

House Committee on Judiciary

**BACKGROUND:**

Current law requires the prosecuting attorney to prepare a statement describing a convicted defendant's crime and other information which will assist the Parole Board in setting a minimum term of confinement. There are, however, conflicting statutes governing when the statement is to be submitted to the Department of Corrections and the Parole Board. The Legislative Budget Committee is proposing legislation to clarify the transmittal procedure.

**SUMMARY:**

The prosecutor's statement shall be available at the time the person is transported to the custody of the Department of Corrections.

**VOTES ON FINAL PASSAGE:**

Senate	47	0
House	95	0

EFFECTIVE: March 5, 1984

**SSB 4357**

C 21 L 84

By Committee on Judiciary (originally sponsored by Senators Moore and Newhouse)

Extending period of enforcement of judgment liens of justice courts.

Senate Committee on Judiciary

House Committee on Judiciary

**BACKGROUND:**

District court judgments generally may be enforced for five years after the date of judgment. A judgment lien on the real estate of a district court judgment debtor may run for ten years after the date of the judgment. However, because the lifetime of a district court judgment is only five years, a judgment creditor cannot initiate that lien if five years have passed from the date of the judgment.

**SUMMARY:**

The period within which a district court judgment may be enforced is increased from five to ten years, thus allowing imposition of a lien on the

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**SSB 4357**

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judgment debtor's real estate at any time within ten years of the judgment. In no case, however, can the judgment lien on the debtor's real estate last more than ten years from the date of the judgment.

**VOTES ON FINAL PASSAGE:**

Senate 45 2  
House 98 0

EFFECTIVE: June 7, 1984

**SB 4358**

C 115 L 84

By Senators Warnke, McDermott, Moore,  
Newhouse, McManus, Deccio and Fuller

Repealing a hotel excise tax for convention and trade facilities.

Senate Committee on State Government

House Committee on Local Government

**BACKGROUND:**

In 1982, the Legislature authorized a separate hotel-motel room excise tax of up to 3 percent for acquisition, design and construction of convention or trade facilities in cities of 25,000 but less than 400,000 population. To date, none of the eligible cities has levied this particular tax.

**SUMMARY:**

The hotel-motel excise tax for convention or trade facilities in cities of 25,000 but less than 400,000 is repealed.

**VOTES ON FINAL PASSAGE:**

Senate 39 6  
House 79 4

EFFECTIVE: March 5, 1984

**SSB 4362**

C 274 L 84

By Committee on Judiciary (originally sponsored by Senators Hemstad, Talmadge, Fuller and Granlund)

Prescribing penalties for attempt to evade open alcohol container restrictions.

Senate Committee on Judiciary

House Committee on Judiciary

**BACKGROUND:**

Last year the Legislature enacted a statute which prohibits drinking any alcoholic beverage in a motor vehicle when the vehicle is upon a highway.

Automobile drivers can attempt to evade the law by purchasing "wrap-around labels" which give an alcoholic beverage container the appearance of being a soda pop container. In addition, there have been instances where drivers have transferred alcohol to a soda pop container.

**SUMMARY:**

It is a traffic infraction for a person to falsely label a bottle or can containing an alcoholic beverage or place alcohol in a beverage container specifically labeled as containing a nonalcoholic beverage and to then violate the open alcoholic beverage container law.

The open container law does not apply to privately owned vehicles operated by an employee-chauffeur.

In addition, cities may enact open container ordinances that provide greater penalties than state law.

**VOTES ON FINAL PASSAGE:**

Senate 43 2  
House 96 0 (House amended)  
Senate 46 0 (Senate concurred)

EFFECTIVE: June 7, 1984

**SSB 4367**

C 72 L 84

By Committee on Natural Resources (originally sponsored by Senators Owen, Peterson, McManus, Metcalf, Quigg and Fuller)

Facilitating cooperative fish and wildlife enhancement projects.

Senate Committee on Natural Resources

House Committee on Natural Resources

**BACKGROUND:**

The Department of Fisheries and Department of Game both currently authorize volunteer cooperative fish and game projects. Many of the projects have proven highly successful by increasing the fish or game resource, providing educational opportunities, promoting public participation, and improving communication between natural resource agencies and the public. Many opportunities to improve and expand the program have been identified.

**SUMMARY:**

The development and operation of cooperative projects is encouraged.

The departments are given authority to establish agreements with volunteer groups.

The scope of cooperative projects is expanded to include habitat improvement, research, artificial production, transplanting, game protection, land-owner relations, education and appreciation projects for food fish, game fish, shellfish, game birds, game animals and non-game wildlife. The Departments are directed to establish cooperative projects, provide eggs or brood stock, supply food or equipment, issue permits for release of the fish or wildlife, and document cause for revocation of agreements. Volunteer groups must provide care and diligence in conducting their project. Fish and game reared in cooperative projects remain public property.

The departments are directed to establish rules for administering the cooperative program.

**VOTES ON FINAL PASSAGE:**

Senate	46	0
House	97	0

EFFECTIVE: June 7, 1984

**SB 4371**

C 73 L 84

By Senators Talmadge, Newhouse, Hemstad and Hughes

Deleting the requirement that executory contracts for the sale of real property be recorded.

Senate Committee on Judiciary

House Committee on Judiciary

**BACKGROUND:**

A real estate contract is a method of conveying property in which the seller provides the financing to the buyer and retains the legal title and interest in the property as security. The buyer is generally put in possession of the property and makes installment payments over a period of time. The seller, however, does not convey legal title until the final payment is made.

A recent Court of Appeals case, Reed v. Eller, held that the buyer under a real estate contract is not a bona fide purchaser for value until legal title is acquired by payment of the full contract price to the seller. This leaves the buyers' rights in the land unprotected until they pay off the entire contract.

**SUMMARY:**

A real estate contract purchaser is brought within the scope of the Bona Fide Purchaser Doctrine. Real estate contracts are treated as a conveyance under the recording statute. A person buying on a real estate contract who records his or her contract is given protection against subsequent takers of the land.

**VOTES ON FINAL PASSAGE:**

Senate	44	0
House	96	0

EFFECTIVE June 7, 1984

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**SB 4374**

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**SB 4374**

C 116 L 84

By Senator Fleming

Modifying provisions on the taxation of public development authorities.

Senate Committee on Ways and Means

House Committee on Ways and Means

**BACKGROUND:**

The Seattle Chinatown-International District Preservation and Development Authority (SCIDPDA) is a "special review district" established by municipal ordinance. The district is not formally listed on a register of historical sites. "Public corporations" are exempt from property taxes just as the city, town or county creating the corporation. However, except for property listed on any federal or state register of historical sites the public corporation is to pay an annual excise tax equal to the amount of property tax that would have been paid if the property were privately owned. The taxing authorities originally exempted SCIDPDA properties from the excise tax but recently changed their view and are now assessing back taxes for the period 1980-1983.

**SUMMARY:**

Property owned by a "special review district" established prior to January 1, 1976 will be treated the same as property owned by a "public corporation" which is listed on any federal or state register of historical sites. This means an exemption from property taxes as well as the excise tax in lieu of the property tax. Also, this includes an exemption from the leasehold tax. These exemptions will be retroactive.

Revenue: An exemption for "special review districts" created prior to January 1, 1976 from the property, excise and leasehold taxes is provided.

**VOTES ON FINAL PASSAGE:**

Senate	44	0
House	96	0

**EFFECTIVE:** June 7, 1984**SB 4376**

C 225 L 84

By Senators Bender, Zimmerman and Thompson

Authorizing distribution of municipal sales and use tax equalization funds to cities and towns incorporated since January 1, 1983, redistributing county equalization funds, and extending the limitation on city and town utility taxes.

Senate Committee on Local Government

House Committee on Local Government

**BACKGROUND:**

Existing law provides for a municipal sales and use tax equalization fund. Cities and towns that impose the sales and use tax are eligible to receive monies that, when added to their previous years per capita sales and use tax revenues, bring them up to 70 percent of the statewide weighted average. Because newly incorporated cities and towns have not received revenues during the previous year, no distribution of equalization funds can be made to such new city or town.

Steam energy was inadvertently omitted from the 6 percent limitation on the utility tax imposed by cities and towns.

The money in the county sales and use tax equalization fund is not as equitably distributed for the second one-half cent sales tax as it is for the first one-half cent sales tax.

**SUMMARY:**

A separate fund is created for cities or towns initially incorporated on or after January 1, 1983. At the time distributions are made to cities out of the municipal sales and use tax equalization fund, the State Treasurer shall place into the separate fund a pro-rata amount of the equalization revenues equal to the city or town's population multiplied by the amount of equalization funds to which the incorporated entity would have been entitled had its per capita yield the previous year been zero. The separate fund takes effect on January 1 of the first full calendar year during which the city or town imposes the sales and use taxes and ceases to exist on December 31 of that year.

The county sales and use tax equalization fund has a new distribution formula. Counties imposing the second local option sales tax at its maximum

rate that receive less than \$150,000 from this second tax are given an amount, which when added to their receipts from this second tax, would equal \$150,000. The remaining funds are distributed on a basis of up to 70 percent of the statewide weighted average.

The apportionments and distributions by the State Treasurer of both the city and county equalization funds are based on figures supplied by the Department of Revenue.

The 6 percent ceiling on city and town utility tax rates is extended to utility taxes on companies supplying steam energy.

#### VOTES ON FINAL PASSAGE:

Senate	40	0	
House	95	2	(House amended)
Senate	44	4	(Senate concurred)

EFFECTIVE: March 27, 1984

## 2SSB 4380

C 17 L 84

By Committee on Ways and Means (originally sponsored by Senators Granlund, Hemstad and Deccio)

Adopting the criminal justice information act.

Senate Committee on Institutions

Senate Committee on Ways and Means

House Committee on Judiciary

#### BACKGROUND:

The Sentencing Reform Act of 1981 which takes effect July 1, 1984 requires courts to sentence convicted offenders consistent with their criminal history

The current mechanism for reporting criminal history information is not designed to meet the increased volume of reported crime, is decentralized, and is not readily accessible. Existing criminal justice information systems operate independent of each other and ignore the need for interagency sharing of criminal history information.

#### SUMMARY:

A system of reporting and disseminating felony criminal justice information is established. The system provides for timely and accurate criminal histories for charging and sentencing felons, for identifying and tracking felons following sentencing and for statewide planning and forecasting the felony population.

The Washington State Patrol section on identification and criminal history (WSP) is designated as the primary source for criminal identification and histories for charging, plea agreements and sentencing. The WSP also is the sole recipient of arrest and fingerprint forms and disposition reports that are forwarded to the Federal Bureau of Investigation to maintain out-of-state criminal history information.

A unique numbering system (associated with arrest charges) is established by the WSP and controlled by local law enforcement agencies. The system is used to track arrest charges through disposition of the case.

Under the new system, fingerprints, statutory violations, and other identifying data of any person lawfully arrested are transmitted, within 72 hours, to the WSP by the chief law enforcement officer of the jurisdiction. The WSP then furnishes a state identifying number to the source of each arrest and to the prosecuting attorney who receives a copy of the arrest and fingerprint form from the chief law enforcement officer.

At the preliminary hearing or the arraignment, the judge is directed to ensure that felony defendants have been fingerprinted and that an arrest and fingerprint form is transmitted to the WSP. In cases where the prosecuting attorney cannot provide an arrest and fingerprint form for each defendant, the judge is directed to order the chief law enforcement officer of the jurisdiction to initiate an arrest and fingerprint form and transmit it to the WSP and the prosecuting attorney. Once the arrest and fingerprint form is transmitted to the WSP, a disposition report (a report prescribed by the WSP to report the legal procedures taken after completing an arrest and fingerprint form) is sent to the prosecuting attorney. The prosecuting attorney is obligated to send a completed copy of the report to the WSP and simultaneously must forward a copy of a felony case disposition to the Department of Corrections.



Procedures are established for the disposition of cases where no criminal charges are brought by the arresting agency. In all cases where there is no final disposition by the arresting agency (for example, where an individual is released without charge), a disposition form and arrest and fingerprint form must be submitted to the prosecuting attorney.

In cases involving juveniles, the juvenile court judge is directed to order the chief law enforcement officer of the jurisdiction to initiate an arrest and fingerprint form for all juveniles who are 15 years of age or older at the time the offense is committed and who are adjudicated as felons. Such information then is transmitted to the WSP within 72 hours. The WSP furnishes the state identification number to the juvenile information section of the Administrator for the Courts. The juvenile information section of the Administrator for the Courts may assist the juvenile court with providing the WSP with criminal history information. The administrator of juvenile court services is directed to assist the chief law enforcement officer of the jurisdiction in developing procedures for obtaining the identification and disposition information required in this subsection. Such procedures are subject to approval by the juvenile court judge.

The Department of Corrections is designated as the agency responsible for tracking all persons convicted of a felony through the completion of their sentence. Tracking begins at the time the Department receives a disposition form from a prosecuting attorney and includes the collection and updating of felons' criminal records from arrest through completion of their sentences.

Jail admission and release data is collected by the Corrections Standards Board. The Board then reports jail information on persons convicted of a felony to the Department of Corrections. The Board must establish procedures for reporting by local jails by June 30, 1985.

Both the Department of Corrections and the WSP are required to respond to the request of law enforcement agencies and jails regarding the status of suspected or convicted felons.

The Washington State Patrol, the Department of Corrections and the Corrections Standards Board provide the data for statewide criminal justice forecasting.

The WSP must administer an annual compliance audit for each prosecuting attorney, to ensure that

all disposition reports are received and added to the criminal offender record information. The results of compliance audits are published and distributed to the appropriate legislative committees, the Office of Financial Management, and criminal justice agencies and associations.

Provisions are included for review and recommendations for development and modification of the felony criminal information system established under the act.

VOTES ON FINAL PASSAGE:

Senate	41	2
House	95	0

EFFECTIVE: February 21, 1984

**SSB 4381**

FULL VETO

By Committee on Judiciary (originally sponsored by Senators Fleming and Sellar)

Revising various election laws.

Senate Committee on Judiciary

House Committee on Constitution, Elections and Ethics

BACKGROUND:

Amendment XVII of the United States Constitution provides for the filling of vacancies in the U.S. Senate. When such a vacancy occurs, the executive authority of the state involved is to issue writs of election to fill the vacancy. The Legislature of the state is authorized to empower the executive to make temporary appointments until the vacancy is filled by election. State law authorizes the Governor of this state to make a temporary appointment to fill such a vacancy until the vacancy is filled by election at the next ensuing state general election.

State law requires the registration files of precincts to be closed against original registrations or transfers for 30 days immediately preceding each primary and election.

Oaths of office for officials of cities and special districts are not filed in any particular local office.

There is no statutory authority for a county auditor to adjust precinct boundaries when a city annexes county property.

In counties possessing the necessary facilities, auditors are required to copy ballot cards on magnetic tapes and retain the copy for ten years. Since the requirement was enacted in 1977, no person has ever requested a copy of the magnetic tape.

Vacancies in port commission offices must be appointed within 15 days of the vacancies.

Ballot titles are generally limited to 20 words.

**SUMMARY:**

This act affects various sections of election laws. The procedures for filling, by election, a vacancy in the office of U.S. Representative are made applicable to the office of U.S. Senator. If a vacancy occurs in a U.S. Senate position, the person appointed by the Governor must be from the same political party as the person whose office has been vacated. The governing body of the state committee of the party is to submit a list of three nominees and the Governor is to choose one person from the list. If a list of is not submitted, the Governor may appoint any person from the same political party

If a primary or vacancy election is held to fill a vacancy in Congress, the state shall assume a prorated share of the costs of the election. Statutory deadlines relating to absentee ballots, certification, canvassing, and related procedures may be modified by the Secretary of State, through emergency rules, for a specific special primary of vacancy election. The Secretary shall publish a candidates' pamphlet for any special vacancy election held for a vacancy in Congress.

The ballot statement prepared for a state ballot measure cannot exceed 50 words. The ballot statement prepared for each local ballot issue cannot exceed 75 words.

A two-tier system of voter registration is established. Up to 30 days before an election or primary, a person may register for precinct voting. From 30 days to 15 days before an election, a new registrant may register and vote by absentee ballot.

Oaths of office for officials of cities and special districts are filed in the county auditor's election office.

The county auditor is to adjust precinct boundaries when a city annexes county territory. Vacancies in port commission offices must be appointed within 60 days of the vacancy.

The requirement for auditors to copy ballot cards on magnetic tapes and retain the copy for 10 years is deleted.

**VOTES ON FINAL PASSAGE:**

Senate	46	0	
House	97	0	(House amended)
Senate			(Senate refused to concur)
House			(House refused to recede)
<u>Free Conference Committee</u>			
House	55	41	
Senate	25	18	

FULL VETO: (See VETO MESSAGE)

**SB 4388**

C 74 L 84

By Senators Warnke and Zimmerman; by State Treasurer request

Changing provisions relating to the cashing of checks, drafts, and warrants by the state treasurer.

Senate Committee on State Government

House Committee on State Government

**BACKGROUND:**

A 1971 law authorized the State Treasurer to cash checks for state officers and employees. The service was limited to checks drawn on in-state banks up to an amount of \$250. The law could be interpreted literally to prohibit cashing U.S. Treasury checks.

**SUMMARY:**

Checks, drafts or state warrants may be cashed at the Treasurer's direction for state officers, employees or persons known by the Treasurer or the Treasurer's staff. The limitations on checks drawn on banks located in Washington and the maximum amount are removed.

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**SB 4388**

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## VOTES ON FINAL PASSAGE:

Senate	47	0
House	94	2

EFFECTIVE: June 7, 1984

**SB 4401**

C 195 L 84

By Senators Thompson, Lee, Moore and Sellar

Permitting port commissions to negotiate the sale of property owned by the port district.

Senate Committee on Local Government

House Committee on Local Government

## BACKGROUND:

A port district may sell and convey any property owned by it within an industrial district if it is in the best interest of the port district. If after a public hearing the port commission decides in favor of the sale, the commission calls for competitive bids on the property. There is no authority for a port district to negotiate the sale of property or to accept other real property as consideration for the sale of property.

## SUMMARY:

A port district may either sell real property through competitive bidding procedures or it may negotiate the sale of the property with a purchaser. If the sale is negotiated, the purchase price must not be less than the fair market value of the property as determined by an averaging of two independent appraisals. A two-thirds vote is required to authorize negotiated sales.

A port district may accept other real property as consideration for the sale of property, whether it is sold by competitive bidding or by negotiation.

## VOTES ON FINAL PASSAGE:

Senate	38	8
House	97	0 (House amended)
Senate	43	3 (Senate concurred)

EFFECTIVE: June 7, 1984

**SSB 4403**PARTIAL VETO

C 288 L 84

By Committee on Ways and Means (originally sponsored by Senators McDermott, Zimmerman, Talmadge, Patterson, Fleming, Hughes and Peterson)

Revising provisions relating to health care costs.

Senate Committee on Ways and Means

House Committee on Social and Health Services

House Committee on Ways and Means

## BACKGROUND:

The Washington State Hospital Commission was established in 1973 and is scheduled to terminate under the Sunset Act on June 30, 1984, with its authorizing statutes being repealed on June 30, 1985.

The Sunset Performance Audit of the Legislative Budget Committee (LBC) recommends reauthorization with the following major recommendations:

- (1) that the Commission develop and maintain a data verification capability;
- (2) that the composition of the Technical Advisory Committee be changed to reflect a more balanced representation of interests, including at least one representative of private insurers;
- (3) that hospitals be required to make available for public inspection a schedule of their rates and related information;
- (4) that the membership of the Commission be expanded from five to nine, including two additional consumer representatives, a representative of the health insurance industry or a health service plan and one member to represent the interests of the state as a major purchaser of hospital services; and
- (5) that the Commission be directed to begin the collection of patient discharge abstract data and that such information be made available to providers, payers and consumers.

The provision of uncompensated health care to indigent persons by hospitals is a major cost factor

for some hospitals. The LBC established a special Advisory Committee on Uncompensated Health Care to define the problem of uncompensated care, with particular reference to the unequal burden imposed upon hospitals across the state and to develop specific solutions and recommendations.

#### SUMMARY

- (1) The Hospital Commission is continued, with a Sunset review slated for 1989.
- (2) The Commission is granted additional authority to address changes in payment systems for hospitalization due to federal adoption of a new Medicare prospective payment system.
- (3) Deficiencies in Commission authority raised by the Attorney General's Opinion are addressed.

#### MAJOR PROVISIONS REVISING EXISTING LAW:

Legislative intent to promote constructive competition as a hospital cost containment strategy, while strengthening regulatory policies which have had limited success in containing hospital cost increases, is declared.

The Hospital Commission is enlarged to nine members. Two consumers (one to represent low-income persons), a representative of health insurers or health care service contractors, and the Secretary of the Department of Social and Health Services as a representative of the state as the largest single purchaser of health care services are added to the Commission.

The Technical Advisory Committee is enlarged to 17 members. A physician, a rural hospital representative, the executive director of the State Health Coordinating Council, and representatives of private employers, commercial health insurers, health care service contractors and health maintenance organizations are added. The Technical Advisory Committee is authorized to study and make recommendations to the Commission on matters of public policy related to health care service delivery and issues related to medical technology and its assessment.

The Hospital Commission is authorized to collect and maintain patient discharge data to permit development of price information based on diagnosis-related groups. The Commission is required

to inspect hospital records as necessary to implement purposes of the act.

The Commission is required to publish information about needs for health services and to furnish a report about any particular hospital to its chief administrator and governing board chair. The Commission is authorized to recommend alternative health care cost containment strategies to the Legislature and requires the annual report to include charity care data.

The Commission is required to assure that hospital costs do not exceed those necessary for prudently and reasonably managed hospitals.

Hospitals and purchasers are permitted to negotiate rates less than those approved by the Commission, effective July 1, 1985, if (1) there is no cost shifting; (2) the negotiated rates are cost-justified; (3) the terms of such negotiated rates are available for public inspection; and (4) the hospital provides charity care at or above the regional average level.

For the purposes of this act, "regions" are defined as the same as the health service agency regions, except that King County will be a separate region.

After June 30, 1985, hospital rates must be expressed using an appropriate efficiency measure such as diagnosis-related groups, and that charges be paid on such basis if necessary to implement an "all payer" system involving Medicare. The Commission is authorized to develop an "all payer" system, subject to legislative approval and with legislative involvement, that includes Medicare participation.

The Commission is required to assure that no hospital or its medical staff maintains admission policies that deny patient access to emergency or medically necessary services or that significantly reduces access of patients to unusually costly care.

Present guarantees of individual hospital solvency or profitability are repealed. They are replaced with the duty to assure solvency and economic viability of the hospital system as a whole, while retaining assurances for rural access to basic health care services. Hospitals are permitted to retain excess of revenues over savings generated by cost-effective practices.

The Commission is required to adopt an annual target for statewide hospital revenue and

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**SSB 4403**

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endeavor to assure that the target is not exceeded.

The Commission is authorized to levy civil penalty up to \$1,000 for any violations of law -- as alternative to current misdemeanor and injunctive authority.

A certificate of need review is required for any purchase, sale or lease of an existing hospital. The issuance of a certificate of need for any hospital is prohibited if the Commission recommends denial based on financial feasibility on either an institutional or community basis (unless DSHS Secretary states reasons for approval in writing). A certificate of need may not be granted for any hospital which does not meet or exceed the average for charity care.

Hospitals must publish rate schedules for public inspection.

The Commission is authorized to require third-party payers to furnish them with available physician fee information upon request.

The Commission will be reviewed under the Sunset Act in 1989.

Appropriation: \$828,000

**VOTES ON FINAL PASSAGE:**

Senate	32	13	
House	75	22	(House amended)
Senate			(Senate refused to concur)
House			(House refused to recede)

Free Conference Committee

House	58	38
Senate	32	16

EFFECTIVE: June 7, 1984

**PARTIAL VETO SUMMARY:**

The requirement that hospitals offering negotiated rates less than those approved by the Commission render charity care at least equal to their respective regional average is eliminated. Hospitals may deny access to patients seeking emergency services and are not obligated to render any particular level of charity care in order to secure a certificate of need. The emergency clause, which would have made the new provisions effective immediately, was also vetoed. (See VETO MESSAGE)

**SSB 4404**

C 244 L 84

By Committee on Ways and Means (originally sponsored by Senators McDermott, Thompson, Patterson, Hughes, Woody, Zimmerman, Sellar, Gaspard, Peterson, Conner, Bauer, Barr and Fleming)

Providing loans for certain public works.

Senate Committee on Ways and Means

House Committee on Commerce and Economic Development

**BACKGROUND:**

In 1983, legislation was passed (C 231 L 83) requiring the Planning and Community Affairs Agency to prepare a comprehensive report on public works needs for the next five years. This report indicates that almost \$4.3 billion of critical repair and replacement projects are needed for streets and roads, bridges, water, sewer, and storm sewer systems, dams, and parks and recreation facilities in the next five years. Local governments report they expect to be able to finance approximately \$2.3 billion of the total costs. The projected shortfall exceeds \$2 billion.

**SUMMARY:**

A public works assistance account is established in the general fund. At the beginning of each biennium the State Treasurer must transfer an amount of money into the account so that the balance equals \$10 million excluding the proceeds from bond sales. Funds in the account may be loaned to cities, towns, counties, and special purpose districts for specified public works projects. The Planning and Community Affairs Agency manages the program.

The Planning and Community Affairs Agency must report to the Legislature by January 1985 on the financing, management, allocation criteria, procedures and standards for the distribution of funds for public works projects.

All interest on loans is credited to the account and federal funds may be accepted.

Appropriation: \$100,000 to carry out the purposes of the act; \$138,000 to maintain existing public works data files.

VOTES ON FINAL PASSAGE:

Senate 42 3  
 House 86 10 (House amended)  
 Senate 37 8 (Senate concurred)

EFFECTIVE: March 27, 1984  
 July 1, 1985 (Sections 1 and 2)

**SB 4407**

C 245 L 84

By Senators Hurley, Woody, Thompson, Hansen, McDermott and Granlund

Modifying provisions relating to the compensation of school district administrators.

Senate Committee on Ways and Means

House Committee on Ways and Means

BACKGROUND:

Some school districts have granted administrators total annual salary and compensation increases in excess of the amount and/or percentage set forth in the state operating appropriations act.

SUMMARY:

School district boards of directors are required to pay school administrators no more than the annual salary and compensation as set forth in the state operating appropriations act. The various groups who would be affected by the bill are defined.

The Superintendent of Public Instruction is directed to adopt rules under Chapter 34.04 RCW and monitor salary and compensation increases provided by school districts.

VOTES ON FINAL PASSAGE:

Senate 32 15  
 House 95 1 (House amended)  
 Senate (Senate refused to concur)  
 House (House refused to recede)

Conference Committee

House 98 0  
 Senate 26 18

EFFECTIVE: March 27, 1984

**SB 4415**

C 178 L 84

By Senators Gaspard, Bauer, Kiskaddon, Bender, Hughes, Shinpoch and Conner

Providing for standardized high school transcripts and high school diplomas.

Senate Committee on Education

House Committee on Education

BACKGROUND:

Under present law, school districts may operate their local education programs under a quarter, semester or trimester system. This can result in differences in calculating credits and hours required of students for high school graduation and may create problems when students transfer between districts. In addition, there is no statutory authority for districts to issue diplomas nor is there statutory authority for districts to issue combined diplomas and transcripts.

SUMMARY:

The State Board of Education is required to develop a standardized high school transcript for use by all public school districts and to clearly define the terms "credits" and "hours".

School districts are required to issue diplomas to graduating high school students and are authorized to provide a copy of final transcripts upon student requests in addition to the graduation diploma.

School districts must inform all high school students on an annual basis that future employers may request to see transcripts and that a student's decision, as a prospective employee, to release transcripts can be an important part of the process of applying for employment.

VOTES ON FINAL PASSAGE:

Senate 43 3  
 House 96 0 (House amended)  
 Senate 37 3 (Senate concurred)

EFFECTIVE: June 7, 1984

**SSB 4416**

C 205 L 84

By Committee on Commerce and Labor (originally sponsored by Senators Newhouse, Vognild, Quigg, McManus, Moore and McDonald; by Department of Employment Security request)

Modifying provisions relating to unemployment insurance.

Senate Committee on Commerce and Labor

House Committee on Labor

BACKGROUND:

Unemployment Insurance Tax Structure

Employers currently pay a state unemployment insurance (UI) tax of 3 percent on the first \$12,000 in wages of each employee. The Employment Security Department has projected that 1984 revenue collections under this rate structure will not meet benefit payment liabilities. Post-1984 trust fund levels are also projected to be inadequate.

To promote fiscal solvency of state UI programs, the federal Tax Equity and Fiscal Responsibility Act of 1982 requires each state to apply a minimum "standard" tax rate of 5.4 percent on a \$7,000 wage base beginning in 1985. While the 1985 federal UI tax on employers will be 6.2 percent on a \$7,000 wage base, employers are given an offset credit of up to 5.4 percent on \$7,000 per employee if the state's tax structure conforms with federal law.

In order to retain the offset credit for state taxes paid, this state has the choice of applying a flat rate tax of at least 5.4 percent on a \$7,000 wage base or implementing an experience-rated tax structure which includes 5.4 percent. Under an experience rating system, individual tax rates would be assigned relative to employers' experience with unemployment and their impact on the state's trust fund. At least one employer must pay the standard tax rate (5.4 percent or above), but employers with lower experience ratings would be eligible for a reduced tax rate.

Benefit Disqualifications: Labor Disputes

There is a specific provision in current law for individuals who are unemployed because of a

labor dispute. If the Commissioner of the Employment Security Department determines that an individual's unemployment is due to a stoppage of work as a result of a labor dispute, the individual is disqualified from receiving UI benefits until work stoppage no longer exists.

Labor Force Attachment

The purpose of unemployment insurance is to provide partial wage replacement due to involuntary lack of work. To receive UI benefits, state law requires an individual to have 680 hours of covered employment in the "base year" (the first four of the last five quarters previous to the benefit claim). In addition, the individual must be ready and available for work, and work search efforts must be conducted while benefits are received.

Questions have been raised as to whether these benefit eligibility requirements demonstrate sufficient attachment to the labor force.

SUMMARY:

UI Tax Structure

For rate year 1984, employers are required to pay a uniform UI tax of 3.3 percent on the first \$12,000 of each employee's wages.

Beginning in 1985, employers are taxed on the basis of an experience rating system. Each employer's unemployment experience is measured over a four-year period as determined from UI benefit charges against the employer.

One of six tax schedules becomes effective each year, depending on the adequacy of the UI trust fund reserve. The lowest tax schedule (A) is triggered when there is a relatively large surplus in the fund, and the highest tax schedule (F) is triggered when the fund is low or in deficit. In each schedule, the highest tax rate is 5.4 percent to conform with federal law.

A taxable wage base of \$10,000 per employee is applied in 1985. Each year thereafter, the wage base increases by 15 percent each year until the maximum amount of wages taxable reaches 80 percent of the state's average annual wage.

The maximum weekly benefit amount is frozen at \$185/week for benefit years beginning prior to July 7, 1985. When the trust fund reserve level attains 2.4 percent of state total wages, the maximum weekly benefit amount will increase from 55 to 60 percent of the state's average weekly wage.

Benefits paid under the state-federal Extended Benefits program, to initially disqualified claimants who later requalify, are not charged to employer experience rating accounts. These benefits are considered "pooled costs" and are covered by all UI tax collections.

The inactive experience rating system in current law is repealed.

#### Benefit Disqualifications: Labor Disputes

Current law relating to labor disputes and UI benefit eligibility remains the same, and benefits are payable to employees involved in a dispute only if there is no substantial work stoppage at the worksite.

However, in the case where benefits are paid, benefit charges will not be made to the employer's experience rating account or impact the employer's UI tax rate.

#### Labor Force Attachment

UI claimants are considered to have "marginal labor force attachment" if their quarterly benefit amount exceeds total wages earned in the higher of two comparable quarters. These two comparable quarters are within the last two years prior to the benefit claim.

Individuals identified under this "comparable quarters" approach are directed into intensive work search, which includes:

- 1) Making five work search contacts per week (the average for all claimants is currently three contacts);
- 2) For each contact, having the interviewing employer sign a form provided by the Department to indicate a job inquiry was made; and
- 3) Accepting any job offer, when the claimant has the capability of performing the work.

This provision does not apply to those persons who have been employed at least 80 hours in each quarter of their base year (the first four of the last five quarters previous to the benefit claim). Exceptions are also made for those who earned no wages or reduced wages because of illness or disability in either comparable quarter, and for new entrants or reentrants to the labor force.

A portion of the benefits paid to identified claimants is not charged to the appropriate employer experience rating accounts or reflected in UI tax

rates. This portion equals the quarterly benefit paid less wages earned in the higher comparable quarter.

Revenue: For rate year 1984, the UI tax on employers is increased from 3.0 percent to 3.3 percent on a \$12,000 wage base. Beginning in rate year 1985, the tax on employers is based on an experience rating system. The taxable wage base is \$10,000 in 1985 and increases by 15 percent each year until it reaches 80 percent of the state's average annual wage.

#### VOTES ON FINAL PASSAGE:

Senate	29	17
House	98	0

EFFECTIVE: March 21, 1984  
January 1, 1985 (Sections 6, 13)  
July 1, 1985 (Section 9)

## SSB 4419

C 226 L 84

By Committee on Agriculture (originally sponsored by Senators Goltz, Hansen and Benitz)

Updating milk and milk product testing laws.

Senate Committee on Agriculture

House Committee on Agriculture

#### BACKGROUND:

Existing Department of Agriculture regulations require a minimum four day suspension of a Grade A permit whenever an antibiotic or pesticide test is positive.

Current law can be interpreted to except sour cream and buttermilk from grading standards.

The bacterial plate count of Grade A raw milk, as delivered from a farm, cannot exceed 100,000 per milliliter.

Raw milk or milk products must be cooled within 30 minutes of completion of milking to 50 degrees Fahrenheit and maintained at that temperature until delivered. Milk delivered daily for pasteurization must be cooled within 30 minutes after completion of milking and maintained at 60 degrees Fahrenheit. Milk delivered every other day for pasteurization must be cooled to 40



degrees Fahrenheit or lower at the place of production and not exceed 45 degrees Fahrenheit at any time prior to pasteurization.

SUMMARY:

If the result of an antibiotic or pesticide residue test is above the actionable level under "Standard Methods for the Examination of Dairy Products", the producer is subject to a civil penalty. The penalty is equal to one-half the value of all milk equivalent produced on the day of and day prior to adulteration using the weighted average price for the federal market order to which the milk is delivered. The producer must be advised in writing either by certified mail, return receipt requested, or by personal service, of the penalty. The producer may request a hearing within 15 days of receipt of the notice. The Department of Agriculture ascertains the facts and makes a decision which may be appealed. The Department shall conduct its hearings pursuant to the Administrative Procedure Act.

Any penalty imposed shall be deducted from the violator's final payment for the month. All penalties received are deposited in a revolving fund to be used solely for education and research.

An investigation shall be made to determine the cause of any residue and no milk will be sold until a sample is shown to be below actionable levels.

Cultured milk products are not required to conform to bacterial standards in milk grading, but must comply with all other applicable milk grading standards.

In order to produce higher quality milk products, the following changes are instituted:

1. The bacterial plate count of raw milk for pasteurization may not exceed 80,000 per milliliter;
2. Raw milk for pasteurization or consumption must be cooled within two hours of completion of milking and maintained at 40 degrees Fahrenheit; and
3. Blend temperature may not exceed 50 degrees Fahrenheit.

VOTES ON FINAL PASSAGE:

Senate	43	0	
House	96	0	(House amended)
Senate	48	0	(Senate concurred)

EFFECTIVE: June 7, 1984

SB 4421

C 204 L 84

By Senators Woody, Hayner and McManus

Modifying provisions on the taxation of timber and timberlands.

Senate Committee on Ways and Means

House Committee on Ways and Means

BACKGROUND:

1. Since 1971 most timber is taxed at the time of harvest by an excise tax. The 1971 forest excise tax law has never contained a permanent tax rate. The rates were first established in 1972 with an expiration date of October 1, 1974. These initial rates were developed for the phase-in period during which the ad valorem tax was being eliminated. In 1974, the yield tax was established at 6.5 percent with an expiration date of January 1, 1979. In 1979, the rate was extended until July 1, 1981. In 1981, the rate was extended until July 1, 1983, and in 1983 it was extended again. This time the extension was for only one year until July 1, 1984.
2. Revenues collected from the timber excise tax are distributed to various taxing districts. This timber tax distribution system is outdated. The system distributes a large portion of timber revenues based on 1970 timber inventories, and allows large reserves to accumulate without provision for timely distribution.
3. The Reforestation Act of 1931 was designed to encourage owners of cut-over forest land to reforest. The assessed values of these lands are set very low--currently \$16 per acre in Western Washington and \$8 per acre in Eastern Washington. The yield tax, at the time of harvest is set at 12.5 percent.

SUMMARY:

1. The timber excise tax rate is reduced to 5.0 percent on the following schedule:

Until July 1, 1985	6.5%
July 1, 1985 to July 1, 1986	6.125%
July 1, 1986 to July 1, 1987	5.75%
July 1, 1987 to July 1, 1988	5.375%
July 1, 1988 and thereafter	5.0%

2. The system for distribution of timber excise taxes collected on timber harvested from privately owned land after October, 1984 is revamped.

Each county is allowed to enact a local timber excise tax on private timber with a tax rate of 4 percent. Harvesters are allowed to take a credit against their state taxes for any local timber tax paid. The state's share of the tax on private timber and all of the revenues from public timber are deposited in the state general fund. The local share of the tax revenue on private timber is deposited in a "local timber tax distribution account".

The system of timber tax distribution among the counties and local taxing districts is changed. The State Treasurer distributes quarterly the local timber tax revenue collected on behalf of each county to the county origin. The county treasurer then distributes the revenue to the taxing districts as follows: First, the Department of Revenue computes a "timber assessed value" (TAV) for each county based on the value of private timber harvested in the county during the preceding four quarters. The county assessor allocates the county TAV to the taxing districts in proportion to the value of classified and designated forest land in the district. The county treasurer distributes an amount to each district equal to the district TAV multiplied by the district property tax rate. The distributions are made as funds and are available in the following priority: (1) debt service levies and school district excess levies for capital projects; (2) all school levies other than those in (1) except these distributions are limited to the greater of 50 percent of the TAV or 80 percent of the 1983 timber roll times the tax rate; and (3) all regular levies and other special levies. If the amount available for distribution is insufficient to satisfy the full amounts levied, the shortage is to be prorated among the taxing districts in order of priority. If excess funds are available, 20 percent of the total distribution is carried over for distribution in

the following year. The remainder is distributed to regular levy districts and special levies in (3) above.

3. The 1931 Reforestation Act lands are brought into the 1971 timber tax system. The 12.5 percent yield tax is lowered to the timber excise tax rate (5 percent) over a ten year period. The Reforestation Act Lands will be assessed the same as other timber lands.

Revenue:

1. The tax on harvested timber is decreased from 6.5 percent to 5 percent over four years.
2. Administrative provisions relating to timber tax distributions are modified
3. A yield tax on Reforestation Act timber is decreased from 12.5 percent to 5 percent over ten years.

VOTES ON FINAL PASSAGE:

Senate	28	20
House	52	45

EFFECTIVE: July 1, 1984

**SSB 4423**

C 90 L 84

By Committee on Agriculture (originally sponsored by Senators Fleming, Hansen, Rasmussen, Peterson, Rinehart, Barr, Moore, McManus, Bauer, Williams, Goltz, Woody, Shinpoch and Vognild)

Establishing the agricultural market development task force.

Senate Committee on Agriculture

House Committee on Agriculture

BACKGROUND:

The export of raw and processed agricultural commodities to other states and nations represents a significant contribution to the state's economy as agriculture is generally regarded as the state's largest industry. A survey of the agricultural industry showed that there are substantial barriers imposed by foreign countries to the export of

agricultural commodities produced in Washington State. The survey also indicated that there are some gains but also some losses in the efforts to reduce trade barriers to the state's agricultural commodities.

Regarding domestic marketing, problems are also being experienced. Over the last 20 years, a number of food processing plants in the state have closed. Difficulties being experienced include the escalating cost of transporting frozen and canned agricultural products to midwestern and eastern markets.

Presently the Department of Agriculture, Department of Commerce, several of the 16 commodity commissions and Washington State University are involved in individual market development activities funded by assessments on growers and with state funds. Additionally, private funds are being used to expand marketing opportunities for agricultural products.

Presently there is no consensus within either the agricultural industry or state government as to whether or how the present level of various state directed efforts and the coordination of these efforts with private industry activities can be strengthened and effectiveness increased. Furthermore, there is no comprehensive document describing the nature of foreign and domestic marketing problems or strategies to overcome these problems.

SUMMARY:

An agricultural market development task force is created, composed of the Director of Agriculture; the Director of Commerce and Economic Development; Commissioner of Public Lands; the chairman and ranking minority member of the Senate and House Agriculture Committees; and fourteen state citizens, with expertise in agricultural trade and marketing matters, to be appointed by the Governor. The task force shall elect a chair from its private citizen members and shall generally meet monthly. Existing market development personnel from the Department of Agriculture, Department of Commerce and Economic Development, and Department of Natural Resources shall staff the task force.

The purposes of the task force are to:

- (1) identify foreign and domestic trade and market-related problems affecting the state's agricultural industry;
- (2) identify strategies that could be employed to strengthen the state's agricultural industry's position on foreign and domestic trade issues;
- (3) take actions to combat trade barriers and tariffs which have been or are proposed by foreign countries;
- (4) provide coordination of present efforts by state agencies, institutions and the agricultural industry to concentrate support to counter foreign trade barriers and to minimize domestic marketing and transportation related problems;
- (5) consult with the U.S. International Trade Commission and the state's congressional delegation regarding trade negotiations affecting state produced agricultural products;
- (6) identify and prioritize areas in which additional research is needed and to provide recommendations on funding of high-priority programs; and
- (7) develop a strategy for a Washington State based multi-commodity trading company or similar organization with special emphasis on cooperatives.

The task force shall issue to the Legislature and the state's congressional delegation a preliminary report by December 1, 1984 and a final report by June 1, 1985. The reports will contain recommendations for state and federal legislation, strategies, and the trade status of agricultural products produced in the state.

The task force terminates June 30, 1985 unless reactivated by the Legislature.

Appropriation: \$50,000 is appropriated to the Department of Agriculture to carry out the purposes of this act.

VOTES ON FINAL PASSAGE:

Senate	41	7
House	96	1

EFFECTIVE: March 2, 1984

**SB 4428**

C 67 L 84

By Senators Owen and Fuller

Modifying the program to purchase fishing vessels and licenses.

Senate Committee on Natural Resources

House Committee on Natural Resources

**BACKGROUND:**

State participation in a federally funded commercial fishing gear reduction program was authorized by the Legislature in 1975. The state requirements for participation in the program are more restrictive than the federal requirements enacted in 1980. Some available federal funds may not be utilized due to the state eligibility requirements for program participants.

**SUMMARY:**

Requirements for eligibility in the fishing gear reduction program are changed. Requirements for having been licensed to fish or deliver fish during 1974, 1975, 1976 and 1977 and the application deadline requirement of December 31, 1981 are repealed. The Director of the Department of Fisheries is no longer required to notify the Legislature of when the program can be terminated.

**VOTES ON FINAL PASSAGE:**

Senate	42	1
House	97	0

EFFECTIVE: June 7, 1984

**SSB 4430****PARTIAL VETO**

C 258 L 84

By Committee on Judiciary (originally sponsored by Senators Talmadge, Hemstad and Hughes)

Modifying provisions relating to courts.

Senate Committee on Judiciary

House Committee on Judiciary

**BACKGROUND:**

There has been no comprehensive review of the administration and funding of Washington's courts for many years. There are, for example, many inconsistent, obsolete and confusing statutes relating to the courts of limited jurisdiction. Equally confusing and difficult to administer are the many statutes which impose assessments on fees, fines, penalties and forfeitures as a means of funding specific programs. Legislation is frequently enacted without an understanding of the effect it may have on the state's courts.

The process for determining judicial salaries has proven cumbersome and results in salaries which are far below those in other states.

Recent statutory changes, such as more stringent driving while intoxicated laws, and court decisions have placed increasing stress on trial courts. Municipalities have placed unexpected burdens on county courts by abolishing municipal courts or repealing municipal criminal codes. On the civil side, mediation, arbitration and the use of referees in civil actions are increasingly looked to as ways of expediting the disposition of disputes between citizens. The cost of operating the court system is increasing at all levels.

**SUMMARY:**

The Judicial Administration Commission is established and charged with examining the administration and funding of the state's court system. The Commission is to report its findings and recommendations to the Legislature, the Governor and the Supreme Court by October 1, 1985. The Commission terminates on July 1, 1986. The Commission members are appointed by the Chief Justice from lists of nominees submitted by organizations interested in the state court system. Three members of the public are appointed by the Chief Justice.

Obsolete statutes relating to justice of the peace courts are repealed. Terminology describing courts of limited jurisdiction is standardized. Statutes governing municipal courts are consolidated and updated. The Seattle Municipal Court and municipal departments of district courts continue to be governed by existing statutes.

Statutes which impose assessments on fines, penalties and bail forfeitures imposed in municipal and district courts for the purpose of funding state programs (such as crime victims compensation, traffic safety education and the like) are repealed and

replaced with a single "public safety and education assessment" equal to 60 percent of the fine, penalty or forfeiture imposed. Provisions governing the distribution of moneys collected by courts are revised. Thirty-five percent of the moneys collected by municipal, district, and superior courts are remitted to the state. The remainder is retained by the city or county, as the case may be. A portion of the amount retained by local government is designated for use by local crime victims and witness programs administered by the county prosecuting attorney. Funds remitted to the state are deposited by the State Treasurer in a single account in the general fund from which the Legislature appropriates money to be used for various programs formerly funded through dedicated accounts.

Upon request of a legislator, the Administrator for the Courts is to prepare a judicial impact note on the effect a bill will have on the court system. Preparation of judicial impact notes is to be coordinated with the preparation of state and local government fiscal notes.

Effective July 1, 1985, judicial salaries and the salary of the State Court Administrator will be prescribed by the Legislature in the biennial state budget.

A municipality is prohibited from abolishing its municipal court unless the municipality and the appropriate county enter into an agreement under which the county is to be paid a reasonable amount for the costs of prosecution, adjudication and sentencing associated with criminal filings in the district court which result from the abolition of the municipal court. Similarly, a municipality may not repeal its entire municipal criminal code or any provision of that code which defines a crime requiring a mandatory court appearance unless the municipality and the county enter into an agreement under which the county is to be reimbursed for costs associated with prosecution, adjudication and sentencing in criminal cases filed in district court as a result of that repeal.

A municipality which has, prior to July 1, 1984, repealed its municipal criminal code while retaining authority to process traffic infractions must, prior to January 1, 1985, enter into an agreement with the county under which the county is to be reimbursed for costs of prosecution, adjudication and sentencing in cases filed in district court as a result of the repeal.

The sentencing authority of district and municipal courts is equalized. These courts may impose punishment of up to one year imprisonment or a \$5,000 fine, or both.

Local governments or, with the approval of the local government's legislative authority, a non-profit corporation, may establish a dispute resolution center. Standards for the approval and operation of such centers are set forth. Records generated during the dispute resolution process are generally confidential and communications made during that process are privileged. A written agreement entered into by the parties at the conclusion of the process is admissible in court.

The authority to institute a mandatory civil arbitration program in the state's most populous counties (second class and larger) is given to either the appropriate county legislative authority or the superior court. The authority to institute such a program currently rests solely with the superior court. In smaller counties, authority to establish a program remains solely with the superior court.

Statutes governing the use of referees in civil actions are amended to enhance their usefulness as an alternative to in-court trial of civil actions. If a case is tried by a referee appointed with the consent of the parties, the referee's decision is given the same force and effect as the decision of a judge and may be reviewed in the same fashion. Provisions related to compensation for referees and payment of costs associated with a trial before a referee are updated.

Several provisions enhance the effectiveness of the district court as a forum for resolving civil disputes. The civil jurisdictional limit is increased to \$10,000, effective July 1, 1985. District court commissioners are authorized to hear civil matters as well as criminal matters. Statewide service of process, currently allowed in district court criminal matters, is authorized in civil proceedings.

References to justices of the peace, justice courts, etc., and other portions of the Revised Code of Washington are to be construed as meaning district courts and district judges.

The Court of Appeals is authorized to sit in Wenatchee.

The requirement that a district court pro tempore judge be a resident of the county in which the court sits is removed. Pro tempore judges must be registered voters of the state and otherwise qualified to be pro tempore judges.

District court judges are given the same authority as other judges to perform marriage ceremonies anywhere in the state.

Appropriation: \$8,500

VOTES ON FINAL PASSAGE:

Senate	41	0	
House	95	0	(House amended)
Senate	47	1	(Senate concurred)

EFFECTIVE: July 1, 1984  
 January 1, 1985  
 July 1, 1985

PARTIAL VETO SUMMARY:

The sections which require the Legislature to prescribe the salary of the State Court Administrator are vetoed. (See VETO MESSAGE)

**SB 4432**

C 265 L 84

By Senators Fleming, McDermott and Wojahn

Establishing a mathematics, engineering, and science achievement program for underrepresented groups

Senate Committee on Education

House Committee on Education

BACKGROUND:

Certain minorities and women are currently underrepresented in mathematics, engineering and science related professions. These professions are of increasing importance in an era of high-technology. The study of these professions begins in high-school with the acquisition of special skills

SUMMARY:

The Legislature finds that certain groups are underrepresented in mathematics, engineering and science related professions in this state. A program is established, administered by the University of Washington, to increase the number of people from these groups studying math, engineering and science. The program is targeted at secondary students and encourages those students to acquire necessary skills, promotes awareness of career opportunities, promotes cooperation

among institutions of higher education, local school districts and the Superintendent of Public Instruction, and solicits contributions.

A coordinator shall be hired to: administer the program; develop selection standards pursuant to certain guidelines; and establish local program centers throughout the state.

Implementation of the bill is subject to an appropriation or monies being otherwise available for the bill's purposes.

VOTES ON FINAL PASSAGE:

Senate	30	17	
House	61	35	(House amended)
Senate	26	22	(Senate concurred)

EFFECTIVE: June 7, 1984

**SSB 4435**

C 270 L 84

By Committee on Judiciary (originally sponsored by Senators Talmadge, Hemstad and Gaspard)

Enacting provisions relating to racketeering.

Senate Committee on Judiciary

House Committee on Judiciary

BACKGROUND:

The federal Racketeer Influenced and Corrupt Organizations (RICO) statute is recognized as a significant tool in the government's efforts to combat organized crime. In particular, the unique provisions of RICO allow the government to aim specifically at organized criminal influence in legitimate business operations. Several states, recognizing the usefulness and adaptability of RICO, enacted statutes modeled on RICO's provisions. A Washington State RICO would provide similarly effective tools for law enforcement officers in their efforts to thwart the sophisticated elements of organized crime.

SUMMARY:

The Washington State Racketeering Act is created. New crimes aimed at conduct associated with organized crime and the use of funds gained through illegal activities are created including

extortionate extension of credit, trafficking in stolen property, and leading organized crime. The commission of these new crimes and other serious crimes already in statute is known as "racketeering."

If a person is charged with racketeering or using racketeering proceeds obtained through racketeering activity, the court may issue orders to prevent, restrain, or remedy the unlawful acts.

If a person is convicted of racketeering or using racketeering proceeds, the court may order the dissolution or reorganization of the defendant's economic enterprise, or the divestiture of any person's interest in an enterprise. The court may order the defendant to pay costs and expenses associated with the prosecution and investigation of racketeering offenses. The court may also order property or funds forfeited to the general fund of the state or county.

A person injured by racketeering activity may file a civil action for treble damages and attorneys' fees. In addition, the state may file an action on behalf of injured persons and ask the court to prevent, restrain, or remedy the acts causing the injury.

Except in cases filed by a county prosecuting attorney, the Attorney General may, if the action is of special public importance, intervene in any civil action or proceeding and assist any available claim.

The state upon filing a civil action or charging an offense under the provisions may also file a racketeering lien, which is signed by the Attorney General or the county prosecuting attorney representing the state.

The state and the counties are authorized to establish an anti-racketeering revolving fund to be used for the investigation and prosecution of racketeering offenses.

A trustee's responsibilities are outlined when he or she is notified that a lien notice is recorded, or a civil or criminal proceeding is instituted against any person for whom the trustee holds legal or record title to real property.

Procedures with respect to the lien notice are included.

Provisions are added concerning the liability of a trustee who conveys title to real property for which, at the time of the conveyance, a lien notice is recorded.

An attorney general or county prosecuting attorney requesting the records of a financial institution must serve a subpoena issued by a court or obtain a court order for the information.

Disclosure of the records of a financial institution by law enforcement officers, or by the custodian or employee of the financial institution, except in the proper discharge of official duties, is a misdemeanor.

Prosecutions for violations of leading organized crime and a pattern of racketeering may be commenced at any period within six years after their commission.

VOTES ON FINAL PASSAGE:

Senate	46	1	
House	97	0	(House amended)
Senate			(Senate refused to concur)
House			(House refused to recede)

Free Conference Committee

House	97	0
Senate	46	0

EFFECTIVE: July 1, 1985

**SB 4437**

C 117 L 84

By Senators Talmadge, Hemstad, Clarke and Thompson

Eliminating the provision of law school credits for WWII veterans.

Senate Committee on Judiciary

House Committee on Higher Education

BACKGROUND:

Current law provides that a World War II veteran shall receive two quarters of law school credit towards a law degree at any law school in the state. At the time of this provision's enactment in 1947, many law schools were changing from a four-year curriculum to a three-year program. Veterans at the University were unsuccessful in efforts to shorten the program at the University of Washington. The statute was enacted as a means of shortening the law school curriculum. The law

school subsequently adopted a three-year curriculum and the statute is now obsolete.

## SUMMARY:

The provision granting World War II veterans credit toward a law school degree is repealed.

## VOTES ON FINAL PASSAGE

Senate	46	1
House	83	13

EFFECTIVE June 7, 1984

**SB 4439**

C 76 L 84

By Senators Talmadge, Hemstad and Hughes

Amending or repealing statutes superseded by court rule.

Senate Committee on Judiciary

House Committee on Judiciary

## BACKGROUND:

Court rules adopted by the State Supreme Court supersede conflicting statutes on matters of procedure in the state's courts. There is a large number of statutes relating to procedural matters which, according to comments that accompanied adoption of court rules, have been superseded by those rules. The continued existence of these superseded statutes is a source of confusion to judges and lawyers.

## SUMMARY

Statutes which have been expressly superseded by court rule are repealed. Technical amendments necessitated by these repealers are made to a number of statutes.

## VOTES ON FINAL PASSAGE:

Senate	47	0
House	94	2

EFFECTIVE: June 7, 1984

**SSB 4443**

C 252 L 84

By Committee on Natural Resources (originally sponsored by Senators Bottiger, Gaspard and Shinpoch)

Providing procedures for extinguishing claims to mineral interests.

Senate Committee on Natural Resources

House Committee on Natural Resources

## BACKGROUND:

Existing state law contains no mechanism to resolve problems associated with unused or abandoned severed mineral interests. These state and abandoned interests create uncertainties in titles, inhibit or prevent the development of the mineral interests, and impede the development of the surface estate.

A number of states have enacted dormant mineral laws which provide a statutory mechanism to extinguish unused, severed mineral interests unless certain affirmative actions are taken to preserve those interests. These statutes generally call for either use or periodic re-recording of the interest to avoid a reversion to the current surface owner of the property.

## SUMMARY:

To preserve an unused interest in a severed mineral estate, a mineral interest owner must file a statement of claim in the county auditor's office where the property is located prior to the end of a twenty-year period in which the interest is unused or within two years of the effective date of this act, whichever is later. The statement of claim must contain the claimant's name and address and the address of the original holder of the mineral interest as shown on the instrument creating the interest.

A surface owner may succeed to ownership of an abandoned, severed mineral interest if certain conditions are met:

- (1) Mineral Interest is Abandoned. The mineral interest has been unused for a period of twenty years;
- (2) Notice is Provided. The surface owner has provided the mineral interest owner with



sixty days' notice of intent to file a claim of abandonment. If the mineral interest owner can be located, notice must be by personal service or registered mail. If the mineral interest owner cannot be located by due diligence, notice may be by publication for three consecutive weeks in a newspaper of general circulation in the county where the property is located, or if none, then in a newspaper in an adjoining county, or if none, then in a newspaper in Olympia.

(3) Documents are Filed. The surface owner must file a copy of the notice and an affidavit of publication with the county auditor. The affidavit must include either (a) a detailed description of the efforts made to determine with due diligence the address of the mineral interest owner, or (b) a statement that notice has been personally served or mailed to the mineral interest owner.

(4) No Statement of Claim has been Filed by the Mineral Interest Owner. The severed mineral interest owner is given a two-year grace period after the effective date of the act to file a statement of claim, or the statement may be filed after receipt of the notice of intent to extinguish the interest.

(5) Claim of Abandonment and Extinguishment is Filed. If the mineral interest owner has not come forward to file a statement of claim, the mineral interest is deemed to be extinguished upon the filing of the claim of abandonment and extinguishment.

Only unused mineral interests may be extinguished.

A mineral interest is "used," and therefore not subject to being extinguished when minerals are produced or operations have been conducted for production of minerals; when rents or royalties or taxes have been paid in connection with the mineral interest; when a sale, lease, mortgage or other transfer has been recorded; when a statement of claim has been filed; or when any use authorized by the instrument creating the interest has been taken.

Mineral interests retained or owned by a public entity or which have resulted from land exchanges between public and private owners

are not subject to claims of abandonment and extinguishment. A surface owner may only succeed to a mineral interest if it has been unused for twenty years and the mineral interest owner has not filed a statement of claim.

VOTES ON FINAL PASSAGE:

Senate	31	15	
House	92	5	(House amended)
Senate	39	10	(Senate concurred)

EFFECTIVE: June 7, 1984

**SB 4445**

C 196 L 84

By Senators Moore, Benitz, Hansen, Hayner and Newhouse

Allowing beer and wine producers to provide product information to consumers on licensed retail premises.

Senate Committee on Commerce and Labor

House Committee on Commerce and Economic Development

BACKGROUND:

Under current law, a manufacturer, importer or wholesaler of wine or beer is prohibited from giving "money or money's worth" to a licensed retailer. This has been interpreted as prohibiting a brewery or winery from conducting educational activities or providing product information to the public at the licensed premises of the retailer.

SUMMARY:

A brewery, winery, wholesaler or its licensed agent is permitted to conduct educational activities or provide product information to the public at the licensed premises of a retailer. The retailer requesting the activity must attempt to schedule a series of appearances in order to equitably represent various industries. A brewery, winery, wholesaler, or its licensed agent is prohibited from receiving compensation or financial benefit from the educational activities or product information presented.

VOTES ON FINAL PASSAGE:

Senate	35	2	
House	92	4	(House amended)
Senate	32	3	(Senate concurred)

EFFECTIVE: June 7, 1984

**SSB 4448**

PARTIAL VETO

C 281 L 84

By Committee on Social and Health Services (originally sponsored by Senators McManus and Deccio)

Authorizing certain minor health care services.

Senate Committee on Social and Health Services

House Committee on Social and Health Services

BACKGROUND:

Many unlicensed individuals are currently performing certain medical functions which they are not authorized to do. Under current law only physicians and osteopaths may sever or penetrate human tissue without any restrictions. The following licensed professions have varying degrees of legal authority to sever or penetrate the skin: physician's assistants, podiatrists, dentists, licensed professional nurses, registered nurses, midwives, dental hygienists, dental assistants, pharmacists, paramedics and intravenous therapy technicians.

A recently issued Attorney General Opinion further indicates that physicians may not lawfully delegate the above named surgical procedures to an unlicensed individual or to a licensed individual not independently authorized to perform those procedures.

SUMMARY

Any health care facility, as defined in the bill, and any health care practitioner, as also defined in the bill, may certify a person (health care assistant) to administer skin tests and subcutaneous intradermal, intramuscular, and intravenous injections and

to perform minor invasive procedures to withdraw blood under the supervision of a health care practitioner. Health care practitioner is defined as a physician, osteopath, or acting within the scope of their respective licenses, a podiatrist or registered nurse. Before certifying an individual, the health care facility or practitioner must verify that the health care assistant has met requirements established by the Director of the Department of Licensing. The individual or entity certifying health care assistants may have additional standards for certification.

Health care assistants may only perform the above named medical procedures under the supervision and delegation of a health care practitioner, within their respective scope of practice.

Complaints of violations of proper delegation shall be investigated by the appropriate disciplinary board or licensing authority of the supervising health care practitioner.

The Director of the Department of Licensing must decertify a health care assistant who obtained certification through misrepresentation or concealment of a material fact or has engaged in unsafe or negligent practices.

Persons licensed to practice drugless healing may draw blood for diagnostic purposes.

The Department of Licensing is required to provide a report to the Legislature by January 3, 1985 on the rules and standards established to implement this act.

VOTES ON FINAL PASSAGE:

Senate	44	3	
House	97	0	(House amended)
Senate			(Senate refused to concur)
House			(House refused to recede)

Free Conference Committee

House	87	1
Senate	38	7

EFFECTIVE: June 7, 1984

PARTIAL VETO SUMMARY:

The authority of licensed drugless healers to draw blood is deleted. (See VETO MESSAGE)

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**SB 4460**

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**SB 4460**

C 18 L 84

By Senators Peterson and Patterson

Confirming the authority of the department of transportation to sell and lease back state ferries for federal tax purposes.

Senate Committee on Transportation

House Committee on Transportation

**BACKGROUND:**

Federal law (26 U.S.C., Section 168(f)(8)) authorizes the sale of depreciation rights on publicly owned transportation equipment to private persons who would benefit from the use of such rights to reduce their federal taxes. During the summer of 1983, the Department of Transportation entered into an agreement with Haven Leasing Corporation which paid the Department \$11,813,000 for the tax benefits derived from depreciation rights to the Washington State ferries Kitsap, Cathlamet, Chelan, and the Klickitat. Authority to expend the proceeds of this transaction is requested in the 1984 supplemental budget request of the Department of Transportation which would use these funds to refurbish older state ferries.

Until the recent State Supreme Court decision in Chemical Bank v. WPPSS (99 Wn.2d 772), legal counsel to the Department felt that RCW 43.19.1919 (authorizing the Department of General Administration to sell excess state personal property) and RCW 43.19.190 (authorizing General Administration to delegate such authority to other agencies when it determines that such sales are warranted and in the best interests of the state) provided adequate statutory authority to permit the sale of depreciation rights to Washington State ferries. However, the Supreme Court decision cited above said, in effect, that municipalities (and by implication, state agencies which are authorized by the Legislature) cannot enter into contracts or incur indebtedness without specific statutory authority to do so.

Given this recent decision of the Supreme Court, it is considered prudent to request specific legislative authority to enable the Department of Transportation to sell the depreciation rights to Washington State ferries.

**SUMMARY:**

Authority of the Department of Transportation to sell and lease back any Washington State ferry for federal tax purposes is confirmed. Ownership and legal title remain with the state of Washington. Only federal tax benefits attributable to the authorized transaction accrue to the private purchaser.

**VOTES ON FINAL PASSAGE:**

Senate	27	20
House	77	18

**EFFECTIVE:** February 21, 1984**SB 4469**

C 35 L 84

By Senator Talmadge

Correcting a clerical error in statutes relating to polling places.

Senate Committee on Judiciary

House Committee on Constitution, Elections and Ethics

**BACKGROUND:**

The phrase "any entrance to" was enacted by the Legislature during the 1983 session as part of a free conference report with respect to EHB 239. However, this language was omitted from the certified enrolled bill through clerical oversight.

**SUMMARY:**

The statute is amended to include the inadvertently omitted language.

**VOTES ON FINAL PASSAGE:**

Senate	44	0
House	98	0

**EFFECTIVE:** June 7, 1984

**SB 4475**

C 39 L 84

By Senators Peterson, Guess and Conner

Requiring a vehicle owner to notify the department of licensing of transfer of ownership.

Senate Committee on Transportation

House Committee on Transportation

**BACKGROUND:**

It is apparent through the many sellers' complaints reaching area legislators, newspaper "action" columns, law enforcement offices, and the Department of Licensing that failure to transfer the owner's name on a vehicle title within 15 days after a car has been sold is a common problem, which is costing the state an inestimable amount of money in sales and use taxes.

In some instances, a vehicle may change ownership two or three times before the registration and title of the vehicle are updated. One example is that of the individual who buys four or five used vehicles in a year, repairing them and selling them at a profit but not bothering to register the vehicle in his name. The maximum fine for failure to transfer the title is presently only \$15.

The previous owner of a vehicle can be annoyed and penalized through failure of the buyer to change the registration name on the title. Because the title has not been updated, the former owner receives warning letters for nonpayment of traffic fines and car impoundments, arrest warrants for parking tickets and vehicle accidents incurred by the buyer and, in some instances, even notification of license suspension through violation of the financial responsibility law.

Currently, if the seller's report is submitted at the time of the sale of the vehicle, it releases the seller only of liabilities involving vehicle abandonment by the buyer.

**SUMMARY:**

Anyone selling a motor vehicle is required to report the sale to the Department of Motor Vehicles within five days of the sale.

The fine for failure to transfer the registration and title has been increased from a \$5 to a \$25 penalty on the 16th day after the sale, and \$2 (instead of

\$1) additional for each day thereafter, but not to exceed \$100 (rather than \$15).

Once each quarter, the Department of Licensing must report to the Department of Revenue a list of those vehicles for which a seller's report has been received but no transfer of title has taken place.

An owner who has submitted a "seller's report" to the Department of Licensing shall be provided protection from civil liability relative to suits incurred by the next owner of the vehicle.

**VOTES ON FINAL PASSAGE:**

Senate	44	1
House	98	0

EFFECTIVE: June 7, 1984

**SSB 4477**

C 227 L 84

By Committee on Ways and Means (originally sponsored by Senator McDermott)

Authorizing employer payment of employee contributions under public retirement systems.

Senate Committee on Ways and Means

House Committee on Ways and Means

**BACKGROUND:**

The Internal Revenue Code provides for public employee deferred compensation under three sections of the Code: Section 403(b) is applicable to employees of public schools, institutions of higher education and certain charitable institutions allowing deferral up to 20 percent of compensation; Section 414(h) allows for deferral of the amount of the employee's contribution to a general retirement or pension plan established by the employer; and Section 457 allows deferral of up to \$7,500 of total compensation. Only Sections 403(b) and 457 are now utilized in the State of Washington.

**SUMMARY:**

Most governmental employees in Washington State may now utilize Section 414(h) of the Internal Revenue Code. Under the provisions of that section, it is required that the employer "pick up" the employee contribution to the respective retirement

systems. For purposes of federal income taxation, the employee's current gross income shall be reduced by the amount of the employer's contribution on behalf of the employee. For all other purposes, the current gross income remains the same (e.g., Social Security, retirement benefit computation). Covered employees include judges; state employees and employees of school districts, educational service districts and community college districts under the Public Employees Retirement System; members of the Teachers Retirement System; and members of the retirement system for the State Patrol.

It is optional for employers under the Law Enforcement Officers and Firefighters Retirement System (LEOFF) and those PERS employers not already specified to adopt the provisions of this act. If they do so opt, they may withdraw from or renew this option only once in a calendar year.

Any employer and employee contributions required to be paid solely by the employee are not included under this act. All contributions made on behalf of the employee, plus accrued interest, belong to the employee.

At least 45 days prior to implementing these provisions, the employer must (a) fully explain the effect of this act to all employees; and (b) notify the Department of Retirement Systems of the agency's implementation of this act.

This act does not alter the contribution rate sharing principle established for Plan II of LEOFF, TRS or PERS, nor does this act establish any benefit as a matter of contractual right.

Appropriation: \$135,000 from the retirement system expense fund.

VOTES ON FINAL PASSAGE:

Senate	47	0	
House	96	0	(House amended)
Senate	45	0	(Senate concurred)

EFFECTIVE: September 1, 1984

**SSB 4484**

PARTIAL VETO

C 286 L 84

By Committee on State Government (originally sponsored by Senators Fleming, Talmadge, McDermott, Bottiger, Hughes, Bender and McManus)

Creating the athletic health care and training council.

Senate Committee on State Government

House Committee on State Government

BACKGROUND:

Under existing law, each school district board of directors has authority to control, supervise, and regulate interschool and extracurricular athletic activities. A school board may delegate this authority to the Washington Interscholastic Activities Association or any other voluntary nonprofit entity and compensate the entity for services.

Rules and policies governing student participation which are adopted by the voluntary nonprofit entity must be written and are subject to approval by the State Board of Education. Existing law does not specifically refer to health and safety standards for organized sports, although some existing rules and policies do address these issues.

SUMMARY:

The Athletic Health Care and Training Council is created and consists of 14 members appointed by the Governor. The membership of the Council includes two licensed physicians; two licensed physical therapists; two certified athletic trainers; one principal each of a public junior high school from a large school district and a small school district; one principal each of a public high school from a large school district and a small school district; and one superintendent each from a large school district and a small district; a representative of a private school which conducts junior and senior high school programs; and an employee or officer of the Washington Interscholastic Activities Association. The members shall represent diverse racial and ethnic backgrounds, different geographical areas of the state, and both men and women.

The members of the Council serve staggered four-year terms. The members select their own chairperson. Members serve without compensation but may be reimbursed for travel expenses.

The Council must meet at regularly scheduled times, and may meet more frequently if deemed necessary by the chair. Eight members constitute a quorum for conducting business.

The Council must adopt rules in accordance with the Administrative Procedure Act to establish standards for health and safety in organized athletic programs designed for persons between twelve and eighteen in either public or private junior high schools or high schools. The rules establish standards for staff training, athletic facilities, athletic equipment, training areas, the provision of athletic health care and training services, record keeping, and emergency procedures. The Council is required to conduct a study of the health and safety conditions in organized athletic programs and report its findings and proposed safety standards by September 1, 1984. The proposed safety standards must be circulated through January 1, 1985. The Council shall file proposed rules no later than May 1, 1985, and the rules shall become effective no later than September 1, 1985.

The Council may hire necessary staff and may contract for services when necessary to conduct preliminary investigations of any violations of these standards. The Council may, after an investigation, request the Attorney General or a prosecuting attorney to seek an injunction or otherwise enforce the chapter.

A school district or person may be fined up to \$5,000 for each wilful violation of the statute or rules.

The Athletic Health Care and Training Council is placed on the sunset schedule and will terminate on June 30, 1990 unless extended by the Legislature.

Appropriation: \$49,000 from the state general fund to the Athletic Health Care and Training Council.

VOTES ON FINAL PASSAGE:

Senate	37	9	
House	50	47	(House amended)
Senate	28	19	(Senate concurred)

EFFECTIVE March 30, 1984

PARTIAL VETO SUMMARY:

Creation of the Athletic Health Care and Training Council, as well as authorization for it to conduct a study of health and safety conditions in organized school athletic programs, are retained. Other powers of the Council to develop and adopt rules and to conduct investigations; establishment of penalties for violations; and requirements of conformity by state and local school authorities were vetoed. (See VETO MESSAGE)

**SSB 4489**

C 179 L 84

By Committee on Judiciary (originally sponsored by Senators Bottiger, Clarke and Talmadge)

Requiring notification of the mortgagee and other lienholders in property tax foreclosures.

Senate Committee on Judiciary

House Committee on Judiciary

BACKGROUND:

In a recent decision pertaining to the sale of real property for nonpayment of property taxes, the United States Supreme Court found that the mortgagee, as well as the owner, possesses a substantial property interest that is significantly affected by a tax sale. Thus, the mortgagee is also entitled to personal service or notice by certified mail. Currently, Washington's statutes pertaining to certificates of tax delinquency only provide personal service or notice by certified mail to the owner or owners. It is foreseeable that, unless the notice provisions are broadened to include other persons with an interest in the property subject to the foreclosure action, these provisions may be subject to future court challenges.

SUMMARY:

When an individual or county, as holder of a certificate of tax delinquency, applies for a judgment foreclosing the lien against the property described in the certificate, notice and summons must also be served on any person having a recorded interest in or lien of record upon the property.

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**SSB 4489**

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## VOTES ON FINAL PASSAGE:

Senate	47	0	
House	97	0	(House amended)
Senate	39	0	(Senate concurred)

EFFECTIVE: June 7, 1984

**SSB 4490**PARTIAL VETO

C 251 L 84

By Committee on Energy and Utilities (originally sponsored by Senators McDermott, Rasniussen, Woody, Talmadge, Hurley, Gaspard, Rinehart, Vognild, Peterson and Fleming)

Restricting utilities from terminating utility service for residential space heat.

Senate Committee on Energy and Utilities

House Committee on Energy and Utilities

## BACKGROUND:

As the cost of residential space heating increases, so does the inability of low income and fixed income customers to pay their bills. This inability to pay for heating services, especially during cold weather, can result in life-threatening situations when the services are shut off for nonpayment.

## SUMMARY:

Until June 30, 1986, municipalities, public utility districts, and private utilities that supply electric and gas residential space heating are prohibited from terminating power for residential space heating between November 15 - March 15 if the following conditions are satisfied:

1. The customer's income satisfies criteria for low income eligibility;
2. The customer notifies the utility of inability to pay the bill;
3. The customer applies for public and private financial assistance for the payment of heating bills;
4. The customer applies for low-income weatherization assistance;

5. The customer requests and agrees to a payment plan which will result in the account being current by the following October 15, although the amount paid under the payment plan may not exceed 7 percent of the customer's monthly income between November 15 - March 15 even if the customer may agree to a higher amount; and
6. The customer agrees to pay the bill owed even if she or he moves.

The utility 1) notifies the customer of the procedures of this act in the service termination notice; 2) assists the customer in satisfying the requirements of this act; and 3) transfers accounts to a new residence when a customer under a payment plan moves from one residence to another.

The utility may terminate service for the customer's failure to adhere to the payment plan. The utility may continue to terminate service for those practices authorized by other laws.

Utilities will offer budget billing or equal payment plans to residential customers.

The Utilities and Transportation Commission (UTC) will report annually to the Legislature until 1986 on the costs and benefits of this act. Utilities not subject to the UTC's jurisdiction will provide similar information to the Legislature pursuant to the same timetable.

## VOTES ON FINAL PASSAGE:

Senate	27	15	
House	50	47	(House amended)
Senate			(Senate concurred in part)
House			(House refused to recede)

Free Conference Committee

House	56	37
Senate	32	16

EFFECTIVE: June 7, 1984

## PARTIAL VETO SUMMARY:

Public and private energy assistance payments need not be paid directly to the utility or made jointly payable to the utility and the customer. (See VETO MESSAGE)

**SB 4491**

C 118 L 84

By Senators Bottiger, Hemstad and Talmadge

Modifying provisions relating to the appointment and compensation of homestead appraisers.

Senate Committee on Judiciary

House Committee on Judiciary

**BACKGROUND:**

Current law provides for the appraisal of a homestead to determine whether or not the value of the homestead exceeds the homestead allowance set in statute. The judge may appoint three disinterested resident freeholders of the county to appraise the value of the homestead. The appraisers are paid \$2.00 per day. These provisions were enacted in 1895. There is no compelling reason to require that the appraisers be freeholders of the county and the compensation set in statute is inadequate.

**SUMMARY:**

The court may appoint a disinterested qualified person of the county to appraise the homestead. Reasonable compensation for the appraiser is to be fixed by the court.

**VOTES ON FINAL PASSAGE:**

Senate	45	0
House	97	0

EFFECTIVE June 7, 1984

**SSB 4494**

PARTIAL VETO

C 151 L 84

By Committee on Commerce and Labor (originally sponsored by Senators Vognild, Wojahn, McManus, Gaspard, Haley, Lee and Conner; by Lieutenant Governor request)

Establishing the Washington state advisory council on international trade development.

Senate Committee on Commerce and Labor

Senate Committee on Ways and Means

House Committee on Commerce and Economic Development

**BACKGROUND:**

Testimony presented to the state's Joint Select Committee on International Trade, Tourism and Investment during the 1983 interim underscored the need to develop a formal and continuing entity to evaluate, recommend and monitor international trade strategies and initiatives undertaken by the state. Currently, various state agencies, centers and commissions conduct international trade activities with no mandate to coordinate their efforts.

**SUMMARY:**

The Washington State Advisory Council on International Trade Development is established to marshal the collective expertise of citizens in the state in order to advise the Governor and the Legislature on those strategies and initiatives which will most effectively promote and develop the state's international trade potential.

COUNCIL DUTIES

The Council is responsible for making specific recommendations to the Legislature and the Governor regarding the following issues:

1. Effective coordination or combining of the state's current international trade activities;
2. Methods of improving private sector international trade advice given to the Governor and the Legislature on a regular and long term basis;
3. Development of strategies to promote the state's products in foreign markets;
4. Possible options the state may lawfully exercise in response to unreasonable and restrictive trade barriers of other trading countries;
5. The benefits of pursuing the development of a northwest regional trade policy;
6. The benefits of establishing and maintaining a state supported export trading company;
7. Methods for assisting small and medium sized businesses to develop international trade markets;



8. The most effective means of developing a well designed and nonduplicative computerized data resource bank;
9. Identification and prioritization of current and long term international trade problems and issues;
10. Assessment of those methods the state may undertake to increase foreign investment; and
11. The desirability of creating a permanent legislative committee to review international trade issues.

COUNCIL MEMBERSHIP

The Council consists of 18 voting members. Of these, 12 lay persons are appointed; four each by the President of the Senate, Speaker of the House and the Governor. In making these appointments, the Governor, President of the Senate and the Speaker of the House shall consult with each other to ensure that all areas of the state are represented on the Council. The Council must include representation from each of the following groups or fields: ports, nonprofit international trade associations or nonprofit business associations, importers, exporters, businesses involved with international trade with fewer than 50 employees, businesses involved with international trade with more than 50 employees, international banking, international insurance, custom house brokering and freight forwarding, corporate strategic planning, labor, agriculture commodity groups, and institutions of higher education.

The remaining six members include: (a) two members of the House of Representatives appointed by the Speaker of the House, one member appointed from each caucus; (b) two members of the Senate appointed by the President of the Senate, one member appointed from each caucus; (c) the Governor and (d) the Lieutenant Governor.

INFORMATION TASK FORCE

The Council is required to select six members to serve on a special international trade information task force. The task force shall:

- (a) By August 15, 1984 develop a short range international trade information proposal. The proposal must be reviewed by the Council and adopt a short range state

international trade information plan. The plan must be submitted to the Director of the Department of Commerce and Economic Development by September 1, 1984.

- (b) Develop a long range state international trade information proposal for the Council's review and approval as part of the Council's report.

The task force shall consider and identify the following items in developing the proposals listed above:

- (a) Strategies that will assist in the coordination and further development of the state's international trade information resources;
- (b) Recommendations received by the task force from current or potential users of state international trade information; and
- (c) All additional equipment, personnel and other resources which may be required to implement a coordinated state international trade information resource plan.

COUNCIL ADMINISTRATION

The task force is required to consult with all appropriate state agencies regarding the international trade plan. The task force may obtain the assistance of private sector computer systems specialists if the task force determines that such assistance is necessary.

Agencies and departments of the state are required to cooperate with the Council. The Council may utilize such staff and undertake those studies it deems reasonable to carry out its purpose. In those cases where the Council's work requires special expertise, it may employ its own staff.

There is appropriated from the general fund to the Council the sum of \$60,000 for the implementation of this act. There is also appropriated from the general fund to the Department of Commerce and Economic Development for the biennium ending June 30, 1985 the sum of \$115,000. The Department shall not expend any portion of this appropriation until September 15, 1984 and until the Council approves the short range international trade information plan. Expenditures made from this appropriation by the Director must be consistent with the recommendations contained in that plan.

Appropriation: \$60,000 is appropriated to the Washington State Advisory Council on International Trade Development. \$115,000 is appropriated to the Department of Commerce and Economic Development.

VOTES ON FINAL PASSAGE:

Senate 46 0  
 House 96 0 (House amended)  
 Senate 42 0 (Senate concurred)

EFFECTIVE: March 7, 1984

PARTIAL VETO SUMMARY:

The Governor vetoed several subsections of the bill which specified the number of members on the Council; the appointment authority for the 12 public members of the Council; the specific groups and fields to be represented by the public members; the procedures for appointing the legislative members; and the appointment of the Governor and Lieutenant Governor to the Council. (See VETO MESSAGE)

**SB 4500**

C 228 L 84

By Senators Gaspard, Newhouse, Wojahn, Warnke and Fuller

Providing for tax deferred annuities for school employees.

Senate Committee on Financial Institutions

House Committee on Ways and Means

BACKGROUND:

Currently, the board of directors of a school district, the State Teachers Retirement System, the Superintendent of Public Instruction, and educational service district superintendents may pay for tax deferred annuities for their employees, but there is no specific authorization for payroll deductions.

SUMMARY

Employees may request an employer to purchase a specific tax deferred annuity from any company authorized to do business in Washington whenever at least five employees make such a request.

Payroll deductions are authorized to pay for all premiums arising under annuity contracts. Except for failure to pay premiums, an employee's annuity contract rights are nonforfeitable.

An employer may not restrict employees' rights to select any annuity from any agent, broker, or company licensed in Washington. However, employers may prohibit solicitation of annuities during normal school hours on school premises, and may require participating companies to execute reasonable agreements to protect the employer from liability as a result of procuring tax deferred annuities for the employees.

VOTES ON FINAL PASSAGE:

Senate 46 1  
 House 81 14 (House amended)  
 Senate 48 0 (Senate concurred)

EFFECTIVE: June 7, 1984

**SSB 4503**

C 19 L 84

By Committee on Agriculture (originally sponsored by Senators Hansen and Benitz)

Providing for a bonded wine warehouse license.

Senate Committee on Agriculture

House Committee on Agriculture

BACKGROUND:

Licensed wineries store their product on the premises until it is shipped to a licensed wholesaler. The wine tax is imposed upon wine wholesalers based on their respective purchases.

Establishment of a central point or points for storage of bottled wine will make shipping to wholesalers more practical and efficient.

SUMMARY:

Licensed, bonded wine warehouses are established for the storage of bottled wine only. The license costs \$100. The qualifications for the license shall be similar to those required for obtaining a domestic winery license and may be obtained by sole proprietors, partnerships or corporations. One or more domestic wineries may operate as a partnership, corporation, business or agricultural

cooperative for the purposes of obtaining a license.

No wine tax imposed shall be due unless the wine is removed from bond and shipped to a licensed Washington wholesaler. Wine may be removed from a bonded wine warehouse only for the purpose of (a) being exported from the state, (b) shipped to a licensed Washington wine wholesaler or (c) returned to a wine or bonded wine warehouse.

No wine shall be warehoused by any person other than a licensed domestic winery, licensed Washington wholesaler or importer, or the State Liquor Board.

License applicants are required to hold a federal permit for a bonded wine cellar and to post a continuing wine tax bond in the amount of \$5,000.

The State Liquor Board must promulgate rules and regulations to implement the provision of this chapter.

VOTES ON FINAL PASSAGE:

Senate	45	0
House	95	0

EFFECTIVE: June 7, 1984

**SB 4504**

C 247 L 84

By Senators Shinpoch, McDonald and Conner; by Office of Financial Management and State Auditor request

Requiring a comprehensive state budgeting, accounting, and reporting system.

Senate Committee on Ways and Means

House Committee on Ways and Means

BACKGROUND:

Standard & Poors Corporation, a major governmental bond rating agency, issued a policy statement that bond issuers' financial reports should be:

1. Prepared in conformity with generally accepted accounting principles (GAAP),
2. Audited by an independent auditor, and

3. issued no later than six months after the fiscal year end.

If an annual report is substantially deficient in content or not timely, Standard & Poors will consider such negative factors in its rating, or it may not rate the bond at all. The rating of a bond issue does have a tendency to affect a government's borrowing costs. Therefore, with over \$2 billion in bonded debt in the state, any impact on the bond rating could have a significant impact on the state's long-term financial operations.

The state's current budgeting and accounting statutes and other related statutes cause departures from generally accepted accounting principles in three major aspects:

1. The current method recognizes taxpayer assessed revenue collected between June 30 and July 10 in the preceding biennium.
2. The current fund structure assigns non-general fund accounts such as capital project accounts to the general fund.
3. There is a proliferation of funds (currently 385) within the state financial system.

The Office of Financial Management is developing and implementing a budgeting, accounting and reporting system which will bring the state into compliance with GAAP without extensive manual compilation and manipulation of data. As this project evolves, additional statutory changes necessary to ensure compliance with GAAP will be identified.

SUMMARY:

The Director of the Office of Financial Management must maintain a comprehensive budgeting, accounting and reporting system in conformance with generally accepted accounting principles applicable to state governments. The Director must also submit a budget document in conformance with generally accepted accounting principles for state governments commencing with the period July 1, 1987. Any changes affecting the comparability of agency or program information as a result of this legislation shall be clearly and completely explained in the budget document.

The Governor, through the Director of the Office of Financial Management, shall prepare and publish an annual financial report encompassing all funds and account groups of the state within six months of the end of the fiscal year.

State agencies must estimate performance goals and objectives and submit a report to the Office of Financial Management on their performance in meeting their goals and objectives. The Office of Financial Management shall provide copies of such reports to the Ways and Means Committees of the House and Senate and Legislative Budget Committee by December 31 of each odd-numbered year

VOTES ON FINAL PASSAGE:

Senate	47	0	
House	98	0	(House amended)
Senate	43	0	(Senate concurred)

EFFECTIVE: June 7, 1984

**SB 4506**

C 37 L 84

By Senators Thompson and Hayner

Modifying membership in the judicial retirement system

Senate Committee on Ways and Means

House Committee on Ways and Means

BACKGROUND:

The Judicial Retirement System (JRS) requires all judges serving on or after August 9, 1971, to be members of JRS. In order to receive a survivor's benefit, the surviving spouse must be married to the judge at least three years prior to the judge's death.

SUMMARY:

As of the effective date of the act, a person elected or appointed to the position of judge who also holds membership in the Public Employees Retirement System (PERS) shall have 30 days from the election or appointment to make an irrevocable decision in writing to the Department of Retirement Systems as to their intent to remain in PERS or become a member of JRS.

Effective January 1, 1984, a surviving spouse of a judge must be married at least two years prior to the death of the judge to be eligible for survivor's benefits.

VOTES ON FINAL PASSAGE:

Senate	44	1	
House	84	14	(House amended)
Senate	44	1	(Senate concurred)

EFFECTIVE: February 23, 1984

**SB 4513**

C 75 L 84

By Senators Clarke, Talmadge and Hemstad; by Secretary of State request

Modifying provisions relating to corporations.

Senate Committee on Judiciary

House Committee on Judiciary

BACKGROUND:

The concept of par stock, used to insure that a certain minimum value has been received by a corporation prior to stock issuance, and other related stock terms are now obsolete given federal and state securities laws.

The corporations code determines when dividends or other financial distributions may be made to stock holders.

There is a conflict between the applicable statute and case law on the ability of a corporation to make a guarantee of the obligations of its share holders.

The code now permits the board of directors, when authority is granted in the articles of incorporation, to designate certain specific characteristics of a series of preferred shares. The current statute limits the variations to those involving the rate of dividend, redemption, liquidation, sinking fund, conversion, and voting rights.

The code specifies what information about the corporation must be available to shareholders.

There is no criminal penalty for filing false information with the Secretary of State.

SUMMARY:

The financial provisions of corporations are changed in two main areas. First, the concept of "par" stock is eliminated for all purposes except determining corporate license fees. Second, the

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**SB 4513**

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test for distributions, such as dividends to share holders is changed to: The distribution cannot be made if the distribution would cause the corporation to be insolvent and the distribution cannot be made if the distribution would cause the total assets of the corporation to be less than the total liabilities due. The authority of a corporation to guarantee loans is clarified. The conduct of the corporation's directors in so approving a loan is still subject to review on grounds such as conflict of interest.

The board of directors of a corporation can include any variations and preferred stock issuance they deem appropriate. The board may amend any series so designated in the same manner that the series was originally designated, so far as the series is wholly unissued. The board is also given the power to decrease, within limits set by the articles of incorporation, the number of shares of an existing series that it has established by resolution, so long as the decrease does not affect any issued shares.

The type of financial statements that a corporation must provide upon the written request of a share holder is specified. Statements to be sent to share holders need not necessarily be prepared in accordance with generally accepted accounting principles. If a corporation, however, does prepare financial statements in accordance with generally accepted accounting principles for any purpose during the fiscal year, it is those statements which must be sent to requesting share holders.

It is a gross misdemeanor to file known false information with the Secretary of State.

**VOTES ON FINAL PASSAGE:**

Senate	45	0
House	95	0

**EFFECTIVE:** June 7, 1984**SB 4527**

C 119 L 84

By Senators Peterson, Patterson, Sellar and Bottiger

Directing law enforcement officers to put reflectorized warning devices on disabled cars.

Senate Committee on Transportation

House Committee on Transportation

**BACKGROUND:**

A disabled vehicle on the roadway poses a serious threat to the traveling public. Because it is not easily identifiable at night as a non-moving stationary object, on many occasions it has been the source of serious or fatal automobile accidents.

**SUMMARY:**

Law enforcement personnel are required to place a reflectorized warning device on or near any motor vehicle (trucks, buses and trailers excluded) which has become disabled along the highway or shoulder of the road outside of any municipality at a time when lights are required on the vehicle. State and local governments and their employees are relieved from civil liability in the implementation of this section.

**VOTES ON FINAL PASSAGE:**

Senate	45	1
House	97	1

**EFFECTIVE:** June 7, 1984**SB 4532**

C 197 L 84

By Senators Goltz and Peterson

Revising the designations of state highway routes.

Senate Committee on Transportation

House Committee on Transportation

**BACKGROUND:**

Roadways in the state which are to be part of the state highway system must be designated as such by the Legislature.

**SUMMARY:**

A 2.9-mile section of Mason County Road which serves the Washington Corrections Center is established as State Route No. 102. The Department of Transportation shall secure a portion of any construction cost from Mason County.

The approximately 10.5 mile Whatcom County road known as the Kendall-Sumas Road is transferred to the state highway system and is designated as State Route No. 547.

The .59 miles of Yakima County roadway, running from I-82 to the city of Selah, is transferred to the state highway system and is designated as State Route No. 823. The Department of Transportation is directed to secure a portion of any construction cost from the city of Selah or Yakima County, or both, before making any significant improvements to the route.

State Route 540 is transferred to Whatcom County as a county road and the statutory designation of this road is repealed.

#### VOTES ON FINAL PASSAGE:

Senate	36	7	
House	91	3	(House amended)
Senate	40	1	(Senate concurred)

EFFECTIVE: June 7, 1984

### SSB 4541

C 263 L 84

By Committee on Judiciary (originally sponsored by Senators Talmadge, Hemstad, Woody, Wojahn, Granlund and Peterson)

Establishing provisions for relief from domestic violence.

Senate Committee on Judiciary

House Committee on Judiciary

#### BACKGROUND:

A victim of domestic violence who seeks legal protection has few options. A married victim may file for dissolution of the marriage or a legal separation and apply for a "no contact" order pending the domestic relations proceeding. However, there is no provision for a victim to obtain a civil protection order independent of domestic relations proceedings.

As of October, 1983, 43 states and the District of Columbia have enacted legislation that allows

victims of domestic violence to obtain civil protection orders. These orders are available to victims regardless of marital status.

#### SUMMARY:

A civil remedy is created for persons abused by family and household members. A victim may file with the municipal, district or superior court for a protection order, an injunction designed to prevent violence by one member of a household or family against another. A \$20 filing fee shall be charged. The superior court has exclusive jurisdiction in certain circumstances.

After notice and hearing, the court may restrain any party from committing acts of domestic violence, exclude the abusing party from the dwelling, award temporary custody and visitation rights, require the abusing party to participate in treatment or counseling, or order any other relief deemed necessary. A temporary ex-parte order notice may be granted if irreparable injury could result without immediate issuance of an order.

After a protection order is granted and the abusing party knows of the order, violation of the restraint or exclusion provisions of the order is a misdemeanor. An abusing party who violates the order three times and receives three convictions for assault is guilty of a class C felony. Violation of the protective order is also contempt of court and may be punished accordingly. Peace officers are authorized to arrest the abusing person without a warrant in certain circumstances.

#### VOTES ON FINAL PASSAGE:

Senate	47	0	
House	95	0	(House amended)
Senate	44	0	(Senate concurred)

EFFECTIVE: June 7, 1984  
October 1, 1984 (Sections 1-29)

### SSB 4560

C 275 L 84

By Committee on Energy and Utilities (originally sponsored by Senators Williams, Goltz, Fuller, Moore, Woody and Talmadge)

Requiring disclosure of information to telephone buyers.

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## SSB 4560

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Senate Committee on Energy and Utilities

House Committee on Energy and Utilities

### BACKGROUND:

Sales of telephone customer premises equipment are now competitive. "Customer premises equipment" includes telephone sets and switchboards. Consumers who formerly purchased equipment from a monopoly telephone company now may purchase equipment from numerous sources. In addition, consumers face increased choices in the quality and capability of the telephones they may purchase. This increased choice leads to the need for consumers to "comparison shop" for telephone equipment. Currently, there is no mandatory standard for presale disclosures of telephone capabilities and repair responsibilities.

### SUMMARY:

Persons selling telephone handsets, key sets and private branch exchanges of up to a 20-station capacity shall clearly disclose prior to sale (1) the signaling method of the equipment, (2) the services that can be accessed through the equipment, (3) if the equipment is FCC registered, (4) the person responsible for repair of the equipment, (5) standard repair charges, if any, and (6) the terms of any written warranty. No publisher or broadcaster shall be held liable for running an advertisement which violates the act if the advertisement was accepted in good faith. Land, marine and air radio telephone equipment is exempted from disclosure requirements. Equipment not intended for connection to the telephone network and used equipment located on the customer's premises are also exempted. Duties under the chapter are supplementary to any required by other federal or state law. Violation of the chapter is a violation of the Consumer Protection Act. Damages are presumed equal to the purchase price of the telephone equipment up to \$100. Additional damages must be proved.

### VOTES ON FINAL PASSAGE:

Senate	39	8	
House	73	25	(House amended)
Senate	40	7	(Senate concurred)

EFFECTIVE: June 7, 1984

## SSB 4561

### PARTIAL VETO

C 38 L 84

By Committee on State Government (originally sponsored by Senators Thompson and Fuller; by Governor Spellman request)

Modifying emergency services provisions.

Senate Committee on State Government

House Committee on State Government

### BACKGROUND:

The Department of Emergency Services is scheduled for termination on June 30, 1984, under Washington's Sunset Act. Reviews of the Department conducted by the Legislative Budget Committee (LBC) and the Office of Financial Management (OFM) have found that continuation of the agency is in the public interest. Both LBC and OFM have recommended that the Department be reauthorized indefinitely. The Emergency Services Council has also recommended continuation of the Department and its functions.

The May, 1980 eruptions of Mount St. Helens and annual river flooding experienced throughout the state have reinforced the need for well-prepared state and local governments. The Department secured over \$40 million in federal disaster reimbursements for local governments and public entities for damages sustained from the 1980 eruptions of Mount St. Helens. Of that amount, over \$12 million was secured after the Department appealed claims originally denied by the federal government.

Provisions of the Interstate Civil Defense and Disaster Compact have become obsolete, and an Interstate Mutual Aid Compact has been recommended. Similarly, an authorization for mobile support units has never been implemented.

The Department adopted a policy in October of 1983 not to participate in nuclear attack evaluation planning. The policy was based on a finding that such planning is infeasible due to the lack of adequate resources and funding. However, comprehensive emergency planning by state and local agencies incorporate provisions for protecting citizens in the event of nuclear attack.

## SUMMARY:

The Washington Emergency Management Act is adopted. The Department of Emergency Services is reauthorized under the name of the Department of Emergency Management.

The Department is charged with mitigating, preparing for, and responding to emergencies, disasters and all hazards, whether natural or man-made. The Director develops and maintains a comprehensive, all hazard emergency plan for the state.

The Director must submit a copy of the comprehensive emergency management plan to the Secretary of the Senate, the Chief Clerk of the House of Representatives, and the appropriate standing committees of both houses by January 1, 1985. Any modifications to the plan must be submitted to the Legislature at the beginning of each legislative session.

No political subdivision may be required to include provisions for evacuation or relocation of residents in anticipation of nuclear attack in its emergency management plan. The state may not include planning for the emergency evaluation or relocation of residents in the event of a nuclear attack.

The limit on property loss and damage claims by search and rescue volunteer workers is increased from \$500 to \$2,000.

Provisions relating to succession from former civil defense units, mobile support unit authorization, and requirement of a loyalty oath are repealed, as are the sunset termination date and repealers for the Department of Emergency Services.

The Emergency Services Council is renamed the Emergency Management Council, and membership is expanded to include medical professionals with expertise in emergency medical care.

The state may not enter into any additional compacts under the Interstate Civil Defense and Disaster Compact after this bill becomes effective. However, the Interstate Civil Defense and Disaster Compact will remain in effect until a new compact is entered into with another state. All new compacts must be under the Interstate Mutual Aid Compact.

Technical amendments are made to update and clarify language, and to avoid double code amendments.

## VOTES ON FINAL PASSAGE:

Senate	46	0
House	55	38

EFFECTIVE: June 7, 1984

## PARTIAL VETO SUMMARY:

The Governor vetoed Section 3(3) of the purpose statement which declared that the possibility of surviving a nuclear attack is extremely remote and articulated state policy as exercising emergency management functions for disasters other than nuclear attack. (See VETO MESSAGE)

**SSB 4578**

C 183 L 84

By Committee on Parks and Ecology (originally sponsored by Senators Rinehart, Vognild, Owen and Granlund; by Parks and Recreation Commission request)

Revising certain boating safety provisions.

Senate Committee on Parks and Ecology

House Committee on Environmental Affairs

## BACKGROUND:

During the 1983 session, the Legislature enacted SB 3909 which directs the State Parks and Recreation Commission to establish a boating safety and education program. Under the program, State Parks compiles accident and casualty reports. Contrary to legislative intent, SB 3909 failed to ensure the confidentiality of these reports. The bill also failed to specifically authorize State Parks to adopt rules of boating safety and equipment. Federal funds are available to states that have boating safety and equipment laws.

## SUMMARY:

Information contained in the boating accident and casualty reports is confidential, except for statistical information and documentation on the identity of persons and witnesses involved in an accident which may be released to an individual or the family representative of an individual involved in an accident.



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**SSB 4578**

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Boating accident and casualty reports are to be filed with the Washington State Parks and Recreation Commission. Operators of vessels participating in an organized competitive event covered by a permit issued by the U.S. Coast Guard need not report collisions, accidents or other casualties to the State Parks and Recreation Commission.

The Washington State Parks and Recreation Commission has authority to adopt and enforce recreational boating safety rules consistent with the regulations of the United States Coast Guard.

All law enforcement officers have the authority to enforce the boating safety education laws in addition to the boating registration and excise tax laws.

A city, town or county may contract with a fire protection district to provide law enforcement of boating safety education laws.

Appropriation: There is an appropriation of \$7,500 for the Boating Advisory Committee.

**VOTES ON FINAL PASSAGE:**

Senate	45	0	
House	95	0	(House amended)
Senate			(Senate refused to concur)
House	95	0	(House receded in part)
Senate	44	1	(Senate concurred)

EFFECTIVE: March 14, 1984

**SSB 4579**

C 198 L 84

By Committee on Judiciary (originally sponsored by Senators Talmadge, Clarke and Hemstad; by Military Department request)

Revising provisions relating to the state militia.

Senate Committee on Judiciary

House Committee on Judiciary

**BACKGROUND:**

The Military Department has requested a number of statutory changes for the State Guard, either to bring the law into conformity with that for the National Guard or to resolve current ambiguities.

**SUMMARY:**

Selective retention is established for the State Guard through convening of qualitative retention boards to review the retention potential of officers. Such practices conform as closely as possible to those of the Army National Guard.

Automatic promotion upon retirement at age 64 is eliminated. Minimum emergency pay for active service is raised from \$25 to \$30 per day. Members of the State Guard are entitled to the same reemployment rights and conditions as military veterans.

Compensation for service-connected disability or for dependents in case of death is revised so that state payments are reduced by the amount of federal benefits received, except Social Security.

**VOTES ON FINAL PASSAGE:**

Senate	45	0	
House	97	0	(House amended)
Senate	42	0	(Senate concurred)

EFFECTIVE: June 7, 1984

**SB 4592**

C 120 L 84

By Senator Williams

Permitting replacement of inactive members of the state centennial commission and establishing financial procedures for the commission.

Senate Committee on State Government

House Committee on State Government

**BACKGROUND:**

The 1989 Washington Centennial Commission was created in 1982 to develop a program for celebrating the 100th anniversary of the state's admission to the Union. The Commission is composed of 13 members, including four legislators and nine citizen members appointed by the Governor. There is no specific provision for removal of citizen members.

The functions of the Commission in planning and conducting programs for the state's Centennial in 1989 are delineated in the law, but no specific provisions are included for funding or financial

procedures. The Commission was directed to submit a funding proposal to the Legislature.

SUMMARY:

Citizen members of the Centennial Commission serve at the pleasure of the Governor. Two citizens are added to the membership of the Commission, increasing the total to 15.

The Commission may spend appropriated funds for commemorative activities and may accept public or private gifts or grants. The Commission may also license its symbol for commercial commemorative products; retain income and grants in a special general fund account; and disburse funds for centennial purposes under its enabling legislation.

Funds not expended by December 31, 1990, will revert to the general fund.

VOTES ON FINAL PASSAGE

Senate	45	0
House	97	0

EFFECTIVE: June 7, 1984

**SB 4607**

C 237 L 84

By Senators Hughes, Lee, Talmadge and McDermott; by Department of Ecology request

Authorizing procedures to dispose of hazardous wastes.

Senate Committee on Parks and Ecology

House Committee on Environmental Affairs

BACKGROUND

The Department of Ecology (DOE) is the designated state agency for implementing the federal Resource Conservation and Recovery Act (RCRA). The federal Environmental Protection Agency (EPA) has noted several changes that need to be made to bring the state hazardous waste program into compliance with RCRA.

SUMMARY:

A continuing violation of hazardous waste laws will be treated as a separate and distinct offense for each day of the violation.

The Department of Ecology is authorized to participate in the Resources Conservation and Recovery Act as of the effective date of this measure, notwithstanding any other provisions of Chapter 70.105 RCW, relating to hazardous waste. Nothing in that chapter applies to radioactive waste or radioactive material, except as provided by this measure.

DOE shall consult and cooperate with the Energy Facility Site Evaluation Council (EFSEC), but in order to reduce duplication of effort, DOE will be the only agency entering into agreements with EPA.

EFSEC may require that dangerous wastes be removed from energy facility sites within 90 days after generation.

VOTES ON FINAL PASSAGE:

Senate	46	0	
House	81	5	(House amended)
Senate			(Senate refused to concur)
House	89	6	(House receded in part)
Senate	44	0	(Senate concurred)

EFFECTIVE: June 7, 1984

**SB 4619**

C 238 L 84

By Senators Thompson, Zimmerman and Granlund

Modifying procedures for: (1) filling vacancies in the office of fire commissioner; (2) clarifying general powers; and (3) updating bid limits.

Senate Committee on Local Government

House Committee on Local Government

BACKGROUND:

Existing law mandates that a vacancy in the office of fire commissioner must be filled within thirty days. Boards of fire commissioners have had difficulty in filling vacancies within the thirty-day limit.

## SB 4619

Bid limits and bidding procedures are in need of revision.

Some of the general powers of fire districts are ambiguous.

### SUMMARY:

The period in which vacancies in the office of fire commissioner must be filled is extended from thirty to sixty days. If the vacancy is not filled within sixty days, the county legislative authority shall make the appointment.

The existing law on purchases and public works projects is repealed. A formal sealed bidding process would be required for all work and purchases except: (a) emergency purchases; (b) purchases of materials, supplies and equipment not exceeding \$10,000 in value (an informal bid process is established for purchases between \$4,500 and \$10,000); (c) purchases limited to a single source of supply, where contracts are to be awarded by negotiation; (d) work on fire stations and buildings not exceeding \$2,500 in value; and (e) purchases of insurance and bonds.

The general powers of fire protection districts are clarified. The powers to contract for service are simplified. Restrictions on the provision of group life insurance for personnel are removed.

### VOTES ON FINAL PASSAGE:

Senate	45	0	
House	93	0	(House amended)
Senate			(Senate refused to concur)
House			(House refused to recede)

### Free Conference Committee

House	90	0
Senate	47	0

EFFECTIVE: June 7, 1984

## SSB 4620

C 36 L 84

By Committee on State Government (originally sponsored by Senators Hughes, Bender, Owen, McDermott, Peterson, Wojahn, Bottiger, Talmadge, Moore, Bauer, Gaspard, Shinpoch, McCaslin, McDonald, Sellar, Fleming, Vognild and Conner)

Enlarging definition of veteran.

Senate Committee on State Government

House Committee on State Government

### BACKGROUND:

A "veteran" is defined for the purpose of several statutes as any person who has served in any branch of the armed forces of the United States between World War I and World War II or during any period of war, and who has received an honorable discharge or received a discharge for physical reasons with an honorable record. It also includes veterans of Korea and Viet Nam. Members of the armed forces who participated in the Grenadan and Lebanese conflicts are not eligible for several statutory benefits because the actions were not declared wars by Congress.

### SUMMARY:

The definition of "veteran" in RCW 41.04.005 is expanded to include anyone who has served in the armed forces of the United States and has received the Armed Forces Expeditionary Medal, or Marine Corps and Navy Expeditionary Medal, for opposed action on foreign soil.

### VOTES ON FINAL PASSAGE:

Senate	46	0
House	98	0

EFFECTIVE: June 7, 1984

## SSB 4628

C 199 L 84

By Committee on Local Government (originally sponsored by Senators Vognild, Newhouse and Conner)

Authorizing vacancies in sheriffs' offices to be filled by laid-off employees and making uniform certain civil service powers.

Senate Committee on Local Government

House Committee on Local Government

### BACKGROUND:

Civil service vacancies within county sheriffs' departments are filled according to the following procedure: (1) the sheriff requests a list of eligible

persons from the civil service commission; (2) the commission then certifies to the sheriff the top three names of those eligible for such position; (3) the sheriff then appoints a person to fill the vacancy; and (4) the person so appointed is on probation for one year.

Civil service commissions for county deputy sheriffs are not allowed to modify recommendations of suspension or demotion made by the sheriff.

**SUMMARY:**

The procedure for filling vacancies is modified to give laid-off or soon to be laid-off employees an opportunity to qualify for any class within the county sheriff's office before names of eligible persons are requested from the civil service commission.

The statutory authority of civil service commissions for county deputy sheriffs to modify suspensions and demotions is made uniform with the civil service commissions for city police and firemen.

**VOTES ON FINAL PASSAGE:**

Senate	40	5	
House	96	1	(House amended)
Senate	38	6	(Senate concurred)

EFFECTIVE: June 7, 1984

**SB 4642**

C 23 L 84

By Senators Moore, Clarke, Bender and Bluechel

Modifying provisions relating to mutual insurers.

Senate Committee on Financial Institutions

House Committee on Financial Institutions and Insurance

**BACKGROUND:**

Last session legislation was passed permitting a mutual insurer to convert to a stock corporation. Certain items, however, are not clearly spelled out in the present law. These items include the process for approval by the Insurance Commissioner, and which members are entitled to a distributive share of the owners' equity when a mutual converts.

**SUMMARY:**

The procedure followed by the Commissioner for conversion is described, and must include a public hearing. Members of the mutual company on the eligibility date are entitled to a share of stock after conversion. The eligibility date is either the date of adoption of the plan by the Board of Directors, approval of the plan by the members, or the date ending the calendar quarter when such action takes place.

**VOTES ON FINAL PASSAGE:**

Senate	44	0
House	94	0

EFFECTIVE: June 7, 1984

**SSB 4647**

PARTIAL VETO

C 259 L 84

By Committee on Social and Health Services (originally sponsored by Senators McManus, Kiskaddon and Deccio; by Department of Social and Health Services request)

Revising the state advisory committee to the department of social and health services.

Senate Committee on Social and Health Services

House Committee on Social and Health Services

**BACKGROUND:**

The State Advisory Committee to the Department of Social and Health Services is to be repealed June 30, 1984, as required under the Washington Sunset Act of 1977, as amended.

**SUMMARY:**

The State Advisory Committee is reconstituted. The membership is to be represented by age, sex and ethnic balance and to consider a range of interests including business owners, professions, labor, local government and consumers. Six of the members will represent the Department of Social and Health Services' six regional advisory committees, and one local elected official is included as a member.

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**SSB 4647**

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The Department of Social and Health Services will limit advisory committees to one per division or bureau, although there is a provision for exceptions. New program-specific advisory committees may be established.

The state advisory committee shall biennially review and make recommendations on department advisory committees other than those provided by federal law or specifically created by statute. The review shall consider purpose and accountability within time frames using the criteria specified under RCW 43.131.070.

The advisory committee shall hold periodic meetings and communicate with program-specific advisory committees. Advisory committees provided for by federal law are not required to coordinate or communicate with the state advisory committee.

**VOTES ON FINAL PASSAGE:**

Senate	46	2	
House	95	0	(House amended)
Senate	42	4	(Senate concurred)

EFFECTIVE: June 7, 1984

**PARTIAL VETO SUMMARY:**

The limitation of one advisory committee per division or bureau is deleted.

**SB 4650**

C 229 L 84

By Senators Thompson, Zimmerman and Granlund

Modifying provisions relating to burning permits issued by fire protection districts.

Senate Committee on Local Government

House Committee on Local Government

**BACKGROUND:**

Existing law allows fire protection districts to issue burning permits, but the districts have no enforcement authority. Fire protection districts are prohibited from issuing a burning permit for a fire on any forest or cut-over land.

**SUMMARY:**

Fire protection districts may issue a burning permit for a fire on any forest or cut-over land if otherwise provided for by law. Districts may: (1) direct a permittee to extinguish a fire; and (2) hold a noncompliant permittee or a nonpermittee liable to the district for reimbursement for the costs of fire suppression services. Violation of permit requirements is a misdemeanor.

**VOTES ON FINAL PASSAGE:**

Senate	45	0	
House	97	0	(House amended)
Senate	46	0	(Senate concurred)

EFFECTIVE: June 7, 1984

**SSB 4653**

C 261 L 84

By Committee on Social and Health Services (originally sponsored by Senators Peterson, McManus, Wojahn, Deccio, Moore and Bauer; by Lieutenant Governor request)

Revising the laws regulating the Washington council on child abuse and neglect.

Senate Committee on Social and Health Services

House Committee on Social and Health Services

**BACKGROUND:**

In 1982, the Council on Child Abuse and Neglect was created in the Office of the Governor. The Council was established to create, encourage and support programs directed at the prevention of child abuse and neglect. The Council is funded out of the general fund, but a \$5.00 surcharge was added to the fee for marriage licenses, to be deposited in the general fund.

Both the Council and the \$5.00 surcharge on the marriage license fee were scheduled to expire on June 30, 1984.

**SUMMARY:**

The name of the Council on Child Abuse and Neglect is changed to the Washington Council for the Prevention of Child Abuse and Neglect.

The Council is placed under the Sunset Act and scheduled to terminate June 30, 1988. The \$5.00 surcharge on marriage license fees, which is intended to offset the appropriation to the Council, is extended to June 30, 1988.

The depository for gifts, grants or contributions to the Council is named the Children's Trust Fund.

VOTES ON FINAL PASSAGE:

Senate	48	0	
House	96	0	(House amended)
Senate	43	0	(Senate concurred)

EFFECTIVE: June 7, 1984

**SB 4668**

C 77 L 84

By Senators Vognild, McManus, Lee and McDermott, by Emergency Commission on Economic Development request

Establishing the Washington State University small business development center.

Senate Committee on Commerce and Labor

House Committee on Commerce and Economic Development

BACKGROUND

Washington State University contracted with the federal government in 1976 to establish a Small Business Development Center (SBDC) on its campus. Since its inception, the SBDC has opened field offices in Yakima, Spokane, Olympia, Seattle, Vancouver, Pullman and Bellingham.

According to the federal contract, the SBDC is eligible for federal matching grants to "assist small businesses in solving problems concerning operations, manufacturing, engineering, technology exchange and development, personnel administration, marketing, sales, merchandising, financing, accounting, business strategy development and other disciplines required for small business growth and expansion, innovation, increased productivity and management improvement and for decreasing industry economic concentrations."

Congress during the past session reauthorized and continued the program and funded it with \$27

million. Proponents contend that the SBDC should be a statutory program in order to recognize their valuable role in assisting the state's small business community and in order to further consolidate the state's small business resources.

SUMMARY:

The Board of Regents of Washington State University is statutorily directed to establish the Washington State University Small Business Development Center.

The Center is established to provide management and technical assistance including training, counseling and research services to small businesses throughout the state. The Center is directed to work with public and private community development and economic assistance agencies towards the goal of coordinating activities with those agencies to avoid duplication of services. The administration of the Center is authorized to contract with other public and private entities for the provisions of specialized services. The Small Business Development Center is also authorized to accept and disburse federal grants or federal matching funds or other funds or donations from any source when made, granted or donated to carry out the Center's purposes.

If any provision of this enabling legislation is in conflict with federal requirements which prescribe conditions to the allocation of federal funds, such provisions are declared to be inoperative.

VOTES ON FINAL PASSAGE:

Senate	47	0
House	95	2

EFFECTIVE: June 7, 1984

**SB 4696**

FULL VETO

By Senator Lee

Establishing an equalized calculation formula for levies by certain school districts.

Senate Committee on Education

House Committee on Education

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**SB 4696**

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**BACKGROUND:**

The Levy Lid Act restricts the amounts of levies that school districts may request to 10 percent of their allocations received in the preceding year for basic education and categorical programs. A "grandfather clause" was added to the Levy Lid Act to reduce the impact of the 10 percent restriction on those districts which historically relied heavily on levy revenues and to offset enrollment declines and inflation. The grandfather clause permits certain districts to generate 106 percent of their preceding year's expenditures per pupil for basic education. The grandfather clause is being phased out so that by 1990 all districts shall be subject to the 10 percent restriction. Some districts are currently restricted to the 10 percent limitation. Until 1990, other districts may continue to run levies in excess of 10 percent.

**SUMMARY:**

Eligible school districts are authorized to use an equalized calculation as their base-year levy percentage.

A district is eligible to use the equalized calculation if: it failed to pass levies in 1978, 1979 and 1980; did pass levies at maximum capacity in 1981, 1982 and 1983; and did not qualify to exceed the maximum dollar amount permitted by law for excess levies in 1980.

The equalized calculation shall be derived by dividing the number of districts within the county of the district eligible to use the equalized calculation into the sum of the base-year levy percentages for those same districts.

**VOTES ON FINAL PASSAGE:**

Senate 42 4  
House 59 35

FULL VETO: (See VETO MESSAGE)

**SSB 4708**

C 200 L 84

By Committee on Social and Health Services (originally sponsored by Senators McManus and Deccio; by Department of Social and Health Services request)

Modifying methods of determining costs of operating state institutions.

Senate Committee on Social and Health Services

House Committee on Social and Health Services

**BACKGROUND:**

Currently, there are two rate setting processes for services provided at Rainier, Fircrest, and Lakeland Schools, the state institutions for the developmentally disabled (DD). One is established by the federal government for Medicare/Medicaid eligible persons and the other by state statute for non-Medicare/Medicaid eligible persons.

The federal law precludes paying Medicare/Medicaid rates that are higher than the state-established rate. Therefore, there is a potential of losing federal funds when the state rate, which is adjusted annually, is set below the federal rate.

**SUMMARY:**

One rate-setting process is established for all DD residents based on the Medicare/Medicaid methods, regardless of eligibility.

**VOTES ON FINAL PASSAGE**

Senate 43 0  
House 97 0 (House amended)  
Senate 45 1 (Senate concurred)

EFFECTIVE: June 7, 1984

**SSB 4711**

C 230 L 84

By Committee on Local Government (originally sponsored by Senators Thompson, Zimmerman and Granlund)

Modifying and reorganizing provisions related to fire protection districts.

Senate Committee on Local Government

House Committee on Local Government

BACKGROUND:

The laws pertaining to fire protection districts were enacted in 1939 and have not been updated to remove obsolete or archaic language.

SUMMARY

Statutes pertaining to fire protection districts are updated to remove obsolete or archaic language. Chapters and sections are recodified for ease of reference.

VOTES ON FINAL PASSAGE

Senate	45	0	
House	91	6	(House amended)
Senate	47	0	(Senate concurred)

EFFECTIVE June 7, 1984

**SSB 4730**

C 201 L 84

By Committee on Social and Health Services (originally sponsored by Senators Woody, Lee, Rinehart, Hayner, Wojahn, Hurley and Hemstad)

Requiring the extension of health insurance coverage in child support orders under certain circumstances.

Senate Committee on Social and Health Services

House Committee on Judiciary

BACKGROUND

Current statutes relating to child support make no reference to health insurance.

SUMMARY

In entering or modifying a support order the court must require a parent obligated to pay support to exercise an option to extend health insurance to a dependent child only if the following three conditions exist:

- 1 Health insurance which can be extended to cover the child is available to the obligated

parent through an employer or other organization;

2. The employer or organization will contribute all or part of the additional premium; and
3. The parent who has custody of the child does not have health insurance covering the child available through an employer or other organization at no or reduced cost.

VOTES ON FINAL PASSAGE:

Senate	47	0	
House	96	0	(House amended)
Senate	45	0	(Senate concurred)

EFFECTIVE: June 7, 1984

**SB 4731**

C 121 L 84

By Senators Bottiger, Hayner and Conner

Providing membership in the retirement system to otherwise eligible persons enrolled in volunteer firemens' relief and pensions.

Senate Committee on Ways and Means

House Committee on Ways and Means

BACKGROUND:

The Public Employees Retirement System (PERS) excludes membership to employees holding membership in any retirement plan operated wholly or in part by a political subdivision.

SUMMARY:

An employee who is a member of the Volunteer Firemen's Relief and Pension System under Chapter 41.24 RCW may become a member of PERS.

VOTES ON FINAL PASSAGE:

Senate	47	0
House	96	0

EFFECTIVE: June 7, 1984



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**SSB 4758**

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**SSB 4758**

C 78 L 84

By Committee on Commerce and Labor (originally sponsored by Senators Woody, Sellar, Haley, Vognild, Benitz and Williams)

Modifying the regulation of the alcohol content of certain candy, food, and wine.

Senate Committee on Commerce and Labor

House Committee on Commerce and Economic Development

**BACKGROUND:**

Confectioners are not permitted to use natural alcohol flavoring in the preparation of their products. However, they are allowed to use artificial alcohol flavoring in an amount that is less than one half of 1 percent by volume. Proponents believe that the restriction against the use of natural alcohol flavoring places confectioners at a competitive disadvantage with bakeries and delicatessens which are authorized to use this flavoring in the preparation of food for retail sale.

In order to ensure that confectioners can use natural alcohol flavorings and that bakeries and delicatessens can continue to do so, exemptions need to be made for these products from the state's liquor laws.

Dealcoholized wine is currently being marketed in Washington State. While it technically meets the definition of wine in the state's liquor law, the Liquor Control Board sees no need to regulate this product.

**SUMMARY**

The use of natural or artificial alcohol flavoring is authorized if it does not exceed 1 percent of the weight of the confection.

An exemption is provided from the state's liquor laws for the manufacture and sale of confections and food products that contain less than 1 percent of alcohol by weight if they carry a label stating: "This product contains liquor and the alcohol content is 1 percent or less of the weight of the product."

Manufacturers of confections or food products can obtain the liquor used as natural flavoring from

any source if the manufacturer obtains a permit and the applicable taxes are paid.

An exemption from the state's liquor laws is provided for wine that is less than 1/2 of 1 percent of alcohol by volume.

**VOTES ON FINAL PASSAGE:**

Senate	38	7
House	75	21

EFFECTIVE: March 1, 1984

**SB 4773**

C 79 L 84

By Senators Vognild and McManus

Extending the small business innovators' opportunity program.

Senate Committee on Commerce and Labor

House Committee on Commerce and Economic Development

**BACKGROUND:**

The Small Business Innovators' Opportunity Program was enacted by the Legislature in 1982. In developing the program, the Legislature specifically acknowledged the contributions to the state's economic base made by innovators and inventors who start new businesses. The Legislature also recognized the need to innovators and inventors who are essentially unfamiliar with the business environment. Therefore, the Legislature established the program within the Department of Commerce and Economic Development to (1) review proposals from inventors and innovators; (2) review proposals for accuracy and evaluate their prospects for marketability; (3) cooperate with institutions of higher education to evaluate proposals for marketability, suitability for patent rights, and for the provision of professional research and counseling; (4) provide assistance to the innovators and inventors as appropriate; and (5) receive funds, contract with institutions of higher education and carry out such other duties as are deemed necessary to implement the program.

The program has been operated on a contract basis as a pilot project through the Small Business

Development Center at Washington State University. Funding for the program was only available through June 30, 1983. More than \$19,000 was left in the program's budget on that date but has not been available for continuing the operation of the program. The Small Business Development Center has continued to operate the program with other funds. The program is scheduled to terminate on June 30, 1985 unless otherwise extended by law.

**SUMMARY:**

The June 30, 1985 termination date for the Small Business Innovators' Opportunity Program is repealed. Additionally, the Department of Commerce and Economic Development is appropriated \$45,000 for the biennium ending June 30, 1985, to implement the Small Business Innovators' Opportunity Program

Appropriation: Department of Commerce and Economic Development is appropriated \$45,000.

**VOTES ON FINAL PASSAGE:**

Senate	45	2
House	96	1

EFFECTIVE: June 7, 1984

**SSB 4775**

C 87 L 84

By Committee on Parks and Ecology (originally sponsored by Senator Hughes)

Establishing the parkland acquisition account.

Senate Committee on Parks and Ecology

House Committee on Environmental Affairs

**BACKGROUND:**

Acquisition of lands for state parks purposes has declined significantly in recent years as a result of budgetary limitations and increased priority given to maintenance and operations. Certain lands available for acquisition may be lost to development interests if acquisitions are not undertaken. One potential funding source for acquisitions is reimbursement to the State Parks Commission for the disposal of surplus lands which have been deeded to other public entities for recreational use. Where a given public entity holds title to such

land, with reversionary rights to the State Parks Commission provided for in case of nonrecreational use, and where the lands would not be useful for state parks purposes, the Commission could be reimbursed for surrendering its reversionary rights and those reimbursed funds could be directed to an account for the acquisition of parklands.

**SUMMARY:**

Surplus lands owned by the State Parks Commission, which are deeded to another public entity, must contain a clause requiring the lands to revert to the Commission if they are not used for outdoor recreation purposes. If the Commission finds that the lands remain surplus to its needs, it may accept reimbursement, at fair market value, for the negation of the reversionary clause. A parkland acquisition account is created, into which any funds from such reimbursements are directed. Funds from this account are to be used for the acquisition of lands appropriate for state parks purposes. Exchanges of lands involving property held by the Parks and Recreation Commission are to include a transfer fee set by the Commission and paid by the other party to the exchange. The fee is to be paid into the parkland acquisition account.

**VOTES ON FINAL PASSAGE:**

Senate	27	19
House	95	0

EFFECTIVE: March 2, 1984

**SB 4787**

C 22 L 84

By Senators Goltz, Sellar, Moore and Deccio

Modifying provisions relating to home health care.

Senate Committee on Financial Institutions

House Committee on Financial Institutions and Insurance

**BACKGROUND:**

Currently, home health care services and hospice care are offered as optional coverage in group

**SB 4787**

disability insurance policies and prepaid health care service plans. The carrier must offer not less than 130 home health care service visits each calendar year. Treatment is delivered by a registered nurse, physical therapist or occupational therapist. Support personnel may be included for some services. Eligible supplies and equipment are included in the coverage.

**SUMMARY:**

Home health care coverage may be structured so that services or supplies included in the primary contract are not duplicated in the optional plan. A home health aide may provide care under the supervision of a registered nurse, physical therapist, occupational therapist, or speech therapist. Such care includes ambulation, exercise, personal care or household services.

"Home health care plan of treatment" and "hospice plan of care" mean written plans of care established and reviewed by a physician for medically necessary treatment or palliation for a terminally ill patient.

Home health care includes the rental of medical equipment such as wheelchairs, hospital beds, respirators, splints, trusses, braces or crutches needed for treatment. Respite care means continuous care in the most appropriate setting for a maximum of five days per three-month period of hospice care.

**VOTES ON FINAL PASSAGE:**

Senate 44 0  
House 95 0

EFFECTIVE: July 1, 1984

**SSB 4788**

C 239 L 84

By Committee on Parks and Ecology (originally sponsored by Senators Woody, Haley, Hughes, Lee, Rinehart and Goltz)

Authorizing the creation of habitat buffer zone to protect endangered and threatened species.

Senate Committee on Parks and Ecology

House Committee on Environmental Affairs

**BACKGROUND:**

Currently, state law on the protection of the necessary habitats of endangered and threatened species is viewed by many to be inadequate. This has become particularly acute with the deemphasis on such protection by federal authorities. Instances have been cited where development has threatened endangered specie habitats. The ability of the Departments of Game and Natural Resources to respond has been hampered by inadequate statutory authority.

**SUMMARY:**

The Department shall cooperate with various agencies, using existing statutory programs, in the protection of bald eagles and in defining the boundaries of habitat buffer zones for bald eagles. Rules developed by the Department shall establish guidelines and priorities for purchase, trade, lease or grant of easements to protect habitat buffer zones for bald eagles. The Joint Select Committee on Threatened and Endangered Species is created to conduct a study of various issues related to such species.

**VOTES ON FINAL PASSAGE:**

Senate 47 0  
House 59 38 (House amended)  
Senate (Senate refused to concur)  
House (House refused to recede)

**Free Conference Committee**

House 58 40  
Senate 47 0

EFFECTIVE: June 7, 1984

**SSB 4794**

C 231 L 84

By Committee on State Government (originally sponsored by Senator Williams)

Requiring a feasibility study of a centennial partnership project.

Senate Committee on State Government

House Committee on State Government

BACKGROUND:

November 11, 1989 will mark the centennial of Washington State's admission to the Union. The Legislature created the 1989 Washington Centennial Commission to develop a comprehensive plan for appropriate commemoration of this event. A study of the feasibility of private sector participation could complement the public centennial activities.

SUMMARY:

A temporary Centennial Partnership Corporation is created. It is governed by a nine-member board of directors as follows: the Director of Commerce and Economic Development or a representative, the State Historic Preservation Officer; four persons appointed by the Governor who are members of specified nonprofit corporations; and two persons appointed by the Governor from the hotel, motel, or restaurant businesses. The corporation will cease to exist on July 1, 1985.

The Corporation is charged with conducting a feasibility study of establishing one or more tourist attractions based on Washington State's heritage. In carrying out the study, the Corporation must report its recommendations to the Legislature by January 1, 1985, and cooperate with qualified nonprofit corporations.

A qualified nonprofit corporation must have: met certain conditions with respect to the Internal Revenue Code, membership open to the public, a record of preserving a part of the heritage of the state, ownership or availability of a substantial collection of pertinent artifacts, indicated its interest in a partnership with the state in creating a destination tourism attraction, and donated at least \$5,000 to defray the costs of the study.

A Centennial Partnership Fund is created, with disbursements to be authorized by the Centennial Partnership Corporation. Any donations by the Governor are deposited in this fund. An appropriation of \$15,000 is made, but may not be spent until a matching amount of donations has been received by the Governor.

The Governor is required to make appropriate state agency staff and administrative support available to the Corporation. However, the Corporation shall not be created unless the Governor has received the \$15,000 in donations by August 1, 1984.

The statute expires on July 1, 1985.

Appropriation: \$15,000 from the general fund to the centennial partnership fund.

VOTES ON FINAL PASSAGE:

Senate	45	0	
House	76	20	(House amended)
Senate	46	0	(Senate concurred)

EFFECTIVE: March 27, 1984

**SB 4798**

C 246 L 84

By Senators Granlund and McManus

Relating to prison overcrowding reform.

Senate Committee on Institutions

House Committee on Social and Health Services

BACKGROUND:

Prison overcrowding continues to plague the state's correctional system. Washington State prisons are currently housing prisoners at 139 percent of rated capacity. A variety of legislative changes are needed to address problems and issues directly and indirectly resulting from overcrowding.

The issues include conditions for early release of inmates, funds for local communities impacted by new or expanded state institutions, alternatives to incarceration, and paid leave for prison guards.

SUMMARY:

EARLY RELEASE OF INMATES

The Sentencing Reform Act is amended to permit the Board of Prison Terms and Parole to reduce the inmate population in the event of prison overcrowding. The reductions do not apply to sexual psychopaths, inmates serving mandatory minimum terms, and inmates confined for treason or any violent offense, as defined by statute.

The Parole Board must give priority to sentence reductions for inmates incarcerated for nonviolent offenses, inmates within six months of a scheduled parole, and inmates with the best records of conduct during confinement. The Board also must consider the detrimental effect of overcrowding upon inmate rehabilitation and the best allocation

of limited correctional facility resources in adopting the program. Parole Board guidelines are reviewed by the Senate Institutions Committee and the House Social and Health Services Committee prior to implementation.

LOCAL IMPACT FUNDS

The 1983-85 appropriation of \$1,480,000 for one-time cost impact to communities associated with locating additional correctional facilities will also apply to the communities impacted by the double bunking at the Washington Corrections Center.

ALTERNATIVES TO INCARCERATION

The Department of Corrections is designated as the agency responsible for developing a comprehensive system of alternative programs for nonviolent offenders.

Alternatives to total confinement developed and implemented under the Department's plan must meet the definitional requirements of the categories of sanctions (total confinement, partial confinement, community supervision, restitution and fines) established under the Sentencing Reform Act.

Elements of the plan on alternatives to be developed by the Department include:

- (1) The establishment of goals and objectives for developing alternatives to total confinement;
- (2) The identification and evaluation of current state and local programs that qualify as alternatives to total confinement;
- (3) An evaluation of the existing organizational structure of the Division of Community Service within the Department and its role in providing or administering programs that are alternatives to total confinement after implementation of the Sentencing Reform Act;
- (4) The identification of the numbers of offenders who are eligible to participate in alternative programs;
- (5) The identification of funding sources, funding responsibility and costs associated with providing alternatives to total confinement;
- (6) An analysis of the legal liability of state and local government entities and private sector providers;

- (7) An analysis of the role and responsibility of local correctional entities in housing state prisoners; and
- (8) An analysis of the role and responsibility of local correctional entities in housing state prisoners.

The Department is required, in developing the plan, to consult with affected state and local government entities, private nonprofit agencies and various agencies, organizations and associations operating within the criminal justice system. The plan also must reflect regional differences.

The Department may receive staff, data, information and data processing assistance from selected state agencies in developing in the plan.

An appropriation of \$45,500 is made to the Department of Corrections to carry out the study. The legislation takes effect immediately to give the Department adequate time to complete the study. The plan must be completed by December 1, 1984.

PAID LEAVE FOR PRISON GUARDS

A supplementary program is created to partially reimburse employees of the Department of Corrections who miss work as a result of being victims of inmate assaults.

Reimbursement is made under this program only if the Secretary of the Department of Corrections or the Secretary's designee believes the employee's absence is justified. In addition, the Secretary or the Secretary's designee must find that 1) the employee was assaulted and received injuries requiring the employee to miss days of work, and 2) the assault was not a result of the employee's negligence, misconduct or failure to comply with the conditions or rules of employment. The reimbursement authorized under this program is available for not more than one year.

The reimbursement is paid by the Department of Corrections and is considered salary or wages. Under the program, an employee is not required to use sick leave for the days missed and the employee receives full pay for those days for which he or she is not eligible for Worker's Compensation under Chapter 51.32 RCW. For those days for which the employee is eligible for Worker's Compensation, the employee is reimbursed in an amount which, when added to the Worker's Compensation award allows the employee to receive full pay. An employee is not eligible for

reimbursement if he or she does not diligently pursue Worker's Compensation benefits.

The reimbursement authorized here is not a contractual right and employees are not entitled to the reimbursement in the event the Legislature terminates the program.

Appropriation: \$45,500 to the Department of Corrections

VOTES ON FINAL PASSAGE:

Senate	41	6	
House	96	1	(House amended)
Senate			(Senate refused to concur)
House			(House refused to recede)

Free Conference Committee

House	90	7
Senate	39	2

EFFECTIVE March 27, 1984

**SSB 4814**

C 180 L 84

By Committee on Institutions (originally sponsored by Senator Granlund)

Modifying provisions on children and family services.

Senate Committee on Institutions

House Committee on Social and Health Services

BACKGROUND

The Children and Family Services Act of 1983 required the Department of Social and Health Services to develop a plan, in coordination with an advisory committee appointed by the secretary, to implement the goals and objectives of the act. The Department delivered its initial implementation plan to the Legislature in November of 1983. The initial plan addressed many of the items called for in the 1983 law. However, certain elements are either not specified in the 1983 act or are not included in the initial plan and are now inserted in an expanded plan.

SUMMARY

The Department of Social and Health Services is required to expand the plan called for under the

Children and Family Services Act of 1983. Under the expanded plan, the Department must:

- (1) Cost out the initial implementation plan presented to the Legislature during the fall of 1983;
- (2) Itemize the cost of implementing the programs enumerated in the 1983 law; and
- (3) Itemize cost associated with (a) alternative residential placements; (b) providing a continuum of mental health services to children; (c) specialized and regular foster and group care, receiving home and crisis residential center beds and emancipation facility beds for children and youth who require out-of-home placements but who can function relatively independently; and (d) services for hard-to-place youth.

Work on the expanded plan will be reviewed by the original advisory committee appointed by the secretary, under the Children and Family Services Act of 1983 and will be presented to the Legislature for review by November 15, 1984. The committee will serve in its advisory capacity until December 30, 1984.

The Legislative Budget Committee is directed to conduct a study comparing private group care rates with state group care rates, for equivalent services. A report by the LBC to the Legislature is due November 15, 1984.

VOTES ON FINAL PASSAGE:

Senate	44	2	
House	97	0	(House amended)
Senate	45	1	(Senate concurred)

EFFECTIVE: March 8, 1984

**SSB 4829**

C 181 L 84

By Committee on Commerce and Labor (originally sponsored by Senator Vognild; by Emergency Commission on Economic Development request)

Defining dislocated workers for purposes of unemployment compensation.

Senate Committee on Commerce and Labor

House Committee on Labor

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**SSB 4829**

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**BACKGROUND:**

The Emergency Commission on Economic Development held a number of hearings on the status of the state's dislocated worker programs. Since the principal programs, Title III of the federal Jobs Training Partnership Act, the state's Jobs Skills Program, and training approved by the Commissioner of Employment Security, are still in the beginning stages, comprehensive retraining recommendations were not made. However, the Commission found that in order to more effectively implement this program, statutory definition of "dislocated workers" is needed.

**SUMMARY:**

A statutory definition of "dislocated worker" is added to the laws governing unemployment compensation. The definition includes as a dislocated worker any individual who meets all of the following criteria:

1. Has been terminated or has received notice of termination from employment;
2. Is eligible for or has exhausted unemployment benefits; and
3. Is not likely to return to his or her principal occupation or previous industry because of a diminishing demand for such skills.

Anyone who falls within the definition of "dislocated worker" will receive unemployment compensation benefits when that person is satisfactorily progressing through a training program approved by the Commissioner.

**VOTES ON FINAL PASSAGE:**

Senate	39	0	
House	96	0	(House amended)
Senate	40	1	(Senate concurred)

**EFFECTIVE:** June 7, 1984**2SSB 4831****PARTIAL VETO**

C 289 L 84

By Committee on Ways and Means (originally sponsored by Senators Talmadge, Kiskaddon, Hughes, Bluechel, Rasmussen, Williams, Pullen, Wojahn, Goltz, Bender, Hurley, Hemstad, Fuller and Zimmerman)

Establishing a program for disclosure of information regarding hazardous substances in the workplace.

Senate Committee on Parks and Ecology

Senate Committee on Ways and Means

House Committee on Environmental Affairs

House Committee on Ways and Means

**BACKGROUND:**

The Washington Industrial Safety and Health Act (WISHA) directs employers to furnish each employee "a place of employment free from recognized hazards that are causing or likely to cause serious injury or death. . ." There is growing concern that employees who are routinely exposed to hazardous substances are not fully informed of the risk involved. Worker "right to know" legislation has been passed in many states. Such legislation requires employers to keep on file material safety data sheets that contain, among other things, extensive health information. Employee access to these records is guaranteed.

Recently the federal government issued rules giving workers the right to know what hazardous substances are in the workplace. Non-OSHA states like Washington have until May to produce their own right-to-know plans or the federal law will take effect. The federal law is limited in its scope to only employers involved in manufacturing. The federal law also fails to provide for any community right-to-know.

**SUMMARY:**

The Legislature finds that hazardous substances are a growing threat to the public health, safety, and welfare; and that individuals have an inherent right to know the full range of the risks they face so that they can make reasoned decisions and take informed action concerning their employment and their living conditions.

The Legislature determines that while hazardous substances have contributed to the high quality of life we enjoy in our state, it is in the public interest to establish a comprehensive program for the disclosure of information about hazardous substances in the workplace and community.

The Legislature declares that local health, fire, police, safety, and other governmental officials

require detailed information about the hazardous substances used and stored in their communities.

The definition of employer does not include a person who employs less than four employees as agricultural laborers employed 40 or more hours a week in such employment. Where there are two or more employers at the same workplace, for example, a construction site, each employer shall be solely responsible for his or her own employees.

Some employees of research and development laboratories, handlers of sewage or solid waste, and transporters of hazardous substances are given partial exemptions from the act.

The Department of Labor and Industries (L&I), after consultation with the Department of Agriculture, shall develop a "workplace hazardous substance list". The Department shall develop criteria by which hazardous substances may be placed on or deleted from the workplace hazardous substance list.

The Department, after consulting with the Department of Agriculture, shall develop by rule a workplace survey. The Department shall transmit the workplace survey to each employer in the state no later than June 1, 1986.

Employers shall make a reasonable effort to inform employees who communicate primarily in a language other than English of their rights under the bill. L&I shall translate material safety data sheets and the workplace survey form.

Employees are insured, regardless of any language barriers, of a suitable education and training program.

The manufacturer or supplier of any product used in the state that contains hazardous substances shall prepare and/or provide purchasers of the product and L&I with a material safety data sheet. The manufacturer or supplier shall make every reasonable effort to insure that the information contained in each material safety sheet is current, accurate and complete.

If an employer has reason to believe that a product present at the employer's facility contains a hazardous substance as a component, but has not obtained from the manufacturer or supplier of the product a material safety data sheet, the employer shall list the product by its common name in the space provided on the survey

The Department shall, upon request, transmit a copy of the workplace survey to the health department of the county in which the employer's facility is located, the local fire department and the local police Department.

The manufacturer, employer or supplier may make a trade secret claim to the Department. The Department shall develop rules that establish criteria to determine whether the trade secret claim is warranted. The manufacturer or supplier of a product shall notify purchasers of trade secret claims made to the Department. For any trade secret claim, the manufacturer or producers shall compensate the Department for expenses incurred in evaluating the validity of that claim.

L&I shall maintain a file of all completed workplace surveys and material data sheets for 30 years. L&I may require every employer to update annually the workplace survey for the employer's workplace. The Department shall require all employers to complete a workplace survey at least once every five years.

Any person may request in writing from L&I a copy of a workplace survey for a facility, together with the appropriate material safety data sheets.

A "community right-to-know" statewide toll-free telephone number shall be made available by the Department to receive workplace survey and material safety data sheet requests. The Department shall keep a record of requests. These requests shall be made available to health and law enforcement agencies. The Department shall advise an employer when requests for information pertaining to his or her workplace have been made by persons or organizations other than employees working for the employer or local health, fire, and law enforcement agencies. The Department shall impose reasonable limits on requests and may establish reasonable fees to be charged for copies.

Every employer shall establish and maintain a central file at the employer's workplace for material safety data sheets and a workplace survey. Every employer shall post on bulletin boards or other place readily accessible to employees a notice of the availability of the information in the file.

Within three working days, employers shall make available a workplace survey and a material safety data sheet on each hazardous substance in the employees' work area upon written request of



an employee or his or her designated representative. If the manufacturer or supplier has failed to provide a material safety data sheet, the employer shall notify the Department.

Every employer or group of employers shall establish an education and training program for employees. The Department may develop rules for less restrictive education and training programs for short-term employees. An employer with fewer than 35 full-time employees may request assistance, including on-site assistance, from the Department in completing its workplace surveys and education and training program. A set of criteria is established by which the Department shall develop rules for education and training programs.

Manufacturers of hazardous substances shall label such substances by the chemical or common name, and the chemical abstract service number. By June 1, 1986, every employer shall label every container which contains hazardous substances at the employer's facility.

An employee or employee representative may request, in writing, from the employer, a copy of a workplace survey, or a material safety data sheet. The employer shall supply this material within three working days of the request. The employer has three working days to comply with the request.

If an employer has not informed the Department that a manufacturer has failed to provide a material safety data sheet with a product, an employee shall have the right to refuse to work with a hazardous substance for which a request was made and not honored without loss of pay or forfeit of any other privilege until the request is honored.

No employer may discharge, cause to be discharged, or otherwise discipline, penalize, or discriminate against any employee because the employee or the employee's representative has exercised any right established under the chapter.

There is established in L&I a Right-to-Know Advisory Council, which shall consist of 15 members appointed by the Director of L&I. Members of the Council will represent various groups with a special interest in the worker and community right-to-know area.

The Council shall advise L&I on the revision of the workplace hazardous substance list and advise and review the implementation of the chapter.

The Advisory Council shall study the impact of the bill on employers and make recommendations to the Legislature. The Advisory Council shall also prepare an updated fiscal note of the costs of this act to the Department and to local governments, school districts, institutions of higher education and hospitals, and report to the Legislature its findings by January 1, 1985.

The Department shall produce educational brochures and public service announcements detailing information available to citizens under this chapter.

A person may bring a civil action on his or her own behalf against a manufacturer, supplier, employer or user for violations of the chapter.

The absence of any substance from the workplace hazardous substance list shall not affect the liability of an employer with regard to safeguarding the health and safety of persons exposed to the substance.

If a manufacturer, supplier, employer or user refuses or fails to provide the Department with any material safety data sheets, workplace surveys, or other information, the Department may take punitive action against the party.

If a manufacturer, supplier, employer or user fails to provide the Department with documents required by the bill, the Department may levy a fine of up to \$50 per affected employee per day, not to exceed \$5,000 per day.

The court may award the Department costs of litigation, including attorneys fees, if the Department is the prevailing party.

Each employer in the state is annually assessed a fee of \$.75 per employee. After the initial assessment of \$.75 per employee, the fees shall be based on a fee schedule developed by the Department and shall be collected only from those employers who have hazardous substances present at their workplace.

Appropriation: \$97,453 to the community and worker right-to-know fund

VOTES ON FINAL PASSAGE:

Senate	30	17	
House	77	21	(House amended)
Senate	29	18	(Senate concurred)

EFFECTIVE: June 7, 1984

## PARTIAL VETO SUMMARY

Sections 3-14, 19 and 22 were vetoed by the Governor. Those sections contained provisions which can be summarized as follows:

Definition of terms; limitation on application of the chapter as regards specified persons and circumstances; requirements for development of a hazardous substances list by the Department of Labor and Industries and a workplace survey; transmission of the survey to employers by the Department;

A requirement that manufacturers provide material safety data sheets (MSDS) by November 15, 1985; transmission of workplace survey to local police, fire, and health officials; procedures for protecting trade secrets; disclosure of chemical identity in case of a medical emergency;

A requirement that the Department maintain a file of workplace surveys and MSDS's; authorization of requests for such materials by the public; requirements that employers maintain workplace surveys and MSDS's on file at the workplace and make them available to requesting employees within three working days, a mandatory education program for employees concerning hazardous chemicals to which they are exposed; assistance to smaller employers in survey and education programs;

Manufacturer labeling hazardous substances; employers' assurance that all hazardous substances are labelled; development of procedures by the Department of Labor and Industries for receiving input from the Advisory Council and others concerning the chapter; and exemption of substances not included on the workplace hazardous substances list from required reports.

Sections providing the following were retained: Chapter title, legislative policy declaration; the right to refuse to work if appropriate information is not provided, the prohibition on retribution by the employer; establishment of the Advisory Council, and Council powers; provision for educational brochures; authorization for requests for further information on hazardous substances; establishment of a right-to-know fund through assessments against employers; authority to levy fines for non-compliance, and an appropriation of \$97,453, as well as certain technical provisions.

(See VETO MESSAGE)

**SSB 4849**

C 175 L 84

By Committee on Commerce and Labor (originally sponsored by Senator Hughes)

Establishing the honorary commercial attache' program.

Senate Committee on Commerce and Labor

House Committee on Commerce and Economic Development

## BACKGROUND:

The attraction of international investment and promotion of trade has become increasingly important to various states and nations, many of which expend large amounts of funds to conduct their programs. These programs often involve establishing offices abroad and the payment of fulltime staff. While these programs are often cost effective they involve a large investment of governmental funds.

Several countries and the state of Wisconsin have utilized an honorary commercial attache program or similar program in order to promote international investments and trade.

## SUMMARY:

The Legislature finds that various nations are not fully aware of the competitive investment opportunities, products and services available in the state of Washington. There are, however, distinguished, civic-minded individuals with close ties to various foreign nations, and citizens of foreign nations who have a broad knowledge of this state and its products and are willing to act as honorary commercial attaches.

There is established an honorary commercial attache program in the office of foreign trade, which is within the Department of Commerce and Economic Development. The office is required to:

- 1) Review recommendations and identify those individuals willing and able to carry out the duties of an attache;
- 2) Screen applicants;
- 3) Make reports and recommendations to the Governor and President of the Senate regarding applicants;

- 4) Provide to attaches on an ongoing basis an orientation on the state's products, services and investment opportunities;
- 5) Prepare and provide the necessary brochures and pamphlets for distribution by attaches;
- 6) Target those regions and countries in which an attache would be most beneficial;
- 7) Assist attaches in the execution of their duties.

The Department may administer the honorary commercial attache program in conjunction with other similar programs.

The attaches are appointed by the Governor with the approval of the President of the Senate. Upon appointment attaches receive a state flag, certificate and letter of appointment. Attaches are representatives of the state in promoting international investment, trade and tourism. Attaches are directed to avoid conducting private business while acting as the state's representatives. In situations of possible conflict of interest, attaches are required to notify the director. Attaches do not receive compensation or reimbursement for their duties. The Department may receive funds in relation to the program; contract with institutions of higher education; receive gifts or grants; and charge reasonable fees for its services.

The director is required to report annually to the appropriate legislative committees on the program's impact on the state's economy; the number of attaches; and recommendations regarding the program. Honorary commercial attache certificates may be revoked by the Governor after consultation with the President of the Senate.

The office of foreign trade is authorized to administer the honorary commercial attache program established under this chapter. The program will terminate on June 30, 1986.

VOTES ON FINAL PASSAGE:

Senate	42	5	
House	67	25	(House amended)
Senate	43	3	(Senate concurred)

EFFECTIVE: June 7, 1984

**SB 4852**

C 176 L 84

By Senator Hughes

Relating to international investment.

Senate Committee on Commerce and Labor

House Committee on Commerce and Economic Development

BACKGROUND:

Many states and nations are actively involved in the attraction of foreign investments to their respective areas. This is done in an effort to assist the economic development within their borders.

The Department of Commerce and Economic Development of the state of Washington is authorized to engage in the attraction of international investment as a part of their collective trade promotion responsibilities.

Presently the Department is not directed by statute to conduct the attraction of international investment under specific guidelines. Also, the Department's level of activity in this area has been curtailed due to budgetary constraints.

SUMMARY:

The Legislature finds that international investment is beneficial to the economy of the state and will assist in attracting new businesses which will provide greater employment opportunities to the citizens of Washington.

The Office of International Investment is established within the Department of Commerce and Economic Development. The office is required to:

- 1) Provide a focal point for international investors in their dealings with federal, state, and local governments, including immigration requirements, necessary licenses and certificates, taxes, and regulations on fund transfers;
- 2) Develop programs to attract international investors, including conducting research on investment programs in other countries; evaluating long and short term effects; providing the necessary information to state and local governments concerning the impact of their various regulations and rules;

- 3) Coordinate with local development agencies in developing local international development plans;
- 4) Coordinate with schools and institutions of higher education in providing training to international investors and employees;
- 5) Provide the necessary site evaluations and labor market statistics;
- 6) Collect and analyze investment data;
- 7) Prepare and disseminate the necessary brochures;
- 8) Promote the reduction of international investment barriers;
- 9) Provide research and counseling to international investors.

The Department may administer the office in conjunction with other similar programs. The Department may receive funds, contract with institutions of higher learning, receive gifts and grants, and charge reasonable fees for the office's services. The director of Commerce and Economic Development is required to report annually to the appropriate legislative committees on the impact of the program on the state's economy; the number of international investors the office has assisted, the number of foreign businesses operating as a result of the program; recommendations and a long and short term strategic plan for the office.

The office of international investment is terminated on June 30, 1987.

Appropriation. \$49,500 to the Department of Commerce and Economic Development.

VOTES ON FINAL PASSAGE:

Senate	43	0	
House	98	0	(House amended)
Senate	48	0	(Senate concurred)

EFFECTIVE: June 7, 1984

**SJM 127**

By Senators Williams, Goltz, Hemstad, McManus, Hurley and Fuller

Requesting the Department of Energy to study crystalline rock at potential radioactive waste sites.

Senate Committee on Energy and Utilities

House Committee on Energy and Utilities

BACKGROUND:

The Nuclear Waste Policy Act (P.L. 97-425) establishes a process for the disposal of high level radioactive waste in deep geologic repositories. The Act provides for the Secretary of the U.S. Department of Energy to nominate five sites in the U.S. that are suitable for characterization as a repository and then recommend three of these five sites for characterization as candidate sites by January 1, 1985. These sites will be considered for the first repository selection process.

The basalt formations at Hanford are being studied as a possible site for the first repository. Serious questions have been raised with regard to the hydrology at the Hanford site. Studies of other geologic formations have fallen behind the basalt formation studies.

SUMMARY:

The Legislature requests that the Department of Energy conduct studies on crystalline rock, specifically granite, to determine its suitability for a repository and for possible consideration in the first repository selection process. The Legislature also requests that the Hanford site not be recommended to the President for inclusion in the first repository selection process until the studies on crystalline rock have been performed and evaluated.

VOTES ON FINAL PASSAGE:

Senate	41	5
House	76	19

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## SJM 131

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### SJM 131

By Senators Williams and Hurley

Requesting consideration of nuclear waste policy and liability

Senate Committee on Energy and Utilities

House Committee on Energy and Utilities

#### BACKGROUND:

An agreement is being negotiated between the U.S. Department of Energy and the State of Washington pursuant to the Nuclear Waste Policy Act of 1982 concerning the potential siting of a nuclear waste repository in the state. The negotiations have not resolved the issue of liability for accidents occurring at a nuclear waste repository site or during the transportation of waste to such a site. The federal government contends that the Price-Anderson Act limits any liability incurred by federal contractors transporting and disposing of waste.

#### SUMMARY:

The Legislature requests Congress to immediately examine the issue of the federal government's liability for accidents occurring at a nuclear waste repository or during the transportation of nuclear waste to such site. If Congress finds that the Price-Anderson Act is applicable with respect to the liability of federal contractors, then the Legislature requests that the limitation of liability in the act be eliminated.

#### VOTES ON FINAL PASSAGE:

Senate	46	0
House	84	11

### SSCR 140

By Committee on Ways and Means (originally sponsored by Senators Wojahn, Talmadge, McDermott, Woody and Fleming)

Establishing the special legislative comparable worth settlement team.

Senate Committee on Ways and Means

House Committee on Rules

#### BACKGROUND:

In July, 1982, the American Federation of State, County, and Municipal Employees-AFL-CIO (AFSCME), the Washington Federation of State Employees, and various individual state employees filed suit in U.S. District Court against the State of Washington. The plaintiffs alleged that the State had engaged in sex discrimination in compensation by failing to implement a comparable worth program. The Court found in favor of the plaintiffs and ordered as part of the remedy that the State immediately implement its comparable worth plan and make back pay extending back to September 19, 1979. The State Attorney General has indicated that the decision will be appealed.

#### SUMMARY:

A special negotiation team is to be established to participate in the potential settlement of the comparable worth lawsuit.

The team will consist of seven members, including the Speaker and Minority Leader of the House of Representatives, the Majority Leader and Minority Leader of the Senate, the Chair of the Ways and Means Committee of each house, and the Chair of the Joint Select Committee on Comparable Worth.

The team is directed to consult and confer with the Attorney General concerning the advisability of pursuing settlement of the comparable worth lawsuit. If settlement negotiations are pursued the team is directed to consult and confer with the Attorney General concerning the negotiation strategy and positions taken on behalf of the state.

The Governor or his designee, the Director of Financial Management, the Director of Personnel, and the Director of the Higher Education Personnel Board are requested to join the state government settlement team and participate in its activities.

The team shall meet with the Attorney General on an attorney-client basis. Furthermore, the team is directed to report to the Legislature on the progress of settlement discussions from time to time and to report any recommendations no later than December 1, 1984.

Copies of the resolution are to be transmitted to the Attorney General and all members of the state government team.

VOTES ON FINAL PASSAGE:

Senate 33 15  
 House 65 28 (House amended)  
 Senate 28 16 (Senate concurred)

**SCR 142**

By Senators Hurley, Fuller, Williams, Benitz and Goltz

Recommending the scope of agreements concerning nuclear waste disposal sites.

Senate Committee on Energy and Utilities

House Committee on Rules

BACKGROUND:

The Nuclear Waste Policy Act, signed into law in January, 1983, envisions a cooperative state-federal relationship in selecting high level nuclear waste repository sites. The federal act recognizes both a legislative and executive role in establishing the state's position and policies with respect to the siting process. Pursuant to the act, a draft agreement between the state and the federal government is being negotiated.

SUMMARY:

If the state and the federal government enter into an agreement pursuant to the Nuclear Waste Policy Act of 1982, such agreement does not indicate acceptance of a decision to locate a repository within the state. Before any agreement is entered into by the state and the federal government, the following issues should be addressed:

- 1) Whether waste generated outside the United States should be disposed of at the repository;
- 2) The reasons for which the state may suspend work at the site;
- 3) How the state may obtain injunctive relief;
- 4) What role the state may play in the federal decision-making process prior to and if a decision is made to commingle civilian and defense wastes;
- 5) The the completion of an emergency response plan, and

- 6) The federal government's liability for accidents at the repository site or in transportation of waste to the site.

VOTES ON FINAL PASSAGE:

Senate adopted  
 House adopted (House amended)  
 Senate 48 0 (Senate concurred)

**SCR 147**

By Senators Bauer, Zimmerman, Thompson, McDermott, Fuller, Conner, Goltz, Bottiger, Hughes, Shinpoch, Bender and Vognild

Urging the repeal of the 1983 Oregon income tax changes.

Senate Committee on Ways and Means

House Committee on Rules

BACKGROUND:

Oregon has a progressive income tax system -- higher incomes are taxed at higher rates. For nonresidents prior to 1983, only the income earned in Oregon was used to determine the tax rate to be applied against the income earned in Oregon. In 1983, this changed so that the nonresident taxpayer's total income (no matter where it was earned) was used to determine the tax rate. Effectively, this tax rate is applied only against the income earned in Oregon. However, the result is that Washington residents who also earn income will now pay more in Oregon taxes.

SUMMARY:

The Washington Legislature favors the retroactive repeal of the 1983 Oregon income tax provisions which unfairly and inequitably affect Washington residents. The Oregon Legislature is urged to do this at the earliest possible time, even to call a special session solely for this purpose.

VOTES ON FINAL PASSAGE:

Senate 45 1  
 House 95 0 (House amended)  
 Senate 47 0 (Senate concurred)

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## SCR 149

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### SCR 149

By Senators Bottiger, Newhouse, Vognild, Lee,  
Talmadge and Shinpoch

Establishing the joint select committee on public  
retirement.

Senate Committee on Rules

House Committee on Rules

#### BACKGROUND:

The funding of the various state public retirement systems and the provision of adequate benefits to retirees are of vital concern to this state's public employees, state managers and legislators. The public retirement systems of the State of Washington are faced with a large unfunded liability which threatens the future fiscal health of the state government.

#### SUMMARY:

A joint interim committee on public retirement is established. The purpose of the committee is to review the various state public retirement systems.

The committee is made up of eight members of the Senate, four from each caucus, chosen by the Senate majority leader; eight members from the House of Representatives, four from each caucus, chosen by the Speaker of the House. The committee may request the participation of other concerned individuals, on a nonvoting basis.

The Legislature is required to provide staffing and technical assistance. All state, local, and private agencies are required to cooperate fully with the committee.

The committee is to review the following issues regarding the state public retirement systems:

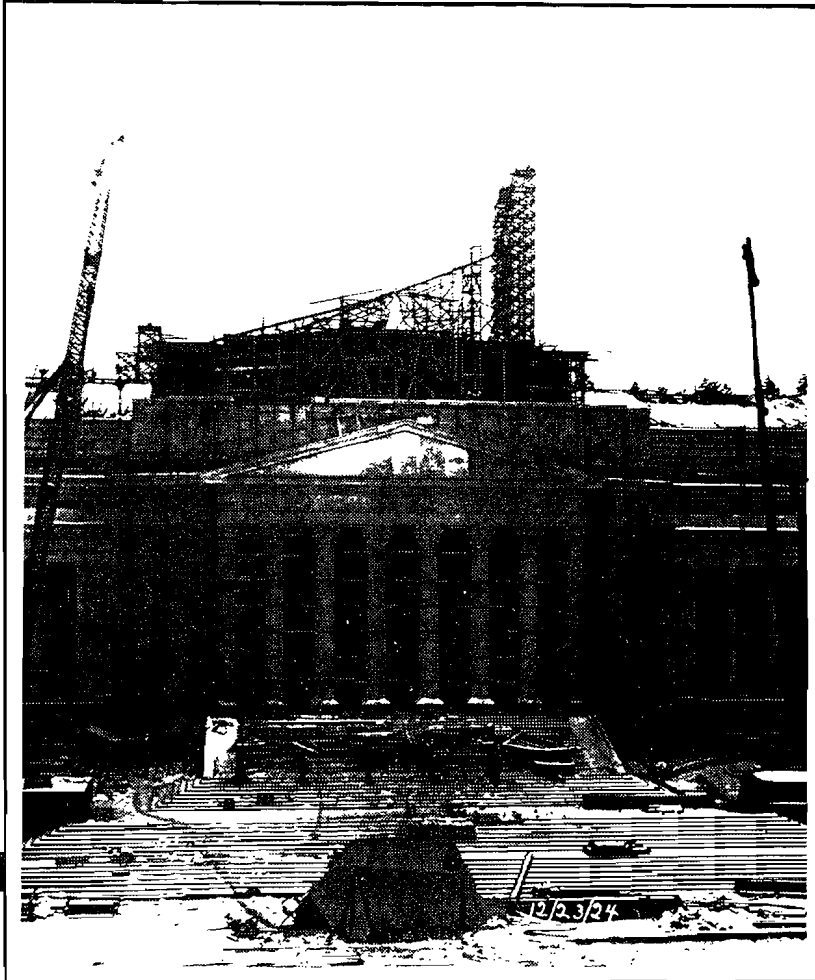
- 1) Means to increase the actuarial soundness of the system;
- 2) Methods for financing the system;
- 3) The need to clarify and simplify current retirement statutes;
- 4) The adequacy of current retirement benefits; and
- 5) The examination of benefits for part-time employees.

The committee shall prepare a report including recommendations by January for the 1985 legislative session. The committee shall cease to exist subsequent to its report in 1985.

#### VOTES ON FINAL PASSAGE:

Senate	45	0	
House adopted			(House amended)
Senate	48	1	(Senate concurred)

# VETO MESSAGES



SHB 255	241	HB 1304	255	SSB 4381	268
SHB 689	242	HB 1355	256	SSB 4403	269
HB 880	243	HB 1378	257	SSB 4430	271
SHB 1123	244	SHB 1456	259	SSB 4448	272
SHB 1156	245	HB 1462	260	SSB 4484	273
HB 1159	247	SHB 1511	261	SSB 4490	274
SHB 1163	248	SHB 1652	262	SSB 4494	275
2SHB 1164	249	SSB 3074	264	SSB 4561	276
SHB 1178	251	SSB 3287	265	SSB 4647	277
HB 1219	252	SB 3449	266	SB 4696	278
SHB 1262	254	SSB 4302	267	2SSB 4831	279



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## State of Washington

JOHN SPELLMAN, Governor

March 28, 1984

OFFICE OF THE GOVERNOR

To the Honorable, the House of  
Representatives of the State  
of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to one provision, Engrossed Substitute House Bill No. 255, entitled:

"AN ACT Relating to watercraft."

A portion of section 2(7) would exempt from registration watercraft under 16 feet in overall length not used in waters subject to Federal jurisdiction.

I appreciate the legislature's desire to limit boat registration requirements as much as possible and still qualify for Federal funding. However, a registration requirement conditioned on the type of water in which the boat will be used would create several problems:

1. It is impossible for both users and registration agencies to determine in advance where a boat will be used in the following 12 months.
2. A lack of registrations on a large number of the motorized boats under 16 feet in length would make enforcement of both the registration law and boating safety laws very difficult. This is particularly so since the distinction between Federal and state waters is often quite unclear.
3. This provision could foster widespread non-compliance with the registration law. This in turn could jeopardize Federal funding.
4. It would cause a loss of state revenues.

With the exception of a portion of section 2(7), Engrossed Substitute House Bill No. 255 is approved.

Respectfully submitted,

A handwritten signature in black ink that reads "John Spellman".

John Spellman  
Governor



## State of Washington

JOHN SPELLMAN, Governor

March 29, 1984

OFFICE OF THE GOVERNOR

To the Honorable, the House of  
Representatives of the State  
of Washington

Ladies and Gentlemen:

I am returning herewith without my approval, as to certain sections,  
Second Substitute House Bill No. 689, entitled:

"AN ACT Relating to small business."

This measure creates both the Small Business Assistance Advisory Council and the Small Business Improvement Council. The purpose of the two councils is to identify and resolve small business program duplications in state government and to recommend actions to remove governmental restrictions that would inhibit the growth of small businesses.

Clearly, two councils are unnecessary and duplicative. Therefore, I have vetoed section 3 of this measure. The council created therein is unduly restrictive in its appointment process, jeopardizing the separation of powers between the executive and legislative branches.

In addition, I have vetoed sections 9, 10, 11, and 12 of the bill as these provisions specifically provide the internal organization structure of the remaining council, a subject which is better left to the council to determine after its formation.

With the exception of sections 3, 9, 10, 11, and 12, Second Substitute House Bill No. 689 is approved.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John Spellman".

John Spellman  
Governor



## State of Washington

JOHN SPELLMAN, Governor

March 29, 1984

OFFICE OF THE GOVERNOR

To the Honorable, the House of  
Representatives of the State  
of Washington

Ladies and Gentlemen:

I am returning herewith without my approval, as to section 2, House Bill  
No. 880, entitled:

"AN ACT Relating to health care services."

This measure, in section 1, adds to existing law a number of additional health care providers to whom checks and payments for claims under any health service contract must be made payable to both the provider and the insured, jointly.

Section 2, however, adds to the Uniform Commercial Code a provision establishing liability on the initial party accepting negotiation without obtaining the endorsement of all the payees for the value of the instrument, cost of collection and reasonable attorneys' fees. This section is ill-advised. First, the language is inconsistent with other provisions of Article 3 of the Uniform Commercial Code. Second, the provision would appear to be unnecessary. Under current law, a joint payee whose endorsement is not obtained on a check which is paid absent that endorsement has remedies available against all other parties in the collection process. This provision may reduce the joint payee's possibility of recovery except against the "initial party."

With the exception of section 2, House Bill No. 880 is approved.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John Spellman".

John Spellman  
Governor



## State of Washington

JOHN SPELLMAN, Governor

March 30, 1984

OFFICE OF THE GOVERNOR

To the Honorable, the House of  
Representatives of the State  
of Washington

Ladies and Gentlemen:

I am returning herewith without my approval Substitute House Bill  
No. 1123 entitled:

"AN ACT Relating to state employees' insurance."

This bill would authorize the State Employees' Insurance Board to self-fund any or all of the insurance programs under its jurisdiction except property and casualty insurance. Medical and dental coverage would be primarily effected.

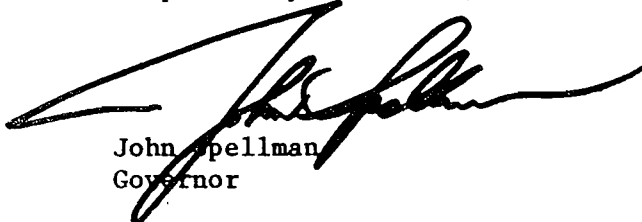
Last session, I vetoed a similar measure, Substitute House Bill No. 620, due to concern with the high risks involved in self-insurance and the lack of adequate preparation for this type of program. The Office of Fiscal Management was directed to study this self-insurance alternative, did so, and presented this measure to the legislature.

The study indicates that full implementation of self-insurance would result in some savings achieved through interest earnings. I do not believe that these potential savings are sufficiently great to justify enacting this measure at this time.

I continue to be concerned that the State Employees' Insurance Board does not possess the personnel or resources necessary to carry out the duties mandated by this legislation. I also question whether or not it is appropriate for a board which is made up of state employees to be charged with providing direct benefits to those same employees. In short, I still consider the risks too great and believe this measure warrants evaluation.

For these reasons, I have vetoed Substitute House Bill No. 1123.

Respectfully submitted,



John Spellman  
Governor



## State of Washington

JOHN SPELLMAN, Governor

OFFICE OF THE GOVERNOR

March 30, 1984

To the Honorable, the House of  
Representatives of the State  
of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to one provision,  
Substitute House Bill No. 1156, entitled:

"AN ACT Relating to state agencies."

The provision I have vetoed and the reasons therefore are as follows:

On page 67, section 501, I have vetoed all of subsection (5) which  
states that:

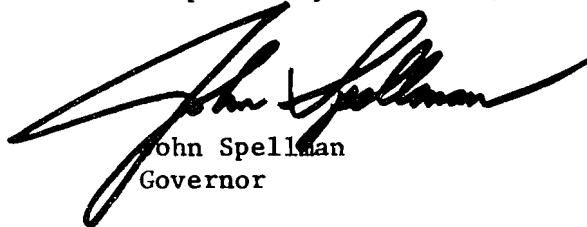
- (5) \$1,796,000 is provided solely for the implementation of House  
Bill No. 1660 during the 1984-85 school year. The funds shall  
be allocated as follows:
  - (a) A maximum of \$50,000 for a Campus Education Research  
Center.
  - (b) A maximum of \$350,000 for School Improvement Research  
Projects.
  - (c) A maximum of \$50,000 for an SPI clearinghouse.
  - (d) A maximum of \$200,000 for School Self Study.
  - (e) A maximum of \$50,000 for Building Based Management Pilot  
Programs.
  - (f) A maximum of \$75,000 for an Administrator Training  
Academy Plan.
  - (g) A maximum of \$12,000 for Teacher Excellence Awards.
  - (h) A maximum of \$50,000 for Supervision of Student Teacher  
Pilot Programs.

Substitute House Bill No. 1156  
March 30, 1984  
Page 2

- (i) A maximum of \$200,000 for a Graduate Teacher Preparation Plan.
- (j) A maximum of \$80,000 for Teacher Competency Test Development.
- (k) A maximum of \$75,000 for an Educator Salary Study.
- (l) A maximum of \$40,000 for In-Service Credit Equivalency Development.
- (m) A maximum of \$564,000 for Staff Development Plans.

As House Bill No. 1660 did not pass, this appropriation cannot be used and is an unnecessary authorization.

Respectfully submitted,



John Spellman  
Governor



## State of Washington

JOHN SPELLMAN, Governor

March 30, 1984

OFFICE OF THE GOVERNOR

To the Honorable, the House of  
Representatives of the State  
of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to several sections,  
House Bill No. 1159, entitled:

"AN ACT Relating to state government."

Sections 22, 23, 24, and 25 would amend statutory provisions dealing with existing barbering and cosmetology boards. Because the legislature has chosen to allow these boards to terminate under existing provisions and to assign their functions to the Department of Licensing and a new State Cosmetology, Barbering and Manicuring Advisory Board (ESHB 1187, Section 9), these sections need to be vetoed in order to avoid potential double-amendment problems.

With the exception of sections 22, 23, 24, 25, and 38, House Bill No. 1159 is approved.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John Spellman", written over a printed name and title.

John Spellman  
Governor





## State of Washington

JOHN SPELLMAN, Governor

March 29, 1984

OFFICE OF THE GOVERNOR

To the Honorable, the House of  
Representatives of the State  
of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to one section, Substitute House Bill No. 1163, entitled:

"AN ACT Relating to credit transactions."

This bill places credit cards issued by companies which are not financial institutions nor retail businesses in the same category as credit cards issued by retail businesses. The bill also provides additional protection to the user of the credit card where his returned goods or otherwise secured forgiveness of the debt for which the card was used. This bill clarifies that the credit card user is not responsible for the payment of service charges resulting from the failure of a retailer or of the card issuer to properly process the advice of credit. However, subsection 4 of section 11 goes beyond protection of the holder of the card and unnecessarily stipulates that, as between the issuer of the card and the retailers, the retailers will bear the burden of the surcharges where they are at fault. This issue should be left to agreement between the card issuer and the retailers honoring the card.

With the exception of section 11(4), Substitute House Bill No. 1163 is approved.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John Spellman".

John Spellman  
Governor



## State of Washington

JOHN SPELLMAN, Governor

OFFICE OF THE GOVERNOR

March 7, 1984

To the Honorable, the House of  
Representatives of the State  
of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to one section, Substitute House Bill No. 1164, entitled:

"AN ACT Relating to solid waste management; . . ."

This act lists priorities for solid waste management and requires the Department of Ecology to adopt functional standards for the handling of solid waste which utilize technology to protect the environment and human health. The purpose of the bill is laudable, and I fully support its execution. Therefore, I approved the entire bill with the exception of Section 3 which I vetoed.

Section 3 amends existing language in RCW 70.95.060 which already gave the Department of Ecology permissive authority to adopt minimum functional standards for solid waste handling. The amendments require the Department of Ecology to adopt these standards, but also require that the standards be reviewed and approved by the Solid Waste Advisory Committee prior to adoption.

I support the use of advisory committees for review and comment as is specified in Section 4(3) for the local solid waste advisory committee on plan preparation and revisions. However, it is not appropriate to give an advisory committee approval or veto of standards adoption. This constitutes delegation of rule-making authority to an advisory committee which is not accountable to the electorate for its actions.

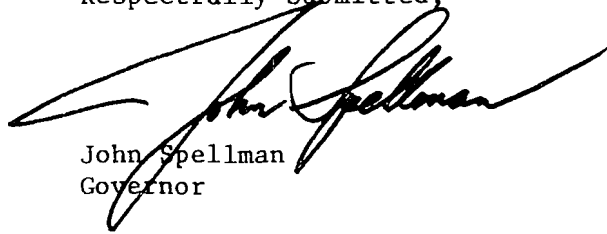
There are sufficient opportunities through the rule-making process for both the advisory committee and the general public to be heard.

Substitute House Bill 1164  
March 7, 1984  
Page 2

I believe that my veto of Section 3, for the reasons outlined above, has not harmed the spirit and intent of Substitute House Bill 1164. Please be assured that the Department of Ecology will proceed with adoption of functional standards for solid waste management while utilizing its advisory committee on solid waste management for review and comment.

The remaining sections of the bill are approved.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John Spellman", written in a cursive style. The signature is positioned above the printed name and title.

John Spellman  
Governor



## State of Washington

JOHN SPELLMAN, Governor

March 29, 1984

OFFICE OF THE GOVERNOR

To the Honorable, the House of  
Representatives of the State  
of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to certain provisions,  
Substitute House Bill No. 1178, entitled:

"AN ACT Relating to the regulation of health and health-related  
professions and businesses."

Section 64 adds very detailed and inappropriate language to the statute  
regulating nursing home administrators.

Sections 64 and 65(3) would exempt from all regulation the administrators of  
nursing homes operated by churches teaching healing by faith alone. I believe  
it is important to recognize that the regulation of nursing homes and their  
administrators deals with far more than medical treatment. Therefore, the  
current exemptions from medically-related regulations are more appropriate  
than blanket deregulation.

Sections 66 and 67 would raise the educational requirement for licensure of  
nursing home administrators from an associate degree to a bachelor's degree.  
This kind of educational requirement, unrelated to the practice of the occupa-  
tion, is inappropriate because it tends to increase consumer costs and decrease  
job opportunities without promising any improvement in service.

Sections 70(3) and (4) would reduce the state's ability to discipline licensed  
nursing home administrators by removing the ability to discipline for knowing  
violations of the statute. Knowing violation should be retained as a basis of  
discipline.

With the exception of these provisions, Substitute House Bill No. 1178 is  
approved.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John Spellman".

John Spellman  
Governor



## State of Washington

JOHN SPELLMAN, Governor

March 29, 1984

OFFICE OF THE GOVERNOR

To the Honorable, the House of  
Representatives of the State  
of Washington

Ladies and Gentlemen:

I am returning herewith without my approval Engrossed House Bill No. 1219 entitled:

"AN ACT Relating to labor relations in community colleges."

Last year, I vetoed a similar bill that would have established collective bargaining in higher education. That bill, Substitute Senate Bill No. 3042, pertained to all the state's institutions of higher education. This measure, while restricted to the state's community college system, contains similar flaws.

Again this year, I am confronted with a bill which presents a standard industrial bargaining model for an institution of higher education; a measure that does not address the need for mutual cooperation between faculty, students, and administration in the development of procedures and policies necessary to preservation of the special nature of our state's community colleges. The bill before me continues to prescribe the adversarial approach to professional negotiations.

Current law regarding negotiations at the state's community colleges requires negotiations, in good faith, between representatives of employee organizations and community college districts with respect to curriculum, textbook selection, in-service training, student teaching programs, personnel, hiring and assignment practices, leaves of absence, salaries, salary schedules, and non-instructional duties. In fact, this requirement for negotiations has led to collective bargaining which closely approximates the traditional model and has led to the execution of collective bargaining agreements which closely approximate the traditional model. I see little need for change in terms of the duty to bargain or the scope of bargaining.

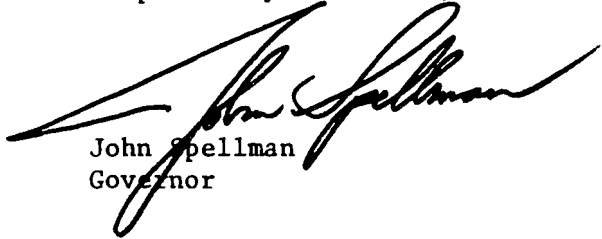
It is true, however, that present law is lacking. Disputes between the parties with respect to the scope of bargaining and with the respect to the definition of various commonly understood duties of the parties in the collective bargaining process remain unresolvable except through expensive and costly litigation. The inadequate framework of the present law with respect to dispute resolution has not forestalled adversarial relationships nor has it forestalled strikes. These problems should be remedied.

Engrossed House Bill No. 1219  
Page 2  
March 29, 1984

I would support legislation establishing the Public Relations Employment Commission as the agency under whose auspices community college bargaining would occur. Legislation that empowered parties to resolve disputes between the parties in the bargaining process and provided mediation and conciliation services to the parties in the event of impasse would be most appropriate. I also would seriously consider legislation which prohibited strikes by community college faculty while providing an alternative process for final resolution of disputes.

For the reasons above stated, I have vetoed Engrossed House Bill No. 1219.

Respectfully submitted,



John Spellman  
Governor



## State of Washington

JOHN SPELLMAN, Governor

March 28, 1984

OFFICE OF THE GOVERNOR

To the Honorable, the House of  
Representatives of the State  
of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 13 and 17,  
Substitute House Bill No. 1262, entitled:

"AN ACT Relating to industrial development."

Substitute House Bill No. 1262 authorizes the use of umbrella industrial  
development revenue bonds by the Community Economic Revitalization Board  
(CERB).

The use of umbrella industrial development bonds in the state of Washington  
is acceptable and will be beneficial to the economic development of the  
state. However, section 13 relates to the operation of the Community  
Economic Revitalization Board's local government grant/loan program, and  
would place further restrictions on the use of CERB's loan and grant  
funds.

Section 17 would direct funds away from CERB's facilities construction  
loan revolving fund to the public works revolving fund established by  
Engrossed Substitute Senate Bill No. 4404. This would be contrary to  
legislative intent regarding the use of EAA's Public Facilities Revolving  
Account Funds.

For these reasons, I have vetoed sections 13 and 17 of Substitute House  
Bill No. 1262.

The remaining sections of the bill are approved.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John Spellman".

John Spellman  
Governor



## State of Washington

JOHN SPELLMAN, Governor

March 28, 1984

OFFICE OF THE GOVERNOR

To the Honorable, the House  
of Representatives of the  
State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to section 3, Engrossed House Bill No. 1304, entitled:

"AN ACT Relating to teacher retirement."

The need for this section has not been demonstrated. If, indeed, any such change is necessary, it should be made after adequate study in a careful and deliberate manner to avoid adverse effects on the pension trust fund.

With the exception of section 3, Engrossed House Bill No. 1304 is approved.

Respectfully submitted,



John Spellman  
Governor





## State of Washington

JOHN SPELLMAN, Governor

OFFICE OF THE GOVERNOR

March 5, 1984

To the Honorable, the House of  
Representatives of the State  
of Washington

Ladies and Gentlemen:

I am returning herewith without my approval Engrossed House Bill No. 1355  
entitled:

"AN ACT Relating to payroll deductions for public employees."

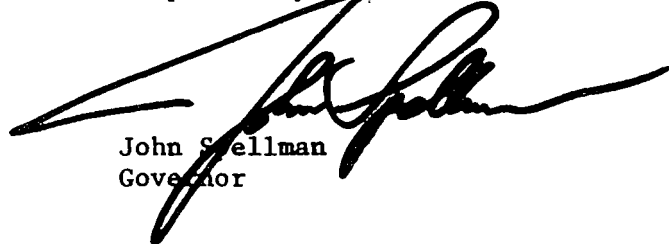
Current law does not allow voluntary payroll deductions for contribution  
to political action committees. The law does, however, allow deductions  
for employee association dues, part of which can be and are used for  
participation in political campaigns.

I feel the current practice of voluntary contributions to whatever party  
a state employee may wish to support is working well. I am therefore  
not convinced that there is a demonstrated public need or problem which  
would support the approval of this bill.

Second, I believe that state government must, whenever possible,  
continue to observe and protect the policy of separating its operations  
from the activities of political campaigns.

For these reasons I have vetoed Engrossed House Bill No. 1355.

Respectfully submitted,



John Spellman  
Governor



## State of Washington

JOHN SPELLMAN, Governor

March 30, 1984

OFFICE OF THE GOVERNOR

To the Honorable, the House of  
Representatives of the State  
of Washington

Ladies and Gentlemen:

I am returning herewith without my approval, as to certain sections,  
House Bill No. 1378, entitled:

"AN ACT Relating to public employees."

Portions of this bill would reestablish seniority as the sole factor in personnel decisions regarding salary increases, layoffs, and rehiring of state employees. Current law requires that both seniority and job performance be considered when such decisions are made.

In 1983, I expressed my support of the existing law in the veto message of a bill similar to this measure. No new evidence has since been presented to me that would justify a change in my position. To discard the modest performance achieved in 1982, as proposed in this bill, would be an unfortunate step backward in our continuing efforts to motivate and reward our best employees.

Substitute House Bill No. 1378 has provisions that do not relate to performance or seniority. One of these is the proposal that the ratio of management employees to direct service employees be maintained during hiring and layoffs. This provision was vetoed last year because it was too vague to enforce, inflexible, and may force unintended layoffs of direct service workers. While I approve of a policy that maintains this ratio in layoffs, the above problems persist.

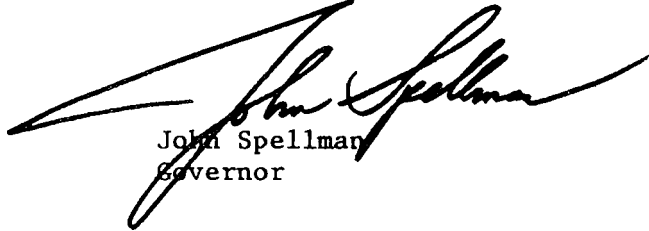
Other provisions of the bill cover the important aspect of mobility between personnel systems. Both the State Personnel Board and the Higher Education Personnel Board are about to adopt rules which will allow such mobility. In doing so, they will use existing authority for those rules. Rule making on this topic will allow greater flexibility in the system than will be permitted by this legislation.

The provisions of the bill dealing with extra sick leave for prison guards attacked on the job acknowledges the hazardous nature of employment in state prisons and other correctional facilities and are acceptable.

House Bill No. 1378  
March 30, 1984  
Page 2

Therefore, I have vetoed the provisions of House Bill No. 1378 with the exception of section 19, which is approved.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John Spellman", written in a cursive style. The signature is positioned above the printed name and title.

John Spellman  
Governor



## State of Washington

JOHN SPELLMAN, Governor

OFFICE OF THE GOVERNOR

March 7, 1984

To the Honorable, the House of  
Representatives of the State  
of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to section 7, Engrossed Substitute House Bill No. 1456, entitled:

"AN ACT Relating to transitional bilingual instruction."

Section 7 of this bill prohibits the provision of transitional bilingual instruction to an individual student for more than three years. Federal and state courts have found that children with limited ability to speak English have a constitutional right to an appropriate program of special instruction. This right is based on the individual student's need for assistance in order to participate in the basic public education program offered in English for all children. Both the existing statutory provisions and the language I proposed in my Special Needs bill provide an opportunity for districts to provide transitional bilingual education for longer periods of time if termination of services would inhibit the child's access to a basic education.

With the exception of section 7, which I have vetoed, Engrossed Substitute House Bill No. 1456 is approved.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John Spellman".

John Spellman  
Governor



## State of Washington

JOHN SPELLMAN, Governor

March 29, 1984

OFFICE OF THE GOVERNOR

To the Honorable, the House of  
Representatives of the State  
of Washington

Ladies and Gentlemen:

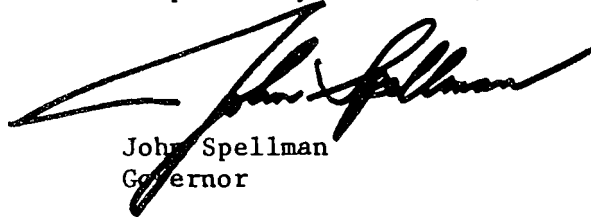
I am returning herewith without my approval House Bill No. 1462 entitled:

"AN ACT Relating to unemployment compensation for persons who quit  
work for a good cause or are remunerated through tips."

As passed by the legislature, this measure deals strictly with inclusion of tip income in the definition of wages on which employers must pay unemployment insurance taxes. Coupled with the enactment of Substitute Senate Bill No. 4416, a comprehensive revision of the state's unemployment insurance tax provisions including an increase in those taxes, I feel this bill will place an unreasonable financial burden on employers of employees who receive tips. I question whether this additional tax burden can be justified in the current economic circumstances without hindering employment in the hospitality industry or, at the very least, resulting in increased prices for the consumer.

For the above reasons, I have vetoed House Bill No. 1462.

Respectfully submitted,



John Spellman  
Governor



## State of Washington

JOHN SPELLMAN, Governor

OFFICE OF THE GOVERNOR

March 5, 1984

To the Honorable, the House of  
Representatives of the State  
of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 3, 4, and 7,  
Engrossed Substitute House Bill No. 1511, entitled:

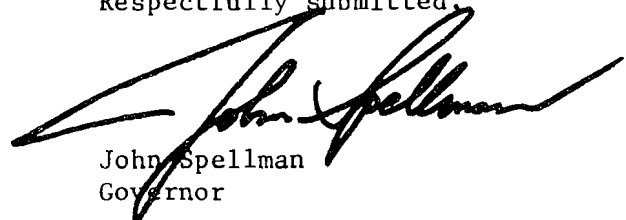
"AN ACT Relating to tourism development."

Engrossed Substitute House Bill No. 1511 creates the Washington State  
Tourism Development Commission to advise the Governor and the legislature  
on tourism development.

The concept of a commission to study the tourism program in this state  
and to report back to the Governor and the legislature is acceptable and  
should prove beneficial. However, the method of appointment of the  
commission and its make-up as designated in this legislation clearly  
circumvent the executive branch of state government. The work envisioned  
by this legislation can be accomplished in a more efficient and responsible  
manner consistent with constitutional principles regarding the separation  
of powers if that work is undertaken in the manner established in the  
Executive Order 84-03, a copy of which I have attached to this message.  
For these reasons, I have vetoed sections 3, 4, and 7 of Engrossed  
Substitute House Bill No. 1511.

The remaining sections of the bill are approved.

Respectfully submitted,



John Spellman  
Governor



## State of Washington

JOHN SPELLMAN, Governor

OFFICE OF THE GOVERNOR

March 28, 1984

To the Honorable, the House of  
Representatives of the State  
of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to three sections engrossed Substitute House Bill No. 1652, entitled:

"AN ACT Relating to fireworks."

This bill embodies much needed language which will take the state a substantial way back down the road to a "safe and sane" policy with respect to Fourth of July fireworks.

Many have pointed out technical and conceptual flaws in the wording of this bill but with three exceptions, none of these arguments are convincing. The evidence is incontrovertible that the sale of dangerous fireworks over the last two years has resulted in destruction of property, including home fires, created a significant number of minor and sometimes major injuries, and seriously disrupted the peace and quiet of our State's citizenry over a substantial portion of the summer. All of this goes far beyond justifiable displays of patriotism on the anniversary of this nation's independence.

The concerns of the state's citizens and the threat posed by fireworks outweigh arguments in favor of delaying the effective date of this legislation. Therefore, I have vetoed Section 42 which contains the one year delay. This legislation will be come effective on June 7, 1984.

This bill provides for an option in counties, cities and towns to adopt more restrictive rules with respect to the types of fireworks that may be sold. Moreover, neither the state of Washington nor any local law enforcement agency has complete authority over sales by Indian tribes, some of which sales may be illegal under this legislation. Given this overlap of jurisdictional authority and given possible discrepancies in proscribed conduct, I am also vetoing Sections 38 and 39 of the bill.

Section 38 adopts a standard of strict liability with respect to damages awardable in any action for injury to person or property resulting from the sale of fireworks in violation of the Chapter. In short, the contributory fault of the claimant with respect to both purchasing

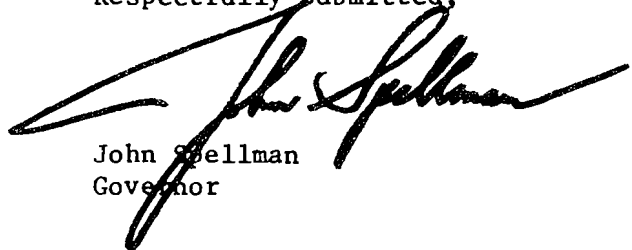
Engrossed Substitute House Bill 1652  
March 28, 1984  
Page 2

illegal fireworks or improperly using those fireworks would not be chargeable to the claimant to diminish an award of compensatory damages. While I fully endorse the intent of this section to create incentives against the sale of illegal fireworks, I believe it will prove unfair and unworkable in view of the approach of the statute with regard to local option and with regard to problems presented by the sale of fireworks by Indian tribes. I would support a more specialized approach to strict liability that referenced the sections of the statute that specifically prohibit types of fireworks.

Section 39 of this bill purports to prohibit the printing or broadcasting of any advertisement for the sale of fireworks "in violation of this Chapter." As worded, this section is vague. In application, I believe it will not only be vague but overly broad and thus volative of Constitutional protections for freedom of speech and expression.

With the exception of Sections 38, 39 and 42, the Engrossed Substitute House Bill 1652 is approved.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John Spellman", written over a printed name and title.

John Spellman  
Governor





## State of Washington

JOHN SPELLMAN, Governor

OFFICE OF THE GOVERNOR

February 21, 1984

To the Honorable, the Senate  
of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to section 22 Engrossed Substitute Senate Bill No. 3074, entitled:

"AN ACT Relating to occupational therapists."

This bill would forbid the practice of occupational therapy in this state without state licensure. The bill contains an emergency clause.

I have vetoed the emergency clause. The Department of Licensing will have a difficult time implementing this law properly with an immediate effective date. Indeed, even without an emergency clause implementation will be rushed.

With the exception of section 22, Engrossed Substitute Senate Bill No. 3074 is approved.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John Spellman", written over a horizontal line.

John Spellman  
Governor



## State of Washington

JOHN SPELLMAN, Governor

March 7, 1984

OFFICE OF THE GOVERNOR

To the Honorable, the Senate  
of the State of Washington

Ladies and Gentlemen:

I am returning herewith without my approval Substitute Senate Bill No. 3287, entitled:

"AN ACT Relating to retirement from public services."

This bill would grant members of the Teacher's Retirement System and the Public Employee's Retirement System the opportunity to reestablish pension credits when they reenter state service after having previously cashed out of their respective retirement system. Under this bill, the cost of this option would be shared by members of the retirement systems, including those who receive no benefit from the exercise by others of an option to buy back into the system. To thus increase all member's contribution rates is not only inequitable but of questionable constitutionality. In addition, the bill contains numerous technical flaws. It incorrectly asks pers members to assume the costs of TRS benefits, and it appropriates money erroneously.

In 1983, I vetoed similar provisions in Substitute House Bill No. 126. At that time, I stated a significant concern for the impact of that buy back legislation on the liabilities of the pension systems. While my concern in that regard continues, I am also concerned that there exists a significant inequity in the manner in which we treat employees returning to state service with respect to their right to reenter the state's retirement systems. Until 1983, there was no specific legislation that required the state to notify returning employees of their option to "buy back" into the retirement system, or the amount of money that would be required to be paid. As a result of that prior lack of notice, many returning state employees were unaware of their rights with respect to reentry. I believe that this inequity should be remedied, but that remedy must be accomplished in a manner that leaves the retirement systems whole. I am confident that a responsible proposal which accomplishes these ends can be developed for introduction in the next legislative session, and I will support it. I am directing OFM to work with the Department of Retirement Systems to devise such a bill and to report back to me and to the legislature.

For the reasons stated above, I have vetoed Substitute Senate Bill No. 3287.

Respectfully submitted,

  
John Spellman  
Governor



## State of Washington

JOHN SPELLMAN, Governor

March 28, 1984

OFFICE OF THE GOVERNOR

To the Honorable, the Senate  
of the State of Washington

Ladies and Gentlemen:

I am returning herewith without my approval Engrossed Senate Bill  
No. 3449 entitled:

"AN ACT Relating to the candidate's pamphlet."

This measure is an unwarranted interference by the state in matters that should be left at the discretion of political candidates exercising their right to speak under our constitution both about their own records as well as the records of their opponents. Often, the most significant points that a candidate can make about major issues necessitate discussion of his or her opponent's position or record.

Challenges to incumbents would particularly be adversely affected by the statutory ban contained in this bill.

The most important single piece of printed material during any campaign is the voter's pamphlet. This measure unwisely limits the effectiveness of these pamphlets, and I have therefore vetoed Engrossed Senate Bill No. 3449.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John Spellman".

John Spellman  
Governor



## State of Washington

JOHN SPELLMAN, Governor

OFFICE OF THE GOVERNOR

March 8, 1984

To the Honorable, the Senate  
of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to subsections 1 and 2 of section 22, Substitute Senate Bill No. 4302, entitled:

"AN ACT Relating to the practice of pharmacy."

Subsections 1 and 2 of section 22 repeal RCW 18.64.044 and 18.64.047, two statutes which are otherwise amended by the bill in sections 5 and 8. The inclusion of the repealers was a drafting error which should be corrected. Therefore, I have vetoed subsections 1 and 2 of section 22.

The remainder of the bill is approved.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John Spellman".

John Spellman  
Governor



## State of Washington

JOHN SPELLMAN, Governor

March 30, 1984

OFFICE OF THE GOVERNOR

To the Honorable, the Senate of  
the State of Washington

Ladies and Gentlemen:

I am returning herewith without my approval Substitute Senate Bill  
No. 4381 entitled:

"AN ACT Relating to elections."

While this measure may contain a number of worthy technical changes in  
the state's election laws, its problems overwhelm its benefits.

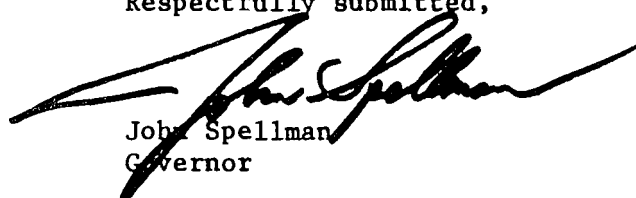
The provisions relating to election procedures for filling a vacancy in  
the United States Senate are flawed in that they require the Governor to  
fill the vacancy from the same political party as the person vacating  
the office. This requirement creates several problems, not the least of  
which is the lack of any verifiable resource to which the appointing  
authority may turn to test the party affiliation of prospective  
appointees. The state of Washington has always had an "open" electoral  
process. This provision is contrary to that process and to the will of  
the electorate as determined by a 1975 referendum on the subject.

This measure also contains provisions requiring county auditors to  
permit late registration by voters through an absentee ballot procedure  
up to 15 days before an election. Auditors have stated that this  
provision would seriously overburden county election officials and  
frustrate their desires to ensure a smooth election process.

This measure also suffers from the fact that the final roll call was not  
had on the bill until past midnight of the 60th day. The Constitution  
of the state of Washington limits sessions in even numbered years to 60  
days. While I am loathe to inject myself into the procedures of either  
house of the legislature, I am concerned that the 60-day time limit set  
by the people be followed, particularly with respect to measures such as  
this which contain controversial issues that may well engender litigation  
solely because of the hour of passage.

For the reasons stated above, I have vetoed Substitute Senate Bill  
No. 4381.

Respectfully submitted,



John Spellman  
Governor



## State of Washington

JOHN SPELLMAN, Governor

March 30, 1984

OFFICE OF THE GOVERNOR

To the Honorable, the Senate  
of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to certain provisions,  
Substitute Senate Bill No. 4403, entitled:

"AN ACT Relating to health care costs."

The following sections are hereby vetoed: Section 14(4)(d), the term "medically necessary" has been defined in Washington State by the Superior Court case, Mead v. Burdman. Using that definition for guidance, it is apparent that even a narrowly construed definition of "medically necessary" would place a major new obligation on hospitals. A change of this magnitude deserves full review and public input, which it did not receive during the legislative process. In the meantime, I admonish all hospitals to continue to provide necessary emergency services, without regard to means.

Section 22(2)(k), the second sentence, conditions the receipt of a certificate of need by a hospital on achievement of the regional average of charity care. During a colloquy, both houses clearly stated that they did not want to penalize hospitals who were making a "good faith effort" to reach their regional average. This sentence would, however, regardless of any good faith efforts, penalize not only the hospital, but the community, denying a hospital the right to fund its capital needs in order to assure quality of health care to all.

Similarly, section 14(1)(b) prohibits a hospital from negotiating discounts with health care purchasers unless the hospital is providing charity care at or above the average for the region. This provision is unfair to those hospitals, particularly in rural areas, that provide all the charity care that is demanded yet fall below the regional average. Discounts, as restricted by this bill, may well reduce health care costs. I believe it unwise to frustrate the process at the outset by inextricably tying discounts to mandated levels of charity care.

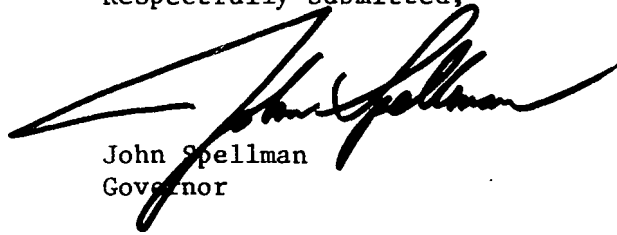
Section 14(1), on lines 27 and 28, contains a phrase which reads "if all 1984 amendments to this section and section 22 of this 1984 act take effect." This provision allows hospitals to negotiate rates lower than those established by the Commission if the amendments in section 22 take effect. As explained above, I have vetoed portions of section 22 and of section 14. Therefore, in order to preserve the hospital's ability to negotiate competitive rates, it is necessary to veto this provision in section 14.

Substitute Senate Bill No. 4403  
March 30, 1984  
Page 2

This bill also contains an emergency clause in section 29. I am concerned that a bill of this complexity proposing such significant changes in the health care industry not be approached precipitously. I am convinced that allowing this bill to become effective in normal course will facilitate the state and the health care industry entering into the process contemplated by this bill in a more deliberative fashion.

With the exception of these provisions, Substitute Senate Bill No. 4403 is approved.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John Spellman", written over a printed name and title.

John Spellman  
Governor



## State of Washington

JOHN SPELLMAN, Governor

March 28, 1984

OFFICE OF THE GOVERNOR

To the Honorable, the Senate  
of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to section 404(4) and section 405, Substitute Senate Bill 4430, entitled:

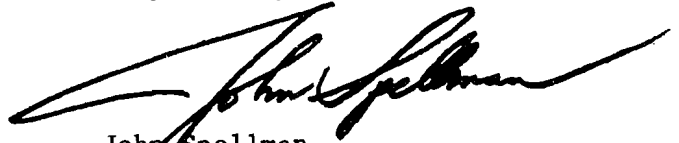
"AN ACT Relating to courts."

Senate Bill No. 3376 was just passed by the legislature and signed by me. That bill authorized the Supreme Court to set the salary for the position of Administrator for the Courts. It is common practice for staff salaries to be set within an administrative structure.

Sections 404(4) and 405 alter that practice by allowing the legislature to set the salary for the Administrator for the Courts. Those sections are in conflict with the intent of Senate Bill 3376.

With the exception of section 404(4) and section 405, which I have vetoed, Substitute Senate Bill No. 4430 is approved.

Respectfully submitted,



John Spellman  
Governor





## State of Washington

JOHN SPELLMAN, Governor

March 29, 1984

OFFICE OF THE GOVERNOR

To the Honorable, the Senate of  
the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to section 11 of  
Substitute Senate Bill No. 4448, entitled:

"AN ACT Relating to the regulations who perform minor health care  
services."

Recently, legal impediments have surfaced to the common practice of  
permitting unlicensed health care assistants to administer injections  
and withdraw blood. These unlicensed practitioners are medical  
technicians, medical assistants, and others giving shots and withdrawing  
blood in various laboratories, blood banks, and clinics. If only  
licensed practitioners were permitted to do these procedures, health  
care costs would be driven up considerably. I support this measure.

Section 11 of this bill does present a problem, however. This section  
adds naturopathic physicians to those permitted to draw blood. It has  
not been common practice for naturopathic physicians to draw blood or  
utilize blood samples in their diagnostic process. While ultimately  
this may prove to be an appropriate addition to the authorized actions  
of naturopaths, I am concerned that their addition to this bill was  
accomplished without sufficient in-depth consideration of the  
consequences.

With the exception of section 11, Substitute Senate Bill No. 4448 is  
approved.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John Spellman".

John Spellman  
Governor



## State of Washington

JOHN SPELLMAN, Governor

OFFICE OF THE GOVERNOR

March 30, 1984

To the Honorable, the Senate of  
the State of Washington

Ladies and Gentlemen:

I am returning herewith without my approval, as to several sections,  
Substitute Senate Bill No. 4484, entitled:

"AN ACT Relating to the athletic health care and training council."

As presented to me, this bill would create an additional state agency to regulate the safety, health care, and training of our school-aged athletes. In addition, it would give the new agency a wide array of powers to establish and enforce certain standards with respect to health and safety of training techniques and equipment. I totally support the intent of this legislation. However, I am not convinced that a clear need has been demonstrated justifying a state agency and a regulatory program of this size and scope.

In addition, this measure ignores the existing authority of elected officials who are responsible for our common school education program, including the athletic component. Indeed, this measure not only substitutes future rules and regulations of the council for that authority but may well place additional and costly burdens on these officials with respect to civil suits arising from any injuries which occur where the rules and regulations may have been violated.

All the issues raised by this legislation merit further study. Therefore, I am approving those portions of the bill which establish the council and empower it to conduct a study of health and safety conditions in organized athletic programs in the state's junior high and high schools.

With the exception of section 6, subsection 2 through subsection 5, sections 7, 8, 9, and 10, Substitute Senate Bill No. 4484 is approved.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John Spellman".

John Spellman  
Governor



## State of Washington

JOHN SPELLMAN, Governor

March 28, 1984

OFFICE OF THE GOVERNOR

To the Honorable, the Senate  
of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 1(2)(c), 2(3), and 4(4)(c), Substitute Senate Bill No. 4490, entitled:

"AN ACT Relating to residential space heating."

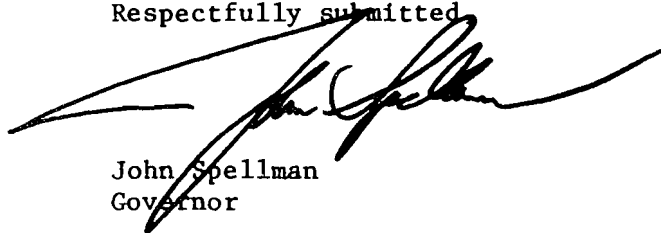
Engrossed Substitute Senate Bill No. 4490 provides that utilities which supply electrical or natural gas for home heating cannot discontinue service for low-income households between November 15 and March 15 during the next two years. If the customer does not comply with the payment provisions of this legislation, the utility is authorized to discontinue service.

I support the concept of prohibiting the arbitrary shut-off of utility space heating service during the winter months. The bill will provide necessary protection to needy families. However, the provisions that require low-income energy assistance payments to be made directly to the utility or jointly payable to the customer and the utility are not acceptable.

State agencies that distribute low-income energy assistance require flexibility to administer the program to the benefit of the families eligible to receive the assistance without the added penalty these sections would create. In addition, the provisions could prohibit any energy assistance payments to low-income households that heat with oil, bottled gas, coal or wood which are not purchased from utility companies.

For these reasons, I have vetoed sections 1(2)(c), 2(3), and 4(4)(c). The remaining sections of Substitute Senate Bill No. 4490 are approved.

Respectfully submitted,



John Spellman  
Governor



## State of Washington

JOHN SPELLMAN, Governor

OFFICE OF THE GOVERNOR

March 7, 1984

To the Honorable, the Senate  
of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to section 2, subsections 2, 3, and 4, Substitute Senate Bill No. 4494, entitled:

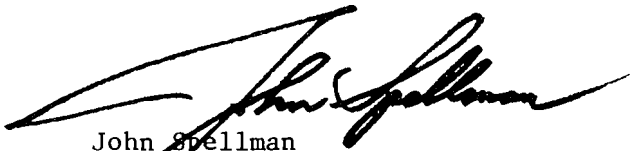
"AN ACT Relating to international trade development."

Substitute Senate Bill No. 4494 creates the Washington State Advisory Council on International Trade Development to provide international trade information and counsel to the Governor and the legislature.

The concept of an advisory council in the area of international trade development is acceptable and should prove beneficial. However, the method of appointment of the council and its makeup as designated in this legislation clearly circumvent the executive branch of state government. As I said with respect to a similar proposal relating to tourism development, the work envisioned by this legislation can be accomplished in a more efficient and responsible manner consistent with the constitutional principles regarding the separation of powers if the work is undertaken in the manner established in Executive Order 84-04, a copy of which I have attached to this message. For these reasons, I have vetoed subsections 2, 3, and 4 of section 2 of Substitute Senate Bill No. 4494.

The remaining sections of the bill are approved.

Respectfully submitted,



John Spellman  
Governor



## State of Washington

JOHN SPELLMAN, Governor

February 23, 1984

OFFICE OF THE GOVERNOR

To the Honorable, the Senate  
of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to one section Substitute Senate Bill No. 4561, entitled:

"AN ACT Relating to emergency management."

Subsection 3 of section 3 ostensibly is intended as a broad policy statement in opposition to planning for emergency response in the event of nuclear attack. Unfortunately, as drafted, the subsection could be construed to prohibit the use of emergency management functions in response to a nuclear attack as distinct from merely planning for one.

The state of Washington is responsible for the protection of the lives and property of its citizens. This responsibility is expressed in our state and national Constitutions and outlined in state and Federal laws. Although a nuclear attack would be a nightmare, one which would make all other calamities man has suffered seem small, state government is obligated to save as many lives as possible, and it is immoral to prevent government from doing all that it can to save lives and reduce suffering. The section which I am vetoing would shackle the hands of state agencies in responding to the massive human suffering following an attack. Although there may be little that government can do, it cannot stand by and watch citizens suffer if there are state resources that can be used to provide them some relief.

Although possible scenarios for a nuclear war can be debated, the fact remains that no one can guarantee that our entire population will be lost in an attack. As long as any of our citizens remain alive, they are entitled to the protection and services of the state. If at all possible, food, water, relief from pain, and shelter must be provided to those in need.

Therefore, I have vetoed section 3(3). The remainder of Substitute Senate Bill No. 4561 is approved.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John Spellman".

John Spellman  
Governor



## State of Washington

JOHN SPELLMAN, Governor

March 28, 1984

OFFICE OF THE GOVERNOR

To the Honorable, the Senate  
of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to section 1(2) and section 1(4), Substitute Senate Bill No. 4647, entitled:

"AN ACT Relating to the state advisory committee to the Department of Social and Health Services."

These sections would require the Department of Social and Health Services (DSHS) to limit citizen participation in its activities to one advisory committee per division or bureau unless "exceptional circumstances" could be documented. Those sections would also severely limit the establishment of new advisory committees. I am opposed to these unnecessary and arbitrary restrictions on citizen involvement in state government.

When the Department of Social and Health Services was created in 1971, the legislature in its statement of purpose declared that meaningful citizen involvement and participation in the planning and programs of DSHS are essential. I agree with that statement and can find no reason to limit the ability of DSHS to involve citizens in its programs.

With the exception of these sections, Substitute Senate Bill No. 4647 is approved.

Respectfully submitted,

  
John Spellman  
Governor



## State of Washington

JOHN SPELLMAN, Governor

OFFICE OF THE GOVERNOR

March 2, 1984

To the Honorable, the Senate  
of the State of Washington

Ladies and Gentlemen:

I am returning herewith without my approval Senate Bill No. 4696 entitled:

"AN ACT Establishing a school district equalized calculation formula."

A drafting error which was discovered after the bill was enrolled significantly alters the bill's intended impact. As a result of levy failures in the late 1970's, certain school districts are ineligible for "grandfathered" levy authority during the phase-in of state levy controls. During legislative consideration, it was understood that the bill increased levy capacity in two districts, Federal Way and Battle Ground. However, neither district would qualify for the "equalized calculation" of levy authority provided in the bill as drafted.

Respectfully submitted,



John Spellman  
Governor



## State of Washington

JOHN SPELLMAN, Governor

OFFICE OF THE GOVERNOR

March 30, 1984

To the Honorable, the Senate  
of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to several sections, Second Substitute Senate Bill No. 4831, entitled:

"AN ACT Relating to worker and community right to know."

I am confronted with a dilemma with respect to this measure. Protection of workers and the public from inadvertent exposure to hazardous substances is of particular concern to me. I favor a responsible approach to these concerns tailored to the particular circumstances of the state of Washington. Unfortunately, this bill is not such a proposal.

This bill contains serious technical flaws and numerous substantive errors. It is internally inconsistent, creates a monstrous paper burden in the Department of Labor and Industries and on small business and agriculture, and is so broad that it may well constitute an illegal burden on interstate commerce under Federal law. In its present form, this bill would substantially increase costs to consumers and dampen economic recovery.

Rather than reject the concept of this legislation, I am approving those provisions of the bill which will allow the Department of Labor and Industries to be responsive to the need for establishing a program for disclosure of information regarding hazardous substances in the workplace. As a result of my action, the Department will immediately begin work in preparation for reporting to the Governor and the legislature by January 1, 1985, in conjunction with the Right to Know Advisory Council, on the necessary study of the impact of legislation on this subject, and on the need for any additional legislation.

I have vetoed section 3. This section purports to provide definitions for purposes of implementing the act. However, many of these definitions are in fact substantive requirements inappropriately engrossed on the definition section. Necessary definitions for implementation of this chapter may be developed by the Department under the authority of section 27.

I have vetoed sections 4 through 14 of the act, inclusive. Section 4 contains numerous exclusions from coverage under the statute which exclusions may or may not prove to be appropriate after study. Section 5



Second Substitute Senate  
Bill No. 4831  
March 30, 1984  
Page 2

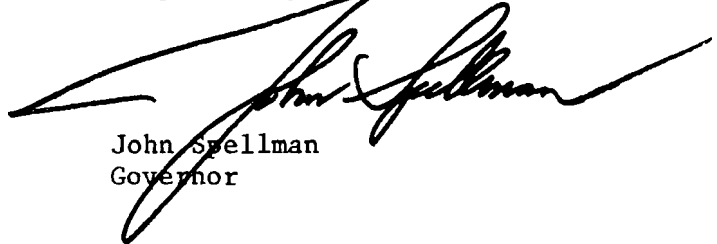
places on the Department of Labor and Industries the sole burden of development of a hazardous substance list. This section in conjunction with sections 6 through 14 constitutes overly burdensome aspects of the legislation.

I have vetoed section 19 from the bill for the reasons stated above.  
I have vetoed section 22 for the same reasons.

Many of the substantive action sections of this bill do not become operative for more than a year or two years. Therefore, it would seem prudent and in the best interests of employees, employers, and the public, that they be reviewed, fine-tuned, and acted upon next January.

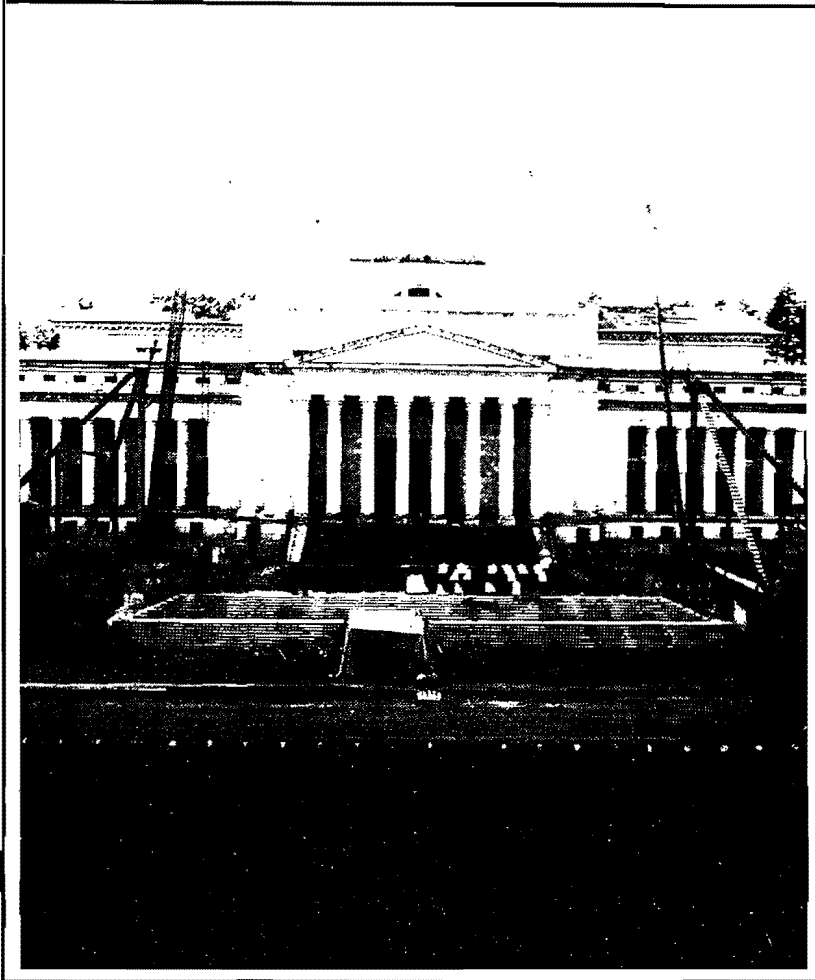
With the exception of the above vetoes, Second Substitute Senate Bill No. 4831 is approved.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John Spellman", written over a horizontal line.

John Spellman  
Governor

# SUNSET LEGISLATION



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## Sunset Legislation

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### BACKGROUND

In accordance with the Washington State Sunset Act of 1977, the Legislative Budget Committee submitted to the Second Regular Session of the 48th Legislature three sunset reports regarding the Department of Emergency Services, the State Board of Pharmacy, and the State Hospital Commission. The reports concerning these departments and programs which were scheduled for termination on June 30, 1984, were referred to the appropriate Senate and House standing committees for review.

Four agencies and programs, the Planning and Community Affairs Agency, the State Advisory Committee to DSHS, the regulation of barbering and men's hairstyling, and the regulation of cosmetology, which were previously audited and scheduled to sunset in 1983, were held over for legislative action in 1984.

### SESSION SUMMARY

As a result of legislation in 1984, eight agencies or programs that were scheduled for termination were reauthorized and modified.

The Legislature also scheduled a total of eight agencies or programs for termination under the Sunset process.

### AGENCIES OR PROGRAMS REAUTHORIZED AND MODIFIED BY THE LEGISLATURE IN 1984

#### BOARD OF PHARMACY

SSB 4302. The Board is reauthorized and scheduled for termination on June 30, 1990.

Modifications: The Board is authorized to set fees at a level necessary to cover its costs. The cost of regulation is distributed more equitably among the various health businesses and professions. The Board is expanded from five to seven members, and its enforcement and disciplinary responsibilities are expanded. The regulation of certain business activities is reduced or eliminated. The Board is required to establish an interdepartmental committee on drug abuse.

Status: C 153 L 84 PV

Committee: Senate Social and Health Services  
House Social and Health Services

#### PLANNING AND COMMUNITY AFFAIRS AGENCY

SSB 3238. The agency is reauthorized and scheduled for termination on June 30, 1989.

Modifications: The Planning and Community Affairs Agency is reauthorized under the name of the Department of Community Development. The Department's responsibilities are clarified and moderately expanded.

Status: C 125 L 84

Committee: Senate State Government  
House State Government

#### DEPARTMENT OF EMERGENCY SERVICES

SSB 4561. The Department is reauthorized and is removed from the sunset process.

Modifications: The Department of Emergency Services is reauthorized under the name of the Department of Emergency Management. The requirement of developing and defining a comprehensive emergency plan for the state is continued. The Department's focus is shifted away from the civil defense mode and directed toward all emergencies, whether natural or man-made.

Status: C 38 L 84 PV

Committee: Senate State Government  
House State Government

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## Sunset Legislation

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### STATE HOSPITAL COMMISSION

SSB 4403. The State Hospital Commission is reauthorized and scheduled for termination on June 30, 1989.

Modifications: The Commission is directed to promote constructive competition as a hospital cost containment strategy, and its regulatory policies are strengthened. The Commission is enlarged from five to nine members.

Status: C 288 L 84 PV

Committee: Senate Ways and Means  
House Social and Health Services

### COUNCIL ON CHILD ABUSE AND NEGLECT

SSB 4653. The Council on Child Abuse and Neglect is reauthorized and scheduled for termination on June 30, 1988.

Modifications: The Council on Child Abuse and Neglect is renamed the Washington Council for the Prevention of Child Abuse and Neglect. A \$5.00 surcharge continues to be levied on marriage license fees in order to offset the Council's costs to the general fund.

Status: C 261 L 84

Committee: Senate Social and Health Services  
House Social and Health Services

### STATE ADVISORY COMMITTEE TO THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

SSB 4647. The Committee is reauthorized and scheduled for termination on June 30, 1989.

Modifications: The Committee membership is required to represent a broad cross section of the state population. The Committee is required to periodically review and make recommendations on the various other advisory committees within DSHS.

Status: C 259 L 84 PV

Committee: Senate Social and Health Services  
House Social and Health Services

### BARBERING AND MEN'S HAIRSTYLING

SHB 1187. The regulation of barbering and men's hairstyling is continued and is removed from the sunset process.

Modifications: Regulation of barbering and men's hairstyling is combined with the regulation of cosmetology and manicuring. The level and cost of regulation is significantly reduced.

Status: C 208 L 84

Committee: Senate Commerce and Labor  
House Commerce and Economic Development

### COSMETOLOGY

SHB 1187. The regulation of cosmetology is continued and is removed from the sunset process.

Modifications: Regulation of cosmetology is combined with the regulation of barbering and manicuring. The level and cost of regulation is significantly reduced.

Status: C 208 L 84

Committee: Senate Commerce and Labor  
House Commerce and Economic Development

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## Sunset Legislation

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AGENCIES OR PROGRAMS PLACED ON THE SUNSET TERMINATION SCHEDULE  
BY THE 48TH LEGISLATURE IN 1984

DEPARTMENT OF COMMUNITY DEVELOPMENT

SSB 3238. The Department is scheduled for termination on June 30, 1989.

BOARD OF PHARMACY

SSB 4302. The Board is scheduled for termination on June 30, 1990.

STATE HOSPITAL COMMISSION

SSB 4403. The Commission is scheduled for termination June 30, 1989.

ATHLETIC HEALTH CARE AND TRAINING COUNCIL

SSB 4484. The Council is scheduled for termination on June 30, 1990.

COUNCIL ON CHILD ABUSE AND NEGLECT

SSB 4653. The Council is scheduled for termination on June 30, 1988.

STATE ADVISORY COMMITTEE TO THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

SSB 4647. The Committee is scheduled for termination on June 30, 1989.

HONORARY COMMERCIAL ATTACHE PROGRAM

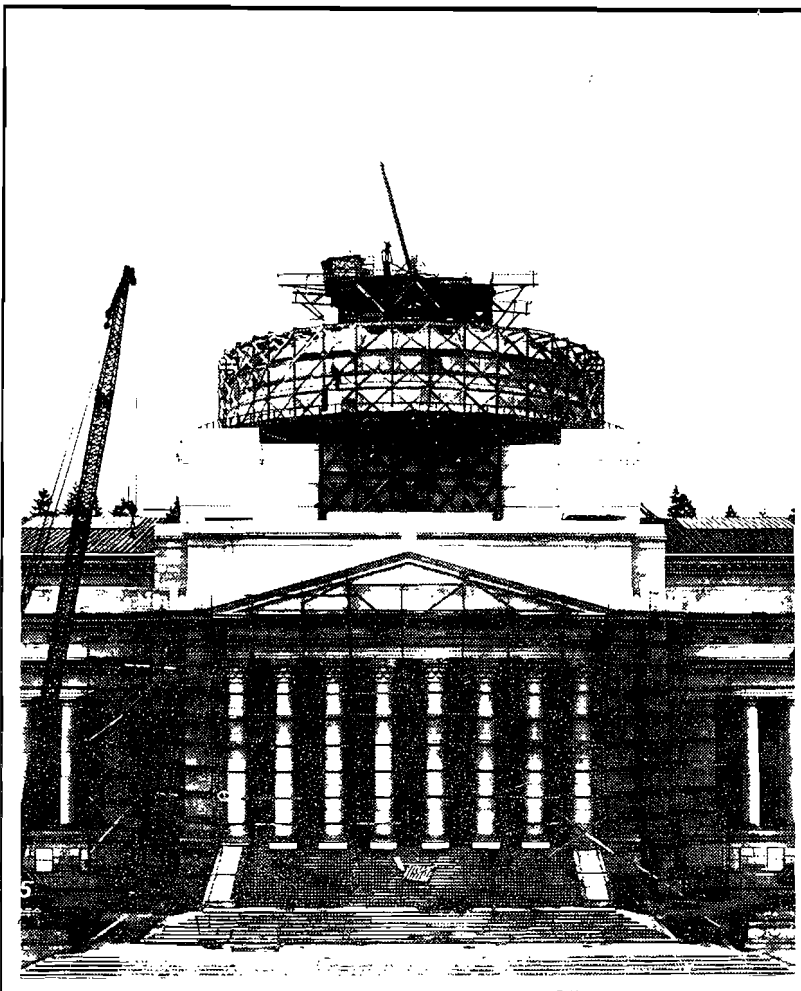
SSB 4849. The program is scheduled for termination on June 30, 1986.

OFFICE OF INTERNATIONAL INVESTMENT

SB 4852. The Office is scheduled for termination on June 30, 1986.

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# BUDGET HIGHLIGHTS



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Balance Sheet — 1983-1985 Biennium

		(\$ IN MILLIONS)
BEGINNING FUND BALANCE (7/1/83)		\$0.0
REVENUE		
Current Law Forecast (OFM-Dec)		\$8,110.4
Revenue Revisions:		
Natural Resources	\$0.9	
Lottery	(\$2.3)	
Tuition	\$0.1	
Investment Earnings	\$3.8	
Debt Service	(\$1.3)	
HB 1157 Cap Bud Debt	(\$0.9)	
Department of Revenue	\$17.6	
Horse Racing Commission	<u>\$1.2</u>	
Subtotal		\$19.1
Legislation 1984		
SB 4421 Timber Tax	\$10.9	
Other Legislation	<u>\$3.7</u>	
Subtotal		\$14.6
TOTAL REVENUE AVAILABLE FOR 83-85		\$8,144.1
EXPENDITURES		
EHB 1079	\$8,018.7	
Other Legislation	<u>\$34.7</u>	
Subtotal		\$8,053.4
Proposed Expenditures:		
Supp. Budget	\$55.0	
Other Legislation	<u>\$8.0</u>	
Subtotal		\$63.0
TOTAL EXPENDITURES FOR 83-85		<u>\$8,116.4</u>
ENDING FUND BALANCE		\$27.7

The Legislature appropriated a \$164 million supplemental operating budget for the 1983-85 biennium of which \$63 million is from the state's general fund and \$101 million is from federal and other fund sources. Of the state general fund appropriations, the omnibus operating budget bill, ESHB 1156, contained \$55 million or less than a .7% increase over the 1983 session appropriations. The remaining \$8 million was appropriated through 34 other bills. The major appropriations in the omnibus budget bill support funding commitments for Aid to Families with Dependent Children - Employable (AFDC-E), state employees' health insurance benefits, and legal requirements in the K-12 system. Other major legislation funded in the supplemental appropriations include \$3 million for local government enforcement of DWI legislation and \$1.5 million for state judges salary increases.

Significant program or service level increases by category include:

General Government

- Revising the Washington State Patrol Criminal History Access System
  - Reimbursing local government for costs incurred in the special primary election for U.S. Senator
  - Providing a study of part-time state employee benefits
  - Implementing administrative hearings for DWI license revocation
  - Completing the change in responsibility for license renewals from the Secretary of State to the Business License Center
-

Natural Resources

- Enhancing the dam safety inspection program
- Streamlining the environmental review program
- Providing operations money for national heritage lands
- Providing additional support for insect detection and eradication
- Expanding the tourism program and funding participation in Expo 86 in Vancouver

Human Resources

- Contracting for county jail beds funded in corrections
- Providing for the operations of the new Walla Walla corrections facility
- Financing an offender based tracking system
- Establishing ten new long-term children's mental health beds
- Continuing the AFDC-E program in the second year of the biennium
- Maintaining the independent status of the Child Abuse Council
- Implementing a local economic assistance program
- Purchasing the Green River murders text management program
- Providing local government controlled substances "buy money"

K-12

- Funding an enrollment increase in basic education
- Funding an enrollment increase in handicapped education
- Increasing substitute teacher days to five per teacher
- Providing distinct appropriations for remediation and bilingual programs
- Providing funds for gifted and drug and alcohol education programs
- Replacing school district payments for ESD's with state funds
- Supporting educational clinics in the second year
- Increasing teacher salaries by 7% on January 1, 1985

Higher Education

- Expenditure per student standards apply to FY 85 only
  - Providing state funds for high school motivation program for minority students
  - Implementing Spokane engineer/tech needs study
  - Supporting TESC enrollment growth mandate
  - Adding staff for the Magnuson-Jackson papers project
-

Other

- Increasing state employee health benefits in the second year of the biennium
- Distributing the Accrued Revenue Account balance as follows:
  - \$ 8.1 million for DSHS reappropriations
  - \$16.5 million for settlement of nursing home law suits
  - \$35.3 million for the LEOFF Retirement System
  - \$11.8 million for the TRS Retirement System

## 1984 Appropriation Legislation Table

BILL NO.	SUBJECT	GENERAL FUND STATE	GENERAL FUND FEDERAL	OTHER FUNDS	TOTAL
HB 1156	OMNIBUS OPERATING BUDGET	\$54,953,000	\$48,948,000	\$38,264,000	\$142,165,000
* * *	OTHER LEGISLATION	* * * * *	* * * * *	* * * * *	* * * * *
HB 181	Public Lands			9,000,000	9,000,000
HB 689	Small Business	82,500			82,500
HB 843	Retirement	210,000		55,000	265,000
HB 1083	Econ Forecast	310,000			310,000
HB 1123	Self Insurance			75,000	75,000
HB 1137	Respite Care	500,000			500,000
HB 1157	Capital Budget			75,000	75,000
HB 1174	Acid Rain	100,000			100,000
HB 1200	Transportation			4,240,000	4,240,000
HB 1205	Forest Products	48,500			48,500
HB 1207	International Trade	48,500			48,500
HB 1266	MIA Memorial	18,000			18,000
HB 1311	Special Ed	370,000			370,000
HB 1373	Environ Profile	25,000			25,000
HB 1378	Civil Service			12,000	12,000
HB 1582	DWI	3,000,000			3,000,000
HB 1613	Voc Excel	10,000			10,000
HB 1655	Child Care	45,000			45,000
SB 3074	Occup License	32,000			32,000
SB 3208	Judges Salaries	1,523,000			1,523,000
SB 4329	Milwaukee Road	49,000			49,000
SB 4342	ES Automation		600,000		600,000
SB 4403	Hospital Commission	828,000			828,000
SB 4404	Public Works	238,000			238,000
SB 4423	Agriculture Mkt	50,000			50,000
SB 4430	Court Improvements	8,500			8,500
SB 4477	Tax Defer Contrib			135,000	135,000
SB 4484	Athletic Training	50,000			50,000
SB 4494	International Trade	175,000			175,000
SB 4773	Small Business	45,000			45,000

1984 Appropriation Legislation Table

<u>BILL NO.</u>	<u>SUBJECT</u>	<u>GENERAL FUND STATE</u>	<u>GENERAL FUND FEDERAL</u>	<u>OTHER FUNDS</u>	<u>TOTAL</u>
SB 4794	Centennial Project	15,000			15,000
SB 4798	Prison Overcrowd	45,500			45,500
SB 4831	Worker Right to Know	97,453			97,453
SB 4852	International Invest	49,500			49,500
	SUBTOTAL	\$ 7,973,453	\$600,000	\$13,592,000	\$22,165,453
	TOTAL	\$62,926,453	\$49,548,000	\$51,856,000	\$164,330,453
	REAPPROPRIATIONS		\$5,000,000	\$8,100,000	\$13,100,000



## 1983-1985 Operating Budget — Total Washington State

	GENERAL FUND STATE			GENERAL FUND FEDERAL			ALL OTHER FUNDS			TOTAL ALL FUNDS		
	ORIGINAL	84 SUPP	FINAL	ORIGINAL	84 SUPP	FINAL	ORIGINAL	84 SUPP	FINAL	ORIGINAL	84 SUPP	FINAL
LEGISLATIVE	51,038	37	51,076				1,978		1,978	53,016	37	53,054
JUDICIAL	40,843	201	41,045				2,689		2,689	43,533	201	43,734
GENERAL GOVERNMENT	112,705	2,958	115,662	60,327	-53,645	6,682	475,008	2,403	477,410	648,039	-48,284	599,755
HUMAN RESOURCES	2031,280	30,768	2062,048	1392,999	102,776	1495,775	412,583	909	413,492	3836,862	134,453	3971,315
NATURAL RESOURCES	136,913	8,433	145,345	31,814	19	31,833	712,044	-5,039	707,005	880,771	3,412	884,184
TRANSPORTATION	21,114	1,177	22,291	6,674	2	6,675	634,986	-10,919	624,067	662,773	-9,741	653,032
TOTAL EDUCATION	4952,576	18,579	4971,155	249,684	13	249,696	689,035	1,037	690,072	5891,294	19,629	5910,923
PUBLIC SCHOOLS	3573,405	20,443	3593,848	221,579	8	221,586	17,743	1	17,744	3812,726	20,452	3833,178
COMM COLLEGES	447,313	-389	446,923	9		9	43,354		43,354	490,675	-389	490,285
HIGHER EDUCATIO	885,368	-1,518	883,850				61,497	2	618,499	1503,865	-1,516	1502,349
EDUCATION OTHER	46,489	44	46,533	28,097	5	28,102	8,444	1,034	10,477	84,029	1,082	85,112
SPECIAL APPROP	706,944	772	707,716	80	384	464	933,483	63,468	996,950	1640,506	64,624	1705,130
TOT WASHINGTON ST	8053,411	62,927	8116,338	1741,578	49,547	1791,125	3861,806	51,857	3913,663	13656,795	164,331	13821,126

Note: Compensation increases are distributed to program areas on an estimated basis. Dollars in thousands

## 1983-1985 Operating Budget — Legislative & Judicial

	GENERAL FUND STATE			GENERAL FUND FEDERAL		ALL OTHER FUNDS		TOTAL ALL FUNDS				
	ORIGINAL	84 SUPP	FINAL	ORIGINAL	84 SUPP	FINAL	ORIGINAL	84 SUPP	FINAL			
TOTAL LEGISLATIVE	51,038	37	51,076				1,978		1,978	53,016	37	53,054
HOUSE OF REP	22,425	12	22,437							22,425	12	22,437
SENATE	20,111	-17	20,094							20,111	-17	20,094
LEGIS BUDGET CO	1,387	71	1,458							1,387	71	1,458
LEGIS TRANSPORT							1,628		1,628	1,628		1,628
LEAP COMMITTEE	1,531	-8	1,523							1,531	-8	1,523
STATE ACTUARY	346	-2	344							346	-2	344
STATUTE LAW COM	5,239	-19	5,220				350		350	5,589	-19	5,570
TOTAL JUDICIARY	40,843	201	41,045				2,689		2,689	43,533	201	43,734
SUPREME COURT	7,218	-46	7,172				1,378		1,378	8,596	-46	8,550
LAW LIBRARY	2,061	-4	2,056							2,061	-4	2,056
COURT OF APPEAL	9,165	-23	9,142							9,165	-23	9,142
COURT ADMR	21,969	276	22,246				1,311		1,311	23,281	277	23,557
JUDICIAL COUNCI												
JUDICIAL QUAL C	431	-2	429							431	-2	429
TOTAL LEG & JUD	91,882	238	92,120				4,667		4,667	96,549	239	96,788

Note: Compensation increases are distributed to program areas on an estimated basis. Dollars in thousands.

## 1983-1985 Operating Budget — General Government

	GENERAL FUND STATE			GENERAL FUND FEDERAL			ALL OTHER FUNDS			TOTAL ALL FUNDS		
	ORIGINAL	84 SUPP	FINAL	ORIGINAL	84 SUPP	FINAL	ORIGINAL	84 SUPP	FINAL	ORIGINAL	84 SUPP	FINAL
OFF OF GOV	3,698	1,507	5,205							3,698	1,507	5,205
LT GOVERNOR	252	-1	251							252	-1	251
SECRETARY OF ST	5,062	1,761	6,823				1,339		1,339	6,401	1,761	8,162
MEXICAN-AM AFFA	126		126							126		126
ASIAN-AM ADV CN	128		128							128		128
INDIAN ADVISORY	127		127							127		127
STATE TREASURER							7,175		7,175	7,175		7,175
STATE AUDITOR	816	2	818	411		411	21,007		21,007	22,234	2	22,236
ATTORNEY GENERA	4,400	-6	4,394	1		1	26,336		26,336	30,737	-6	30,731
OFF FINANCIAL M	12,965	3,737	16,702	615		615	2,290		2,290	15,870	3,737	19,607
INVESTMENT BOAR							1,303	1	1,304	1,303	1	1,304
DEPT OF PERSONN	160	105	265				10,391	217	10,607	10,551	322	10,872
PERSONNEL APPEA							792	13	805	792	13	805
DATA PROCESS AU							900	1	901	900	1	901
DEFER COMP COMM							62	650	712	62	650	712
DEPT OF REVENUE	50,882	260	51,142				3,720	3	3,724	54,602	263	54,866
TAX APPEALS BRD	1,026	-1	1,025							1,026	-1	1,025
DEPT OF GEN ADM	6,262	-33	6,229				27,592	28	27,620	33,854	-6	33,848
INSURANCE COMM	8,079	33	8,112							8,079	33	8,112
PUB DISCLOSURE	995	-4	991							995	-4	991
DEPT RETIREMENT		210	210				10,726	282	11,008	10,726	492	11,218
MUN RESEARCH CN	1,495		1,495							1,495		1,495
ST BRD OF ACCTN	301	-2	300				351		351	652	-2	651
BOXING COMMISSI	75		75							75		75
CEMETERY BOARD							75		75	75		75
HORSE RACING CO							2,882	647	3,529	2,882	647	3,529
GAMBLING COMM							5,920		5,920	5,920		5,920
LIQUOR CONTROL							86,976	137	87,113	86,976	137	87,113
PHARMACY BOARD	1,100	-37	1,063					200	200	1,100	163	1,263
UTILITY & TRANS							18,677	502	19,179	18,677	502	19,179
VOL FIREMEN BOA							167		167	167		167
DEPT EMERGENCY	783	117	900	3,883	1	3,884	10	1	11	4,676	119	4,795
MILITARY DEPT	7,048	-32	7,016	1,768	3	1,771				8,816	-28	8,787
PUB EMPL REL CO	1,449	-2	1,448							1,449	-2	1,448
LOTTERY COMMISS							238,746	10	238,756	238,746	10	238,756
UNIFORM LEG COM												
PRESIDENTIAL EL	1		1							1		1
ECON & COMM DEV	4,708	-4,708		53,649	-53,649		300	-300		58,657	-58,657	
CENTENN PARTNRS		15	15								15	15
MINORITY & WOM	768	-2	766							768	-2	766
SMALL BUS IMPRV		38	38								38	38
DEATH INVESTIG							5		5	5		5
PROSECUTORS TRA							30		30	30		30
ADMIN HEARINGS							7,237	12	7,249	7,237	12	7,249
GENERAL GOVERNMENT	112,705	2,958	115,662	60,327	-53,645	6,682	475,008	2,403	477,410	648,039	-48,284	599,755

Note: Compensation increases are distributed to program areas on an estimated basis. Dollars in thousands.

## 1983-1985 Operating Budget — Human Resources

	GENERAL FUND STATE			GENERAL FUND FEDERAL			ALL OTHER FUNDS			TOTAL ALL FUNDS		
	ORIGINAL	84 SUPP	FINAL	ORIGINAL	84 SUPP	FINAL	ORIGINAL	84 SUPP	FINAL	ORIGINAL	84 SUPP	FINAL
DEPT OF CORRECTIO	285,045	3,407	288,453	700		700	865		865	286,610	3,407	290,017
DEPT SOC & HLTH S	1707,301	22,113	1729,414	1198,139	48,462	1246,601	47,491	6	47,497	2952,931	70,581	3023,512
VETERANS AFFAIRS	16,283	89	16,373	2,256	2	2,258	3,439	8	3,447	21,979	99	22,078
PLAN & COMM AFFAI	2,791	4,009	6,800	53,579	53,650	107,229				56,370	57,659	114,029
HUMAN RIGHTS COMM	3,022	-8	3,014	957	1	958				3,979	-7	3,972
IND INS APPEALS B							6,122	6	6,128	6,122	6	6,129
CRIM JUST TRNG CM							6,092	602	6,694	6,092	602	6,694
DEPT L & I	5,935	86	6,022				114,985	137	115,122	120,920	224	121,144
PRISON TERMS & PA	3,028	-6	3,022							3,028	-6	3,022
HOSPITAL COMM	369	828	1,197				1,111	1	1,112	1,480	829	2,309
DEPT EMPLOY SECUR	4,690	-2	4,688	133,901	658	134,558	118,750	147	118,897	257,341	803	258,144
SERVICES FOR BLIN	1,723	-4	1,719	3,468	4	3,471	597		597	5,787		5,787
CORRECT STDS BOAR	531	259	790				113,133	1	113,134	113,664	260	113,924
SENTENCING COMM	560	-3	558							560	-3	558
TOT HUMAN RESOURC	2031,280	30,768	2062,048	1392,999	102,776	1495,775	412,583	909	413,492	3836,862	134,453	3971,315

Note: Compensation increases are distributed to program areas on an estimated basis. Dollars in thousands.

## 1983-1985 Operating Budget — Social &amp; Health Services

	GENERAL FUND STATE			GENERAL FUND FEDERAL			ALL OTHER FUNDS			TOTAL ALL FUNDS		
	ORIGINAL	84 SUPP	FINAL	ORIGINAL	84 SUPP	FINAL	ORIGINAL	84 SUPP	FINAL	ORIGINAL	84 SUPP	FINAL
PLAN & COMM AFFAI	2,735		2,735	53,568		53,568				56,303		56,303
ADMIN & SUPP SE	544		544	286		286				830		830
LOCAL GOV SER	1,385		1,385	11,422		11,422				12,807		12,807
OFF OF EC OPP	557		557	39,158		39,158				39,715		39,715
EMP DEVEL & TRA	124		124	2,702		2,702				2,827		2,827
LAW & JUSTICE P	125		125							125		125
DEPT OF SOCIAL &	1707,301	22,113	1729,414	1198,139	48,461	1246,600	47,491	7	47,498	2952,931	70,581	3023,512
JUVENILE REHABI	68,968	-99	68,869	842		842				69,810	-99	69,711
MENTAL HEALTH	198,554	-2,146	196,408	18,335	12,508	30,844	278		278	217,168	10,362	227,530
DEVELOPMENTAL D	158,439	-124	158,315	108,121	7,664	115,784				266,560	7,540	274,099
INCOME MAINTENA	359,127	15,125	374,252	314,381	15,121	329,502				673,509	30,246	703,755
COMMUNITY SOCIA	84,142		84,142	23,918		23,918	91		91	108,151		108,151
MEDICAL ASSISTA	358,388	10,003	368,391	231,464	9,962	241,426				589,852	19,965	609,817
PUBLIC HEALTH	39,424	225	39,650	53,333	10	53,343	46,944	5	46,949	139,701	241	139,942
VOCATIONAL REHA	14,307	-7	14,300	25,852	15	25,868				40,160	8	40,168
ADMIN/SUPPORTIN	56,308	172	56,480	41,477	25	41,501	75		75	97,859	197	98,057
COMMUNITY SERVI	138,810	-975	137,835	143,828	3,122	146,949	102		102	282,740	2,146	284,886
REVENUE COLLECT	12,100	-50	12,050	23,598	34	23,632				35,698	-16	35,682
LONG TERM CARE	218,734	-11	218,723	212,991		212,991				431,724	-11	431,713
300-MISCELLANEO								1	1		1	1
VETERANS AFFAIRS	15,889		15,889	2,237		2,237	3,336		3,336	21,462		21,462
HEADQUARTERS	951		951							951		951
FIELD SERVICES	1,657		1,657							1,657		1,657
VETERANS HOME	8,554		8,554	1,109		1,109	1,731		1,731	11,393		11,393
SOLDIERS HOME &	4,678		4,678	1,128		1,128	1,605		1,605	7,412		7,412
305-MISCELLANEO	49		49							49		49
HUMAN RESOURCES	1725,926	22,112	1748,038	1253,944	48,461	1302,405	50,826	8	50,834	3030,696	70,581	3101,277

Note: Compensation increases are distributed to program areas on an estimated basis. Dollars in thousands.

## 1983-1985 Operating Budget — Natural Resources

	GENERAL FUND STATE			GENERAL FUND FEDERAL			ALL OTHER FUNDS			TOTAL ALL FUNDS		
	ORIGINAL	84 SUPP	FINAL	ORIGINAL	84 SUPP	FINAL	ORIGINAL	84 SUPP	FINAL	ORIGINAL	84 SUPP	FINAL
STATE ENERGY OF	1,143	1	1,144	13,059	2	13,061	60	76	136	14,262	79	14,341
COL RIV GORGE C	76		76				67		67	144		144
DEPT OF ECOLOGY	25,205	308	25,513	10,078	10	10,087	484,599	-14,487	470,112	519,882	-14,170	505,712
ENVIRON HEARING	727	-1	725							727	-1	725
ENERGY FAC SITE							3,502	2	3,504	3,502	2	3,504
PARKS & RECREAT	28,672	944	29,616				10,081	2	10,084	38,753	947	39,699
ARCH/HIST PRESE	334		335	912		912				1,246	1	1,247
OUTDR RECREATIO							16,062	2	16,064	16,062	2	16,064
COMM & EC DEVEL	3,379	4,835	8,214				303		303	3,681	4,835	8,516
DEPT OF FISHERI	39,400	67	39,468	6,664	6	6,670	2,124	3	2,127	48,189	76	48,265
DEPT OF GAME							50,213	141	50,354	50,213	141	50,354
NATURAL RESOURC	27,050	730	27,780	462	1	463	105,532	9,011	114,544	133,045	9,742	142,786
DEPT OF AGRICUL	10,391	1,169	11,560	639	1	639	37,098	-489	36,609	48,128	681	48,809
WINTER REC COMM												
CONSERVATION CO	308		308							308		308
ST CONVENT/TRAD							2,031	700	2,731	2,031	700	2,731
LAPSED PROGRAMS							372		372	372		372
EXPO '86		320	320								320	320
ST ADV CNCL INT		60	60								60	60
WASH CENTENNIAL	228	-1	227							228	-1	227
<b>NATURAL RESOURCES</b>	<b>136,913</b>	<b>8,433</b>	<b>145,345</b>	<b>31,814</b>	<b>19</b>	<b>31,833</b>	<b>712,044</b>	<b>-5,039</b>	<b>707,005</b>	<b>880,771</b>	<b>3,412</b>	<b>884,184</b>

Note: Compensation increases are distributed to program areas on an estimated basis. Dollars in thousands.

## 1983-1985 Operating Budget — Transportation

	GENERAL FUND STATE			GENERAL FUND FEDERAL			ALL OTHER FUNDS			TOTAL ALL FUNDS		
	ORIGINAL	84 SUPP	FINAL	ORIGINAL	84 SUPP	FINAL	ORIGINAL	84 SUPP	FINAL	ORIGINAL	84 SUPP	FINAL
STATE PATROL	11,707	307	12,013				104,721	49	104,771	116,428	356	116,784
TRAFFIC SAFETY							6,027	1	6,028	6,027	1	6,028
DEPT OF LICENSI	8,723	770	9,493				82,877	319	83,196	91,600	1,088	92,688
CNTY ROAD ADMIN							12,791		12,792	12,791		12,792
BRD PILOTAGE CO							72		72	72		72
DEPT OF TRANSP	683	100	783	6,674	2	6,675	363,824	-11,363	352,460	371,180	-11,262	359,918
URBAN ARTERIAL							64,226		64,226	64,226		64,226
TRANSPORTATION	2		2				397		397	399		399
MARINE EMPLOYEE							50	75	125	50	75	125
TOT TRANSPORTATIO	21,114	1,177	22,291	6,674	2	6,675	634,986	-10,919	624,067	662,773	-9,741	653,032

Note: Compensation increases are distributed to program areas on an estimated basis. Dollars in thousands.

1983-1985 Operating Budget — Education

	GENERAL FUND STATE			GENERAL FUND FEDERAL			ALL OTHER FUNDS			TOTAL ALL FUNDS		
	ORIGINAL	84 SUPP	FINAL	ORIGINAL	84 SUPP	FINAL	ORIGINAL	84 SUPP	FINAL	ORIGINAL	84 SUPP	FINAL
PUBLIC SCHOOLS	3573,405	20,443	3593,848	221,579	8	221,586	17,743	1	17,744	3812,726	20,452	3833,178
COMM COLLEGE TOTA	447,313	-389	446,923	9		9	43,354		43,354	490,675	-389	490,285
HIGHER EDUCATION	885,368	-1,518	883,850				618,497	2	618,499	1503,865	-1,516	1502,349
UNIV OF WASH	417,096	-786	416,310				508,637	3	508,640	925,733	-784	924,950
WASH STATE UNIV	238,630	-772	237,858				83,923		83,923	322,553	-772	321,781
EASTERN WASH UN	69,362	-195	69,167				7,897		7,897	77,259	-195	77,065
CENTRAL WASH UN	58,531	-162	58,370				7,740		7,740	66,271	-162	66,110
THE EVERGREEN S	30,032	442	30,474				2,146		2,146	32,178	442	32,620
WESTERN WASH UN	71,718	-45	71,672				8,152		8,152	79,870	-45	79,825
EDUCATION OTHER	46,489	44	46,533	28,097	5	28,102	9,444	1,034	10,477	84,029	1,082	85,112
COMPACT FOR EDU												
CNCL POSTSEC ED	28,227	-8	28,219	3,530		3,531	40		40	31,797	-8	31,790
PUBLIC BROADCASTS	4		4							4		4
COMM FOR VOC ED	5,524	4	5,528	21,442	3	21,445				26,966	7	26,973
HE PERSONNEL BR		40	40				1,339	62	1,402	1,339	102	1,442
STATE LIBRARY	7,600	-41	7,559	2,324	2	2,326	7,821	971	8,792	17,745	931	18,676
STATE ARTS COMM	2,758	-2	2,756	800		800				3,558	-2	3,556
ST HIST SOCIETY	577	1	578				43		43	619	1	620
E WA ST HIST SO	485	1	486				75		75	560	1	561
ST CAPITOL HIST	461	1	462				90		90	551	1	552
TEMP COMM ED PO	604	-2	602				36		36	640	-2	638
HIGH TECH COORD	250		250							250		250
ATHL HLTH CARE		50	50								50	50
EDUCATION TOTAL	4952,576	18,579	4971,155	249,684	13	249,696	689,035	1,037	690,072	5891,294	19,629	5910,923

Note: Compensation increases are distributed to program areas on an estimated basis. Dollars in thousands.



## 1983-1985 Operating Budget — Public Schools

	GENERAL FUND STATE			GENERAL FUND FEDERAL			ALL OTHER FUNDS			TOTAL ALL FUNDS		
	ORIGINAL	84 SUPP	FINAL	ORIGINAL	84 SUPP	FINAL	ORIGINAL	84 SUPP	FINAL	ORIGINAL	84 SUPP	FINAL
OFFICE OF SPI	13,664	379	14,044	6,540	8	6,548	601	1	602	20,805	387	21,193
GEN APPORTIONME	2984,734	4,868	2989,602							2984,734	4,868	2989,602
TRANSPORTATION	168,874	2,183	171,057							168,874	2,183	171,057
VOC-TECH INSTIT	53,586	-146	53,440							53,586	-146	53,440
FOOD SERVICES	6,000		6,000	60,611		60,611				66,611		66,611
HANDICAPPED	271,088	8,127	279,215	27,641		27,641				298,729	8,127	306,856
TRAFFIC SAFETY							17,141		17,141	17,141		17,141
EDUC SERVICE DI	4,807	1,834	6,641							4,807	1,834	6,641
ELEM & SECONDAR				90,483		90,483				90,483		90,483
INDIAN EDUCATIO				367		367				367		367
INST EDUCATION	20,857		20,857	5,450		5,450				26,307		26,307
ADULT BASIC EDU				3,106		3,106				3,106		3,106
REMIEDIATION		10,575	10,575								10,575	10,575
BILINGUAL		3,039	3,039								3,039	3,039
ENCUMB FED GRAN				27,380		27,380				27,380		27,380
BLOCK GRANTS/SP	45,957	-19,437	26,520							45,957	-19,437	26,520
EDUCATIONAL CLI	1,100	750	1,850							1,100	750	1,850
SALARY ADJUSTME		5,345	5,345								5,345	5,345
RELIANCE	500		500							500		500
SPECIAL NEEDS		2,109	2,109								2,109	2,109
EDUC EXCELLENCE		819	819								819	819
MISCELLANEOUS	2,236		2,236							2,236		2,236
PUBLIC SCHOOLS	3573,405	20,443	3593,848	221,579	8	221,586	17,743	1	17,744	3812,726	20,452	3833,178

Note: Compensation increases are distributed to program areas on an estimated basis. Dollars in thousands.

## 1983-1985 Operating Budget — Special Appropriations

	GENERAL FUND STATE			GENERAL FUND FEDERAL			ALL OTHER FUNDS			TOTAL ALL FUNDS		
	ORIGINAL	84 SUPP	FINAL	ORIGINAL	84 SUPP	FINAL	ORIGINAL	84 SUPP	FINAL	ORIGINAL	84 SUPP	FINAL
SPEC APP TO GOV	2,000		2,000							2,000		2,000
BELATED CLAIMS	905		905				349		349	1,254		1,254
SUNDRY CLAIMS	1,865	686	2,551				15	16,500	16,515	1,880	17,186	19,066
ST REV FOR DIST	191,866		191,866				334,619		334,619	526,485		526,485
FED REV FOR DIS				80	384	464	16,253	-151	16,102	16,333	233	16,566
BOND RETIRE & I							581,382		581,382	581,382		581,382
RETIREMENT CONT	4,523		4,523				39		39	4,562		4,562
SALARY ADJUSTME	685	37	722				825	118	943	1,510	155	1,665
ELECTED OFFIC S												
PARKS & REC COM		49	49								49	49
K12 TRS CONTRIB	312,500		312,500					11,750	11,750	312,500	11,750	324,250
LEOFF CONTRIBUT	192,600		192,600					35,250	35,250	192,600	35,250	227,850
TOT SPECIAL APPRO	706,944	772	707,716	80	384	464	933,483	63,468	996,950	1640,506	64,624	1705,130

Note: Compensation increases are distributed to program areas on an estimated basis. Dollars in thousands.

## 1983-1985 Supplemental Capital Budget

## 1983-85 SUPPLEMENTAL CAPITAL BUDGET APPROPRIATED FUNDS (SHB 1157)

AGENCY NUM	FUND	PROJECT NUMBER	PROJECT TITLE/DESCRIPTION	FUND	Governor	Legislature
<b>GENERAL ADMINISTRATION</b>						
150	042	84- 2	McNeil Land & Boundary	CEP&RI Acct.	175,000	175,000
150	057	84- 3	Delete McNeil Island Acq.	State Bldg. Constr. Acct.	(8,800,000)	(8,800,000)
150	036	84- 5	Temple of Justice Struc. Insp.	Capital Bld. Const. Acct.	15,000	15,000
150	057	84- 7	N.S. Multi-Serv. Cntr. Rep.	State Bldg. Constr. Acct.	1,065,000	1,065,000
150	042	84- 8	N.S. Multi-Serv. Feas. Study	CEP&RI Acct.	45,000	0
150	NEW	84- 9	OB-2 1st & 3rd Floor Repairs	State Fac. Emergcy. Rep.	1,687,000	0
150	057	84- 9	OB-2 1st & 3rd Floor Repairs	State Bldg. Constr. Acct.	0	1,687,000
150	NEW	84- 11	OB-2 2nd Floor Fire Damage	State Fac. Emergcy. Rep.	2,597,482	0
150	057	84- 11	OB-2 2nd Floor Fire Damage	State Bldg. Constr. Acct.	0	3,482,314
<b>SOCIAL &amp; HEALTH SERVICES</b>						
300	075	84- 17	Om. Fire Saf. Imprv.	DSHS Const. Acct.	1,500,000	1,500,000
300	075	84- 19	Yakima Val. Sch. Ren/Equip Bld	DSHS Const. Acct.	6,031,500	6,031,500
300	075	84- 21	West. St. Hosp Ren. Wards	DSHS Const. Acct.	3,627,600	3,627,600
300	075	84- 25	East. St. Hosp. Ren. Wards	DSHS Const. Acct.	2,791,600	2,791,600
300	075	84- 29	Omibus Misc. Repairs	DSHS Const. Acct.	163,600	163,600
300	075	84- 33	Mission Creek Fac Renov.	DSHS Const. Acct.	0	60,000
300	075	84- 34	Interlake School Therapy Pool	DSHS Const. Acct.	0	30,000
<b>VETERANS AFFAIRS</b>						
305	042	84- 35	100 Bed Skilled Nursing Fac.	CEP&RI Acct.	203,500	203,500
305	042	84- 36	Retail LID Assessment	CEP&RI Acct.	0	358,000
<b>DEPARTMENT OF CORRECTIONS</b>						
310	057	84- 37	McNeil Island Ferry	State Bldg. Constr. Acct.	300,000	150,000
310	057	84- 39	Prototyp Co-loc Housing Units	State Bldg. Constr. Acct.	11,600,000	11,600,000
310	057	84- 41	Emergency Power Repairs-McNeil	State Bldg. Constr. Acct.	2,415,000	0
310	042	84- 41	Emergency Power Repairs-McNeil	CEP&RI Acct.	0	2,415,000
310	057	84- 45	IMU-Corr Cntr Add 62 beds	State Bldg. Constr. Acct.	3,263,758	3,263,758
310	057	84- 49	IMU--Purdy Treatment Center	State Bldg. Constr. Acct.	6,155,140	0
310	057	84- 53	IMU--Wash. State Reformatory	State Bldg. Constr. Acct.	7,100,000	0

1983-1985 Supplemental Capital Budget

1983-85 SUPPLEMENTAL CAPITAL BUDGET APPROPRIATED FUNDS (SHB 1157)

AGENCY NUM	FUND	PROJECT NUMBER	PROJECT TITLE/DESCRIPTION	FUND	Governor	Legislature
STATE BOARD FOR COMMUNITY COLLEGE EDUCATION						
352	056	84- 59	Clark College Cent Heat Sys	St. H.E. Constr. Acct.	4,715,500	4,715,500
352	056	84- 60	Evergreen/Clark College Fac.	St. H.E. Constr. Acct.	0	1,500,000
352	056	84- 61	Own Req Various Campuses	St. H.E. Constr. Acct.	1,246,800	1,246,800
352	056	84- 64	Edmonds CC Relocatables	St. H.E. Constr. Acct.	0	162,000
352	056	84- 66	Whatcom CC Facility Design	St. H.E. Constr. Acct.	0	220,000
UNIVERSITY OF WASHINGTON						
360	056	84- 62	Remodel. Wash. Tech. Ctr.	St. H.E. Constr. Acct.	0	570,000
WASHINGTON STATE UNIVERSITY						
365	062	84- 69	Food Proc plnt/Hum Nutr Lab	WSU Building Account	588,000	772,000
EASTERN WASHINGTON UNIVERSITY						
370	01L	84- 73	Reprog Sutton Hall Funds to SC	H.E. Constr. Acct.	2,253,000	2,253,000
370	061	84- 75	Purchase Spokane Center (SC)	Estrn. Wa. Cap. Acct.	998,700	998,700
370	061	84- 76	Handicap Access (Tech. Adjust.)	Estrn. Wa. Cap. Acct.	0	50,000

## 1983-1985 Supplemental Capital Budget

## 1983-85 SUPPLEMENTAL CAPITAL BUDGET APPROPRIATED FUNDS (SHB 1157)

AGENCY NUM	PROJECT FUND	PROJECT NUMBER	PROJECT TITLE/DESCRIPTION	FUND	Governor	Legislature
DEPARTMENT OF FISHERIES						
480	078	84- 81	Renov Samish Adult Hold Pond	Fish Cap. Proj. Acct.	483,000	483,000
DEPARTMENT OF GAME						
485	070	84- 86	Reduce Appropriation	Outdoor Rec. Acct. State	0	(21,000)
485	070	84- 86	Reduce Appropriation	Outdoor Rec. Acct. Federal	0	(21,000)
485	070	84- 87	Fan Lake Rec. Improvements	Outdoor Rec. Acct. State	42,000	0
485	104	84- 94	Wildlife Fencing Program	Game Fund - State	0	75,000
STATE PARKS & RECREATION COMMISSION						
465	070	84- 88	Acquire land - Little Spokane	Outdoor Rec. Acct. State	0	550,000
465	070	84- 88	Acquire land - Little Spokane	Outdoor Rec. Acct. Federal	0	550,000
465	070	84- 90	Sequest State Park	Outdoor Rec. Acct. State	0	285,000
465		84- 90	Sequest State Park	General Fund Federal	0	530,000
DEPARTMENT OF NATURAL RESOURCES						
490	070	84- 92	Acquire Conservancy Lands	Outdoor Rec. Acct. State	0	1,000,000
490	070	84- 93	Reduce Appropriation	Outdoor Rec. Acct. State	0	(1,000,000)
STATE FUNDS TOTAL					52,263,180	43,678,872
FEDERAL FUNDS TOTAL					0	1,059,000

## 1983-85 SUPPLEMENTAL CAPITAL BUDGET RE-APPROPRIATED FUNDS

AGENCY NUM	PROJECT FUND	PROJECT NUMBER	PROJECT TITLE/DESCRIPTION	FUND	Governor	Legislature
DEPARTMENT OF CORRECTIONS						
310	042	84- 43	McNeil Fac Tech Adj	CEP&RI Acct.	335,000	335,000
310	075	84- 47	McNeil Fac Tech Adj	DSHS Const. Acct.	(335,000)	(335,000)
310	075	84- 48	Twin Rivers Fac Tech Adj	DSHS Const. Acct.	0	697,000
EASTERN WASHINGTON UNIVERSITY						
370	01L	84- 71	Reprog Sutton Hall Funds to SC	H.E. Constr. Acct.	(2,253,000)	(2,253,000)
370	061	84- 76	Handicap Access (Tech. Adjust.)	Estrn. Wa. Cap. Acct.	0	(50,000)

1983-1985 Supplemental Capital Budget

1983-85 SUPPLEMENTAL CAPITAL BUDGET RE-APPROPRIATED FUNDS

AGENCY NUM	PROJECT FUND	PROJECT NUMBER	PROJECT TITLE/DESCRIPTION	FUND	Governor	Legislature
DEPARTMENT OF FISHERIES						
480	078	84- 83	Delete Reapprop Authority	Fish Cap. Proj. Acct.	(177,000)	(177,000)
480	078	84- 85	Reduce Approp Authority	Fish Cap. Proj. Acct.	(306,000)	(306,000)
RE-APPROPRIATIONS TOTAL					(2,736,000)	(2,089,000)

1983-85 SUPPLEMENTAL CAPITAL BUDGET NON-APPROPRIATED FUNDS

AGENCY NUM	PROJECT FUND	PROJECT NUMBER	PROJECT TITLE/DESCRIPTION	FUND	Governor	Legislature
STATE BOARD OF EDUCATION						
			To Support Current Approp.	G.O. Bonds - Reimbursable	40,170,000	40,170,000
UNIVERSITY OF WASHINGTON						
360	252	84- 65	Pln Funds Wash Tech Cntr	Local Plant Funds	698,000	698,000
360	252	84- 66	Replace Timber Rev. Shortfall	Local Plant Funds	365,000	365,000

## 1983-85 SUPPLEMENTAL CAPITAL BUDGET - Appropriated &amp; Reappropriated Funds, by Fund

AGENCY NUM	FUND	PROJECT NUMBER	PROJECT TITLE/DESCRIPTION	FUND	Governor	Legislature
150	042	84- 2	McNeil Land & Boundary	CEP&RI Acct.	175,000	175,000
150	042	84- 8	N.S. Multi-Serv. Feas. Study	CEP&RI Acct.	45,000	0
305	042	84- 35	100 Bed Skilled Nursing Fac.	CEP&RI Acct.	203,500	203,500
310	042	84- 41	Emergency Power Repairs-McNeil	CEP&RI Acct.	0	2,415,000
310	042	84- 43	McNeil Fac Tech Adj	CEP&RI Acct.	335,000	335,000
305	042	84- 36	Retsil LID Assessment	CEP&RI Acct.	0	358,000
Fund Subtotal					758,500	3,486,500
300	075	84- 17	On. Fire Saf. Imprv.	DSHS Const. Acct.	1,500,000	1,500,000
300	075	84- 19	Yakima Val. Sch. Ren/Equip Bld	DSHS Const. Acct.	6,031,500	6,031,500
300	075	84- 21	West. St. Hosp Ren. Wards	DSHS Const. Acct.	3,627,600	3,627,600
300	075	84- 25	East. St. Hosp. Ren. Wards	DSHS Const. Acct.	2,791,600	2,791,600
300	075	84- 29	Onibus; Misc. Repairs	DSHS Const. Acct.	163,600	163,600
300	075	84- 33	Mission Creek Fac Renov.	DSHS Const. Acct.	0	60,000
300	075	84- 34	Interlake School Therapy Pool	DSHS Const. Acct.	0	30,000
310	075	84- 47	McNeil Fac Tech Adj	DSHS Const. Acct.	(335,000)	(335,000)
310	075	84- 48	Twin Rivers Fac Tech Adj	DSHS Const. Acct.	0	697,000
Fund Subtotal					13,779,300	13,869,300
480	078	84- 81	Renov Samish Adult Hold Pond	Fish Cap. Proj. Acct.	483,000	483,000
480	078	84- 83	Delete Reapprop Authority	Fish Cap. Proj. Acct.	(177,000)	(177,000)
480	078	84- 85	Reduce Approp Authority	Fish Cap. Proj. Acct.	(306,000)	(306,000)
Fund Subtotal					0	0
370	01L	84- 71	Reprog Sutton Hall Funds to SC	H.E. Constr. Acct.	(2,253,000)	(2,253,000)
370	01L	84- 73	Reprog Sutton Hall Funds to SC	H.E. Constr. Acct.	2,253,000	2,253,000
Fund Subtotal					0	0

1983-1985 Supplemental Capital Budget

1983-85 SUPPLEMENTAL CAPITAL BUDGET - Appropriated & Reappropriated Funds, by Fund

AGENCY NUM	FUND	PROJECT NUMBER	PROJECT TITLE/DESCRIPTION	FUND	Governor	Legislature
485	070	84- 87	Fan Lake Rec. Improvements	Outdoor Rec. Acct. State	42,000	0
465	070	84- 88	Acquire land - Little Spokane	Outdoor Rec. Acct. State	0	550,000
465	070	84- 90	Sequest State Park	Outdoor Rec. Acct. State	0	285,000
490	070	84- 92	Acquire Conservancy Lands	Outdoor Rec. Acct. State	0	1,000,000
485	070	84- 86	Reduce Appropriation	Outdoor Rec. Acct. State	0	(21,000)
490	070	84- 93	Reduce Appropriation	Outdoor Rec. Acct. State	0	(1,000,000)
Fund Subtotal					42,000	814,000
352	056	84- 59	Clark College Cent Heat Sys	St. H.E. Constr. Acct.	4,715,500	4,715,500
352	056	84- 60	Evergreen/Clark College Fac.	St. H.E. Constr. Acct.	0	1,500,000
352	056	84- 61	Own Req Various Campuses	St. H.E. Constr. Acct.	1,246,800	1,246,800
360	056	84- 62	Remodel. Wash. Tech. Ctr.	St. H.E. Constr. Acct.	0	570,000
352	056	84- 64	Edmonds CC Relocatables	St. H.E. Constr. Acct.	0	162,000
352	056	84- 66	Whatcom CC Facility Design	St. H.E. Constr. Acct.	0	220,000
Fund Subtotal					5,962,300	8,414,300
150	057	84- 3	Delete McNeil Island Acq.	State Bldg. Constr. Acct.	(8,800,000)	(8,800,000)
150	057	84- 7	N.S. Multi-Serv. Cntr. Rep.	State Bldg. Constr. Acct.	1,065,000	1,065,000
150	057	84- 9	OB-2 1st & 3rd Floor Repairs	State Bldg. Constr. Acct.	0	1,687,000
150	057	84- 11	OB-2 2nd Floor Fire Damage	State Bldg. Constr. Acct.	0	3,482,314
310	057	84- 37	McNeil Island Ferry	State Bldg. Constr. Acct.	300,000	150,000
310	057	84- 39	Prototyp Co-loc Housing Units	State Bldg. Constr. Acct.	11,600,000	11,600,000
310	057	84- 41	Emergency Power Repairs-McNeil	State Bldg. Constr. Acct.	2,415,000	0
310	057	84- 45	IMU-Corr Cntr Add 62 beds	State Bldg. Constr. Acct.	3,263,758	3,263,758
310	057	84- 49	IMU--Purdy Treatment Center	State Bldg. Constr. Acct.	6,155,140	0
310	057	84- 53	IMU--Wash. State Reformatory	State Bldg. Constr. Acct.	7,100,000	0
Fund Subtotal					23,098,898	12,448,072



## 1983-1985 Supplemental Capital Budget

## 1983-85 SUPPLEMENTAL CAPITAL BUDGET - Appropriated &amp; Reappropriated Funds, by Fund

AGENCY NUM	FUND	PROJECT NUMBER	PROJECT TITLE/DESCRIPTION	FUND	Governor	Legislature
150	NEW	84- 9	OB-2 1st & 3rd Floor Repairs	State Fac. Emergcy. Rep.	1,687,000	0
150	NEW	84- 11	OB-2 2nd Floor Fire Damage	State Fac. Emergcy. Rep.	2,597,482	0
Fund Subtotal					4,284,482	0
365	062	84- 69	Food Proc plt/Hum Nutr Lab	WSU Building Account	588,000	772,000
Fund Subtotal					588,000	772,000
485	070	84- 86	Reduce Appropriation	Outdoor Rec. Acct. Federal	0	(21,000)
465	070	84- 88	Acquire Land - Little Spokane	Outdoor Rec. Acct. Federal	0	0
Fund Subtotal					0	(21,000)
465		84- 90	Sequest State Park	General Fund Federal	0	530,000
Fund Subtotal					0	530,000
150	036	84- 5	Temple of Justice Struc. Insp.	Capital Bld. Const. Acct.	15,000	15,000
Fund Subtotal					15,000	15,000
370	061	84- 75	Purchase Spokane Center (SC)	Estrn. Wa. Cap. Acct.	998,700	998,700
370	061	84- 76	Handicap Access (Tech. Adjust.)	Estrn. Wa. Cap. Acct.	0	50,000
370	061	84- 76	Handicap Access (Tech. Adjust.)	Estrn. Wa. Cap. Acct.	0	(50,000)
Fund Subtotal					998,700	998,700
485	104	84- 94	Wildlife Fencing Program	Game Fund - State	0	75,000
Fund Subtotal					0	75,000

1983-1985 Supplemental Capital Budget

1983-85 SUPPLEMENTAL CAPITAL BUDGET - Bonding Requirements

AGENCY NUM	FUND	PROJECT NUMBER	PROJECT TITLE/DESCRIPTION	FUND	Governor	Legislature
ENBROSSED HOUSE BILL 1190						
150	057	84- 3	Delete McNeil Island Acq.	State Bldg. Constr. Acct.	(8,800,000)	(8,800,000)
150	057	84- 7	N.S. Multi-Serv. Cntr. Rep.	State Bldg. Constr. Acct.	0	1,065,000
150	057	84- 9	OB-2 1st & 3rd Floor Repairs	State Bldg. Constr. Acct.	0	1,687,000
150	057	84- 11	OB-2 2nd Floor Fire Damage	State Bldg. Constr. Acct.	0	3,482,314
310	057	84- 37	McNeil Island Ferry	State Bldg. Constr. Acct.	300,000	150,000
310	057	84- 39	Prototyp Co-loc Housing Units	State Bldg. Constr. Acct.	11,600,000	11,600,000
310	057	84- 41	Emergency Power Repairs-McNeil	State Bldg. Constr. Acct.	2,415,000	0
310	057	84- 45	IMU-Corr Cntr Add 62 beds	State Bldg. Constr. Acct.	3,263,758	3,263,758
310	057	84- 49	IMU--Purdy Treatment Center	State Bldg. Constr. Acct.	6,155,140	0
310	057	84- 53	IMU--Wash. State Reformatory	State Bldg. Constr. Acct.	7,100,000	0
TOTAL					22,033,898	12,448,072
BONDING AUTHORIZATION REQUIRED					22,763,000	12,820,000
=====						
ENBROSSED HOUSE BILL 1194						
300	075	84- 17	Om. Fire Saf. Imprv.	DSHS Const. Acct.	1,500,000	1,500,000
300	075	84- 19	Yakima Val. Sch. Ren/Equip Bld	DSHS Const. Acct.	6,031,500	6,031,500
300	075	84- 21	West. St. Hosp Ren. Wards	DSHS Const. Acct.	3,627,600	3,627,600
300	075	84- 25	East. St. Hosp. Ren. Wards	DSHS Const. Acct.	2,791,600	2,791,600
300	075	84- 29	Omibus Misc. Repairs	DSHS Const. Acct.	163,600	163,600
300	075	84- 33	Mission Creek Fac Renov.	DSHS Const. Acct.	0	60,000
300	075	84- 34	Interlake School Therapy Pool	DSHS Const. Acct.	0	30,000
TOTAL					14,114,300	14,204,300
BONDING AUTHORIZATION REQUIRED					14,626,000	14,660,000
=====						
HOUSE BILL 1195						
352	056	84- 59	Clark College Cent Heat Sys	St. H.E. Constr. Acct.	4,715,500	0
352	056	84- 61	Om Req Various Campuses	St. H.E. Constr. Acct.	1,246,800	0
TOTAL					5,962,300	0
BONDING AUTHORIZATION REQUIRED					6,180,000	0

1983-1985 Supplemental Capital Budget

1983-85 SUPPLEMENTAL CAPITAL BUDGET - Bonding Requirements

AGENCY NUM	FUND	PROJECT NUMBER	PROJECT TITLE/DESCRIPTION	FUND	Governor	Legislature
SUBSTITUTE SENATE BILL 3942						
360	056	84- 62	Remodel. Wash. Tech. Ctr.	St. H.E. Constr. Acct.	0	570,000
352	056	84- 59	Clark College Cent Heat Sys	St. H.E. Constr. Acct.	0	4,715,500
352	056	84- 60	Evergreen/Clark College Fac.	St. H.E. Constr. Acct.	0	1,500,000
352	056	84- 61	On Req Various Campuses	St. H.E. Constr. Acct.	0	1,246,800
352	056	84- 64	Edmonds CC Relocatables	St. H.E. Constr. Acct.	0	162,000
352	056	84- 66	Whatcom CC Facility Design	St. H.E. Constr. Acct.	0	220,000
TOTAL					0	8,414,300
BONDING AUTHORIZATION REQUIRED					0	8,670,000
*****						
SUBSTITUTE HOUSE BILL 1268						
ST. BOARD OF EDUC.		To Support Current Approp.		B.O. Bonds - Reimbursable	40,170,000	40,170,000
BONDING AUTHORIZATION REQUIRED					40,170,000	40,170,000

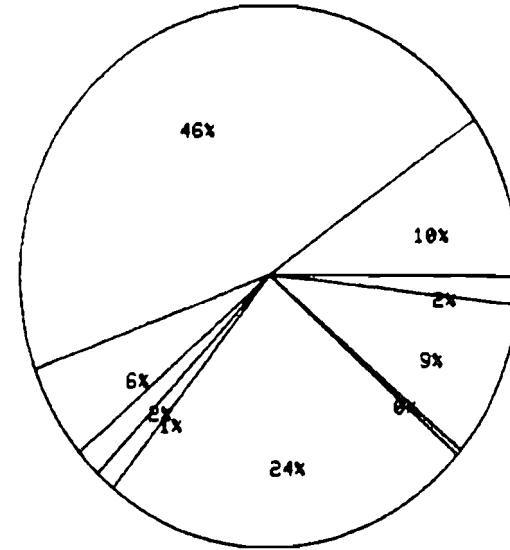
Comparative Information — Operating Budget — 1981-83 Biennium Versus 1983-85 Biennium

DOLLARS IN MILLIONS

**GENERAL FUND-STATE**

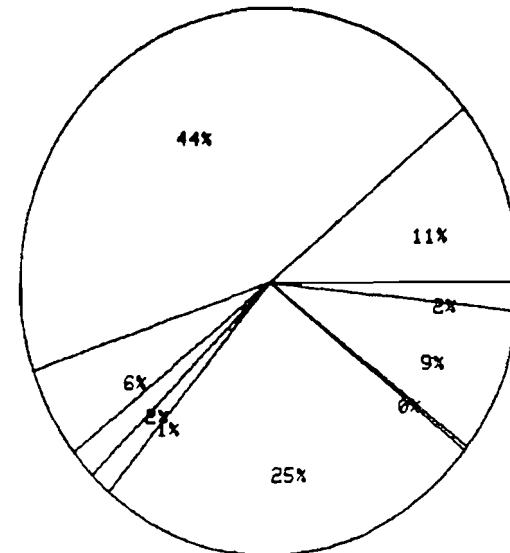
HIGHER EDUCATION	662	10%
PUBLIC SCHOOLS	3,102	46%
COMMUNITY COLLEGES	382	6%
NATURAL RESOURCES	115	2%
GENERAL GOVERNMENT	89	1%
HUMAN RESOURCES	1,647	24%
TRANSPORTATION	23	%
SPECIAL APPROP	636	9%
ALL OTHER	110	2%

<b>1981-83 TOTAL</b>	<b>6,767</b>	<b>100%</b>
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HIGHER EDUCATION	884	11%
PUBLIC SCHOOLS	3,594	44%
COMMUNITY COLLEGES	447	6%
NATURAL RESOURCES	145	2%
GENERAL GOVERNMENT	116	1%
HUMAN RESOURCES	2,062	25%
TRANSPORTATION	22	%
SPECIAL APPROP	708	9%
ALL OTHER	139	2%

<b>1983-85 FINAL</b>	<b>8,116</b>	<b>100%</b>
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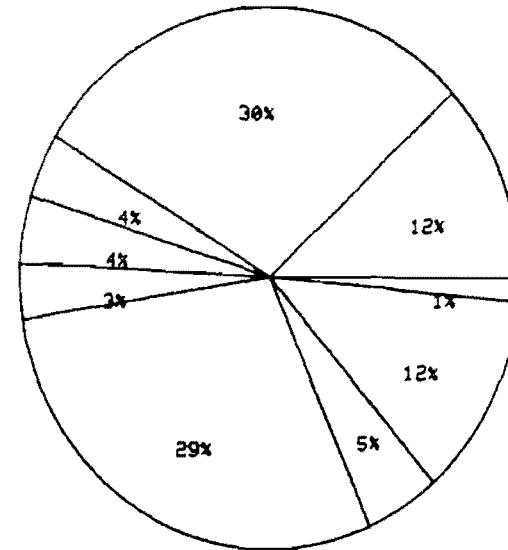
Comparative Information — Operating Budget — 1981-83 Biennium Versus 1983-85 Biennium

DOLLARS IN MILLIONS

ALL FUNDS

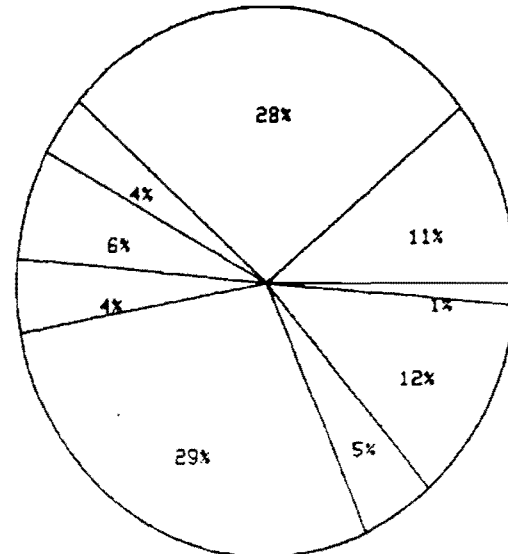
HIGHER EDUCATION	1,341	12%
PUBLIC SCHOOLS	3,308	30%
COMMUNITY COLLEGES	424	4%
NATURAL RESOURCES	445	4%
GENERAL GOVERNMENT	366	3%
HUMAN RESOURCES	3,258	29%
TRANSPORTATION	545	5%
SPECIAL APPROP	1,359	12%
ALL OTHER	148	1%

1981-83 TOTAL 11,193 100%

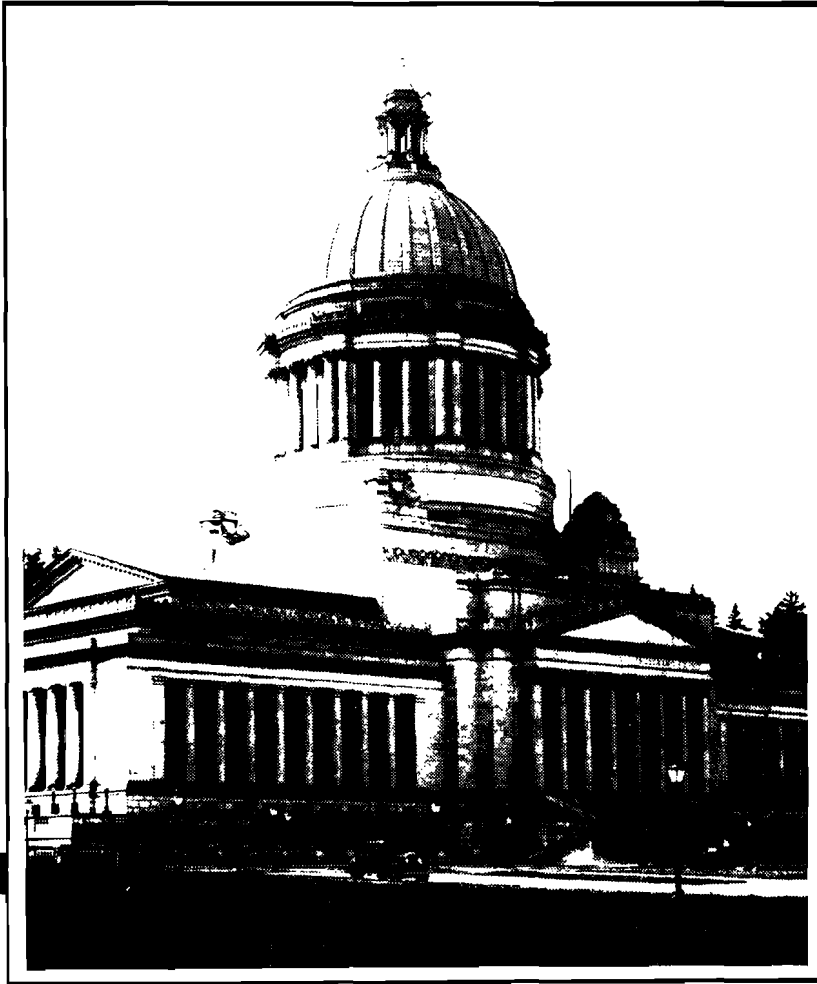


HIGHER EDUCATION	1,502	11%
PUBLIC SCHOOLS	3,833	28%
COMMUNITY COLLEGES	490	4%
NATURAL RESOURCES	884	6%
GENERAL GOVERNMENT	600	4%
HUMAN RESOURCES	3,971	29%
TRANSPORTATION	653	5%
SPECIAL APPROP	1,705	12%
ALL OTHER	182	1%

1983-85 FINAL 13,821 100%



# APPENDICES



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<b>BILL NUMBER - SESSION LAW TABLE .....</b>	<b>319</b>
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## Bill Number to Session Law Table

Bill No.	Title	Chapter No.
<b>House Bills</b>		
SHB 69	M.L. King birthday, holiday	C 92 L 84
2SHB 85	Collective barg/pub employees	C 150 L 84
SHB 105	Prop taxes/county in-lieu	C 214 L 84
SHB 145	SPI & common schools/duties	C 40 L 84
2SHB 181	Public lands	C 222 L 84
HB 217	Public works/liens	C 146 L 84
SHB 255	Excise tax, watercraft	C 250 L 84 PV
SHB 271	WSP retirement/survivors'	C 206 L 84
HB 392	LIDs/city consol/hist. pres/cred. cards/comm. cncls/hosp. dists	C 203 L 84
2SHB 448	Disabled parking laws	C 154 L 84
SHB 480	Surface mines	C 215 L 84
SHB 552	Officers off-duty/uniform	C 217 L 84
SHB 571	Public hospital districts	C 100 L 84
HB 596	State building code	C 101 L 84
SHB 626	Adoption provisions	C 155 L 84
2SHB 689	Small bus asst coord/improv council	C 282 L 84 PV
SHB 699	Political process/citizen part	C 54 L 84
HB 706	Tax notice/delinquent taxes	C 185 L 84
2SHB 713	Health depts/city-county	C 25 L 84
HB 739	Boilers, antique/permits	C 93 L 84
SHB 791	County hospitals/provisions	C 26 L 84
SHB 827	Voter & candidate pamphlets	C 41 L 84
SHB 843	Retirement/public services	C 184 L 84
SHB 857	Utilities/underground damage	C 144 L 84
HB 880	Health care providers	C 283 L 84 PV
SHB 914	Mech & materialmen lien laws	C 202 L 84
SHB 915	Faculty peer review comm	C 137 L 84
HB 939	Uninhabitable dwellings	C 213 L 84
SHB 977	DWI violations/temp licenses	C 219 L 84
SHB 1017	School buses/axle requirement	C 104 L 84
SHB 1083	Econ & revenue/forecasting	C 138 L 84
SHB 1101	Absentee ballot/hosp patient	C 27 L 84
HB 1103	Newborn infants/health care	C 4 L 84
SHB 1105	Birth defects	C 156 L 84
SHB 1106	Computer trespass	C 273 L 84
HB 1107	Housing finance comm/bonds	C 28 L 84
HB 1108	Veterans' loan insurance	C 29 L 84
HB 1110	Gov council/criminal justice	C 30 L 84
SHB 1118	Pollution control/tax credit	C 42 L 84
HB 1119	State agency/purchases	C 102 L 84
HB 1120	Juvenile records/release	C 43 L 84
HB 1121	Explosives/crimes	C 55 L 84
SHB 1123	State employee insurance brd	Full Veto
SHB 1124	Government borrowing	C 186 L 84
SHB 1125	Children/mental health study	C 157 L 84
SHB 1127	Sewer/water system/transfer	C 147 L 84
HB 1128	Special purpose dist/vacancy	C 44 L 84
HB 1133	Political advertising	C 216 L 84
HB 1135	Motor vehicle warranties	C 148 L 84



## Bill Number to Session Law Table

Bill No.	Title	Chapter No.
House Bills--cont.		
2SHB 1137	Respite care services	C 158 L 84
HB 1138	Ground water protection	C 253 L 84
HB 1142	Occupational disease/claims	C 159 L 84
SHB 1146	DOT/obsolete references	C 7 L 84
HB 1147	Bed & breakfase/beer & wine	C 45 L 84
HB 1149	Gambling/organizations	C 207 L 84
SHB 1153	Radioactive materials	C 96 L 84
SHB 1156	Supplemental operating budget	C 285 L 84 PV
SHB 1157	Supplemental capital budget	C 182 L 84
HB 1159	Compensation/brds & comms/escrow comm	C 287 L 84 PV
HB 1162	Fisheries code/correcting	C 80 L 84
SHB 1163	Credit charges/consumer	C 280 L 84 PV
SHB 1164	Solid waste management	C 123 L 84 PV
HB 1166	Probation conditions	C 46 L 84
2SHB 1174	Pollution/acid deposition	C 277 L 84
SHB 1178	Health professions/regulate	C 279 L 84 PV
SHB 1179	Health benefits/cost analysis	C 56 L 84
SHB 1187	Cosmetology/barbering/regulating	C 208 L 84
SHB 1188	Credit unions/gen. revisions	C 31 L 84
HB 1190	Dept. of Corrections/bonds	C 271 L 84
SHB 1191	Water supply systems/tests	C 187 L 84
HB 1192	Short plat/hiway rght of way	C 47 L 84
HB 1194	DSHS bonds	C 269 L 84
SHB 1200	Transportation budget/supple	C 2 L 84
HB 1201	Property tax exemptions	C 220 L 84
SHB 1205	Forest products/trade center	C 139 L 84
SHB 1207	International trade/marketing	C 57 L 84
SHB 1210	Ferry management/positions	C 48 L 84
SHB 1213	Washington trust laws	C 149 L 84
SHB 1218	Auctioneers/regulation	C 189 L 84
HB 1219	Collective barg/comm college	Full Veto
SHB 1227	State park land/management	C 82 L 84
2SHB 1231	Aquatic lands	C 221 L 84
SHB 1246	Education excellence program	C 278 L 84
SHB 1247	Criminal sentencing	C 209 L 84
HB 1248	State patrol/discipline	C 141 L 84
SHB 1254	Teacher retire/earnable comp	C 5 L 84
SHB 1262	Economic development	C 257 L 84 PV
SHB 1266	Memorial/MIAs (SE Asia)	C 81 L 84
SHB 1268	School facilities/bonds	C 266 L 84
SHB 1270	Landlord-tenant/mobile homes	C 58 L 84
SHB 1275	Real estate tax/floating home	C 192 L 84
SHB 1279	Officers & employees/trade center	C 210 L 84
SHB 1282	Candidates/indigent	C 142 L 84
HB 1295	Dam safety/report	C 83 L 84
SHB 1302	Trespass/crops & fenced land	C 49 L 84
HB 1304	Teachers retire/eligibility	C 256 L 84
SHB 1311	Handicapped/preschool	C 160 L 84
HB 1319	Aircraft noise-abate program	C 193 L 84
HB 1328	Elderly & dependent/abuse	C 97 L 84
SHB 1334	Comm college fees/unemployed	C 50 L 84

## Bill Number to Session Law Table

Bill No.	Title	Chapter No.
<b>House Bills--cont.</b>		
HB 1348	Operating fees/students	C 105 L 84
HB 1355	Political act comm/pay deduct	Full Veto
HB 1361	Low income PUD cust/contrib	C 59 L 84
HB 1373	Environmental profile/develop	C 94 L 84
HB 1378	Civil service/state	C 284 L 84 PV
HB 1386	Industrial injury/3rd party	C 218 L 84
SHB 1390	Disable park/out of state persons	C 51 L 84
HB 1395	County aud documents/veterans	C 84 L 84
SHB 1400	Assoc student body laws/revise	C 98 L 84
SHB 1407	DNR duties/forest products	C 60 L 84
HB 1409	Driving record/owner operator	C 99 L 84
HB 1413	Railroads/regulation	C 143 L 84
SHB 1415	Voter's pamphlets/local	C 106 L 84
HB 1416	Physical ed qualifications	C 52 L 84
SHB 1418	HMOs/discriminatory practice	C 32 L 84
HB 1419	Group insurance/state employees	C 107 L 84
HB 1423	Property/over-insured	C 6 L 84
HB 1427	Vehicle ident/alternative energy	C 145 L 84
SHB 1435	City consolidation/classif	C 8 L 84
SHB 1438	Dangerous wastes	C 254 L 84
SHB 1439	Unemployment compensation	C 140 L 84
SHB 1456	Bilingual ed requirements	C 124 L 84 PV
HB 1462	Unemployment compensation	Full Veto
HB 1509	County tax/nonresidents	C 248 L 84
SHB 1511	Tourism development	C 122 L 84 PV
SHB 1514	Juveniles/remove adult jails	C 272 L 84
HB 1517	Conflicts of interest/exec	C 85 L 84
HB 1526	Child placement-review hearing	C 188 L 84
HB 1530	Model traffic ordinance	C 108 L 84
SHB 1531	Flooding/modify provisions	C 212 L 84
SHB 1539	Juveniles/legal services	C 86 L 84
SHB 1547	Absentee voters/procedures	C 109 L 84
SHB 1548	Voter reg/state offices	C 211 L 84
SHB 1564	Insurance coverage/conversion	C 190 L 84
SHB 1582	DWI enforcement/funding	C 110 L 84
SHB 1613	Voc excel program award	C 267 L 84
SHB 1625	Measured tel. service rates	C 3 L 84
SHB 1627	Child support-collection	C 260 L 84
SHB 1637	Radioactive waste disposal	C 161 L 84
HB 1649	Ex parte/quasi-judicial	C 191 L 84
SHB 1652	Fireworks/regulations	C 249 L 84 PV
SHB 1655	Child care/state employee	C 162 L 84
SHB 1666	Real estate brokers/pub prop	C 103 L 84
SHB 1668	Vehicle fuel/dispensing device	C 61 L 84
SHB 1687	Custodial interference	C 95 L 84
SHB 1698	License plate/replacement	C 62 L 84
SHB 1778	US/Canada treaty/recreation	C 1 L 84

### Senate Bills

SB 3044	Military tuition exemption	C 232 L 84
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## Bill Number to Session Law Table

Bill No.	Title	Chapter No.
<b>Senate Bills--cont.</b>		
SB 3059	Pets for elderly/nursing homes . . . . .	C 127 L 84
SSB 3064	Taxi companies/regulation . . . . .	C 126 L 84
SSB 3074	Occupational therapists . . . . .	C 9 L 84 PV
SSB 3098	County freeholders/vacancies . . . . .	C 163 L 84
SSB 3103	County treas/surprise audits . . . . .	C 128 L 84
SB 3117	Regulating toxic fumes . . . . .	C 68 L 84
SB 3118	Workers compensation . . . . .	C 63 L 84
SB 3128	Attorney fees/condemnation . . . . .	C 129 L 84
SB 3132	Mortgage satisfaction/damage . . . . .	C 14 L 84
SSB 3133	Pilot liability . . . . .	C 69 L 84
2SSB 3158	Trade name regulation . . . . .	C 130 L 84
SSB 3169	Game laws . . . . .	C 240 L 84
SSB 3178	Late payment/property taxes . . . . .	C 131 L 84
SSB 3181	Involuntary treatment . . . . .	C 233 L 84
2SSB 3193	Clean Air Act . . . . .	C 255 L 84
SSB 3194	MV ownership vehicles . . . . .	C 241 L 84
SB 3208	Judges salaries . . . . .	C 64 L 84
SSB 3238	PCAA name change . . . . .	C 125 L 84
SB 3262	Property taxation . . . . .	C 132 L 84
SSB 3287	Reestab retire contrib . . . . .	Full Veto
SB 3376	Admin. for the courts/salary . . . . .	C 20 L 84
SB 3379	Group fishing permits . . . . .	C 33 L 84
SSB 3429	St adv criminal justice . . . . .	C 234 L 84
SB 3437	Malicious prosecution . . . . .	C 133 L 84
SB 3449	Voter's pamphlet . . . . .	Full Veto
SSB 3504	Timber land current use . . . . .	C 111 L 84
SSB 3561	Employment compensation . . . . .	C 134 L 84
SSB 3616	Air pollution . . . . .	C 164 L 84
SSB 3620	Air contaminant . . . . .	C 88 L 84
SSB 3740	Hazardous materials . . . . .	C 165 L 84
SSB 3758	Excursion service companies . . . . .	C 166 L 84
2SSB 3815	Jail finance responsibility . . . . .	C 235 L 84
SSB 3827	Planning council E. Wash rep . . . . .	C 223 L 84
SB 3834	Local sales tax . . . . .	C 112 L 84
SSB 3849	Bus conduct . . . . .	C 167 L 84
SSB 3868	Irrigation districts . . . . .	C 168 L 84
SSB 3901	Unfair bus practices . . . . .	C 169 L 84
SSB 3926	St employee/deferred comp . . . . .	C 242 L 84
SSB 3942	Higher ed construction/bonds . . . . .	C 264 L 84
SSB 3984	Recall provisions . . . . .	C 170 L 84
SSB 4050	Transportation regs . . . . .	C 171 L 84
SSB 4110	Cemeteries . . . . .	C 53 L 84
SSB 4111	Execution and redemption . . . . .	C 276 L 84
SSB 4220	Theatrical wages . . . . .	C 89 L 84
SB 4228	Malicious harassment . . . . .	C 268 L 84
SSB 4274	Pawn brokers/2nd-hand dealers . . . . .	C 10 L 84
SB 4275	Teachers' retirement . . . . .	C 236 L 84
SB 4286	Spec tax/coin op devices . . . . .	C 135 L 84
SSB 4287	Public treasurers . . . . .	C 11 L 84
SSB 4288	Rural arterial funds limit . . . . .	C 113 L 84
SB 4289	Two-way left turn lanes . . . . .	C 12 L 84

## Bill Number to Session Law Table

Bill No.	Title	Chapter No.
<b>Senate Bills--cont.</b>		
SB 4300	Nonprofit gamb/memb partic	C 70 L 84
SB 4301	Surplus prop dispose/notice	C 172 L 84
SSB 4302	Pharmacy pract/modified	C 153 L 84 PV
SB 4304	Redistricting comm/revisions	C 13 L 84
SSB 4306	Public health/provis modify	C 243 L 84
SB 4309	Sexual exploitation/child	C 262 L 84
SB 4312	Financial report/st. officer	C 34 L 84
SSB 4313	Combine city/co. munic corp	C 91 L 84
SB 4320	Amusement device repair age	C 136 L 84
SSB 4321	State library law revised	C 152 L 84
SSB 4325	Cigarette sales	C 173 L 84
SSB 4329	Milwaukee road lease	C 174 L 84
SSB 4332	Public depositaries	C 177 L 84
SSB 4334	Convicts commun serv wrk comp	C 24 L 84
SB 4338	MV renewal restrictions	C 224 L 84
SB 4341	Special district group insurance	C 15 L 84
SB 4342	Employ Sec/automation plan	C 16 L 84
SSB 4343	WSDOT work state forces	C 194 L 84
SB 4345	Crime victims unemp comp	C 65 L 84
SB 4348	Class K liquor licenses	C 71 L 84
SB 4351	High-tech brd/add members	C 66 L 84
SB 4352	Convicts prosecutor's state	C 114 L 84
SSB 4357	Judgment lien enforce period	C 21 L 84
SB 4358	Hotel excise tax conv trade	C 115 L 84
SSB 4362	Open alcohol containers	C 274 L 84
SSB 4367	Fish & wildlife enhancement	C 72 L 84
SB 4371	Real prop exec contracts	C 73 L 84
SB 4374	Public dev auth tax	C 116 L 84
SB 4376	Sales/use tax equal fund dist	C 225 L 84
2SSB 4380	Criminal Justice Information Act	C 17 L 84
SSB 4381	Election laws revised	Full Veto
SB 4388	Treasurer check cashing	C 74 L 84
SB 4401	Port property sale	C 195 L 84
SSB 4403	Hosp comm/health costs	C 288 L 84 PV
SSB 4404	Public work loans	C 244 L 84
SB 4407	School dist admin comp	C 245 L 84
SB 4415	High school diploma standard	C 178 L 84
SSB 4416	Unemployment insurance	C 205 L 84
SSB 4419	Milk & milk products tests	C 226 L 84
SB 4421	Timber and timberland tax	C 204 L 84
SSB 4423	Agri market dev task force	C 90 L 84
SB 4428	Fishing vessel/license purch	C 67 L 84
SSB 4430	Court Improvement Act -- 1984	C 258 L 84 PV
SB 4432	Science achievement program	C 265 L 84
SSB 4435	Racketeering	C 270 L 84
SB 4437	WW II law school credits	C 117 L 84
SB 4439	Statutes superseded by courts	C 76 L 84
SSB 4443	Mineral interests	C 252 L 84
SB 4445	Beer wine consumer protect	C 196 L 84
SSB 4448	Minor health care services	C 281 L 84 PV
SB 4460	St ferries/sell & lease back	C 18 L 84

## Bill Number to Session Law Table

Bill No.	Title	Chapter No.
<b>Senate Bills--cont.</b>		
SB 4469	Polling places/correct error	C 35 L 84
SB 4475	MV title & reg. transfer	C 39 L 84
SSB 4477	Public retire employer pay	C 227 L 84
SSB 4484	Athletic health care train	C 286 L 84 PV
SSB 4489	Foreclosure notice	C 179 L 84
SSB 4490	Heating utility termination	C 251 L 84 PV
SB 4491	Homestead appraisers	C 118 L 84
SSB 4494	Council on Intl Trade Devel	C 151 L 84 PV
SB 4500	School empl tax annuities	C 228 L 84
SSB 4503	Bonded wine warehouse/license	C 19 L 84
SB 4504	Budget account reporting	C 247 L 84
SB 4506	Judicial retirement	C 37 L 84
SB 4513	Corportations	C 75 L 84
SB 4527	Reflectorized disabled MV	C 119 L 84
SB 4532	Highway Kendall Sumas	C 197 L 84
SSB 4541	Domestic violence relief	C 263 L 84
SSB 4560	Telephone buyers disclosure	C 275 L 84
SSB 4561	Emergency services modif	C 38 L 84 PV
SB 4578	Boating safety	C 183 L 84
SSB 4579	St militia tort liability	C 198 L 84
SB 4592	Centennial comm members	C 120 L 84
SB 4607	Dangerous waste disposal	C 237 L 84
SB 4619	Fire commissioners/vacancies	C 238 L 84
SSB 4620	Civil service/veteran define	C 36 L 84
SSB 4628	Sheriff vacancies	C 199 L 84
SB 4642	Mutual insurers/reorgan plan	C 23 L 84
SSB 4647	DSHS advisory committee	C 259 L 84 PV
SB 4650	Burning permits	C 229 L 84
SSB 4653	Protection of children	C 261 L 84
SB 4658	WSU small business center	C 77 L 84
SB 4696	School levy formula	Full Veto
SSB 4708	Costs/operate state instit	C 200 L 84
SSB 4711	Fire districts	C 230 L 84
SSB 4730	Child support health insur	C 201 L 84
SB 4731	Volunteer firemen retire	C 121 L 84
SSB 4758	Candy with alcohol flavor	C 78 L 84
SB 4773	Small business innov oppor	C 79 L 84
SSB 4775	Parkland acquisition	C 87 L 84
SB 4787	Home health care services	C 22 L 84
SSB 4788	Habitat buffer zone	C 239 L 84
SSB 4794	Centennial partnership	C 231 L 84
SB 4798	Overcrowd Reform Act	C 246 L 84
SSB 4814	Child family services	C 180 L 84
SSB 4829	Disloc. worker define	C 181 L 84
2SSB 4831	Worker right to know	C 289 L 84 PV
SSB 4849	International investment	C 175 L 84
SB 4852	International investment	C 176 L 84

### Key to Symbol

PV - Partial Veto

## Session Law to Bill Number Table

Chapter No.	Title	Bill No.
C 1 L 84	US/Canada treaty/recreation	SHB 1778
C 2 L 84	Transportation budget/supple	SHB 1200
C 3 L 84	Measured tel. service rates	SHB 1625
C 4 L 84	Newborn infants/health care	HB 1103
C 5 L 84	Teacher retire/earnable comp	HB 1254
C 6 L 84	Property/over-insured	HB 1423
C 7 L 84	DOT obsolete references	SHB 1146
C 8 L 84	City consolidation/classif	SHB 1435
C 9 L 84 PV	Occupational therapists	SSB 3074
C 10 L 84	Pawn brokers/2nd hand dealers	SSB 4274
C 11 L 84	7th class county/road eng	SSB 4287
C 12 L 84	Two-way left turn lanes	SB 4289
C 13 L 84	Redistricting comm/revisions	SB 4304
C 14 L 84	Mortgage satisfaction/damage	SB 3132
C 15 L 84	Special dist group insurance	SB 4341
C 16 L 84	Employ Sec/automation plan	SSB 4342
C 17 L 84	Crim Justice Information Act	2SSB 4380
C 18 L 84	St. ferries/sell & lease back	SB 4460
C 19 L 84	Bonded wine warehouse/license	SSB 4503
C 20 L 84	Admin. for the Courts/salary	SB 3376
C 21 L 84	Judgment lien enforce period	SSB 4357
C 22 L 84	Home health care services	SB 4787
C 23 L 84	Mutual insurers/reorgan plan	SB 4642
C 24 L 84	Convicts comm ser wrk comp	SSB 4334
C 25 L 84	Health depts/city-county	2SHB 713
C 26 L 84	County hospitals/provisions	SHB 791
C 27 L 84	Absentee ballot/hosp patient	SHB 1101
C 28 L 84	Housing finance comm/bonds	HB 1107
C 29 L 84	Veterans' loan insurance	HB 1108
C 30 L 84	Gov council/criminal justice	HB 1110
C 31 L 84	Credit unions/gen. revisions	SHB 1188
C 32 L 84	HMOs/discriminatory practice	SHB 1418
C 33 L 84	Group fishing permits	SB 3379
C 34 L 84	Financial report/st. officer	SB 4312
C 35 L 84	Polling places/correct error	SB 4469
C 36 L 84	Civil service/veteran define	SSB 4620
C 37 L 84	Judicial retirement	SB 4506
C 38 L 84 PV	Emergency services modif	SSB 4561
C 39 L 84	MV title & reg. transfer	SB 4475
C 40 L 84	SPI & common schools/duties	SHB 145
C 41 L 84	Voter & candidate pamphlets	SHB 827
C 42 L 84	Pollution control/tax credit	SHB 1118
C 43 L 84	Juvenile records/release	HB 1120
C 44 L 84	Special purpose dist/vacancy	HB 1128
C 45 L 84	Bed & breakfast/beer & wine	HB 1147
C 46 L 84	Probation conditions	HB 1166
C 47 L 84	Short plat/hiway rght of way	HB 1192
C 48 L 84	Ferry management/positions	SHB 1210
C 49 L 84	Trespass/crops & fenced land	SHB 1302
C 50 L 84	Comm college fees/unemployed	SHB 1334
C 51 L 84	Disable park/out of state persons	SHB 1390
C 52 L 84	Physical ed qualifications	SHB 1416

## Session Law to Bill Number Table

Chapter No.	Title	Bill No.
C 53 L 84	Cemeteries . . . . .	SSB 4110
C 54 L 84	Political process/citizen part . . . . .	SHB 699
C 55 L 84	Explosives/crimes . . . . .	HB 1121
C 56 L 84	Health benefits/cost analysis . . . . .	SHB 1179
C 57 L 84	International trade/marketing . . . . .	SHB 1207
C 58 L 84	Landlord-tenant/mobile homes . . . . .	SHB 1270
C 59 L 84	Low income PUD cust/contrib . . . . .	HB 1361
C 60 L 84	DNR duties/forest products . . . . .	SHB 1407
C 61 L 84	Vehicle fuel/dispensing device . . . . .	SHB 1668
C 62 L 84	License plate/replacement . . . . .	SHB 1698
C 63 L 84	Workers compensation . . . . .	SB 3118
C 64 L 84	Judges salaries . . . . .	SB 3208
C 65 L 84	Crime victims unemp comp . . . . .	SB 4345
C 66 L 84	High-tech bd/add members . . . . .	SB 4351
C 67 L 84	Fishing vessel/license purchase . . . . .	SB 4428
C 68 L 84	Regulating toxic fumes . . . . .	SB 3117
C 69 L 84	Pilot liability . . . . .	SSB 3133
C 70 L 84	Nonprofit gamb/memb partic . . . . .	SB 4300
C 71 L 84	Class K liquor licenses . . . . .	SB 4348
C 72 L 84	Fish & wildlife enhancement . . . . .	SSB 4367
C 73 L 84	Real prop exec contracts . . . . .	SB 4371
C 74 L 84	Treasurer check cashing . . . . .	SB 4388
C 75 L 84	Corporations . . . . .	SB 4513
C 76 L 84	Statutes superseded by courts . . . . .	SB 4439
C 77 L 84	WSU small business center . . . . .	SB 4668
C 78 L 84	Candy with alcohol flavor . . . . .	SSB 4758
C 79 L 84	Small business innov opportu . . . . .	SB 4773
C 80 L 84	Fisheries code/correcting . . . . .	HB 1162
C 81 L 84	Memorial MIAs (SE Asia) . . . . .	SHB 1266
C 82 L 84	State park land/management . . . . .	SHB 1227
C 83 L 84	Dam safety/report . . . . .	HB 1295
C 84 L 84	County aud documents/veterans . . . . .	HB 1395
C 85 L 84	Conflicts of interest/exec . . . . .	HB 1517
C 86 L 84	Juveniles/legal services . . . . .	SHB 1539
C 87 L 84	Parkland acquisition . . . . .	SSB 4775
C 88 L 84	Air contaminant . . . . .	SSB 3620
C 89 L 84	Theatrical wages . . . . .	SSB 4220
C 90 L 84	Agri market dev task force . . . . .	SSB 4423
C 91 L 84	Combine city/co. munic corp . . . . .	SSB 4313
C 92 L 84	M.L. King birthday, holiday . . . . .	SHB 69
C 93 L 84	Boilers, antique/permits . . . . .	HB 739
C 94 L 84	Environmental profile/develop . . . . .	HB 1373
C 95 L 84	Custodial interference . . . . .	SHB 1687
C 96 L 84	Radioactive materials . . . . .	SHB 1153
C 97 L 84	Elderly & dependent/abuse . . . . .	HB 1328
C 98 L 84	Assoc student body laws/revise . . . . .	SHB 1400
C 99 L 84	Driving record/owner operator . . . . .	HB 1409
C 100 L 84	Public hospital districts . . . . .	SHB 571
C 101 L 84	State building code . . . . .	HB 596
C 102 L 84	State agency/purchases . . . . .	HB 1119
C 103 L 84	Real estate brokers/pub prop . . . . .	SHB 1666
C 104 L 84	School buses/axel require . . . . .	SHB 1017

## Session Law to Bill Number Table

Chapter No.	Title	Bill No.
C 105 L 84	Operating fees/students	HB 1348
C 106 L 84	Voter's pamphlets/local	SHB 1415
C 107 L 84	Group insurance/st. employees	HB 1419
C 108 L 84	Model traffic ordinance	HB 1530
C 109 L 84	Absentee voters/procedures	SHB 1547
C 110 L 84	DWI enforcement/funding	SHB 1582
C 111 L 84	Timber land current use	SSB 3504
C 112 L 84	Local sales tax	SB 3834
C 113 L 84	Rural arterial funds limit	SSB 4288
C 114 L 84	Convicts prosecutor's state	SB 4352
C 115 L 84	Hotel excise tax conv. trade	SB 4358
C 116 L 84	Public dev auth tax	SB 4374
C 117 L 84	WW II law school credits	SB 4437
C 118 L 84	Homestead appraisers	SB 4491
C 119 L 84	Reflectorized disabled MV	SB 4527
C 120 L 84	Centennial comm. members	SB 4592
C 121 L 84	Volunteer firemen retire	SB 4731
C 122 L 84 PV	Tourism development	SHB 1511
C 123 L 84 PV	Solid waste management	SHB 1164
C 124 L 84 PV	Bilingual ed requirements	SHB 1456
C 125 L 84	PCAA name change	SSB 3238
C 126 L 84	Taxicab companies/regulation	SSB 3064
C 127 L 84	pets for elderly/nursing homes	SB 3059
C 128 L 84	County treas/surprise audits	SSB 3103
C 129 L 84	Attorney fees/condemnation	SB 3128
C 130 L 84	Trade name regulation	2SSB 3158
C 131 L 84	Late payment/property taxes	SSB 3178
C 132 L 84	Property taxation	SB 3262
C 133 L 84	Malicious prosecution	SB 3437
C 134 L 84	Employment compensation	SSB 3561
C 135 L 84	Spec tax/coin op devices	SB 4286
C 136 L 84	Amusement device repair age	SB 4320
C 137 L 84	Faculty peer review comm	SHB 915
C 138 L 84	Econ & revenue/forecasting	SHB 1083
C 139 L 84	Forest products/trade center	SHB 1205
C 140 L 84	Unemployment compensation	SHB 1439
C 141 L 84	State patrol/discipline	HB 1248
C 142 L 84	Candidates/indigent	SHB 1282
C 143 L 84	Railroads/regulation	HB 1413
C 144 L 84	Utilities/underground damage	SHB 857
C 145 L 84	Vehicle ident/alternative energy	HB 1427
C 146 L 84	Public works/liens	HB 217
C 147 L 84	Sewer/water system/transfer	SHB 1127
C 148 L 84	Motor vehicle warranties	HB 1135
C 149 L 84	Washington trust law	SHB 1213
C 150 L 84	Counties/binding arbitration	2SHB 85
C 151 L 84 PV	Council on Intl Trade Develop	SSB 4494
C 152 L 84	State library law revised	SSB 4321
C 153 L 84 PV	Pharmacy pract/modified	SSB 4302
C 154 L 84	Disabled person/parking laws	2SHB 448
C 155 L 84	Adoption provisions	SHB 626
C 156 L 84	Birth defects	SHB 1105



## Session Law to Bill Number Table

Chapter No.	Title	Bill No.
C 157 L 84	Children/mental health study . . . . .	SHB 1125
C 158 L 84	Respite care services . . . . .	2SHB 1137
C 159 L 84	Occupational disease/claims . . . . .	HB 1142
C 160 L 84	Handicapped/preschool . . . . .	SHB 1311
C 161 L 84	Radioactive waste disposal . . . . .	SHB 1637
C 162 L 84	Child care/state employee . . . . .	SHB 1655
C 163 L 84	County freeholders/vacancies . . . . .	SSB 3098
C 164 L 84	Air pollution . . . . .	SSB 3616
C 165 L 84	Hazardous materials . . . . .	SSB 3740
C 166 L 84	Excursion service companies . . . . .	SSB 3758
C 167 L 84	Bus conduct . . . . .	SSB 3849
C 168 L 84	Irrigation districts . . . . .	SSB 3868
C 169 L 84	Unfair business practices . . . . .	SSB 3901
C 170 L 84	Recall provisions . . . . .	SSB 3984
C 171 L 84	Transportation regs . . . . .	SSB 4050
C 172 L 84	Surplus prop dispose/notice . . . . .	SB 4301
C 173 L 84	Cigarette sales . . . . .	SSB 4325
C 174 L 84	Milwaukee road lease . . . . .	SSB 4329
C 175 L 84	International investment . . . . .	SSB 4849
C 176 L 84	International investment . . . . .	SB 4852
C 177 L 84	Public depositories . . . . .	SSB 4332
C 178 L 84	High school diploma standard . . . . .	SB 4415
C 179 L 84	Foreclosure notice . . . . .	SSB 4489
C 180 L 84	Child family serv . . . . .	SSB 4814
C 181 L 84	Disloc. worker defined . . . . .	SSB 4829
C 182 L 84	Supplemental capital budget . . . . .	SHB 1157
C 183 L 84	Boating safety . . . . .	SSB 4578
C 184 L 84	Retirement/public services . . . . .	SHB 843
C 185 L 84	Tax notice/delinquent taxes . . . . .	HB 706
C 186 L 84	Government borrowing . . . . .	SHB 1124
C 187 L 84	Water supply systems/tests . . . . .	SHB 1191
C 188 L 84	Child placement/review hear . . . . .	HB 1526
C 189 L 84	Auctioneers/regulation . . . . .	HB 1218
C 190 L 84	Insurance coverage/conversion . . . . .	SHB 1564
C 191 L 84	Ex parte/quasi-judicial . . . . .	HB 1649
C 192 L 84	Real estate tax/floating home . . . . .	SHB 1275
C 193 L 84	Aircraft noise-abate program . . . . .	HB 1319
C 194 L 84	DOT work state force . . . . .	SSB 4343
C 195 L 84	Port property sale . . . . .	SB 4401
C 196 L 84	Beer wine consumer protect . . . . .	SB 4445
C 197 L 84	Highway Kendall Sumas . . . . .	SB 4532
C 198 L 84	St militia tort liability . . . . .	SSB 4579
C 199 L 84	Sheriff vacancies . . . . .	SSB 4628
C 200 L 84	Costs/operate state instit . . . . .	SSB 4708
C 201 L 84	Child support health insur . . . . .	SSB 4730
C 202 L 84	Mech & materialmen lien laws . . . . .	SHB 914
C 203 L 84	LIDs/city consol/hist. pres/cred. cards/comm. cncls/hosp. dists . . . . .	HB 392
C 204 L 84	Timber and timberland tax . . . . .	SB 4421
C 205 L 84	Unemployment insurance . . . . .	SSB 4416
C 206 L 84	WSP retirement/survivors' . . . . .	SHB 271
C 207 L 84	Gambling/organizations . . . . .	HB 1149

## Session Law to Bill Number Table

Chapter No.	Title	Bill No.
C 208 L 84	Cosmetology/barbering/regulating	SHB 1187
C 209 L 84	Criminal sentencing	SHB 1247
C 210 L 84	Officers & employees/trade center	SHB 1279
C 211 L 84	Voter reg/state offices	SHB 1548
C 212 L 84	Flooding/modify provisions	SHB 1531
C 213 L 84	Uninhabitable dwellings	HB 939
C 214 L 84	Prop taxes/county in-lieu	SHB 105
C 215 L 84	Surface mines	SHB 480
C 216 L 84	Political advertising	HB 1133
C 217 L 84	Officers off-duty/uniform	SHB 552
C 218 L 84	Industrial injury/3rd party	HB 1386
C 219 L 84	DWI violations/temp licenses	SHB 977
C 220 L 84	Property tax exemptions	HB 1201
C 221 L 84	Aquatic lands	2SHB 1231
C 222 L 84	Public lands	2SHB 181
C 223 L 84	Planning council E. Wash rep	SSB 3827
C 224 L 84	MV renewal restrictions	SB 4338
C 225 L 84	Sales/use tax equal fund dist	SB 4376
C 226 L 84	Milk & milk products tests	SSB 4419
C 227 L 84	Public retire employer pay	SSB 4477
C 228 L 84	School empl tax annuities	SB 4500
C 229 L 84	Burning permits	SB 4650
C 230 L 84	Fire districts	SSB 4711
C 231 L 84	Centennial partnership	SSB 4794
C 232 L 84	Military tuition exemption	SB 3044
C 233 L 84	Involuntary treatment	SSB 3181
C 234 L 84	St adv criminal justice	SSB 3429
C 235 L 84	Jail finance responsibility	2SSB 3815
C 236 L 84	Teachers' retirement	SB 4275
C 237 L 84	Dangerous waste disposal	SB 4607
C 238 L 84	Fire commissioners/vacancies	SB 4619
C 239 L 84	Habitat buffer zone	SSB 4788
C 240 L 84	Game laws	SSB 3169
C 241 L 84	MV ownership vehicles	SSB 3194
C 242 L 84	St employee/deferred comp	SSB 3926
C 243 L 84	Public health/provis modify	SSB 4306
C 244 L 84	Public work loans	SSB 4404
C 245 L 84	School dist admin comp	SB 4407
C 246 L 84	Overcrowd Reform Act	SB 4798
C 247 L 84	Budget account reporting	SB 4504
C 248 L 84	County tax/nonresidents	HB 1509
C 249 L 84 PV	Fireworks/regulations	SHB 1652
C 250 L 84 PV	Excise tax, water	SHB 255
C 251 L 84 PV	Heating utility termination	SSB 4490
C 252 L 84	Mineral interests	SSB 4443
C 253 L 84	Ground water protection	HB 1138
C 254 L 84	Dangerous wastes	SHB 1438
C 255 L 84	Clean Air Act	2SSB 3193
C 256 L 84	Teacher retire/eligibility	HB 1304
C 257 L 84 PV	Economic development	SHB 1262
C 258 L 84 PV	Court Improvement Act -- 1984	SSB 4430
C 259 L 84 PV	DSHS advisory committee	SSB 4647

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## Session Law to Bill Number Table

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Chapter No.	Title	Bill No.
C 260 L 84	Child support-collection . . . . .	SHB 1627
C 261 L 84	Protection of children . . . . .	SSB 4653
C 262 L 84	Sexual exploitation/child . . . . .	SB 4309
C 263 L 84	Domestic violence relief . . . . .	SSB 4541
C 264 L 84	Higher ed construction/bonds . . . . .	SSB 3942
C 265 L 84	Science achievement program . . . . .	SB 4432
C 266 L 84	School facilities/bonds . . . . .	SHB 1268
C 267 L 84	Voc ed program award . . . . .	SHB 1613
C 268 L 84	Malicious harassment . . . . .	SB 4228
C 269 L 84	DSHS bonds . . . . .	HB 1194
C 270 L 84	Racketeering . . . . .	SSB 4435
C 271 L 84	Dept. of Corrections/bonds . . . . .	HB 1190
C 272 L 84	Juveniles/remove adult jails . . . . .	SHB 1514
C 273 L 84	Computer trespass . . . . .	SHB 1106
C 274 L 84	Open alcohol containers . . . . .	SSB 4362
C 275 L 84	Telephone buyers disclosure . . . . .	SSB 4560
C 276 L 84	Execution and redemption . . . . .	SSB 4111
C 277 L 84	Pollution/acid deposition . . . . .	2SHB 1174
C 278 L 84	Education excellence program . . . . .	SHB 1246
C 279 L 84 PV	Health professions/regulate . . . . .	SHB 1178
C 280 L 84 PV	Credit charges/consumer . . . . .	SHB 1163
C 281 L 84 PV	Minor health care services . . . . .	SSB 4448
C 282 L 84 PV	Small bus asst coord/improv council . . . . .	2SHB 689
C 283 L 84 PV	Health care providers . . . . .	HB 880
C 284 L 84 PV	Civil service/state . . . . .	HB 1378
C 285 L 84 PV	Supplemental operating budget . . . . .	SHB 1156
C 286 L 84 PV	Athletic health care train . . . . .	SSB 4484
C 287 L 84 PV	Compensation/brds & comms/escrow comm . . . . .	HB 1159
C 288 L 84 PV	Hosp comm/health costs . . . . .	SSB 4403
C 289 L 84 PV	Worker right to know . . . . .	2SSB 4831

### Key to Symbol

PV - Partial Veto

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## Gubernatorial Appointments Confirmed

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### EXECUTIVE AGENCIES

**State Energy Office**  
Richard H. Watson, Director

**Department of Services for the Blind**  
Paul Dziedzic, Director

**Department of Social and Health Services**  
Karen Rahm, Secretary

### MEMBERS OF BOARDS, COUNCILS, COMMISSIONS

**The Evergreen State College**  
William T. Robinson

**Central Washington University**  
Rueben A. Flores

**Big Bend Community College District No. 18**  
H. Dean Laxton

**Centralia Community College District No. 12**  
Earlyse Allen Swift

**Edmonds Community College District No. 23**  
Vaughn A. Sherman

**Fort Steilacoom Community College District No. 11**  
Rindetta D. Stewart

**Olympic Community College District No. 3**  
Avery K. Loposer

**Spokane Community College District No. 17**  
Donald L. Olson

**Whatcom Community College District No. 21**  
William J. O'Neil

**State Board for Community College Education**  
Larry Sanford

### **Export Assistance Center Board of Directors**

J. H. "Jack" Blosser	Isabelle Lamb
Brian R. Duff	J. Marvin Lekstrum
Richard A. Granger	Stanley M. Little, Jr.
D. G. "Jerry" Hendricks	Jim Matson
Kenneth L. Keach	Nancy Williams

### **High-Technology Coordinating Board**

Deanna Anderson	Robert L. Hancock
Donald M. Baker	Frederick R. Hume
Robert W. Bradford	Douglas E. Olesen
James A. Doub	Joe E. Thomas

### **State Hospital Commission**

Lynda Zimmerman

### **Human Rights Commission**

Catherine May Haas

### **Juvenile Disposition Standards Commission**

Chief Bernard Colligan

### **Marine Employees' Commission**

David P. Haworth	Louis O. Stewart
Donald E. Kokjer	

### **Interagency Committee for Outdoor Recreation**

Ralph E. Mackey	Virginia W. Warden
-----------------	--------------------

### **Pacific Marine Fisheries Commission**

Robert D. Alverson	Brad Owen
--------------------	-----------

### **Pacific Northwest Electric Power and Conservation Planning Council**

Charles T. Collins	Kai N. Lee
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### **Personnel Appeals Board**

Walter E. White

### **Board of Pilotage Commissioners**

Captain M. R. Flavel	Burt A. Shearer
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### **Public Disclosure Commission**

Hugh R. McGough

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## Gubernatorial Appointments Confirmed

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### Public Employment Relations Commission

Mark C. Endresen

### Sentencing Guidelines Commission

Donald C. Brockett    Manuel E. Costa  
Harold D. Clarke     Charles V. Johnson

### Board of Tax Appeals

Michiko Fujii        John D. Jones

### State Transportation Commission

Bernice Stern        Leo B. Sweeney

### Commission for Vocational Education

Christenia L. Alden     David C. Semerad  
Tsuguo "Ike" Ikeda

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# 1984 LEGISLATIVE OFFICERS AND CAUCUS OFFICERS

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## 1984 Regular Session of the Forty-Eighth Legislature

### HOUSE OF REPRESENTATIVES

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#### DEMOCRATIC LEADERSHIP

Wayne Ehlers ..... Speaker  
John L. O'Brien ..... Speaker Pro Tempore  
Dennis L. Heck ..... Majority Leader  
Art Wang ..... Asst. Majority Leader  
Lorraine A. Hine .. Democratic Caucus Chair  
Avery Garrett .. Democratic Caucus Vice Chair  
Donn Charnley ..... Majority Whip  
Jennifer Belcher ..... Asst. Majority Whip  
Doug Sayan ..... Asst. Majority Whip

#### REPUBLICAN LEADERSHIP

Gary A. Nelson ..... Republican Leader  
Doc Hastings ..... Republican Caucus Chair  
Dick Barrett ..... Republican Floor Leader  
Gene Struthers ..... Republican Whip  
Bruce Addison . Republican Organization Leader  
Karen Schmidt Asst. Republican Floor Leader  
Ren Taylor ... Asst. Republican Floor Leader  
Mike Patrick ..... Asst. Republican Whip  
Eugene A. Prince ..... Asst. Republican Whip  
Stan Johnson . Republican Caucus Vice Chair

Dean R. Foster. .... Chief Clerk

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### SENATE

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#### OFFICERS

John A. Cherberg ..... President  
H.A. "Barney" Goltz ..... President Pro Tempore  
A.L. "Slim" Rasmussen ..... Vice President Pro Tempore  
Sid Snyder ..... Secretary

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### CAUCUS OFFICERS

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#### Democratic Caucus

R. Ted Bottiger ..... Majority Leader  
George Fleming ..... Caucus Chairman  
A.N. "Bud" Shinpoch ... Assistant Majority Leader  
R. Lorraine Wojahn . Caucus Vice Chairman  
Larry Vognild ..... Majority Whip  
Dianne H. Woody ..... Caucus Secretary

#### Republican Caucus

Jeannette Hayner ..... Republican Leader  
George L. Sellar ..... Caucus Chairman  
George W. Clarke . Republican Floor Leader  
Alan Bluechel ..... Republican Whip  
Alex A. Deccio ..... Caucus Vice Chairman  
Irving Newhouse . Asst. Republican Floor Leader  
Hal Zimmerman ..... Assistant Whip

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## Standing Committee Appointments

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### House Agriculture

Duane L. Kaiser, Chairman  
Jerry Ellis, Vice Chairman  
Brian Ebersole  
Louis M. Egger  
Shirley A. Galloway  
Charles Moon  
Mike Todd  
Clyde Ballard  
Lyle J. Dickie  
Bruce Holland  
Darwin R. Nealey  
Eugene A. Prince  
Curtis P. Smith

### Senate Agriculture

Frank "Tub" Hansen, Chairman  
H.A. "Barney" Goltz, Vice Chairman  
Marcus Gaspard  
Scott Barr  
Max E. Benitz  
Irving Newhouse

### House Commerce and Economic Development

Joseph E. King, Chairman  
Joe Tanner, Vice Chairman  
Marlin Appelwick  
Dennis Braddock  
Brian Ebersole  
Jerry Ellis  
Mary Margaret Haugen  
Stuart A. Halsan  
Duane L. Kaiser  
Janice Niemi  
Carolyn Powers  
Bill Smitherman  
Lois Stratton  
George W. Walk  
Richard H. Barrett  
Jean Marie Brough  
Bruce Holland  
Mike Padden  
Karen Schmidt  
Dick Schoon  
B. Jean Silver  
Linda Smith  
Earl F. Tilly  
Roger Van Dyken  
Bob Williams  
Simeon R. "Sim" Wilson

### Senate Commerce and Labor

Larry L. Vognild, Chairman  
R. Lorraine Wojahn, Vice Chairman  
Mike McManus  
Ray Moore  
A.N. "Bud" Shinpoch  
Al Williams  
Ted Haley  
Bob McCaslin  
Dan McDonald  
Irving Newhouse  
J.T. Quigg

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## Standing Committee Appointments

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### House Constitution, Elections and Ethics

Paul Pruitt, Chairman  
Richard E. Fisch, Vice Chairman  
Ruth Fisher  
Ken Jacobsen  
Pat Scott  
Helen Sommers  
Paul Zellinsky, Sr.  
Richard O. Barnes  
Jeanine H. Long  
Louise Miller  
Michael E. Patrick  
Dick Schoon  
J. Vander Stoep

see Senate Judiciary

### House Education

Shirley A. Galloway, Chairman  
Paul H. King, Vice Chairman  
Marlin Appelwick  
Seth Armstrong  
Brian Ebersole  
Louis M. Egger  
Mary Margaret Haugen  
Dennis L. Heck  
Nancy S. Rust  
Mike Todd  
John W. Betrozoff  
Glyn Chandler  
Lyle J. Dickie  
Steve Fuhrman  
Bruce Holland  
Stanley C. Johnson  
Jeanine H. Long  
Dick Schoon  
Ren Taylor

### Senate Education

Marcus Gaspard, Chairman  
Albert Bauer, Vice Chairman  
Nita Rinehart, Vice Chairman  
Rick S. Bender  
George Fleming  
H.A. "Barney" Goltz  
Jerry M. Hughes  
James A. McDermott  
Frank J. Warnke  
Max E. Benitz  
Ellen Craswell  
Sam C. Guess  
Dick Hemstad  
Bill Kiskaddon  
Eleanor Lee  
E.G. "Pat" Patterson  
Peter von Reichbauer

### House Energy and Utilities

Dick Nelson, Chairman  
Mike Todd, Vice Chairman  
Seth Armstrong  
P.J. "Jim" Gallagher  
Ken Jacobsen  
Gary F. Locke  
Charles Moon  
Paul Pruitt  
Pat Scott  
Dean A. Sutherland  
Richard O. Barnes  
R.M. "Dick" Bond  
Steve Fuhrman  
Richard "Doc" Hastings  
Ray Isaacson  
Jeanine H. Long  
Louise Miller  
Darwin R. Nealey  
Steve Van Luven

### Senate Energy and Utilities

Al Williams, Chairman  
Margaret Hurley, Vice Chairman  
H.A. "Barney" Goltz  
Mike McManus  
Ray Moore  
Max E. Benitz  
W.H. "Bill" Fuller  
Dick Hemstad  
J.T. Quigg



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## Standing Committee Appointments

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### House Environmental Affairs

Nancy S. Rust, Chairman  
Ruth Fisher, Vice Chairman  
Joanne Brekke  
Bill Burns  
Dennis A. Dellwo  
Ken Jacobsen  
Eugene V. Lux  
Paul Pruitt  
Katherine Allen  
Harold Clayton  
Shirley W. Hankins  
Jim Lewis  
Michael E. Patrick  
Roger Van Dyken  
Joseph L. Williams

see **Senate Parks and Ecology**

### House Financial Institutions and Insurance

Eugene V. Lux, Chairman  
Paul Zellinsky, Sr., Vice Chairman  
Ernest F. Crane  
Shirley A. Galloway  
Avery Garrett  
Paul H. King  
Mike Kreidler  
Carol Monohon  
Max Vekich, Jr.  
Art Wang  
Clyde Ballard  
Art Broback  
Emilio Cantu  
Lyle J. Dickie  
Shirley W. Hankins  
Stanley C. Johnson  
Paul Sanders  
James E. West

### Senate Financial Institutions

Ray Moore, Chairman  
Rick S. Bender, Vice Chairman  
R. Ted Bottiger  
Frank J. Warnke  
R. Lorraine Wojahn  
George W. Clarke  
Alex A. Deccio  
Dan McDonald  
George L. Sellar

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## Standing Committee Appointments

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### House Higher Education

Bill Burns, Chairman  
Ken Jacobsen, Vice Chairman  
Ernest F. Crane  
Richard King  
Gary F. Locke  
Patrick R. McMullen  
Dick Nelson  
Carolyn Powers  
Dean A. Sutherland  
Joe Tanner  
Katherine Allen  
Richard O. Barnes  
Jean Marie Brough  
Pat Fiske  
Louise Miller  
Eugene A. Prince  
B. Jean Silver  
Gene Struthers  
J. Vander Stoep

see Senate Education

see House Social and Health Services  
House Judiciary

### Senate Institutions

Barbara Granlund, Chairman  
Brad Owen, Vice Chairman  
Mike McManus  
Lowell Peterson  
W.H. "Bill" Fuller  
Bob McCaslin  
Jack Metcalf

### House Judiciary

Seth Armstrong, Chairman  
Patrick R. McMullen, Vice Chairman  
Marlin Appelwick  
Ernest F. Crane  
Dennis A. Dellwo  
Jerry Ellis  
Stuart A. Halsan  
Paul H. King  
Gary F. Locke  
Art Wang  
Bruce Addison  
Emilio Cantu  
Jim Lewis  
Gary A. Nelson  
Mike Padden  
Karen Schmidt  
Linda Smith  
Earl F. Tilly  
James E. West

### Senate Judiciary

Phil Talmadge, Chairman  
Jerry M. Hughes, Vice Chairman  
George Fleming  
Alan Thompson  
Al Williams  
Dianne Woody  
George W. Clarke  
Jeannette Hayner  
Dick Hemstad  
Irving Newhouse

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## Standing Committee Appointments

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### House Labor

Richard King, Chairman  
Jennifer Belcher, Vice Chairman  
Joanne Brekke  
Dennis A. Dellwo  
Richard E. Fisch  
Ruth Fisher  
John L. O'Brien  
Doug Sayan  
John W. Betrozoff  
Glyn Chandler  
Harold Clayton  
Michael E. Patrick  
Curtis P. Smith  
Gene Struthers

see Senate Commerce and Labor

### House Local Government

Charles Moon, Chairman  
Mary Margaret Haugen, Vice Chairman  
Donn Charnley  
Brian Ebersole  
Louis M. Egger  
Avery Garrett  
Dan Grimm  
Lorraine A. Hine  
Bill Smitherman  
Mike Todd  
Katherine Allen  
Clyde Ballard  
Art Broback  
Jean Marie Brough  
Glyn Chandler  
Ray Isaacson  
Roger Van Dyken  
Steve Van Luven

### Senate Local Government

Alan Thompson, Chairman  
Albert Bauer, Vice Chairman  
Barbara Granlund  
Dianne Woody  
Scott Barr  
Bob McCaslin  
Hal Zimmerman

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## Standing Committee Appointments

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### House Natural Resources

Lois Stratton, Chairman  
Stuart A. Halsan, Vice Chairman  
Jennifer Belcher  
Mary Margaret Haugen  
Paul H. King  
Barney McClure  
Patrick R. McMullen  
Doug Sayan  
Helen Sommers  
Dean A. Sutherland  
Joe Tanner  
Max Vekich, Jr.  
Pat Fiske  
Steve Fuhrman  
Ray Isaacson  
Stanley C. Johnson  
Louise Miller  
James B. Mitchell  
Paul Sanders  
Linda Smith  
Bob Williams  
Simeon R. "Sim" Wilson

### Senate Natural Resources

Brad Owen, Chairman  
Lowell Peterson, Vice Chairman  
Paul Conner  
A.L. "Slim" Rasmussen  
A.N. "Bud" Shinpoch  
Larry L. Vognild  
W.H. "Bill" Fuller  
Jack Metcalf  
E.G. "Pat" Patterson  
J.T. Quigg  
Peter von Reichbauer

see House Environmental Affairs

### Senate Parks and Ecology

Jerry M. Hughes, Chairman  
Phil Talmadge, Vice Chairman  
Frank "Tub" Hansen  
Margaret Hurley  
James A. McDermott  
A.L. "Slim" Rasmussen  
Al Williams  
Alan Bluechel  
Ted Haley  
Bill Kiskaddon  
Eleanor Lee  
Kent Pullen

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## Standing Committee Appointments

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### House Rules

Wayne Ehlers, Chairman  
John L. O'Brien, Vice Chairman  
Donn Charnley  
P.J. "Jim" Gallagher  
Avery Garrett  
Dennis L. Heck  
Lorraine A. Hine  
Eugene V. Lux  
Carol Monohon  
Art Wang  
Bruce Addison  
Richard H. Barrett  
Richard "Doc" Hastings  
Gary A. Nelson  
Karen Schmidt  
Gene Struthers  
Ren Taylor

### Senate Rules

John A. Cherberg, Chairman  
H.A. "Barney" Goltz, Vice Chairman  
Albert Bauer  
Rick S. Bender  
R. Ted Bottiger  
Paul Conner  
George Fleming  
Margaret Hurley  
A.L. "Slim" Rasmussen  
Nita Rinehart  
A.N. "Bud" Shinpoch  
R. Lorraine Wojahn  
Dianne Woody  
Max E. Benitz  
Alan Bluechel  
George W. Clarke  
Sam C. Guess  
Jeannette Hayner  
Jack Metcalf  
Irving Newhouse  
E.G. "Pat" Patterson  
George L. Sellar

### House Social and Health Services

Mike Kreidler, Chairman  
Dennis A. Dellwo, Vice Chairman  
Dennis Braddock  
Joseph E. King  
Barney McClure  
Janice Niemi  
Pat Scott  
Lois Stratton  
Art Wang  
Clyde Ballard  
Art Broback  
Jim Lewis  
James E. Mitchell  
Mike Padden  
James E. West  
Bob Williams

### Senate Social and Health Services

Mike McManus, Chairman  
Paul Conner  
Barbara Granlund  
Ray Moore  
Ellen Craswell  
Alex A. Deccio  
Bill Kiskaddon

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## Standing Committee Appointments

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### House State Government

Janice Niemi, Chairman  
Max Vekich, Jr., Vice Chairman  
Jennifer Belcher  
Duane L. Kaiser  
Richard King  
Eugene V. Lux  
Dick Nelson  
John L. O'Brien  
Doug Sayan  
George W. Walk  
R.M. "Dick" Bond  
Shirley W. Hankins  
Stanley C. Johnson  
Darwin R. Nealey  
B. Jean Silver  
Ren Taylor  
Joseph L. Williams

### House Transportation

George W. Walk, Chairman  
Louis M. Egger, Vice Chairman (Eastern Washington)  
Dean A. Sutherland, Vice Chairman (Western Washington)  
Bill Burns  
Donn Charnley  
Richard E. Fisch  
Ruth Fisher  
P.J. "Jim" Gallagher  
Avery Garrett  
Gary F. Locke  
Patrick R. McMullen  
Carolyn Powers  
Max Vekich, Jr.  
Paul Zellinsky, Sr.  
Richard H. Barrett  
John W. Betrozoff  
Harold Clayton  
Shirley W. Hankins  
James B. Mitchell  
Michael E. Patrick  
Eugene A. Prince  
Karen Schmidt  
Curtis P. Smith  
Steve Van Luven  
Joseph L. Williams  
Simeon R. "Sim" Wilson

### Senate State Government

Frank Warnke, Chairman  
A.L. "Slim" Rasmussen, Vice Chairman  
James A. McDermott  
Nita Rinehart  
Kent Pullen  
J.T. Quigg  
Hal Zimmerman

### Senate Transportation

Lowell Peterson, Chairman  
Frank "Tub" Hansen, Vice Chairman  
Rick S. Bender  
Paul Conner  
Barbara Granlund  
Brad Owen  
Larry L. Vognild  
Scott Barr  
Sam C. Guess  
Ted Haley  
E.G. "Pat" Patterson  
George L. Sellar  
Peter von Reichbauer

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## Standing Committee Appointments

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### House Ways and Means

Dan Grimm, Chairman  
Helen Sommers, Vice Chairman  
Marlin Appelwick  
Dennis Braddock  
Joanne Brekke  
Jerry Ellis  
Dennis L. Heck  
Lorraine A. Hine  
Joseph E. King  
Mike Kreidler  
Barney McClure  
Carol Monohon  
Nancy S. Rust  
Doug Sayan  
Bill Smitherman  
Bruce Addison  
R.M. "Dick" Bond  
Emilio Cantu  
Pat Fiske  
Richard "Doc" Hastings  
Gary A. Nelson  
Paul Sanders  
Gene Struthers  
Ren Taylor  
Earl F. Tilly  
J. Vander Stoep

### Senate Ways and Means

James A. McDermott, Chairman  
Marcus Gaspard, Vice Chairman  
Albert Bauer  
R. Ted Bottiger  
George Fleming  
Jerry M. Hughes  
Nita Rinehart  
A.N. "Bud" Shinpoch  
Phil Talmadge  
Alan Thompson  
Frank J. Warnke  
R. Lorraine Wojahn  
Dianne Woody  
Alan Bluechel  
Ellen Craswell  
Alex A. Deccio  
Jeannette Hayner  
Eleanor Lee  
Dan McDonald  
Kent Pullen  
Hal Zimmerman

### House Ways and Means – Education

Helen Sommers, Chairman  
Jerry Ellis  
Dan Grimm  
Dennis L. Heck  
Lorraine A. Hine  
Barney McClure  
Doug Sayan  
Emilio Cantu  
Gary A. Nelson  
Paul Sanders  
Ren Taylor  
J. Vander Stoep

see Senate Ways and Means

### House Ways and Means – General Government

Carol Monohon, Chairman  
Dan Grimm  
Joseph E. King  
Bill Smitherman  
Helen Sommers  
Bruce Addison  
R.M. "Dick" Bond  
Emilio Cantu

see Senate Ways and Means

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## Standing Committee Appointments

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### House Ways and Means – Human Services

Joanne Brekke, Chairman  
Dennis Braddock  
Dan Grimm  
Mike Kreidler  
Helen Sommers  
Emilio Cantu  
Pat Fiske  
Gene Struthers

see Senate Ways and Means

### House Ways and Means – Revenue

Dan Grimm, Chairman  
Marlin Appelwick  
Nancy S. Rust  
Helen Sommers  
Emilio Cantu  
Richard "Doc" Hastings  
Earl F. Tilly

see Senate Ways and Means

### House Ways and Means – Capital

Dennis Braddock, Chairman  
Jerry Ellis  
Carol Monohon  
Bill Smitherman  
Bruce Addison  
Gene Struthers  
Earl F. Tilly  
J. Vander Stoep

see Senate Ways and Means